



WELLINGTON NEW ZEALAND

PURSUANT to Section 28 of the Civil Aviation Act 1990

I, MAURICE WILLIAMSON, Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This

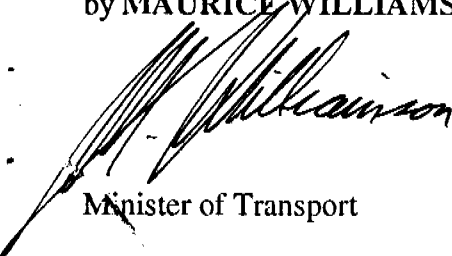
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day of

July

1994

by **MAURICE WILLIAMSON**


Minister of Transport

Civil Aviation Rules

Part 175

**Aeronautical Information Services
Organisations — Certification**

Docket Nr. 1036

Civil Aviation Rules
Part 175

**Aeronautical Information Service
Organisations — Certification**

RULE OBJECTIVE, EXTENT OF CONSULTATION, AND COMMENCEMENT

The objective of Part 175 is to define a regulatory safety boundary for organisations wishing to provide aeronautical information services for the New Zealand flight information region and for the areas of the Auckland Oceanic flight information region in which New Zealand is responsible for air traffic services. The boundary prescribes the minimum organisational requirements for these persons and organisations and the minimum standards for the publication of aeronautical information. The provision of aeronautical information services to meet New Zealand's ICAO obligations will be the subject of a separate formal agreement between the Authority and the appropriate certificated aeronautical information service provider.

In May 1990 the Air Transport Division of the Ministry of Transport published a notice of intention to carry out a complete review of the aviation regulatory system. This notice, in Civil Aviation Information Circular Air 3, listed the areas in which rules would be made and invited interested parties to register their wish to be part of the consultative process. This register was identified as the Regulatory Review Consultative Group. Some 15 organisations and individuals registered their wish to be consulted in the development of rules for aeronautical information service organisations.

A draft document was developed by the rules rewrite team in consultation with the members of the consultative group. An informal draft was published and distributed to over 20 organisations and individuals, including the consultative group, for comment in March 1992.

A period of informal consultation followed. This consultation included some written comments, telephone discussions and informal meetings with interested parties to discuss the informal draft. The informal consultative process culminated in the issue of Notice of Proposed Rule Making 93-3 under Docket number 1036 NR on 6 October 1993. The publication of this notice was advertised in the daily newspapers in the five main provincial centres on 6 October 1993.

The notice was mailed to all members of the Regulatory Review Consultative Group and to other parties, including overseas Aviation Authorities and organisations, who were considered likely to have an interest in the proposal.

A period of 62 days was allowed for comment on the proposed rules. Five written submissions were received in response to this notice. Further discussions were held with some members of the consultative group to address various aspects. These submissions and discussions were considered and where appropriate the proposed rules amended to take account of the concerns raised.

The rules as amended were then referred to and signed by the Minister of Transport.

Part 175 comes into force 28 days after the date of its notification in the New Zealand Gazette.

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Subpart A — General

175.1 *Applicability*

This Part prescribes —

- (1) rules governing the certification and operation of organisations providing an aeronautical information service for New Zealand on behalf of the Authority; and
- (2) the requirements for the New Zealand Aeronautical Information Publications, Aeronautical Information Circulars and NOTAM.

175.3 *Requirement for Certificate*

No person shall provide an aeronautical information service for —

- (1) the New Zealand FIR; or
- (2) the areas of the Auckland Oceanic FIR in which New Zealand is responsible for air traffic services —

except under the authority of, and in accordance with the provisions of, an aeronautical information service certificate issued under this Part.

175.5 *Application and Issue*

- (a) An application for the grant of an aeronautical information service certificate shall be made on form CAA 24175/01 and submitted to the Director with the exposition required by 175.69.
- (b) An applicant is entitled to an aeronautical information service certificate if —
 - (1) the applicant and the applicant's senior person or persons required by 175.51(a)(1) and (2) are fit and proper persons; and
 - (2) the applicant pays any applicable fees or charges prescribed by regulations made under the Act; and
 - (3) the applicant provides an exposition that is acceptable to the Director and the applicant meets all other requirements of Subpart B; and
 - (4) the granting of the certificate is not contrary to the interests of aviation safety.

175.7 Scope of Certificate

The aeronautical information service certificate specifies the aeronautical information services that the certificate holder is authorised to provide.

175.9 Display of Certificate

The holder of an aeronautical information service certificate shall display the certificate in a prominent place, accessible to the public at the holder's principal place of operation, and shall produce the certificate to the Director upon request.

175.11 Duration of Certificate

- (a) An aeronautical information service certificate may be granted or renewed for a period of up to 5 years.
- (b) An aeronautical information service certificate remains in force until it expires or is suspended or revoked.
- (c) The holder of an aeronautical information service certificate that expires or is revoked shall forthwith surrender the certificate to the Director.
- (d) The holder of an aeronautical information service certificate that is suspended, shall forthwith produce the certificate to the Director for appropriate endorsement.

175.13 Renewal of Certificate

- (a) An application for the renewal of an aeronautical information service certificate shall be made on form CAA 24175/01.
- (b) The application shall be submitted to the Director before the application renewal date specified on the certificate or, if no such date is specified, not less than 30 days before the certificate expires.

175.15 Safety Inspections and Audits

Each holder of an aeronautical information service certificate is required under the Act to permit persons duly authorised by the Director to carry out inspections and audits of the holder's offices, facilities, documents, and records, in accordance with the Act, to determine compliance with this Part.

175.17 Exemptions

The Director may exempt the holder of an aeronautical information service certificate from any requirement in this Part in accordance with the Act.

Subpart B — Certification Requirements

175.51 Personnel Requirements

- (a) Each applicant for the grant of an aeronautical information service certificate shall engage, employ or contract:
- (1) a senior person identified as the Chief Executive, who is acceptable to the Director, and who has the authority within the applicant's organisation to ensure that each aeronautical information service listed in their exposition —
 - (i) can be financed and is provided to meet operational requirements; and
 - (ii) is provided in accordance with the requirements prescribed by this Part:
 - (2) a senior person or group of senior persons who are acceptable to the Director, and who are responsible for ensuring that the applicant's organisation complies with the requirements of this Part. Such nominated person or persons shall be ultimately responsible to the Chief Executive:
 - (3) sufficient personnel to collect, collate, check, coordinate, edit, and publish aeronautical information for the aeronautical information services listed in the applicant's exposition.
- (b) The applicant shall —
- (1) establish a procedure to initially assess the competence of those personnel authorised by the applicant to check, edit, and publish aeronautical information for the aeronautical information services listed in their exposition; and
 - (2) establish a procedure to maintain the competence of those authorised personnel; and
 - (3) provide those authorised personnel with written evidence of the scope of their authorisation.

175.53 Facility Requirements

Each applicant for the grant of an aeronautical information service certificate shall establish offices and facilities that —

- (1) are appropriate for the aeronautical information services listed in their exposition; and
- (2) meet the applicable requirements of 175.103(b) and 175.105.

175.55 Scope of Pre-flight Information Service

Each applicant for the grant of an aeronautical information service certificate for a pre-flight information service shall, for the pre-flight services listed in their exposition, specify —

- (1) the geographic area; and
- (2) the aerodromes and the air routes originating from those aerodromes.

175.57 Documentation

(a) Each applicant for the grant of an aeronautical information service certificate shall —

- (1) document the format and standards for the aeronautical information published under the authority of their certificate; and
- (2) ensure that the format and standards take into account the circumstances under which the information will be used; and
- (3) hold copies of relevant reference material, standards, practices and procedures, and any other documentation that is necessary for the aeronautical information services listed in their exposition.

