



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

I, STEVEN JOYCE, Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This

17th

day of

February

2010

by **STEVEN JOYCE**

A handwritten signature in black ink, appearing to be 'S. Joyce', is written over the printed name 'STEVEN JOYCE'. The signature is fluid and cursive.

Minister of Transport

Civil Aviation Rules

Part 65, Amendment 3

Air Traffic Service Personnel Licences and Ratings

Docket 9/CAR/1

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 65 Amendments	5
Subpart A — General	5
65.7 Licences and ratings	5
Subpart G — Air Traffic Controller Ratings	6
65.301 Applicability	6
65.303 Eligibility requirements	7
65.307 Privileges and limitations	9
Consultation Details	11

Rule objective

The objective of amendment 3 to Part 65 is to make minor editorial changes to facilitate clearer interpretation of the rule, and to align with International Civil Aviation Organization (ICAO) recommendations.

Amendment 3 to Part 65 is constituent to NPRM 09-03 which contains amendments to the following Parts:

Part 1	Part 95	Part 140
Part 12	Part 105	Part 145
Part 19	Part 106	Part 148
Part 26	Part 119	Part 172
Part 43	Part 121	Part 173
Part 65	Part 125	Part 175
Part 77	Part 129	
Part 91	Part 135	
Part 93	Part 139	

Extent of consultation

A Notice of Proposed Rulemaking, NPRM 09-03, containing the proposed changes to Part 65 and changes to other rules was issued for public consultation under Docket 9/CAR/1 on 30 July 2009.

The publication of this NPRM was notified in the Gazette on 31 July 2009 and advertised in the daily newspapers in the five main provincial centres on 31 July 2009. The NPRM was published on the CAA web site on 30 July 2009.

A period of 37 days was allowed for comment on the proposed rule.

Summary of submissions

A total of 3 written submissions were received on NPRM 09-03 (1 submission related to Part 1, and 2 submissions related to Part 91). No submissions were received relating to Part 65, and consequently no changes were made to the proposed amendments. However, some editorial changes were made to clarify the requirements of rule 65.7

The rule as amended was then referred to the Minister of Transport for signing.

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 the revocation of 4 existing rules and the insertion of new rules.

Effective date of rule

Amendment 3 to Part 65 comes into force on 25 March 2010.

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 65 Amendments

Subpart A — General

Rule 65.7 is revoked and replaced by the following rule:

65.7 Licences and ratings

(a) The following air traffic service licences and ratings may be granted by the Director under section 9 of the Act in accordance with the applicable requirements of this Part:

- (1) Air traffic trainee licence:
- (2) Air traffic controller licence:
- (3) Flight service trainee licence:
- (4) Flight service operator licence:
- (5) Flight radiotelephone operator rating:
- (6) Air traffic controller ratings:
 - (i) Aerodrome control rating:
 - (ii) Approach control rating:
 - (iii) Approach control radar rating:
 - (iv) Area control rating:
 - (v) Area control radar rating:
 - (vi) Area control automatic dependent surveillance rating:
- (7) Flight service operator ratings:
 - (i) Oceanic air-ground rating:
 - (ii) Aerodrome flight information rating:
 - (iii) Area flight information rating:

- (8) Air traffic service instructor rating:
 - (9) Air traffic service examiner rating.
- (b) An air traffic service instructor rating and an examiner rating must be shown on the holder's licence.
- (c) Any other rating, except those specified in paragraph (b), and any validation issued under this Part to a holder of an air traffic service licence must be recorded in the licence holder's logbook, and may be shown on the holder's licence.

Subpart G — Air Traffic Controller Ratings

Rule 65.301 is revoked and replaced by the following rule:

65.301 Applicability

This Subpart prescribes rules governing—

- (1) the issue and validation of the following air traffic controller ratings—
 - (i) Aerodrome control rating:
 - (ii) Approach control rating:
 - (iii) Approach control radar rating:
 - (iv) Area control rating:
 - (v) Area control radar rating:
 - (vi) Area control automatic dependent surveillance rating;
and
- (2) the privileges and limitations of those ratings.

