

# Civil Aviation Rules



## **Part 172**

### **CAA Consolidation**

**30 November 2023**

### **Air Traffic Service Organisations — Certification**

## DESCRIPTION

Part 172 prescribes the certification and operating requirements for organisations providing an air traffic service in the New Zealand and Auckland Oceanic Flight Information Regions. This Part also prescribes the operating and technical standards for the provision of an air traffic service by a certificated organisation.

**Air traffic service** includes—

- (1) any aerodrome control service:
- (2) any area control service:
- (3) any approach control service:
- (4) any flight information service:
- (5) any aerodrome flight information service:
- (6) any alerting service:
- (7) any other air traffic service considered by the Director to be necessary or desirable for the safe and efficient operation of the civil aviation system.

**This document is the current consolidated version of Part 172 produced by the Civil Aviation Authority, and serves as a reference only. It is compiled from the official ordinary rules that have been signed into law by the Minister of Transport. Copies of the official rules as signed by the Minister of Transport may be obtained from the Civil Aviation Authority or may be downloaded from the official web site at: [www.caa.govt.nz](http://www.caa.govt.nz)**

**Bulletin**

This Part first came into force on 1 January 1998 and now incorporates the following amendments:

<b>Amendment</b>	<b>Effective Date</b>
Amendment 1	13 August 1999
Amendment 2	24 January 2002
Amendment 3	8 August 2002
Amendment 4	5 August 2004
Amendment 5	22 June 2006
Amendment 6	23 October 2008
Amendment 7	25 March 2010
Amendment 8	16 January 2013
Amendment 9	1 April 2014
Amendment 10	24 September 2015
Amendment 11	1 February 2016
Amendment 12	10 March 2017
Amendment 13	20 July 2018
Amendment 14	1 December 2020
Amendment 15	8 February 2021
Amendment 16	30 November 2023

***Summary of amendments:***

Amendment 1: (Docket 1295)	Rules 172.3, 172.105 and 172.107 are amended, rule 172.79 is revoked and substituted, Appendix A is revoked, and Subparts E and F are inserted.
Amendment 2: (1/CAR/1359)	Rules 172.93 and 172.97 are revoked and substituted.
Amendment 3: (98/CAR/1304)	Rule 172.1 is revoked and substituted.
Amendment 4: (98/CAR/1304)	Rules 172.1, 172.75, 172.79, 72.83, 172.91, 172.93 and 172.103 are revoked and replaced, rule 172.3 is amended.
Amendment 5 (3/CAR/4)	Rules 172.57, 172.69, 172.83, 172.125, 172.161, 172.265 and

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	172.295 are revoked and substituted.
Amendment 6 (99/CAR/1333 & 99/CAR/1334)	Rules 172.67, 172.261 and 172.293 are revoked and replaced.
Amendment 7 (9/CAR/1)	Rule 172.263 is revoked and replaced.
Amendment 8 (7/CAR/1)	Rule 172.115 is revoked and replaced, rules 172.151A and 172.165 are inserted.
Amendment 9 (13/CAR/1)	Rule 172.3 is amended by revoking and replacing the definition of <b>Traffic avoidance advice</b> , rule 172.17 is revoked and the rule number is reserved.
Amendment 10 (14/CAR/3)	Rule 172.107 replaced. Rule 172.295 revoked.
Amendment 11 (8/CAR/1)	Rules 172.51, 172.115, 172.123, 172.125 and 172.161 are revoked and replaced; and rules 172.451 and 172.453 are inserted.
Amendment 12 (16/CAR/1)	Amending rule 172.451 (the Safety Management transition rule) to clarify matters to do with the timing and submission of implementation plans and to correct references to applicants and to remove paragraph (f) of the existing rule.
Amendment 13 (16/CAR/12)	Rules 172.57, 172.75, 172.115, 172.155, 172.253, 172.265, 172.267, 172.269, 172.287, 172.293, 172.355, 172.401 and 172.403 are revoked and replaced. Rule 172.3 is amended by inserting the definition of ‘air situation display’.

Amendment 14  
(17/CAR/1)

Rules 172.3, 172.77, 172.93, 172.101, 172.105 and 172.107 are revoked and replaced.

Amendment 15  
(20/CAR/1)

The definition of **air situation display** is revoked and replaced, the new definition of **Visual surveillance system** is inserted, rules 172.57, 172.67, 172.107, 172.115, 172.265, 172.267 and 172.401 are revoked and replaced.

