



PURSUANT to Sections 28 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 **24** day of **August** 2020

A large, handwritten signature in black ink, which appears to read 'Julie Anne Genter', is written over the printed name.

by Hon Julie Anne Genter

Associate Minister of Transport

Civil Aviation Rules
Part 172, Amendment 14
Air Traffic Service Organisations Certification

Docket 17/CAR/1

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Rule objective

The objective of amendment 14 to Part 172 is to –

- amend certain definitions of ICAO documents in rule 172.3 and references to those documents in the rules, to align with the current ICAO definitions;
- delete the annexes defined in rule 172.3 for being redundant, as these annexes are defined in Part 1; and
- make minor editorial amendments to align the rules with current drafting styles and to clarify intent.

Extent of consultation

A Notice of Proposed Rule Making, NPRM 19-03, containing the proposed amendments to Part 172 and 13 other rule Parts was issued for public consultation under Docket 17/CAR/1 on 17 May 2019.

The NPRM was published on the CAA web site on 17 May 2019 and emailed to subscribers of the automatic alert service provided by the CAA.

A period of 21 days was allowed for comment on the proposed rule.

Summary of submissions

Three written submissions were received on the NPRM, none relating to the proposed amendments to Part 172. These submissions and comments have been considered. No changes were made to Part 172 as a result of the submissions.

Although originally included in the suite of proposed amendments, the proposal to delete the definition of *TACAN* in rule 72.3 for being obsolete, has been withdrawn. In developing the proposed amendments, the deletion of the defined term in current rule 172.259 was over-looked. The term is also incorporated in the acronym *VORTAC*, which means *VOR and TACAN combined*. No consideration was made at the time of developing the rule amendments to delete the *TACAN* component from *VORTAC*, nor to amend or delete *VORTAC*.

The CAA therefore has withdrawn the proposed deletion of *TACAN* from this amendment and defer to the next omnibus project, to allow time for the subject matter experts to review the proposed amendment and any other related consequential amendments.

As part of the omnibus rule amendments, it is proposed that the term *ICAO Annex* in Part 1 be revised to read ***ICAO Annex means an Annex to the Convention.***

On reviewing the definitions in rule 172.3, it was considered that the current definitions of *Annex 1*, *Annex 2*, *Annex 3*, *Annex 10* and *Annex 11* are redundant given the proposed definition of *ICAO Annex* in Part 1.

Part 1 definitions generally apply throughout the rules (including Part 172).

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 Part 172 are reflected by revoking and replacing rules 172.3, 172.77, 172.93, 172.101, 172.105 and 172.107.

Effective date of rule

Amendment 14 to Part 172 comes into force on 1 December 2020

Availability of rules

Civil Aviation Rules are available from–

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

Freephone: 0800 GET RULES (0800 438 785)

Subpart A — General

Rule 172.3 is revoked and replaced with the following rule:

172.3 Definitions

In this Part—

Air situation display includes any visual presentation of aircraft position:

Area of responsibility means the airspace, and in the case of an aerodrome, the manoeuvring area, within which a particular operating position is responsible for the provision of an air traffic service:

ATS Letter of Agreement means a document formalising matters of operational significance between ATS units:

ATS messages means emergency messages, movement and control messages, and flight information messages as described in Part IX of ICAO Document 4444:

Essential traffic means any controlled traffic that is not separated by the prescribed minima in relation to other controlled flights where separation is required:

Filed flight plan means the flight plan as filed with an ATS unit by the pilot or a designated representative, without any subsequent changes:

Flow control means measures designed to adjust the flow of traffic into a given airspace, along a given route, or bound for a given aerodrome, to ensure the most effective utilisation of the airspace:

ICAO Document 4444 means the *Procedures for Air Navigation Services – Air Traffic Management (PANS-ATM)*:

ICAO Document 7030 means the *Regional Supplementary Procedures*:

ICAO Document 9432 means the *Manual of Radiotelephony*:

Operating position means the work station from which one or more air traffic controllers or flight service operators provide air traffic services within an allocated area or areas of responsibility:

Rated air traffic controller means an air traffic controller holding a current licence, and a rating, or ratings, validated for the particular location, issued in accordance with Part 65:

Rated aerodrome flight information operator means a flight service operator holding a current licence, and an aerodrome flight information rating validated for the particular location, issued in accordance with Part 65:

Rated flight service operator means a flight service operator holding a current licence, and a rating, or ratings, validated for the particular location, issued in accordance with Part 65:

Strayed aircraft means an aircraft that has deviated significantly from its intended track or reports that it is lost:

TACAN means UHF tactical air navigation aid:

Traffic avoidance advice means advice provided by an ATS unit specifying manoeuvres to assist a pilot to avoid a collision:

Traffic information means information issued by an ATS unit, to alert a pilot to other known or observed air traffic which may be in proximity to the position, or intended route of flight, and to help the pilot avoid a collision.