(b) The applicant shall establish a procedure to control all the documentation required by paragraph (a), to ensure that —

- (1) the documentation is reviewed and authorised by appropriate personnel before issue; and
- (2) current issues of relevant documentation are available to staff at all locations where they need access to such documentation for the aeronautical information services listed in their exposition; and
- (3) all obsolete documentation is promptly removed from all points of issue or use; and

- (4) changes to documentation are reviewed and approved by appropriate personnel; and
- (5) the current version of each item of documentation can be identified to preclude the use of out-of-date editions.

175.59 Collection of Information

- (a) Each applicant for the grant of an aeronautical information service certificate shall establish procedures to collect and collate the information required for the aeronautical information services listed in their exposition.
- (b) The procedures shall ensure that —
 - (1) applicable information is obtained from organisations that provide services in support of the New Zealand air navigation system; and
 - (2) applicable information is obtained from the aeronautical information services of other States relevant to the requirements of international aircraft operators operating —
 - (i) in the areas of the Auckland Oceanic FIR in which New Zealand is responsible for air traffic services; and
 - (ii) on international air routes originating from New Zealand; and
 - (3) arrangements for the timely provision of information are made with the information originators prescribed in paragraph (b)(1) and (2); and
 - (4) information received from the information originators prescribed in paragraph (b)(1) is certified as accurate by a person identified by the originator to be responsible for the accuracy of that information.
- (c) The procedures for the NOTAM service shall, in addition to paragraph (b), ensure that any originator's request for the issue of a NOTAM does not require the NOTAM to be effective for more than 3 months.

175.61 Publication of Aeronautical Information

- (a) Each applicant for the grant of an aeronautical information service certificate shall establish procedures to check, co-ordinate, edit, publish and disseminate aeronautical information for the services listed in their exposition.

(b) The procedures shall ensure that —

- (1) the information received under 175.59 is checked against available information to verify its accuracy prior to publication; and
- (2) the information received under 175.59 is edited, accurately published, and disseminated —
 - (i) in the format applicable to the operational significance of the information; and
 - (ii) where applicable, in accordance with Subparts D, E, or F; and
 - (iii) in a format that takes account of the circumstances under which the information will be used; and
- (3) except for paragraph (b)(4), permanent publications and long-term temporary publications are clearly identified as being published under the authority of the applicant's aeronautical information service certificate; and
- (4) when aeronautical information obtained from the aeronautical information services of other States under 175.59(b)(2) is disseminated, that information is clearly identified as having the authority of the originating State; and
- (5) when information that has not been certified as required under 175.59(b)(4) is disseminated, that information is clearly identified as being unverified; and
- (6) any permanent change to published information is coordinated with other applicable information originators before the change is published; and
- (7) temporary information that is published without a defined expiry date is reviewed at an appropriate time to ensure that the originator takes the required action to cancel or reissue the information; and
- (8) the aeronautical information is published in the English language; and
- (9) place names are spelt according to local usage, transliterated when necessary into the Latin alphabet; and
- (10) units of measurement are consistent with those prescribed in Part 1; and
[Until units of measurements are prescribed in Part 1, the units of measurements are to be consistent with those published in Civil Aviation Safety Order 1 and section GEN 5 of the NZAIP Planning Manual]
- (11) abbreviations, consistent with those prescribed in Part 1, are used in the published aeronautical information when —
 - (i) their use is appropriate; and

- (ii) their use will facilitate the dissemination of the information; and
[Until all abbreviations are prescribed in Part 1, the abbreviations are to be consistent with those published in section GEN 10 of the NZAIP Planning Manual]
- (12) any of the aeronautical information published is promptly made available to the aeronautical information services of other States, upon request by those States; and
- (13) the aeronautical information is made available in a form that is suitable for the operational requirements of —
 - (i) flight operations personnel, including flight crew members and the services responsible for pre-flight briefing; and
 - (ii) the air traffic service units responsible for flight information services.
- (c) The procedures for the AIP service shall, in addition to paragraph (b), ensure that —
 - (1) aeronautical charts, and operationally significant information published in AIP Amendments and AIP Supplements, are published in accordance with the AIRAC system; and
 - (2) the information published under the AIRAC system is clearly identified with the acronym *AIRAC*; and
 - (3) the information published under the AIRAC system is distributed so that recipients receive the information at least 28 days before its effective date; and
 - (4) the information published under the AIRAC system is not changed for at least 28 days after the effective date, unless the circumstance notified is of a temporary nature and would not persist for the full period; and
 - (5) where an AIP Supplement is published to replace a NOTAM, the supplement includes a reference to the serial number of the NOTAM; and
 - (6) where an AIP Amendment or AIP Supplement is published under the AIRAC system, a NOTAM is originated giving a brief description of the operationally significant contents, the effective date and the reference number of each amendment or supplement. The NOTAM shall —
 - (i) come into force on the same effective date as the amendment or supplement; and
 - (ii) remain in force until the next AIRAC date; and

- (7) when there is no applicable information to be published by the AIRAC date, a *NIL* notification is issued; and
- (8) a NOTAM is originated when information to be published as an AIP Amendment or AIP Supplement takes effect prior to the effective date of the amendment or supplement.

175.63 Error Correction in Published Information

- (a) Each applicant for the grant of an aeronautical information service certificate shall establish procedures to record, investigate, correct, and report any errors that are detected in the aeronautical information published under the authority of their certificate.
- (b) The procedures shall ensure that —
 - (1) the error is corrected by the most appropriate means relative to the operational significance of the error; and
 - (2) the correction is clearly identified in the republished information; and
 - (3) the source of the error is identified and, where possible, eliminated; and
 - (4) where the error affects or is likely to affect the safety of aircraft operations, the Director is notified of a promulgated information incident in accordance with Part 3.

[Until Part 3 comes into force, the report shall be submitted to the Director within 10 days of the error being recorded and shall contain details of the error, the source of the error and the certificate holder's corrective actions]

175.65 Records

- (a) Each applicant for the grant of an aeronautical information service certificate shall establish procedures to identify, collect, index, store, maintain and dispose of the records that are necessary for the aeronautical information services listed in their exposition.
- (b) The procedures shall ensure that —
 - (1) there are records enabling all incoming and outgoing aeronautical information to be readily identified by serial number and date, and that supplementary information can be similarly verified and, where necessary, authenticated; and

- (2) there is a record of each person who is authorised by the applicant to check, edit, and publish aeronautical information; and
- (3) there is a record of each occurrence of error correction under the procedures required by 175.63; and
- (4) there is a record of each internal quality assurance review of the applicant's organisation carried out under the procedures required by 175.67; and
- (5) all records are legible and of a permanent nature; and
- (6) all records are retained for at least 5 years except NOTAM, AIP Supplements and Aeronautical Information Circulars, which need only be retained for 30 days after cancellation.

175.67 Internal Quality Assurance

- (a) Each applicant for the grant of an aeronautical information service certificate shall establish internal quality assurance procedures to ensure compliance with, and the adequacy of, the procedures required by this Part.
- (b) The procedures shall specify —
 - (1) the level of quality that the applicant intends to achieve; and
 - (2) the level and frequency of internal reviews; and
 - (3) the person or persons responsible for carrying out the internal reviews; and
 - (4) how the findings of the internal reviews are to be recorded and reported to the Chief Executive; and
 - (5) how quality indicators such as error reports, incidents, and complaints are incorporated into the internal quality assurance procedures; and
 - (6) the senior person's responsibilities for analysis and overview of the internal reviews; and
 - (7) the means for rectifying any deficiencies found during an internal review; and
 - (8) the documentation requirements for all aspects of the review.
- (c) The senior person who has the responsibility for internal quality assurance shall have direct access to the Chief Executive on matters affecting the adequacy, accuracy, timeliness, format, and dissemination of the published aeronautical information.