Amendment 16  
(21/CAR/2)

Rule 172.93 is revoked and replaced.

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## Subpart A — General

### 172.1 Purpose

- (a) This Part prescribes rules governing—
- (1) the certification and operation of organisations providing an air traffic service in—
    - (i) the New Zealand Flight Information Region; and
    - (ii) the Auckland Oceanic Flight Information Region; and
  - (2) the operating and technical standards for providing an air traffic service by those organisations.
- (b) Subparts A, B, and C apply to air traffic services specified in paragraphs (1) to (6) of the definition of *air traffic service*.
- (c) Subpart D and this rule apply to services referred to as air traffic services in paragraph (7) of the definition of *air traffic service*.
- (d) In this Part, references to the Auckland Oceanic Flight Information Region exclude those portions of airspace within the flight information region that are designated under Part 71 as sectors where an ICAO Contracting State other than New Zealand is providing the air traffic service.

### 172.3 Definitions

In this Part—

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

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

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

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

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

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

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

**ICAO Document 7030** means the *Regional Supplementary Procedures*:

**ICAO Document 9432** means the *Manual of Radiotelephony*:

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

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

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

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

**Situation display** means an electronic display depicting the position of and movement of aircraft and other information as required:

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

**TACAN** means UHF tactical air navigation aid:

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

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

**Visual surveillance system** includes an electro-optical system providing an electronic visual presentation of traffic and any other information necessary to maintain situational awareness at an aerodrome and its vicinity:

**VORSEC** means VOR/DME minimum sector altitude chart:

**VORTAC** means VOR and TACAN combination:

**172.5 Requirement for certificate**

No person shall provide an air traffic service except under the authority of, and in accordance with the provisions of, an air traffic service certificate issued under this Part.

**172.7 Application for certificate**

Each applicant for the grant of an air traffic service certificate shall—

- (1) complete form CAA 24172/01, which shall require the following information—
  - (i) the applicant's name and address for service in New Zealand; and
  - (ii) the specific air traffic service or services to be provided; and
  - (iii) the aerodrome location or airspace designation at, or within which, the service will be provided; and
  - (iv) such other particulars relating to the applicant and the intended service as may be required by the Director as indicated on the form; and
- (2) submit the completed form to the Director with—
  - (i) the exposition required by 172.125; and
  - (ii) payment of the appropriate application fee prescribed by regulations made under the Act.

**172.9 Issue of certificate**

(a) Subject to paragraph (b), an applicant is entitled to an air traffic service certificate if the Director is satisfied that—

- (1) the applicant meets the requirements of Subpart B; and
- (2) the applicant, and the applicant's senior person or persons required by 172.51, are fit and proper persons; and

- (3) the granting of the certificate is not contrary to the interests of aviation safety.
- (b) The Director shall ensure, in the interests of aviation safety, that only one certificate for the same air traffic service is current at any time.

### **172.11 Privileges of certificate**

(a) An air traffic service certificate specifies which of the following air traffic services, and which training and assessment for such services, the certificate holder is authorised to provide:

- (1) area control service:
  - (2) approach control service:
  - (3) aerodrome control service:
  - (4) flight information service:
  - (5) aerodrome flight information service:
  - (6) alerting service:
  - (7) any other service provided in accordance with Subpart D.
- (b) An air traffic service certificate—
- (1) states the aerodrome or airspace at, or within which, the service is provided; and
  - (2) may include such conditions as the Director considers appropriate.

### **172.13 Duration of certificate**

- (a) An air traffic service certificate may be granted or renewed for a period of up to 5 years.
- (b) An air traffic service certificate remains in force until it expires or is suspended or revoked.

(c) The holder of an air traffic service certificate that expires or is revoked shall forthwith surrender the certificate to the Director.

(d) The holder of an air traffic service certificate that is suspended shall forthwith produce the certificate to the Director for appropriate endorsement.

#### **172.15 Renewal of certificate**

(a) An application for the renewal of an air traffic service certificate shall be made on form CAA 24172/01.

(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.