VORSEC means VOR/DME minimum sector altitude chart:

VORTAC means VOR and TACAN combination:

Subpart B — Certification Requirements

Rule 172.77 is revoked and replaced with the following rule:

172.77 Aerodrome control service

(a) An applicant for the grant of an air traffic service certificate in respect of an aerodrome control service must establish systems and procedures for—

- (1) determining, from information received and visual observation, the relative positions of known aircraft to each other; and
- (2) providing for the issue of ATC clearances, instructions, and information, for the purpose of preventing collisions between—
 - (i) aircraft flying in the vicinity of an aerodrome; and
 - (ii) aircraft landing and taking off; and
 - (iii) aircraft operating on the manoeuvring area; and
 - (iv) aircraft, vehicles, and persons, operating on the manoeuvring area; and
 - (v) aircraft on the manoeuvring area and obstructions on that area; and
- (3) providing for the issue of ATC clearances, instructions, and information, for the purpose of expediting and maintaining a safe and efficient flow of traffic; and
- (4) except as provided in rules 172.91 and 172.295, providing runway and wake turbulence separation in accordance with criteria and minima prescribed by—
 - (i) ICAO Annex 11; or
 - (ii) ICAO Document 4444; or
 - (iii) ICAO Document 7030; or

- (iv) Subpart E; and
 - (5) ensuring that emergency vehicles responding to an aircraft emergency are given priority over all other surface movement traffic; and
 - (6) providing for the control of the movement of persons or vehicles, including towed aircraft, on the manoeuvring area, as necessary to avoid hazard to them or to aircraft landing, taxiing, or taking off; and
 - (7) co-ordinating as necessary with other ATS units; and
 - (8) displaying, at operating positions, continuously updated information on aircraft movements.
- (b) The applicant must establish a procedure for ensuring that, when radio communication is not available, basic clearances, instructions, and information required by paragraph (a)(2) can be conveyed by the use of the light signals described in rule 91.243.
- (c) The applicant must establish procedures for ensuring that when required by either the weather, or category of approach, or both—
- (1) aircraft on an ILS or MLS approach are informed of ILS/MLS critical area incursions, or the imminent possibility of an incursion; or
 - (2) the applicable ILS/MLS critical areas are protected from incursion when an aircraft is on an ILS or MLS approach, or has reached a point on the approach from which protection from incursion is necessary.
- (d) The applicant must establish a procedure for ensuring that, except as provided in rule 172.91, and subject to authorisation by the applicable approach control unit, aerodrome control units provide separation between—
- (1) IFR flights and special VFR flights; and
 - (2) special VFR flights when the flight visibility is reported to be less than 5 km.

(e) The applicant must establish a procedure for ensuring that, when authority has been delegated by, and accepted from, the applicable area or approach control unit, aerodrome control units provide separation between controlled flights in accordance with the delegation.

(f) The separation required by paragraphs (d) and (e) must be obtained by the use of vertical or horizontal or composite separation, in accordance with criteria and minima prescribed by—

- (1) ICAO Annex 11; or
- (2) ICAO Document 4444; or
- (3) ICAO Document 7030; or
- (4) Subpart E.

Rule 172.93 is revoked and replaced with the following rule:

172.93 Flight information service

General

(a) An applicant for the grant of an air traffic service certificate must establish procedures for ensuring that a flight information service is provided to the following:

- (1) each aircraft being provided with an ATC service that is likely to be affected by the information in paragraph (b):
- (2) each aircraft being provided with an aerodrome flight information service that is likely to be affected by the information in paragraph (b):
- (3) each aircraft operating IFR that is likely to be affected by the information in paragraph (b):
- (4) any aircraft operating VFR for which the pilot has submitted a VFR flight plan to an ATS unit:
- (5) any aircraft operating VFR if the pilot makes a specific request to an ATS unit for flight information.

(b) The applicant must ensure that the procedures required by paragraph (a) for the provision of the flight information service includes the provision of available and relevant—

- (1) SIGMET information; and
- (2) information on weather conditions reported or forecast at departure, destination, and alternate aerodromes; and
- (3) information concerning pre-eruption volcanic activity, volcanic eruptions, and volcanic ash clouds; and
- (4) information concerning the release into the atmosphere of radioactive materials or toxic chemicals; and
- (5) information on changes in the serviceability of navigation aids; and
- (6) information on changes in the condition of aerodromes and associated facilities, including information on the state of the aerodrome movement areas when they are affected by snow, ice, or water; and
- (7) information on unmanned free balloons; and
- (8) other information likely to affect safety.