175.69 Organisation Exposition

(a) An applicant for the grant of an aeronautical information service certificate shall provide the Director with an exposition containing —

- (1) a statement signed by the Chief Executive on behalf of the applicant's organisation confirming that —
 - (i) the exposition and any included manuals define the organisation and demonstrate its means and methods for ensuring ongoing compliance with this Part; and
 - (ii) the exposition and any included manuals will be complied with at all times; and
- (2) the titles and names of the senior person or persons required by 175.51(a)(1) and (2); and
- (3) the duties and responsibilities of the senior persons specified in paragraph (a)(2) including matters for which they have responsibility to deal directly with the Director or the Authority on behalf of the organisation; and
- (4) an organisation chart showing lines of responsibility of the senior persons specified in paragraph (a)(2); and
- (5) a summary of the applicant's staffing structure for each aeronautical information service listed under paragraph (a)(6); and
- (6) a list of the aeronautical information services to be covered by the certificate; and
- (7) for a pre-flight information service, details of the area, aerodromes and air routes required by 175.55; and
- (8) the location and address details of the applicable offices required by 175.103(b)(1) and 175.105(1); and
- (9) details of the applicant's format and standards required by 175.57(a)(1) for their published aeronautical information; and
- (10) details of the applicant's procedures required by —
 - (i) 175.51(b) regarding the competence of personnel; and
 - (ii) 175.57(b) regarding the control of documentation; and
 - (iii) 175.59(a) regarding the collection of information; and
 - (iv) 175.61(a) regarding the publication of aeronautical information; and

- (v) 175.63(a) regarding the correction of errors in published information; and
 - (vi) 175.65(a) regarding the identification, collection, indexing, storage, maintenance, and disposal of records; and
 - (vii) 175.67(a) regarding internal quality assurance; and
- (11) procedures to control, amend and distribute the exposition.
- (b) The applicant's exposition must be acceptable to the Director.

Subpart C — Operating Requirements

175.101 Continued Compliance

Each holder of an aeronautical information service certificate shall —

- (1) hold at least one complete and current copy of their exposition at each office listed in their exposition; and
- (2) comply with all procedures and standards detailed in their exposition; and
- (3) make each applicable part of their exposition available to personnel who require those parts to carry out their duties; and
- (4) continue to meet the standards and comply with the requirements of Subpart B prescribed for certification under this Part.

175.103 AIP Service

(a) The holder of the aeronautical information service certificate for the AIP service shall publish —

- (1) the NZAIP in accordance with Subpart D; and
- (2) AIP Amendments in accordance with 175.155; and
- (3) AIP Supplements in accordance with 175.157 for notification of —
 - (i) temporary changes that are effective for 3 months or longer; and
 - (ii) information of less than 3 months duration which contains extensive text or graphics; and
- (4) the AIC in accordance with Subpart E.

- (b) The certificate holder shall, in addition to paragraph (a) —
- (1) designate an office as New Zealand's point of contact with the aeronautical information services of other States for the interchange of the Integrated Aeronautical Information Package, except NOTAM; and
 - (2) make the NZAIP, AIP Amendments, AIP Supplements and AIC available to any person upon payment of any charge that may apply to the supply of the publications; and
 - (3) establish a system to disseminate the NZAIP, AIP Amendments, AIP Supplements, aeronautical charts, and AIC in accordance with 175.61(c)(3); and
 - (4) ensure that all aeronautical charts published as part of the NZAIP conform to the applicable standards for the charts; and
 - (5) coordinate the input of all aeronautical information from the originators prescribed in 175.59(b)(1), except —
 - (i) information which is of immediate operational significance necessitating the immediate issue of a NOTAM; and
 - (ii) temporary information of a duration of less than three months, that only requires the issue of a NOTAM.

175.105 NOTAM Service

The holder of the aeronautical information service certificate for the NOTAM service shall —

- (1) designate a NOF for New Zealand; and
- (2) operate the NOF on a 24-hour basis; and
- (3) establish agreements with other international NOTAM offices for the exchange of NOTAM; and
- (4) ensure that —
 - (i) the NOF is connected to the AFTN; and
 - (ii) the AFTN connection provides for printed communication; and
 - (iii) the NOF has appropriate facilities to issue and receive NOTAM distributed by means of telecommunication; and
- (5) promptly issue a NOTAM that is in accordance with Subpart F, whenever information received under 175.59 requires the issue of a NOTAM; and

- (6) at intervals of not more than one month, issue a checklist over the AFTN of the NOTAM that are currently in force.

175.107 Pre-flight Information Service

(a) Each holder of an aeronautical information service certificate for a pre-flight information service shall make available to flight operations personnel and flight crew members, aeronautical information that —

- (1) is essential for the safety, regularity and efficiency of air navigation; and
- (2) relates to the geographic area, aerodromes and air routes listed in their exposition.

(b) The aeronautical information provided under paragraph (a) shall include, where applicable —

- (1) a summary of current NOTAM and other information of an urgent character, in a plain text PIB; and
- (2) relevant elements of the Integrated Aeronautical Information Package; and
- (3) relevant maps and charts; and
- (4) current information relating to the aerodrome of departure concerning any of the following:
 - (i) construction or maintenance work on or immediately next to the manoeuvring area:
 - (ii) rough portions of any part of the manoeuvring area, whether marked or not, including broken parts of the surface of runways and taxiways:
 - (iii) presence and depth of snow, ice, or water on runways and taxiways, including their effect on surface friction:
 - (iv) snow, drifted or piled on or next to runways or taxiways:
 - (v) parked aircraft or other objects on or immediately next to taxiways:
 - (vi) the presence of other temporary hazards including those created by birds:

- (vii) failure or irregular operation of part or all of the aerodrome lighting system including approach, threshold, runway, taxiway, and obstruction lights, and manoeuvring area unservicability lights, and aerodrome power supply:
 - (viii) failure, irregular operation or changes in the operational status of air navigation facilities including ILS and markers, PSR, SSR, VOR, NDB, VHF aeromobile channels, RVR observing system, and secondary power supply.
- (c) The certificate holder shall make provision for flight crew members to report post-flight information at those aerodromes listed in the holder's exposition.
- (d) The certificate holder shall forward any post-flight information reported by flight crew members under paragraph (c) concerning the state and operation of air navigation facilities, to the operator of the navigation facility.

175.109 Changes to Certificate Holder's Organisation

- (a) Each holder of an aeronautical information service certificate shall ensure that their exposition is amended so as to remain a current description of the holder's organisation and services.
- (b) The certificate holder shall ensure that any amendments made to the holder's exposition meet the applicable requirements of this Part and comply with the amendment procedures contained in the holder's exposition.
- (c) The certificate holder shall provide the Director with a copy of each amendment to the holder's exposition as soon as practicable after its incorporation into the exposition.
- (d) Where a certificate holder proposes to make a change to any of the following, prior notification to and acceptance by the Director is required:
- (1) the Chief Executive:
 - (2) the listed senior persons:
 - (3) the aeronautical information services provided by the holder:
 - (4) the format and standards for the aeronautical information published under the authority of their certificate.
- (e) The Director may prescribe conditions under which a certificate holder may operate during or following any of the changes specified in paragraph (d).

- (f) Where any of the changes referred to in this rule requires an amendment to the certificate, the certificate holder shall forward the certificate to the Director as soon as practicable.
- (g) The certificate holder shall make such amendments to the holder's exposition as the Director may consider necessary in the interests of aviation safety.