#### **172.17 Reserved**

## **Subpart B — Certification Requirements**

### **172.51 Personnel requirements**

(a) An applicant for the grant of an air traffic service certificate must employ, contract, or otherwise engage—

- (1) a senior person identified as the chief executive who has the authority within the applicant's organisation to ensure that every air traffic service listed in its exposition—
  - (i) can be financed; and
  - (ii) is provided in accordance with the requirements and standards prescribed by this Part; and
- (2) a senior person or persons ultimately responsible to the chief executive who is or are responsible for the following functions—
  - (i) ensuring that the applicant's organisation complies with the requirements of this Part; and
  - (ii) the system for safety management required under rule 172.123; and

- (3) sufficient personnel to manage, support, and provide the air traffic services and any associated training or assessment listed in the applicant's exposition.
- (aa) The senior person required by paragraph (a)(2)(ii) must be able to demonstrate competency and experience relevant to the management of safety systems and the activities of the certificate holder.
- (b) The applicant must establish procedures to—
- (1) ensure the competence of those personnel who are authorised by the applicant to provide the air traffic services, and training and assessment for those services, listed in the applicant's exposition; and
  - (2) provide those authorised personnel with written evidence of the scope of their authorisation; and
  - (3) ensure that those authorised personnel hold appropriate current licences and ratings issued under the Act and in accordance with Part 65; and
  - (4) ensure, where practicable, that authorised personnel only exercise the privileges of their rating or ratings if they are familiar with all relevant and current information; and
  - (5) facilitate, for rated air traffic service licence holders, compliance with the recent experience requirements of Part 65; and
  - (6) ensure, where practicable, that an air traffic controller does not exercise the privileges of their rating or ratings—
    - (i) unless they comply with any endorsements on their medical certificate; and
    - (ii) when any decrease in their medical fitness might render them unable to safely exercise these privileges.

**172.53 ATS training**

(a) Each applicant for the grant of an air traffic service certificate shall establish procedures and programmes for the training and assessment of the following personnel:

- (1) air traffic controllers:
- (2) flight service operators:
- (3) personnel directly involved in the provision of an HF aeronautical telecommunication service:
- (4) personnel directly involved in activities supporting—
  - (i) rated air traffic controllers; and
  - (ii) rated flight service operators.

(b) The applicant shall establish procedures to ensure that personnel giving instruction in an operational environment hold an appropriate current ATS instructor rating issued under Part 65.

(c) The applicant shall establish procedures to ensure that personnel carrying out assessment for the issue of licences, or the issue or validation of ratings, hold an appropriate current ATS instructor or examiner rating issued under Part 65.

**172.55 Prevention of fatigue [Reserved]****172.57 Facility requirements**

(a) An applicant for the grant of an air traffic service certificate must establish the following facilities that are appropriate to the air traffic services listed in the applicant's exposition:

- (1) aerodrome control towers:
- (2) approach control offices:
- (3) area control centres:
- (4) aerodrome flight information offices:



- (5) flight information centres:
  - (6) dedicated training and assessment facilities.
- (b) Except as provided in paragraph (h), an applicant for an aerodrome control service, or an aerodrome flight information service, must establish procedures for ensuring that any aerodrome control tower or aerodrome flight information office, including any temporary tower or office, listed in the applicant's exposition, is—
- (1) constructed and situated to provide—
    - (i) the maximum practicable visibility of aerodrome traffic; and
    - (ii) protection from glare and reflection; and
    - (iii) protection from noise; and
  - (2) safeguarded from any development that would affect the requirements of paragraph (b)(1); and
  - (3) at solo watch locations, provided with—
    - (i) toilet facilities that ensure the minimum possible interruption to, or degradation of, air traffic services; and
    - (ii) storage and preparation facilities for food and drink in the visual control room; and
  - (4) provided with equipment for two-way voice communication with—
    - (i) any aircraft, in or adjacent to airspace for which the applicant has responsibility; and
    - (ii) any aircraft, vehicle, and person, on, or adjacent to, the manoeuvring area; and
  - (5) provided with the following minimum equipment:
    - (i) a display system or systems designed to show the disposition of current and pending aerodrome traffic together with ancillary information for individual aircraft:

- (ii) a power supply:
  - (iii) appropriate and current maps and charts:
  - (iv) binoculars:
  - (v) clocks:
  - (vi) log keeping system:
  - (vii) outside temperature indicator:
  - (viii) QNH display:
  - (ix) signal lamp with green, red, and white functions:
  - (x) telephone communications:
  - (xi) status monitors for approach and landing aids and any road or rail signalling equipment affecting the use of a runway:
  - (xii) visibility and cloud height checkpoints:
  - (xiii) voice and, if applicable, data recording equipment:
  - (xiv) wind direction and wind speed display:
  - (xv) an audible emergency alerting system:
  - (xvi) an AFTN terminal or, if provided for in an ATS letter of agreement, an alternative means of reception and transmission of information normally conveyed by AFTN:
  - (xvii) if applicable, airfield lighting controls panel; and
- (6) provided with 2 independent sources of the current altimeter setting, at least 1 of which must be an aneroid barometer or barometric altimeter situated in the visual control room.

