



PURSUANT to Section 28 of the Civil Aviation Act 1990

I, Hon CRAIG FOSS, Associate Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This 12th day of Dec 2016

by Hon Craig Foss

Associate Minister of Transport

A handwritten signature in black ink, appearing to be 'C. Foss', is written over the printed name of the Associate Minister of Transport.

Civil Aviation Rules

Part 172, Amendment 12

Air Traffic Service Organisations – Certification

Docket 16/CAR/1

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Rule objective

The objective of amendment 12 to Part 172 is to correct aspects of the Safety Management transitional provision in line with original policy intentions.

Extent of consultation

A Notice of Proposed Rulemaking, NPRM 16-01, containing the proposed changes to Part 172 and other rules was issued for public consultation under Docket 16/CAR/1 on 2 June 2016.

The NPRM was published on the CAA website and emailed to subscribers of the automatic alert service provided by the CAA.

A period of 27 days was allowed for comment on the proposed rules.

Summary of submissions

Six written submissions and no oral comments were received on the NPRM. These submissions and comments have been considered and as a result a minor and non-controversial amendment is being made to rule 91.605 and two new definitions are being inserted in Part 1 to clarify the definition of “Instrument runway”.

A summary of submissions for this NPRM is available on the CAA website.

No submissions were received in relation to the proposed amendments to Part 172.

Examination of submissions

Submissions may be examined by application to the Docket Clerk at the Civil Aviation Authority between 8:30 am and 4:30 pm on weekdays, except statutory holidays.

Insertion of Amendments

This Part was amended by:

- rule 172.451 (the Safety Management transition rule) was amended to clarify that the body in paragraph (a) is the applicant for the grant of the certificate; that both applicants and certificate holders have to submit implementation plans for

safety management to the Director; the timing of when plans must be submitted; that certificate holders do not need to submit the implementation plan with their certificate renewal application but may do so separately; to correct an incorrect statutory reference and to remove the wording in paragraph (f) of the existing rule.

Effective date of rule

Amendment 12 to Part 172 comes into force on 10 March 2017

Availability of rules

Civil Aviation Rules are available from–

CAA web site: <http://www.caa.govt.nz/>

Freephone: 0800 GET RULES (0800 438 785)

Part 172 Air Traffic Service Organisations - Certification

Replace rule 172.451 with the following rule:

172.451 Transition for air traffic service certificate holders and applicants

- (a) This rule applies to each—
- (1) holder of an air traffic service certificate;
 - (2) applicant for the grant of an air traffic service certificate.
- (b) Before the date for implementation set in accordance with subparagraph (e)(2), an organisation to which this rule applies is not required to comply with—
- (1) rule 172.51(a)(2)(ii), if instead of a senior person responsible for the system for safety management, the organisation has a senior person responsible for internal quality assurance;
 - (2) rule 172.123, if instead of establishing, implementing, and maintaining the system for safety management, the organisation has established an internal quality assurance system that complies with rule 172.453;
 - (3) rule 172.125(a)(1A)(i);
 - (4) rule 172.125(a)(3)(ii);
 - (5) rule 172.125(a)(9).
- (c) A completed CAA form and implementation plan must be submitted to the Director—
- (1) after 1 February 2016 for an applicant for the grant of an air traffic service certificate under subparagraph (a)(2); and
 - (2) by 30 July 2016 for a holder of an air traffic service certificate under subparagraph (a)(1).

- (d) The implementation plan referred to in paragraph (c) must—
- (1) include a proposed date for implementation of the system for safety management; and
 - (2) outline how the organisation plans to implement the system for safety management required under rule 172.123.
- (e) The Director will, if acceptable—
- (1) approve the organisation’s implementation plan; and
 - (2) set the date for implementation of the system for safety management.
- (f) In setting the date under subparagraph (e)(2), the Director must have regard to the following:
- (1) the capability of the organisation:
 - (2) the complexity of the organisation:
 - (3) the risks inherent in the activities of the organisation:
 - (4) the date of any certificate renewal:
 - (5) any resource or scheduling impacts on the organisation or the Authority or both:
 - (6) the date for implementation must not be later than 1 February 2018.
- (g) A holder of an air traffic service certificate holder under subparagraph (a)(1) does not have to submit an implementation plan with its certificate renewal application.
- (h) This rule expires on 1 February 2018.