Subpart D — New Zealand Aeronautical Information Publications

175.151 Contents of NZAIP

- (a) The NZAIP shall contain current information, data and aeronautical charts relating to —
- (1) the regulatory and airspace requirements for air navigation in the New Zealand FIR and the areas of the Auckland Oceanic FIR in which New Zealand is responsible for air traffic services; and
 - (2) the New Zealand services and facilities that support international air navigation to and from New Zealand; and
 - (3) the services and facilities that support air navigation within the New Zealand flight information region; and
 - (4) aerodromes operating under an aerodrome operating certificate issued under Part 139.
- (b) The NZAIP may contain current information, data, and aeronautical charts relating to aerodromes not operating under an aerodrome operating certificate, where —
- (1) the aerodrome operator provides the holder of the aeronautical information service certificate for the AIP service with the required data and information relating to the aerodrome; and
 - (2) the aerodrome operator accepts responsibility for the accuracy and currency of that data and information.
- (c) The NZAIP shall include at an appropriate location —
- (1) a statement to advise which certificated organisations are responsible for the air navigation facilities, services and procedures covered by the NZAIP; and
 - (2) the general conditions under which those services and facilities are available for use; and

- (3) a list of the differences with the ICAO Standards, Recommended Practices and Procedures that the Director has filed under Article 38 of the Convention; and
- (4) a summary of any significant standards, practices and procedures followed by New Zealand, where the ICAO Standards, Recommended Practices and Procedures allow alternative courses of action.

175.153 Specifications for NZAIP

- (a) Each publication that forms part of the NZAIP shall —
 - (1) specify the purpose of the publication, the geographic area covered and that the publication is part of the NZAIP; and
 - (2) be self-contained, include a table of contents with page numbers, and be paginated clearly; and
 - (3) specify that it is published —
 - (i) by the holder of the aeronautical information service certificate for the AIP service; and
 - (ii) under the authority of their certificate issued by the Civil Aviation Authority of New Zealand; and
 - (4) not duplicate information unnecessarily and if duplication is necessary, there shall be no difference in the duplicated information in respect of the same facility, service or procedure; and
 - (5) be dated, or where the publication is in loose-leaf form, each page shall be dated. The date shall consist of the day, month by name, and the year when the aeronautical information becomes effective; and
 - (6) be kept up-to-date by means of AIP Amendments or by reissue at regular intervals; and
 - (7) show clearly the degree of reliability of any unverified information.
- (b) A publication published in loose-leaf form shall —
 - (1) specify on each page, which publication the page belongs to and that the page is part of the NZAIP; and

- (2) contain a checklist that —
 - (i) gives the current date, and page number or chart title of each page or chart in the publication; and
 - (ii) is issued with each AIP Amendment; and
 - (iii) specifies which publication it belongs to; and
 - (iv) is printed with a page number and the date as prescribed in paragraph (a)(5).

175.155 Specifications for AIP Amendments

Each AIP Amendment shall —

- (1) clearly identify, by a distinctive symbol or annotation, all changes to the published information, and all new information on a reprinted page; and
- (2) be allocated a serial number, which shall be consecutive and based on the calendar year.

175.157 Specifications for AIP Supplements

- (a) Each AIP Supplement shall be allocated a serial number which shall be consecutive and based on the calendar year.
- (b) The AIP Supplement pages shall remain part of the NZAIP while any part of their contents remain valid.
- (c) A checklist of AIP Supplements currently in force shall be issued with each AIP Supplement or at intervals of not more than one month. The checklist shall be given the same distribution as the supplement.

Subpart E — Aeronautical Information Circulars

175.201 Specifications for an AIC

- (a) Each AIC shall —
 - (1) be issued in printed form; and
 - (2) be allocated a serial number which should be consecutive and based on the calendar year.

- (b) An AIC affecting international aircraft operators shall be given the same distribution as the AIP.
- (c) Where AIC are distributed in more than one series, each series shall be separately identified by a prefix letter.
- (d) A checklist of AIC currently in force shall be issued at least once a year and distributed as an AIC.

Subpart F — NOTAM

175.251 Specifications for NOTAM

- (a) Each NOTAM shall be allocated a serial number by the NOTAM Office in either an **A** series or a **B** series. The serial number within each series shall be consecutive and based on the calendar year.
- (b) The **A** series of NOTAM shall only contain aeronautical information that —
 - (1) is operationally significant to operators operating within the New Zealand FIR; and
 - (2) is not published in the **B** series of NOTAM.
- (c) The **B** series of NOTAM shall contain aeronautical information that is operationally significant to international operators operating in —
 - (1) the New Zealand FIR; and
 - (2) the areas of the Auckland Oceanic FIR in which New Zealand is responsible for air traffic services.
- (d) Each NOTAM shall be brief, deal with only one subject, and be compiled so that its meaning is clear without reference to another document.
- (e) When a NOTAM contains information that requires an amendment to the NZAIP or an AIP Supplement, the NOTAM shall contain a cross-reference to the affected NZAIP text or AIP Supplement.
- (f) When a NOTAM is issued which cancels or supersedes a previous NOTAM, the serial number of the previous NOTAM shall be specified.

- (g) When an error is detected in a NOTAM, a replacement NOTAM which cancels the original shall be issued.
- (h) Location indicators included in the text of a NOTAM shall conform to those approved by ICAO.
- (i) A curtailed form of location indicator shall not be used.
- (j) Where no location indicator is assigned to the location, the name of the place, spelt in accordance with 175.61(b)(9), shall be entered in the text of the NOTAM.
- (k) The NOTAM checklist required under 175.105(6) shall —
 - (1) refer to the latest AIP Amendments, AIP Supplements and the internationally distributed AIC; and
 - (2) have the same distribution as the actual NOTAM series to which they refer and shall be clearly identified as a checklist.
- (l) Each NOTAM in the B series shall be prepared and composed in a manner suitable for international distribution.

175.253 Distribution of NOTAM

- (a) Each NOTAM shall —
 - (1) where possible, be transmitted as a single telecommunication message; and
 - (2) be distributed to addressees to whom the information is of direct operational significance, and who would not otherwise have at least seven days prior notification.
- (b) The A series of NOTAM shall be distributed within New Zealand.
- (c) The B series of NOTAM shall be distributed within New Zealand and to those international NOTAM offices with whom agreements have been established under 175.105(3).
- (d) The AFTN shall be employed for NOTAM distribution, whenever practicable.

(e) When a NOTAM exchanged under the agreement established under 175.105(3), is sent by means other than the AFTN, a six-digit date-time group indicating the date and time of filing the NOTAM and the identification of the originator shall precede the text of the NOTAM.

(f) A predetermined distribution system for NOTAM transmitted on the AFTN shall be used, whenever possible, subject to the agreements established under 175.105(3) with other international NOTAM offices.

Appendix A — Transitional Arrangements

After Part 175 comes into force any organisation that currently provides an aeronautical information service and which is required under Part 175 to hold an aeronautical information service certificate may continue to provide the service under existing delegations until the expiry of a period of 12 months from the date that Part 175 commences. At the expiry of 12 months all such organisations must be operating under a Part 175 certificate. At the end of that period all delegations for Regulations 8A(4)(b), 8A(4)(c), and 8A(4)(e) issued to the Airways Corporation of New Zealand Limited will be revoked.