(c) The applicant must establish procedures for ensuring that an area control centre, a flight information centre, and an approach control office is—

- (1) provided with equipment enabling—
  - (i) to the fullest extent practical, two-way voice communication; and
  - (ii) if applicable, data communication with any aircraft in, or adjacent to, airspace for which the applicant has responsibility; and
  - (iii) situation display, where an ATS surveillance service is provided; and
- (2) provided with the following minimum equipment:
  - (i) a display system or systems designed to show the disposition of current and pending flights together with ancillary information for individual aircraft:
  - (ii) a power supply:
  - (iii) appropriate and current maps and charts:
  - (iv) clocks:
  - (v) log keeping system:
  - (vi) status monitors as appropriate for navigation, approach, and landing aids:
  - (vii) telephone communications:
  - (viii) voice recording equipment and, if applicable, data recording equipment:
  - (ix) an AFTN terminal:
  - (x) for an approach control operating position, an ILS/MLS status monitor at the approach control procedural or

approach control surveillance operating position for the aerodrome concerned:

- (xi) for an approach control operating position responsible for aircraft on final approach, or aircraft landing or taking-off, a wind direction and wind speed display fed from the same source as the corresponding equipment in the aerodrome control tower.
- (d) The applicant must establish procedures for ensuring that the aeronautical telecommunications equipment required by paragraphs (b) and (c) are operated as specified under Part 171.
- (e) The applicant must establish procedures for ensuring that any display system including the situation display used by an air traffic service is positioned with due regard to the relative importance of the information displayed and ease of use by the staff concerned.
- (f) The equipment required by paragraphs (b)(4) and (5), and (c)(1) and (2), must have a level of reliability, availability, and redundancy, that minimises the possibility of failure, non-availability, or significant degradation of performance.
- (g) The applicant must establish procedures for ensuring that the status monitors required by paragraph (b)(5)(xi) and paragraphs (c)(2)(vi) and (x) are fitted with—
- (1) an aural signal to indicate a change of status; and
  - (2) a visual indication of the current status.
- (h) A temporary aerodrome control tower and a temporary aerodrome flight information office are not required to be provided with the equipment required under paragraphs (b)(5)(xi), (xvi) and (xvii) if it is impracticable to do so and other appropriate measures are taken, as the case may be, to—
- (1) provide the person providing the air traffic service from the temporary tower or office with the information that would be available from the equipment required under paragraphs (b)(5)(xi) and (xvi); and
  - (2) control the airfield lighting if applicable.

**172.59 Establishment and transfer of service**

(a) Each applicant for the grant of an air traffic service certificate shall include with its application—

- (1) for each aerodrome and airspace, a schedule of the proposed hours of service for the first 12 months of operation; and
- (2) in respect of an aerodrome, or airspace, not currently provided with an air traffic service, a summary of safety factors considered before seeking certification.

(b) Each applicant for the grant of an air traffic service certificate intending to assume responsibility for providing any air traffic service from an existing certificate holder, shall include with its application, full details of transitional arrangements endorsed by the chief executives of both organisations.

**172.61 Shift administration**

Each applicant for the grant of an air traffic service certificate shall establish a procedure to ensure that—

- (1) adequate time is provided at the beginning and end of each shift, for the performance of those duties required—
  - (i) before providing an air traffic service; and
  - (ii) after ceasing to provide an air traffic service; and
- (2) a minimum of 5 minutes is provided for each transfer of watch at an ATS operational position.

**172.63 Documentation**

(a) Each applicant for the grant of an air traffic service certificate shall hold copies of the relevant technical manuals, and all other documents, necessary for the provision and operation of the services listed in its exposition.