(c) An applicant for the grant of an air traffic service certificate for an aerodrome control service or aerodrome flight information service must establish procedures for ensuring that, whenever water is present on a runway, a description of the runway surface conditions on the centre half of the width of the runway is made available using one of the following terms:

- (1) DAMP – the surface shows a change of colour due to moisture:
- (2) WET – the surface is soaked but there is no standing water:
- (3) WATER PATCHES – significant patches of standing water are visible:

(4) FLOODED – extensive standing water is visible.

(d) An applicant for the grant of an air traffic service certificate for an aerodrome control service, approach control service, or aerodrome flight information service must establish procedures for ensuring that, if practical, local aircraft operators likely to be affected by the information are advised of short-notice changes to published hours of service if they are unlikely to have the information from any other source.

Traffic Information

(e) An applicant for the grant of an air traffic service certificate for an air traffic control service must establish procedures for ensuring that essential traffic information is passed to all affected traffic.

(f) An applicant for the grant of an air traffic service certificate must establish procedures for ensuring that each ATS unit operating under that certificate provides traffic information to flights that are known to the ATS unit and are likely to be affected by the information as follows:

- (1) in class C airspace, between VFR flights, together with traffic avoidance advice on request:
- (2) in class D airspace, between IFR and VFR flights, and between VFR flights, together with traffic avoidance advice on request:
- (3) if practical, in class E airspace, between IFR and VFR flights, and between VFR flights on request:
- (4) in class G airspace, between IFR flights, and, if practical, between other flights on request.

Rule 172.101 is revoked and replaced with the following rule:

172.101 Time

(a) An applicant for the grant of an air traffic service certificate must establish a procedure for ensuring that ATS unit clocks and other time recording devices—

- (1) use Coordinated Universal Time and express that time in hours and minutes of the 24-hour day beginning at 0000 UTC; and
- (2) are correct to within 5 seconds of UTC as determined by reference to a standard time station or GPS time standard.

(b) The applicant must establish a procedure for ensuring that the correct time, to the nearest half minute, is provided—

- (1) in respect of any aerodrome control service or aerodrome flight information service, to IFR aircraft before taxiing for take-off unless arrangements have been made for the pilot to obtain it from other sources; and
- (2) to any aircraft on request.

Rule 172.105 is revoked and replaced with the following rule:

172.105 Radio and telephone procedures

(a) An applicant for the grant of an air traffic service certificate must establish systems and procedures for ensuring that—

- (1) the standard telephony and radiotelephony phraseology prescribed in paragraph (b) is used; and
- (2) in all radiotelephony communications discipline is observed, by transmitting only those messages that are necessary for the provision of an air traffic service, or that otherwise contribute to safety; and
- (3) communications procedures are in accordance with the applicable communication procedures prescribed in ICAO Annex 10 Volume II, except that—

- (i) procedures relating to callsigns for domestic use by New Zealand registered aircraft are those required by rule 91.249; and
 - (ii) an aerodrome flight information service must use the radiotelephony callsign suffix **flight service**.
- (b) The applicant must establish procedures for ensuring that, for the purposes of paragraph (a), the standard phraseology, and the circumstances in which it is used, is that published in—
- (1) Subpart F; or
 - (2) ICAO Annex 10; or
 - (3) ICAO Document 4444; or
 - (4) ICAO Document 9432.
- (c) For the purposes of paragraph (b), where differences occur between the stated documents, the particular phraseology must be selected according to the order of precedence of the documents as listed.

Rule 172.107 is revoked and replaced with the following rule:

172.107 ATS Surveillance Service

An applicant for the grant of an air traffic service certificate must establish procedures for ensuring that, where an ATS surveillance system is used to support the provision of an air traffic service—

- (1) all ATS surveillance services are provided in accordance with procedures published in—
 - (i) ICAO Document 4444; or
 - (ii) ICAO Document 7030 (as applicable to the Pacific region); or
 - (iii) Subpart G; and

- (2) SSR code allocation for international flights is in accordance with the code assignment system published in the applicable ICAO Air Navigation Plan; and
- (3) an SSR code management plan is in place for domestic flights that—
 - (i) conforms to the applicable principles contained in ICAO Document 4444; and
 - (ii) does not conflict with the SSR code allocation tables of rule 91.247(a); and
- (4) full information is made available to pilots and aircraft operators on—
 - (i) the nature and extent of the ATS surveillance services provided; and
 - (ii) any significant limitations regarding such ATS surveillance services; and
- (5) the information displayed at individual ATS surveillance service operating positions is that required for the air traffic services to be provided.