Part 1 — Amendments

1.1 *General Definitions*

1.1 is amended by inserting after the definition of the term **aerodrome traffic circuit**, the following definitions:

"Aeronautical Information Circular means a notice containing information that does not qualify for the origination of a NOTAM or for inclusion in the NZAIP, but which relates to flight safety, air navigation, technical, administrative or legislative matters:

Aeronautical Information Publication means a publication issued by, or with the authority of, a State and containing aeronautical information of a lasting character essential to air navigation:

Aeronautical information service means any of the following services that distribute aeronautical information essential for the safety, regularity and efficiency of air navigation —

- (1) AIP service; or
- (2) NOTAM service; or
- (3) Pre-flight information service:"

1.1 is amended by inserting after the definition of the term **agricultural operations**, the following definitions:

"**AIRAC** means aeronautical information regulation and control, signifying a system aimed at advance notification based on common effective dates, of circumstances that require significant changes in operating practices:

[The AIRAC system is based upon the international series of common effective dates at intervals of 28 days including 10 January 1991]

AIP Amendment means permanent changes to the information contained in the NZAIP:

AIP service means a service for the publication of the NZAIP, AIP Amendments, AIP Supplements and aeronautical information circulars:

AIP Supplement means temporary changes to the information contained in the NZAIP which are published by means of special pages: "

1.1 is amended by inserting after the definition of the term **certificated for single pilot operation**, the following definition:

"**Certificated organisation** means an organisation issued with a certificate under rules made under the Act:"

1.1 is amended by inserting after the definition of the term **flight examiner**, the following definition:

"**Flight information region** means airspace of defined dimensions within which flight information services and alerting services are provided:"

1.1 is amended by inserting after the definition of the term **instrument time**, the following definition:

"**Integrated Aeronautical Information Package** means a package which consists of the following elements —

- (1) NZAIP including amendment service; and
- (2) supplements to the NZAIP; and
- (3) NOTAM; and
- (4) AIC; and
- (5) checklists and summaries: "

1.1 is amended by inserting after the definition of the term **international airport**, the following definition:

"**International NOTAM office** means an office that is designated for the international exchange of NOTAM: "

1.1 is amended by inserting after the definition of the term **movement area**, the following definition:

"New Zealand Aeronautical Information Publications means the AIP for New Zealand published for the Authority by the holder of the AIS certificate for the AIP service:"

1.1 is amended by inserting after the definition of the term **NOTAM**, the following definition:

"NOTAM service means a service for the issue and distribution of NOTAM relevant to air navigation in the New Zealand FIR and in the areas of the Auckland Oceanic FIR in which New Zealand is responsible for air traffic services:"

1.1 is amended by inserting after the definition of the term **powered glider**, the following definitions:

"Pre-flight information bulletin means a presentation of current NOTAM information of operational significance, prepared prior to flight:

Pre-flight information service means a service for the provision of aeronautical information to a third party for pre-flight planning purposes:"

1.3 Abbreviations

1.3 is amended by revoking the abbreviation **AIS** and inserting the following abbreviations:

"AIC means Aeronautical Information Circular:

AIP means Aeronautical Information Publication:

AIS means aeronautical information service:"

1.3 is amended by inserting after the definition of the abbreviation **FDPS**, the following abbreviations:

"FIR means flight information region:"

1.3 is amended by inserting after the definition of the abbreviation **NDB**, the following abbreviations:

"NOF means international NOTAM office:

NZAIP means New Zealand Aeronautical Information Publications:"

1.3 is amended by inserting after the definition of the abbreviation **PAR**, the following abbreviation:

"PIB means Pre-flight Information Bulletin:"

1.3 is amended by inserting after the definition of the abbreviation **RFDPS**, the following abbreviation:

"**RVR** means runway visual range:".

CONSULTATION DETAILS

(This statement does not form part of the rules contained in Part 175. It provides details of the consultation undertaken in making the rules.)

Background to the Rules

In April 1988 the Swedavia McGregor Report on civil aviation regulation in New Zealand was completed. Following the recommendations contained in that report, the Air Transport Division of the Ministry of Transport commenced a complete review and rewrite of all existing civil aviation legislation and where necessary initiated new legislation for the areas not previously covered.

Considerable research was carried out to determine the format for the new legislation. It was decided that the most suitable legislative framework should incorporate the advantages of the system being developed by the European Joint Aviation Authorities and published as Joint Aviation Requirements (JAR), and of the Federal Aviation Administration (FAA) of the United States of America. The JAR are structured in a manner similar to the FAA's Federal Aviation Regulations (FAR) and aim to achieve maximum harmonisation while allowing for national variations.

New Zealand's revised legislation will be published as Civil Aviation Rules (CAR) divided into Parts. Each Part will convey a series of individual rules which relate to a particular aviation activity.

Accompanying each Part of the CAR will be at least one associated Advisory Circular (AC) which will expand, in an informative way, specific requirements of the CAR and describe an acceptable means of compliance. For example, an AC may contain the minimum acceptable practice or standard which would be necessary to meet a rule.

The CAR numbering system is based on the FAR system. As a general principle the subject matter of a Part will be the same or similar to the FAR although the title may differ to suit New Zealand terminology. Where a CAR does not readily equate with a FAR number code, a number has been selected that does not conflict with any existing FAR Part.

The FAR has been used as the starting point for the development of many CAR but there are likely to be significant differences in the content of the rule. It should be noted however, that neither the FAR nor JAR systems presently include the equivalent of a Part 175.

The objective of the new rules system is to strike a balance of responsibility between the State authority and those who provide services and exercise privileges in the civil aviation system. This balance must enable the State authority to maintain continuing regulatory control and supervision while providing the maximum flexibility for participants to develop their own means of compliance.

Section 7 of the Civil Aviation Act 1990 (the Act) provides for the requirement to hold an aviation document for carrying out particular civil aviation activities. Section 12 of the Act requires the holders of such documents to carry out their activities safely and in accordance with the relevant prescribed safety standards and practices.

Notice of Proposed Rule Making

To provide public notice of, and opportunity for comment on the proposed new rules, the Authority, on 6 October 1993, issued Notice of Proposed Rule Making 93-3 under Docket Number 1036 NR. This Notice proposed the introduction of Civil Aviation Rules Part 175 to provide a regulatory safety boundary for the certification of organisations wishing to provide aeronautical information services for New Zealand.

Supplementary Information

All comments made on the Notice of Proposed Rule Making are available in the rules docket for examination by interested persons. A report summarising each substantive contact with the Civil Aviation Authority contact person concerning this rule making has been filed in the docket.

Availability of the Document

Any person may view a copy of these rules at Aviation House, 1 Market Grove, Lower Hutt. Copies may be obtained from the Civil Aviation Authority of New Zealand, PO Box 31-441, Lower Hutt.

Summary of Comments on Docket Number 1036 NPRM

1. General Comments on the NPRM

From the five submissions received, one issue was raised concerning the rule making process and the introductory sections of the NPRM and one issue relates to charges for aeronautical information. These are discussed as follows:

1.1 Rule making process

The New Zealand Airline Pilots Association Industrial Union of Workers Inc. (NZALPA) considers that the aims of the rules as stated in the NPRM contradict the functions of the CAA as expressed in the Act. Particular concern is expressed over the aims to "remove excessive costs", "reduce international barriers", "reduce CAA intervention", and "reduce unnecessary regulatory requirements".

CAA response: The CAA does not share NZALPA's concerns and is satisfied that the aims of the rules are consistent with Government policy, the Civil Aviation Act 1990, and the policy of CAA.

The concept for the overall review of the civil aviation regulatory system in New Zealand originates from the Swedavia McGregor Review of Civil Aviation Safety Regulations and the Resources, Structure and Functions of the New Zealand Ministry of Transport Civil Aviation Division that was carried out in 1988. The concept for the recommendations of that review are that participants in the civil aviation system will be required to take greater responsibility for the safety of their operations with the regulatory authority being less involved in the day to day activities of aviation. Under the Act, the Minister is required to promote safety in civil aviation at reasonable cost. Also, under the Convention on International Civil Aviation 1944, each contracting State is required to collaborate in securing the highest practical degree of uniformity in regulations, standards, procedures and organisation.