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

- (1) all incoming documentation is reviewed, and actioned as required, by authorised personnel; and
- (2) all documentation is reviewed and authorised before issue; and
- (3) current issues of all relevant documentation are available to personnel at all locations where they need access to such documentation for the provision and operation of air traffic services; and
- (4) all obsolete documentation is promptly removed from all points of issue or use; and
- (5) any obsolete documents retained as archives are suitably identified as obsolete; and
- (6) changes to documentation are reviewed and approved by authorised personnel who shall have access to pertinent background information upon which to base their review and approval; and
- (7) the current version of each item of documentation can be identified to preclude the use of out-of-date editions.

### **172.65 Contingency plan**

(a) Each applicant for the grant of an air traffic service certificate shall establish a contingency plan providing for the safe and orderly flow of traffic in the event of a disruption, interruption, or temporary withdrawal of an air traffic service or related supporting service.

(b) In addition to the requirement in paragraph (a), each applicant for the grant of an air traffic service certificate to provide services in the Auckland Oceanic FIR shall detail in its plan provisions for the continuation of the safe and orderly flow of international traffic not landing in New Zealand.

**172.67 Co-ordination requirements**

(a) An applicant for the grant of an air traffic service certificate must establish systems and procedures for ensuring, if applicable, co-ordination between each ATS unit listed in the applicant's exposition and the following agencies—

- (1) each holder of an aeronautical telecommunication service certificate issued under the Act and Part 171; and
- (2) each holder of an instrument flight procedure service certificate issued under the Act and Part 173; and
- (3) each holder of a meteorological service certificate issued under the Act and Part 174; and
- (4) each holder of an aeronautical information service certificate issued under the Act and Part 175; and
- (5) aircraft operators; and
- (6) the New Zealand Defence Force; and
- (7) search and rescue authorities; and
- (8) if the listed ATS unit is an aerodrome control or aerodrome flight information unit—
  - (i) the aerodrome operator; and
  - (ii) the apron management service, if the service is not provided by the aerodrome control unit.

(b) The applicant must establish procedures for ensuring that an ATS letter of agreement is in place between each ATS unit listed in the applicant's exposition and—

- (1) each ATS unit responsible for adjoining airspace, and
- (2) any other ATS unit with which regular operational co-ordination is required.

- (c) The applicant must establish procedures for ensuring that each ATS letter of agreement—
- (1) details matters that are necessary for effective co-ordination between the units party to the agreement; and
  - (2) is kept current; and
  - (3) is signed by senior representatives of the participating units; and
  - (4) is part of the applicant's operations manual.
- (d) The applicant must provide systems and procedures for facilitating communications between those ATS units that have an operational requirement to communicate with each other.
- (da) The applicant must establish automated coordination procedures –
- (1) where the ATS surveillance system provides for the automated exchange of co-ordination data relevant to aircraft being provided with an ATS surveillance service; and
  - (2) include alternative procedures to follow when the automated coordination fails.
- (db) The applicant must ensure that –
- (1) the failure of automated coordination is presented to the controller responsible for coordinating the flight at the transferring unit; and
  - (2) the controller facilitates the required coordination using the procedures referred to in paragraph (da).
- (e) The applicant must provide systems and procedures for ensuring that ATS units, aircraft operators, and aviation meteorological service providers, if they require the information, are provided, through the exchange of ATS messages, with details of —
- (1) the intended movement of each aircraft for which a flight plan has been filed, and any amendments to the flight plan; and
  - (2) current information on the actual progress of the flight.



(f) The applicant must establish procedures for ensuring that ATS messages are prepared and transmitted in accordance with procedures detailed and cross-referenced in ICAO Document 4444 (Chapter 11 – Air Traffic Services Messages), except that the term *CAVOK* must not be used.

### **172.69 Notification of facility status**

(a) An applicant for the grant of an air traffic service certificate must establish procedures to notify the users of its air traffic services of relevant operational information and of any changes in the operational status of each facility or service listed in the applicant's exposition.

(b) The applicant must ensure that procedures established under paragraph (a) require—

- (1) operational information for each of the applicant's air traffic services to be forwarded to the holder of the aeronautical information service certificate issued in accordance with Part 175 for the AIP service; and
- (2) the users of the applicant's air traffic services to be notified without delay of any change in operational status of a facility or service that may affect the safety of air navigation, and, except if the change is temporary in nature, information concerning any change in operational status is forwarded to the holder of the aeronautical information service certificate for the NOTAM service.

