



WELLINGTON NEW ZEALAND

PURSUANT to Section 28 of the Civil Aviation Act 1990

I, HARRY JAMES DUYNHOVEN, Associate Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This *5th* day of *July* 2004

by **HARRY JAMES DUYNHOVEN**

Associate Minister of Transport

Civil Aviation Rules

Part 19, Amendment 7

Transition Rules

Docket 98/CAR/1304

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Consultation Details

Rule objective

The objective of amendment 7 to Part 19 is to amend the reference to flight level 130 in rule 19.217 to read 150 as a consequence of the transition level change made in amendment 12 to Part 91.

Extent of consultation

A Notice of Proposed Rulemaking, NPRM 04-01, containing the proposed re-issue of Part 71 and the revocation of Part 73 together with the consequential amendments to Parts 1, 77, 91, 101, 105, and 172 as well as a proposal to raise the transition layer for New Zealand airspace was issued for public consultation under Docket 98/CAR/1304 on 16 October 2003.

The publication of this NPRM was notified in the Gazette on 16 October 2003 and advertised in the daily newspapers in the five main provincial centres on 18 October 2003. 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 30 days was allowed for comment on the proposed rule.

Summary of comments

Fourteen written submissions were received on the NPRM. One submission related to the proposal to raise the transition level. This submission did not object to the proposed change but asked that the effective date of the change be delayed until after the other changes proposed by NPRM 04-01.

In reviewing the draft final rules, the CAA realised that a consequential change to Part 19 in respect to the change to the transition level had been overlooked in the NPRM. As there were no objections to the proposal to raise the transition level, this consequential change has now been incorporated in Part 19.

The amendment to Part 19 was then referred to Parliament's Regulations Review Committee before being signed by the Associate Minister of Transport.

Examination of comments

Comments 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 the revocation of the existing rule and the insertion of the new rule.

Effective date of rule

Amendment 7 to Part 19 comes into force on 25 November 2004.

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 19 Amendments

Rule 19.217 is revoked and the following new rule is inserted:

19.217 Flight on unevaluated routes

(a) Subject to paragraph (b), a pilot-in-command of an aircraft operating within the New Zealand flight information region under IFR using GPS equipment as a primary means navigation system is permitted random flight routing if operating—

- (1) within the area of a circle 20 nm radius centred on 43⁰36'S 170⁰09'E (Mount Cook), at or above flight level 160; or
- (2) in any other airspace, at or above flight level 150.

(b) A pilot-in-command of an aircraft is only permitted random flight routing within controlled airspace if authorised by ATC.

(c) A pilot-in-command of an aircraft operating under IFR using GPS equipment as a primary means navigation system is permitted random flight routing below flight level 150 if—

- (1) authorised by ATC; and
- (2) ATC continuously radar monitor the flight for adequate terrain clearance.

Consultation Details

(This statement does not form part of the rules contained in Part 19. It provides details of the consultation undertaken in making the rules.)

The consultation details relating to amendment 12 to Part 91 which has necessitated this amendment 7 to Part 19 are contained in the consultation details of the re-issue of Part 71. The comments and all the background material used in developing the rules are held on the docket and are available to the public. Persons wishing to view the docket should call at the Civil Aviation Authority and ask for docket 98/CAR/1304.