The CAA therefore considers that the stated aims for the new rules are consistent with:

- the concepts established by the Swedavia McGregor review;
- the Minister's functions; and
- New Zealand's obligations under the Convention.

1.2 Charges for aeronautical information

Airways Corporation of New Zealand Limited expressed concern about the various requirements in the NPRM relating to charges for aeronautical information provided by a certificate holder. The NPRM requires details of charges to be included in the exposition and under 175.111 these charges cannot be changed without the acceptance of the Director.

The Corporation is opposed to the Civil Aviation Authority having any degree of control over the product pricing of the New Zealand Aeronautical Information Publications (NZAIP). They see this control as contrary to the commercial rights of the NZAIP publisher. They argue that the threat of competition and market forces are enough to ensure sensibility in charging and price stability. As publisher of the information the Corporation considers that they are in the best position to establish appropriate market prices. They consider that such commercial restraints and details of charges should not be included in a safety rule. They suggest that responsibility for establishing charges for aeronautical information should be delegated under Section 23B of the Act to the certificate holder.

CAA response: Section 75(2) of the Act states that the Authority is responsible for ensuring that aeronautical information is made available to any person upon the payment of a reasonable charge that is fixed by the Authority.

The Authority is also responsible under section 72B(g) of the Act, for ensuring the collection, publication and provision of charts and aeronautical information and for making arrangements with any other organisation to collect, publish and distribute such charts and information. Therefore, in addition to the safety requirements prescribed in Part 175, the CAA will need to establish formal agreements with those organisations certificated under Part 175 for the provision of the relevant aeronautical information services.

Charges for aeronautical information can be regarded as a safety concern as excessive charges could discourage aircraft operators from subscribing to and obtaining up to date information.

The CAA acknowledges the Corporation's concerns and accepts that it may not be appropriate for details of charges for aeronautical information to be included in regulatory safety rules. References to charges have therefore been removed from the rules with the view to including these details in the formal agreement between the CAA and the aeronautical information service certificate holder.

1.3 Status of NZAIP

The Airways Corporation queried the status of Part 175 and therefore the status of the New Zealand Aeronautical Information Publications (NZAIP) with respect to other associated Rules. They consider it inequitable that a Part 175 certificate holder must work within a quality system imposed by the Rule to publish the NZAIP when the current flight operating rules do not require aircraft operators to use the NZAIP for the planning and conduct of their flight.

CAA response: The CAA acknowledges this concern and it is one of the issues to be addressed during the drafting of CAR Part 91, General Operating and Flight Rules.

2. Specific comments on rules proposed in the NPRM

Nine issues relating to the general requirements (Subpart A) of Part 175 were raised. These are discussed as follows:

2.1 175.1 Applicability

The Guild of Air Pilots and Air Navigators agrees with the requirement for organisations providing aeronautical information services for New Zealand to be certificated. However they also note that other organisations publish aeronautical information for New Zealand that is used extensively by the industry. The Guild seeks clarification regarding the application of Part 175 to these organisations.

CAA response: Part 175 prescribes rules governing the certification and operation of organisations providing an aeronautical information service (AIS) for New Zealand on behalf of the Authority. This includes the AIS organisation that publishes the New Zealand Aeronautical Information Publications (NZAIP). There will be only one certificate holder for this service (the AIP service). The NZAIP is the official publication for aeronautical information relating to services and facilities in the New Zealand air navigation system. Part 175 does not apply to any organisation that reproduces information that is published in the NZAIP.

Before commencing any flight, pilots are required to obtain information on the condition and suitability of any aerodrome that they intend to use. Where appropriate, they are also required to obtain information on any radio facilities available on the route to be followed and information on appropriate air traffic rules and procedures. The acceptable source for this information is the NZAIP. Where pilots use sources other than the NZAIP, they may be required by the Civil Aviation Rules to establish procedures to ensure that the source of their information is reliable and that the information they are using is accurate.

2.2 175.3 Definitions

2.2.1 NZALPA suggested that the definition for "Aeronautical Information Service" should be amended to ensure that the aeronautical information service for New Zealand comprises each and all of the individual AIS services listed.

The association is of the view that there should be only one organisation in New Zealand providing the aeronautical information services at any one time. They consider that this would ensure that the aeronautical information services for New Zealand are integrated, reliable and non-conflicting. They are concerned that there is the potential for the dilution of this goal in the presence of commercially driven competition for the provision of those services.

CAA response: The CAA does not consider that the definition needs to be amended. The rule includes under the definition for aeronautical information service, the "AIP service", the "NOTAM service" and "pre-flight information services". As detailed in the commentary to the NPRM, the CAA intends that there be only one certificate holder at any one time for the AIP service and for the NOTAM service.

However due to the nature of Pre-flight Information services there is potential for there to be more than one certificate holder for these services. A pre-flight information service can be tailored to meet the needs of specific sectors of the aviation community.

The CAA remains responsible for ensuring that appropriate levels of aeronautical information service are provided and this will be covered by formal agreements for service between the CAA and the applicable certificated AIS providers.

2.2.2 Air New Zealand queried the applicability of the rule in relation to the definition for "pre-flight information service" and their responsibility as an aircraft operator to pass NOTAM to aircrew as pre-flight briefing material. They maintain that this is an activity carried out under their air services certificate and therefore would not require certification under Part 175.

CAA response: Part 175 does not apply to aircraft operators who obtain aeronautical information and assemble that information into pre-flight briefing material for their own flight crew.

However Air New Zealand also receives NOTAM directly from the NOTAM office and assembles them into appropriate packages for other air operators who have contracted Air New Zealand to provide them with handling/turnaround services. In this case, Air New Zealand is considered to be providing pre-flight information services on a contract basis to a third party and therefore would require an AIS certificate under Part 175 for such services. This is similar to the requirement that will apply to aircraft operators to be certificated as a training organisation if they provide training services for another operator.

To clarify the intent of the rule, the definition for pre-flight information is amended to make reference to the provision of information to a third party.

2.3 175.5 Requirement for Certificate

2.3.1 NZALPA suggested that the wording of 175.5 should be changed to "every provider of an aeronautical information service shall hold an AIS certificate and shall comply with its provisions". They consider that this change is needed to emphasise the requirement to hold an aeronautical information services certificate.

CAA response: The CAA does not consider any amendment is necessary. The rule states quite clearly that no person shall provide an aeronautical information service except under the authority of, and in accordance with the provisions of an aeronautical information services certificate. The wording used in 175.5 is the standard wording used for all the rule Parts covering the "requirement for a certificate".

2.3.2 Airways Corporation requested clarification regarding the applicability of the rule to the States and Sectors which lie within the Auckland Oceanic Flight Information Region (FIR) but are outside New Zealand's jurisdiction.

CAA response: The rule has been amended so that it is only applicable to the areas within the Auckland Oceanic FIR for which New Zealand is responsible for air traffic services.

2.4 175.7 Application and Issue

2.4.1 NZALPA consider that it may be unduly inhibiting to state in the rule that applications for a certificate or the renewal of a certificate are to be made on a specific numbered form. They consider that the rule should state that applications are to be made in a form and manner acceptable to the Director.

CAA response: The CAA considers that the use of specifically numbered forms for applications for aviation documents simplifies the process for both the applicant and the CAA. The use of a specific form ensures that all relevant information is provided by the applicant.

2.4.2 NZALPA oppose the requirement in 175.7(b)(1) for the applicant and the applicant's senior person or persons to be fit and proper persons. They consider that this repetition of the Act's requirements in the rule adds nothing to section 9(1)(b) of the Act and in fact they consider that the rule imposes additional requirements.