### **172.71 General information requirements**

(a) Each applicant for the grant of an air traffic service certificate shall establish procedures for the receipt of information on the following activities when the activity could affect airspace used by flights within the applicant's area of responsibility—

- (1) pre-eruption volcanic activity; and
- (2) volcanic eruptions; and
- (3) volcanic ash-cloud; and
- (4) release into the atmosphere of radioactive materials or toxic chemicals.

(b) The applicant shall establish systems and procedures to ensure that each ATS unit, as appropriate to the applicant's intended area of responsibility, is kept informed of the operational status of—

- (1) non-visual navigation aids; and
- (2) visual aids essential for take-off, departure, approach, and landing procedures; and
- (3) visual and non-visual aids essential for surface movement.

(c) Each applicant for the grant of an air traffic service certificate for an—

- (1) aerodrome control unit; or
- (2) approach control unit; or
- (3) aerodrome flight information service unit—

shall establish procedures to ensure the unit is kept informed of operationally significant conditions on the movement area. The information shall include the existence of temporary hazards and the operational status of any associated facilities at the aerodrome.

### **172.73 Meteorological information and reporting**

(a) Each applicant for the grant of an air traffic service certificate shall establish systems and procedures to ensure that all meteorological information provided as part of any flight information service is—

- (1) supplied by the holder of an aviation meteorological service organisation certificate issued under Part 174; or
- (2) issued as a *basic weather report* in accordance with 174.3 and 174.6.

(b) The applicant shall establish systems and procedures to ensure that ATS units are supplied with the meteorological information necessary for the performance of their respective functions, in a form that requires a minimum of interpretation by ATS personnel.

(c) The applicant shall establish procedures to ensure that equipment used in the compilation of *basic weather reports*—

- (1) supplies data representative of the area for which the measurements are required; and
- (2) where that equipment consists of multiple wind direction and speed indicators, identifies the runway, or section of the runway, monitored by each instrument.

(d) The applicant shall establish a procedure to ensure that the information contained in a meteorological bulletin remains unchanged through onward transmission.

### **172.75 Area and approach control services**

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

- (1) determining from information received, the positions of known aircraft relative to each other; and
- (2) providing for the issue of ATC clearances, instructions, and information in accordance with the airspace classification and type of flight for the purpose of preventing collisions between aircraft under the control of the unit, and for expediting and maintaining a safe and efficient flow of traffic; and
- (3) co-ordinating clearances with other ATC units as necessary; and
- (4) displaying information on aircraft movements together with a record of clearances issued, in a manner that permits ready analysis of such information.

(b) Except as provided in paragraph (d) and rule 172.91, the procedures required by paragraph (a)(2) must specify that vertical or horizontal or composite separation under paragraph (c) must be provided between—

- (1) all flights in classes A and B airspace; and
- (2) IFR flights in classes C, D, and E airspace; and

- (3) IFR flights and VFR flights in class C airspace; and
  - (4) IFR flights and Special VFR flights in classes B, C, and D airspace; and
  - (5) Special VFR flights in classes B, C, and D airspace when the flight visibility is reported to be less than 5 km.
- (c) The separation required by paragraph (b) must be in accordance with the applicable criteria and minima prescribed by—
- (1) Subpart E; or
  - (2) Annex 11; or
  - (3) Document 4444; or
  - (4) Document 7030.
- (d) In Class D or E airspace, the ATC separation required by paragraph (b)(2) does not apply to a flight using IFR if the pilot has been cleared to maintain own separation from other flights using IFR. The clearance must not be issued unless—
- (1) the clearance is in response to a specific request from the pilot of the aircraft; and
  - (2) the flight is during the day and visual meteorological conditions exist; and
  - (3) an ATS surveillance control service is not available; and
  - (4) the clearance is for a specific portion of the flight; and
  - (5) the pilots of all flights that will be essential traffic agree with the application of the procedure; and
  - (6) essential traffic information is passed to the pilots of all affected flights; and
  - (7) the flights concerned are on the same ATC frequency.

**172.77 Aerodrome control service**

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

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

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

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

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

### **172.79 Special use airspace**

An applicant for the grant of an air traffic service certificate in respect of an air traffic control service must establish systems and procedures to ensure that separation in accordance with 172.293 is provided between controlled flights and active special use airspace designated under Part 71, except when—

- (1) the pilot has approval from the administering authority to operate in the airspace; or
- (2) in the case of a danger area or a volcanic hazard zone, the pilot has notified an express intention to operate in the danger area or the volcanic hazard zone, as the case may be; or
- (3) it is known, or reasonably believed, that the pilot of a VFR flight or an IFR flight navigating by visual reference is aware that the airspace is active; or
- (4) on a request by the pilot, the flight is cleared to maintain its own separation from the airspace.