Rule 65.303 is revoked and replaced by the following rule:

65.303 Eligibility requirements

(a) To be eligible for an air traffic controller rating and an initial validation of that rating a person must—

- (1) hold an air traffic controller licence; and
- (2) have satisfactorily completed a training course relevant to the rating and validation, in the following subject areas—
 - (i) *Aerodrome control rating:* Aerodrome layout; physical characteristics and visual aids, airspace structure; applicable rules, procedures and source of information; air navigation facilities; air traffic control equipment and use; terrain and prominent landmarks; characteristics of air traffic; weather phenomena; emergency and search and rescue plans:
 - (ii) *Approach control and area control ratings:* Airspace structure; applicable rules, procedures and source of information; air navigation facilities; air traffic control equipment and its use; terrain and prominent landmarks; characteristics of air traffic and traffic flow; weather phenomena; emergency and search and rescue plans:
 - (iii) *Approach radar and area radar control ratings:* As for subparagraph (ii) in so far as they affect the area of responsibility, plus — Principles, uses and limitations of radar, other surveillance systems and associated equipment; procedures for the provision of approach or area radar control services, as appropriate, including procedures for ensuring appropriate terrain clearance:
 - (iv) *Area control automatic dependent surveillance rating:* As for subparagraph (ii) in so far as they affect the area of responsibility, plus — Principles, uses and limitations of automatic dependent surveillance systems and associated equipment; procedures for the

provision of area control automatic dependent surveillance services, including procedures for ensuring appropriate terrain clearance; and

- (3) have completed the following applicable experience under the direct supervision of an appropriately rated holder of an air traffic service instructor rating:
 - (i) *Aerodrome control rating*: an aerodrome control service, for at least 90 hours or one month, whichever is the greater, at the aerodrome for which the rating is sought;
 - (ii) *Approach control, approach control radar, area control, area control radar, or area control automatic dependent surveillance rating*: the control service for which the rating is sought, for at least 180 hours or 3 months, whichever is the greater, providing the service at the unit for which the rating is sought; and
- (4) have passed examinations relevant to the privileges of the rating, in the subject areas specified in paragraph (2), conducted by—
 - (i) the holder of an air traffic service certificate granted under section 9 of the Act and in accordance with Part 172, where the certificate authorises the holder to conduct those examinations; or
 - (ii) the holder of an aviation training organisation certificate granted under section 9 of the Act and in accordance with Part 141, where the certificate authorises the holder to conduct those examinations; and
- (5) have demonstrated to the holder of an appropriate air traffic service instructor rating, the skill, judgement, and performance required to provide a safe, orderly, and expeditious control service, at the unit for which the rating is sought.

(b) The training required to be completed by paragraph (a)(2) must be conducted by—

- (1) the holder of an air traffic service organisation certificate referred to in paragraph (a)(4)(i), where the certificate authorises the holder to conduct that training; or
- (2) the holder of an aviation training organisation certificate referred to in paragraph (a)(4)(ii), where the certificate authorises the holder to conduct that training.

(c) To be eligible for validation of an existing air traffic controller rating for an additional location a person must —

- (1) have completed the training required by paragraph (a)(2) for the additional location; and
- (2) have complied with the requirement of paragraph (a)(5) for the additional location.

Rule 65.307 is revoked and replaced by the following rule:

65.307 Privileges and limitations

(a) Subject to paragraph (b), the following air traffic controller ratings authorise the holder to exercise the corresponding privileges—

- (1) *Aerodrome control rating*: to provide aerodrome control service at the aerodrome or aerodromes for which the rating is validated;
- (2) *Approach control rating*: to provide approach control service for the aerodrome or aerodromes for which the rating is validated;
- (3) *Approach control radar rating*: to provide approach control service with the use of radar, or other surveillance systems, for the aerodrome or aerodromes for which the rating is validated;
- (4) *Area control rating*: to provide area control service within the control area or areas for which the rating is validated;

- (5) *Area control radar rating*: to provide area control service with the use of radar, or other surveillance systems, within the control area or areas for which the rating is validated:
 - (6) *Area control automatic dependent surveillance rating*: to provide area control service with the use of automatic dependent surveillance systems, within the control area or areas for which the rating is validated.
- (b) Before exercising the privileges of a rating, the holder must be familiar with all current information relevant to that rating.

Consultation Details

(This statement does not form part of the rules contained in Part 65. It provides details of the consultation undertaken in making the rules.)

A Notice of Proposed Rulemaking, NPRM 09-03 Omnibus 2009, containing the proposed rule amendments for Part 65, and other proposed rule amendments in various Parts, was issued for public consultation under Docket 9/CAR/1 on 30 July 2009.

A period of 37 days was allowed for comment on the proposed rule.

A total of 3 written submissions were received on NPRM 09-03 (1 submission related to Part 1, and 2 submissions related to Part 91). However, no submissions were received relating to Part 65.

The purpose of NPRM 09-03 was to make minor editorial and minor technical amendments to various Parts of the Civil Aviation Rules (CAR). The proposed amendments included the correction of spelling and grammatical errors, the updating of various rules in accordance with current International Civil Aviation Organization (ICAO) standards, definitions and abbreviations, and the revocation of specific transitional arrangements.