CAA response: The CAA does not agree. In many cases the rules reflect requirements that are imposed in the Act. The inclusion of such requirements in the rule makes the rule complete and therefore applicants do not have to cross reference to other documents (regulatory requirements) to find out what is required of them. Although rules are permitted to impose greater requirements than those specified in the Act, the CAA considers that the requirement in 175.7(b)(1), which is a standard requirement in all the rules for approved organisations, is fully consistent with the requirements of the Act.

2.4.3 NZALPA consider that the exposition must not be just acceptable to the Director, as required in 175.7(b)(3), but should be approved by the Director.

CAA response: The CAA does not agree. Amendment 31 to the Civil Aviation Regulations 1953, moved away from the requirement for the Director to approve manuals and other such documents submitted by participants in the civil aviation system. Such approval by the Director meant that the Director accepted responsibility for the accuracy and content of the manual or document and this is an unrealistic requirement. The purpose for the new rules approach to regulation of the civil aviation system is to make participants responsible for their own activities and this includes the content and accuracy of their manuals. The manuals must obviously meet a standard that is acceptable to the Director and therefore the rules are written in this manner.

2.5 175.17 Safety Inspections and Audits

NZALPA submitted that 175.17 does not necessarily reflect the provisions in the Act and suggest that the rule requirement may introduce some confusion. They consider that the requirement should be deleted from the rule.

CAA response: The CAA considers that 175.17 does reflect the provisions in the Act. The rule reflects the requirements of two sections of the Act, sections 15 and 24. Section

24 covers the general powers of entry by authorised persons and section 15 covers the Director's authority to carry out inspections and audits. The rule makes it clear that such inspections and audits must be carried out in accordance with the provisions of the Act.

2.6 175.19 Exemptions

NZALPA consider that the provisions of 175.19 allowing the Director to grant exemptions should not be part of the rule as section 37 of the Act covers the exemption power of the Director.

CAA response: The exemption provision in the rule is a standard provision for all the rules relating the certification of organisations. Section 37 of the Act allows the Director to grant exemptions from any specified requirement in any rule provided the criteria specified in section 37 are met and provided the rule does not specifically prohibit the granting of an exemption. Paragraph 175.17 simply informs the reader that there are no such prohibitions.

3. Certification Requirements

Eleven issues relating to the certification requirements (Subpart B) of Part 175 were raised. These are discussed as follows:

3.1 175.51 Personnel Requirements

NZALPA consider that reference to senior persons in this rule and other rules throughout the Part adds nothing to the rule and should be deleted.

CAA response: The CAA does not understand NZALPA's concerns. The rule requirement to have senior persons identified is consistent with the requirements of section 9 of the Act. This section requires those persons who have or are likely to have control over the exercise of the privileges under the aviation document to be fit and proper persons. It is the senior persons of an organisation that will have control over such privileges and therefore these persons need to be identified.

3.2 175.59 Collection of Information

3.2.1 NZALPA consider that a catch all subparagraph should be added to 175.59(b)(1) to require information to be collected from any other individual or organisation who might possess relevant aeronautical information.

CAA response: The CAA considers that such a catch all subparagraph is not necessary. The rule requires applicable information to be obtained from organisations that provide services in support of the New Zealand air navigation system. Some of these organisations will be outside of the direct civil aviation regulatory requirements but they

provide services that support the overall air navigation system. As detailed in the Advisory Circular, they include Defence, Customs, Immigration etc.

Furthermore, the format for the NZAIP sets out all the categories of information to be included in the publication and therefore the certificate holder needs to ensure that they obtain appropriate input information.

3.2.2 Airways Corporation expressed concern that certain organisations appear to be exempt from the requirements of the Rule. They refer to the CAA and Defence who represent significant users of the AIS system and advise that military charts are published and issued to all subscribers. They consider that a single standard should apply to all.

CAA response: Part 175 relates to providers of aeronautical information services. The Part does not exempt any organisation from the requirements of the rules.

The Advisory Circular explains that some of the aeronautical information that is required to be published by the AIS organisations originates from organisations that are not directly regulated by the civil aviation system. The Advisory Circular lists the CAA, Defence, Customs etc as organisations not directly subject to Civil Aviation Rule requirements but who provide information that is required to be published by an AIS organisation. The AIS organisations therefore have to be pro-active in obtaining the necessary information from these originator organisations who are themselves responsible for the accuracy of the information provided.

The standard applicable to the input of information applies to all originators whether they are inside or outside the civil aviation regulatory system. If military charts are issued to all subscribers as part of the NZAIP package then the certificate holder for the AIP service will need to ensure that the charts meet applicable standards.

3.2.3 Airways Corporation pointed out that New Zealand now has flights from Auckland and Christchurch which are direct to destinations in flight information regions which are not adjoining the Auckland Oceanic FIR. Therefore applicable information needs to be obtained from beyond the States adjoining the Auckland Oceanic FIR.

CAA response: The CAA accepts the comment and the rule has been amended accordingly.

3.3 175.61 Publication of Aeronautical Information

3.3.1 NZALPA consider that the aeronautical information needs to be published in a format that takes into account human factors and the circumstances under which the information is to be comprehended by the user. For example, documents and charts that are intended for use in the cockpit must be physically suitable for such use and must be able to be easily read under typical cockpit lighting conditions.

CAA response: The CAA accepts this comment and the rule has been amended accordingly.

3.3.2 The Airways Corporation considers that the Rule and the Advisory Circular do not specifically address the format for publishing aeronautical information. They refer to the move internationally to provide information in an electronic digital format and consider that the rules need to state which formats are acceptable.

CAA response: The CAA acknowledges that there is a move to provide aeronautical information in an electronic format and that this is likely to become a requirement in the future as more advanced automation is introduced into the air navigation system. However the rules require the aeronautical information to be published in a format that:

- is applicable to its operational significance;
- is suitable for the operational needs of the users;
- is in accordance with relevant specifications that are contained within the rules and the guidance information in the Advisory Circular.

Hard copy of aeronautical information publications and charts is still required to meet the operational needs of the users, but the service provider has the choice of also making them available in electronic format, to meet particular user needs, provided suitable quality control and integrity measures are in place.

3.3.3 The Airways Corporation consider that some clarification is required on the intent of 175.61(b)(1). Under 175.61(b)(1) a certificate holder's procedures for the publication of aeronautical information must ensure that input information received from originators is checked against other available information to verify its accuracy prior to publication. The Corporation sees the AIP Service certificate holder as purely a publishing organisation for the NZAIP with a responsibility for verifying the authenticity of the information received for publication and for accurately publishing that information.

CAA response: The CAA accepts that an originator of information for publication in the NZAIP or NOTAM must be responsible for the accuracy of the information provided to the AIS certificate holder. However the role of the AIS certificate holder is a little more than just a publishing house and the rule requires the AIS certificate holder to check the received information against other available information prior to publishing. The AIS certificate holder therefore needs to have an overall appreciation of the air navigation system to carry out a check on the information prior to publication to ensure that there are no obvious errors or inconsistencies. The certificate holder is not responsible for correcting any such errors but must refer them back to the originator for verification. The Advisory Circular provides further information on sources of other information for this checking responsibility.

3.4 175.63 Error Correction

3.4.1 NZALPA consider that the requirements contained in 175.63(b)(1) do not reflect the requirements in paragraph 3.2.1 of Annex 15 where States are required to take all reasonable measures to ensure that aeronautical information for their territory is adequate, accurate and timely. They consider that adequate, accurate and timely should be included in the rule.