### **172.81 Responsibility for control**

(a) Each applicant for the grant of an air traffic service certificate in respect of an air traffic control service shall establish procedures to ensure that any controlled flight is under the control of only one ATC operating position at any given time.

(b) The applicant shall establish procedures to ensure that responsibility for the control of all aircraft operating within a given block of airspace is

vested in a single operating position. Control of an aircraft or groups of aircraft may be delegated to other operating positions provided that co-ordination between all affected operating positions is assured.

(c) The applicant shall establish procedures for the transfer of responsibility for the control of an aircraft.

(d) The procedures required by paragraph (c) shall ensure that—

(1) transfer arrangements are—

- (i) agreed between ATC units responsible for adjacent airspaces and published in ATS letters of agreement; and
- (ii) in place for separate operating positions within an ATC unit and promulgated in the holder's operations manual; and

(2) responsibility for control of an aircraft is not transferred from one ATC unit to another without—

- (i) communication of appropriate parts of the current flight plan; and
- (ii) any relevant control information; and
- (iii) the consent of the accepting unit.

### **172.83 Priorities**

(a) An applicant for the grant of an air traffic service certificate in respect of an air traffic control service must establish procedures to ensure that, providing safety is not jeopardised, ATC units apply the following priorities:

- (1) an aircraft known or believed to be in a state of emergency or impaired operation has priority over other aircraft:
- (2) an aircraft landing, or in the final stages of an approach to land, has priority over a departing aircraft:
- (3) an aircraft landing or taking off has priority over a taxiing aircraft.



(b) The applicant must establish procedures to ensure that, where practical, following a request from a pilot, an aircraft involved in, or positioning for, the following activities is granted priority:

- (1) ambulance or mercy mission:
- (2) search and rescue:
- (3) civil defence or police emergency:
- (4) carriage of head-of-State, head-of-government, or equivalent dignitary.

(c) The applicant must establish procedures to ensure that an aircraft at a cruising level generally has priority over other aircraft requesting that level, except that, within the Auckland Oceanic FIR—

- (1) an aircraft may be given priority for a cruising level in accordance with procedures published in Document 7030, or an ATS letter of agreement; and
- (2) an aircraft occupying a cruising level may be reassigned another level to maintain separation.

(d) An applicant for an air traffic service certificate in respect of an area control service may establish procedures regarding priorities to be applied in airspace designated as RNP airspace under Part 71.

(e) Subject to the requirements of paragraphs (a) and (b), an applicant may put in place schemes for the determination of priorities for arriving and departing flights, provided that consultation with interested parties is undertaken prior to implementing the scheme.

(f) The applicant must establish procedures to ensure that, if priorities are established under paragraphs (d) or (e), relevant information including details regarding the handling of complaints, is published in the AIPNZ.

(g) The applicant must establish procedures to ensure that, providing safety is not jeopardised, due regard is given to those priorities determined in conjunction with the aerodrome operator for—

- (1) aircraft arriving and departing the aerodrome; and

- (2) other operations in a control zone associated with the aerodrome.
- (h) The applicant must establish procedures to ensure that, except when applying priority in accordance with other provisions of this rule, priority for arriving and departing flights is allocated on a first-come first-served basis.
- (i) The applicant must establish procedures to ensure that the provision of an ATC service takes precedence—
  - (1) over the provision of a flight information service whenever the situation so requires; and
  - (2) over the performance of any other non-ATS tasks.

### **172.85 Flow control**

- (a) Each applicant for the grant of an air traffic service certificate in respect of an air traffic control service shall establish flow control procedures where, due to limitations in ATS system capacity or aerodrome capacity, the applicant considers the procedures necessary.
- (b) The procedures shall take account of—
  - (1) the requirements of affected aerodrome operators including their traffic handling priorities; and
  - (2) the needs of aircraft operators, and other ATS providers, who will be affected by the procedures; and
  - (3) the requirements of the aeronautical information service, including advance notice, and information on the method of activation and de-activation.

