



PURSUANT to Sections 28 and 30 of the Civil Aviation Act 1990

I, Hon Michael Wood, Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This 13th day of December 2020

A handwritten signature in black ink, appearing to read 'M. Wood', is written over a faint, larger version of the signature.

by Hon Michael Wood

Minister of Transport

**Civil Aviation Rules
Part 101, Amendment 10**

**Gyrogliders and Parasails, Unmanned Aircraft
(including Balloons), Kites, and Rockets Operating
Rules**

Docket 20/CAR/1

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Rule objective

The objective of amendment 10 to Part 101 is to update Part 101 to complete the transition from secondary surveillance radar systems to Automatic Dependent Broadcast (ADS-B) systems.

The first phase of the transition which brought into effect Civil Aviation Rules (the Rules) to require all aircraft to be equipped with an ADS-B system prescribed under Part 91, if operating in transponder mandatory controlled airspace above flight level 245 designated under Part 71 in the New Zealand FIR was implemented on 31 December 2018.

This amendment implements the second phase, which is to bring into effect the Rules to require all aircraft to be equipped with an ADS-B system prescribed under Part 91, if operating in transponder mandatory controlled airspace *below* flight level 245 designated under Part 71 in the New Zealand FIR.

Amendment 10 to Part 101 is associated with the following amendments

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- Amendment 33 to Part 91;
- Amendment 15 to Part 172;
- Amendment 56 to Part 1.

Extent of consultation

A Notice of Proposed Rulemaking, NPRM 19-05, containing the proposed amendments to Parts 91 and 172 was issued for public consultation under Docket 20/CAR/1 on 19 December 2019.

The NPRM was published on the CAA web site and mailed to identified stakeholders including representative organisations who were considered likely to have an interest in the proposal.

A period of 64 days was allowed for comment on the proposed rule.

Summary of submissions

Forty-two written submissions and no oral submissions were received on the NPRM. A summary of submissions for this NPRM is available on the CAA website.

These submissions and comments have been considered and as a result rule 101.107(1) is amended –

- in paragraph (ii), by removing the reference to “above flight level 245”, as the requirement for an aircraft to be equipped with ADS-B now extends to transponder mandatory controlled airspace below flight level 245; and
- by deleting paragraph (iii) as the provision is redundant. ADS-B is the primary source of surveillance in all transponder mandatory controlled airspace within the New Zealand flight information region.

This proposed amendment was an oversight and not included in the NPRM.

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

The amendment to Part 101 is reflected by revoking and replacing rule 101.107.

Effective date of rule

Amendment 10 to Part 101 comes into force on 8 February 2021

Availability of rules

Civil Aviation Rules are available from–

CAA web site: <http://www.caa.govt.nz/>
Freephone: 0800 GET RULES (0800 438 785)

Gyrogliders and Parasails, Unmanned Aircraft (including Balloons), Kites, and Rockets Operating Rules

Rule 101.107 is revoked and replaced with the following rule:

101.107 Equipment

A person must not operate a heavy free balloon unless—

- (1) it is equipped with—
 - (i) at least 2 payload flight-termination devices or systems, whether automatic or by telemetry, that operate independently of each other; and
 - (ii) an ADS-B system, if the balloon is to operate in transponder mandatory controlled airspace designated under Part 71 within the New Zealand FIR; and
- (2) for polyethylene zero pressure balloons, at least 2 methods, systems, devices, or combinations of methods, systems and devices, that function independently of each other and are employed for terminating the flight of the balloon envelope; and
- (3) the balloon envelope is equipped with—
 - (i) at least 1 radar reflective device; or
 - (ii) radar reflective material that will present an echo to surface radar operating in the 2,700 MHz to 2,900 MHz frequency range.