CAA response: The CAA does not agree that this is necessary. The establishment of Part 175 is one of the "reasonable measures" that the State is taking to ensure the requirements of Annex 15 paragraph 3.2.1 are met. Other reasonable measures include requirements in other rule parts, (such as Part 139, Part 171 etc) for those certificate holders who provide services and facilities for air navigation to forward applicable information to AIS for publication. The originators of information are responsible for the adequacy, accuracy and timeliness of the information they forward to AIS for publication. Part 175 also requires the AIS certificate holder to make arrangements with these originators for the input of information. These arrangements need to include measures to ensure that the input information is adequate, accurate and timely. Other measures to be taken by the State will include formal agreements with the aeronautical information service certificate holders to provide the AIS service on behalf of the Authority.

3.4.2 NZALPA further consider that the rule should include a requirement for the source of the error to be identified and where possible eliminated.

CAA response: The CAA accepts this suggestion and the rule is amended accordingly. Furthermore the publication of inaccurate information may constitute an incident that must be reported to the CAA. The rule has therefore been amended to require a report to the Director where the publication error affects or could affect the safety of aircraft operation.

3.5 175.65 Records

NZALPA considers that 30 days is too short a period for the retention of temporary information and suggest that 90 days would be a more appropriate period.

CAA response: The CAA considers that a period of at least 30 days for the retention of temporary aeronautical information after its cancellation is adequate. ICAO provide no specific guidance on the period that aeronautical information should be retained. Annex 11 recommends air traffic services voice recordings be retained for at least 14 days and Annex 3 requires copies of written or printed flight documentation given to flight crews be retained for at least 30 days from the date of issue.

3.6 175.67 Internal Quality Assurance

NZALPA consider that certificated organisations should also be required under the rules to obtain ISO 9000 quality management system certification.

CAA response: The CAA does not agree. The CAA has designed the rules so they reflect and compliment ISO 9000 quality management systems. Caution is appropriate in relation to the use of ISO quality management systems to manage safety. ISO 9000 Quality standards do not adequately address aspects of safety risk management. This is why the CAA has not simply accepted certification to the ISO 9000 standard as an effective means of regulatory compliance.

The rule is a "customised" ready to use organisational template for organisations wishing to supply aeronautical information services for New Zealand. The objectives of the rule system and procedures are common to the ISO 9000 management system. The ISO 9000 programme may be pursued by any organisation and the rule does not preclude them from doing so.

4. Operating Requirements

Four issues relating to the operating requirements (Subpart C) of Part 175 were raised. These are discussed as follows:

4.1 175.107 NOTAM Service

4.1.1 Airways Corporation raised the following issues relating to the responsibilities of the certificate holder for the NOTAM Service:

- (a) Will the NOTAM office (which is currently operated by ACNZ) require a list of all the ACNZ staff approved to request NOTAM action?
- (b) Will the NOTAM office have a responsibility to ensure that aerodrome licensees who may initiate NOTAM action are duly authorised to do so?
- (c) What action does the NOTAM office take if a request is received from an airport authority and the authorising signature is out of date?
- (d) What action does the NOTAM office take if a pilot, or an employee, is unable to contact the aerodrome operator to notify a safety matter regarding the aerodrome? May the NOTAM Office issue a NOTAM?

CAA response: The CAA response to the above queries is as follows:

- (a) ACNZ staff may be originators of aeronautical information the same as any other participants in the civil aviation system. ACNZ therefore needs to identify those staff who it authorises to request NOTAM action for the services and facilities that the Corporation is responsible for. In accordance with the requirements of 175.59(b)(3) and the guidance information in the Advisory Circular, the NOTAM Office will need to hold details of those authorised ACNZ staff.
- (b) Aerodrome operators who have details of their aerodrome published in the NZAIP are originators of aeronautical information and therefore need to identify the person or persons who they authorise to be responsible for the accuracy of the information they forward for publication. The NOTAM office will need to hold details of those authorised persons. The Regulations for the licensing of aerodromes are to be revoked on 30 June 1994 and therefore aerodrome licensees will no longer be relevant.
- (c) If the request to issue a NOTAM relates to an immediate danger to air navigation, then the NOTAM office must issue the NOTAM. Appropriate follow up action would then need to be taken to obtain a current authorisation. If the request does not relate to an immediate danger to air navigation then the originator should be requested to provide an appropriate authorisation before the NOTAM is issued.
- (d) If the safety matter relates to an immediate danger to air navigation, then the NOTAM office must issue a NOTAM. Appropriate follow up action would then need to be taken by the person reporting the safety matter or by the NOTAM office if necessary to notify the aerodrome operator.

4.1.2 Airways queried the format of the agreements that are required to be established under 175.107(b)(3) between international NOTAM offices.

CAA response: The agreements required between the relevant international NOTAM offices can be in the form of Letters of Agreement. ICAO Doc 9426, Air Traffic Services Planning Manual provides a sample Letter of Agreement between States and ATS facilities. The Letter of Agreement between NOTAM offices could be in a similar format. The CAA would not need to be directly involved in such letters but they would need to be made available during a CAA safety audit if requested.

4.2 175.109 Pre-flight Information Service

4.2.1 Airways Corporation queried how all the aerodromes and route stages are to be specified for a pre-flight information service covering a national service as currently operated by the Corporation.

CAA response: The CAA accepts that it would not be necessary for the Airways Corporation to list all the routes stages originating from aerodromes on the national airways service currently operated by the Corporation. In this case the Corporation could describe the geographic coverage for their domestic pre-flight information service. The listing of aerodromes and associated route stages or coverage zone is primarily aimed at the international aerodromes and the pre-flight information services for international air navigation. Such a listing would also apply to a service provider who provides a specialised pre-flight information service for only selected aerodromes and route stages. The appropriate rules have been amended to reflect this intent.

4.2.2 Airways Corporation queried the requirements for "summary of current NOTAM" in the pre-flight information bulletin and the provision of relevant maps, charts and elements of the Integrated Aeronautical Information Package as part of the pre-flight information service. They advise that it is impractical to deliver some of this information with the modes of briefing services provided.

CAA response: The rule requires these items of information to be included where applicable to the type of service provided. The CAA accepts that pre-flight information services are moving to centralised services with increased use of automation and self briefing. It is therefore impractical to provide information such as maps and charts. The summary of current NOTAM in the pre-flight information bulletin can take the form of a simple list of current NOTAM for the selected route or area or copies of the NOTAM could be provided depending on the format and degree of automation provided by the service provider.

4.2.3 Airways Corporation consider that it is impractical for them to make provision for aircrew to file post-flight information reports at the aerodromes covered by their service.

CAA response: The Corporation currently provides a 24 hour centralised Briefing Office service which has a free telephone number for the filing of flight plans and requesting or receiving a briefing. The CAA considers that the provision of this freephone service is an adequate means for the Corporation to meet the requirements of 175.109(c) for aircrew to file post-flight information reports.

5. New Zealand Aeronautical Information Publications

5.1 175.201 Contents of NZAIP

NZALPA consider that the aeronautical information needs to be published in a format that takes into account human factors and the circumstances under which the user has to comprehend the information. They suggest that paragraph 175.201(d)(1) should be amended accordingly.

CAA response: The CAA accepts this comment and the rule has been amended.

5.2 175.401 Specifications for NOTAM

NZALPA consider that all NOTAM should be prepared in accordance with the ICAO communication procedures, ICAO NOTAM code, abbreviations, indicators etc.

CAA response: Although it is necessary for internationally distributed NOTAM to conform to the ICAO standard formats, it is not a necessary requirement for NOTAM that have only domestic distribution. The intention is that the series A domestic NOTAM be kept as simple as possible.

Regulatory Evaluation

There are no regulatory amendments or revocations associated with the coming into force of this rule Part.