



PURSUANT to Sections 28, 29 and 30 of the Civil Aviation Act 1990

I, Hon Julie Anne Genter, Associate Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This 15th day of June 2018

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

by Hon Julie Anne Genter

Associate Minister of Transport

Civil Aviation Rules

Part 101, Amendment 9

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

Docket 16/CAR/12

Contents

Rule objective.....	3
Extent of consultation.....	3
Summary of submissions.....	3
Examination of submissions.....	4
Insertion of amendments	4
Effective date of rule	4
Availability of rules.....	4
Part 101 Gyrogliders and Parasails, Unmanned Aircraft (including Balloons), Kites, and Rockets – Operating Rules.....	5
101.107 Equipment	5

Rule objective

The objective of amendment 9 to Part 101 is to make consequential amendments resulting from amendment 30 to Part 91. This amendment updates the rule requirements regarding the transition from ground-based SSR equipment and the use of a secondary surveillance radar transponder, to the modern ADS-B system. This transition to the ADS-B system is in respect of a heavy free balloon which is to operate in transponder mandatory controlled airspace above flight level 245, designated under Part 71 within the NZ FIR.

Amendment 9 to Part 101 is associated with the following amendments to other rule Parts -

- Amendment 54 to Part 1
- Amendment 15 to Part 43
- Amendment 6 to Part 66
- Amendment 30 to Part 91
- Amendment 8 to Part 103
- Amendment 13 to Part 172

Extent of consultation

A Notice of Proposed Rulemaking, NPRM 18-02, containing the proposed changes to Part 91 and changes to rule Parts 1, 43, 66, 101, 103 and 172 was issued for public consultation on the CAA website under Docket 16/CAR/12 on 14 September 2017. Submissions closed on 27 October 2017.

The publication of this NPRM was notified in the *Gazette* on 21 September 2017. A period of 44 days was allowed for comment on the proposed rule.

Summary of submissions

A total of six submitters provided written submissions on the NPRM. There were no amendments to this Part as a result of the submissions.

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

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 amendments to the rules in this Part are reflected by revoking and replacing rule 101.107.

Effective date of rule

Amendment 9 to Part 101 comes into force on 31 December 2018

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 101 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 above flight level 245 designated under Part 71 within the New Zealand FIR; or
 - (iii) a surveillance transponder with an altitude reporting capability, which is continuously operating on an assigned code, or which can be turned on when necessary by the tracking station; if the balloon is to operate within transponder mandatory controlled airspace below flight level 245 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.