### **172.87 ATC clearances**

- (a) Each applicant for the grant of an air traffic service certificate in respect of an air traffic control service shall establish procedures for the provision of ATC clearances.
- (b) The procedures shall ensure that—

- (1) no person knowingly issues an ATC clearance or instruction that requires or invites a pilot to violate the provisions of any other rule; and
- (2) clearances and instructions contain positive and concise data and are, where practicable, phrased in a standard manner; and
- (3) if a pilot advises that a clearance or instruction is unsuitable, an amended clearance or instruction is, if practicable, issued; and
- (4) an ATC clearance for an enroute flight consists of—
  - (i) the aircraft identification as shown in the flight plan or, where similarity with another flight might cause confusion, an alternative identification provided by ATC; and
  - (ii) the clearance limit; and
  - (iii) the route of flight; and
  - (iv) the level(s) of flight for the entire route, or part thereof, and changes of level if required; and
  - (v) any necessary instructions or information on other matters such as approach or departure manoeuvres, communications, and the time of validity or expiry of the clearance; and
- (5) an ATC clearance for a local flight, a flight operating in defined areas, or a flight operating in a random manner, includes those elements detailed in paragraph (4) that are appropriate; and
- (6) an ATC clearance for a transonic flight—
  - (i) extends at least to the end of the transonic acceleration phase; and
  - (ii) provides for uninterrupted descent during deceleration from supersonic cruise to subsonic flight.

### **172.89 Cruising levels**

(a) Each applicant for the grant of an air traffic service certificate in respect of an air traffic control service shall establish procedures to ensure that cruising levels allocated within the New Zealand FIR are selected in accordance with 91.425 for IFR flights, or 91.313 for VFR flights, except that, within controlled airspace—

- (1) for both IFR and VFR flights, correlation of cruising level with track need not apply; and
- (2) VFR flights may be allocated IFR levels.

(b) Each applicant for an air traffic service certificate for the provision of an area control service in the Auckland Oceanic FIR shall establish procedures to ensure that cruising levels are allocated in accordance with Annex 2, except that correlation of cruising level with track need not apply.

### **172.91 Deviation from an ATC clearance**

(a) Subject to paragraph (b), an applicant for the grant of an air traffic service certificate in respect of an air traffic control service must establish procedures to ensure that instructions issued by ATC to restore a loss of separation do not hinder the responses of a pilot to—

- (1) an ACAS resolution advisory; or
- (2) a GPWS or TAWS alert; or
- (3) a weather, or other emergency situation that necessitates a deviation from an ATC clearance.

(b) The procedures required by paragraph (a) must specify that if any separation has been lost it is restored once the emergency situation has been resolved.

### **172.93 Flight information service**

#### **General**

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

- (1) each aircraft being provided with an ATC service that is likely to be affected by the information in paragraph (b):
  - (2) each aircraft being provided with an aerodrome flight information service that is likely to be affected by the information in paragraph (b):
  - (3) each aircraft operating IFR that is likely to be affected by the information in paragraph (b):
  - (4) any aircraft operating VFR for which the pilot has submitted a VFR flight plan to an ATS unit:
  - (5) any aircraft operating VFR if the pilot makes a specific request to an ATS unit for flight information.
- (b) The applicant must ensure that the procedures required by paragraph (a) for the provision of the flight information service includes the provision of available and relevant —
- (1) SIGMET information;
  - (2) information on weather conditions reported or forecast at departure, destination, and alternate aerodromes;
  - (3) information concerning pre-eruption volcanic activity, volcanic eruptions, and volcanic ash clouds;
  - (4) information concerning the release into the atmosphere of radioactive materials or toxic chemicals;
  - (5) information on changes in the serviceability of navigation aids;
  - (6) information on changes in the condition of aerodromes and associated facilities, including information on the state of the aerodrome movement areas when they are affected by snow, ice, or water;
  - (7) information on unmanned free balloons; and
  - (8) other information likely to affect safety.

(c) Subject to paragraph (ca), an applicant for the grant of an air traffic service certificate for an aerodrome control service must establish procedures for the air traffic service personnel to promulgate one of the following runway surface conditions used in the runway condition report which establishes the basis for the determination of the runway condition code for aeroplane performance purposes —

- (1) dry runway;
- (2) wet runway;
- (3) slippery wet runway; or
- (4) contaminated runway.

(ca) An applicant for the grant of an air traffic service certificate for an aerodrome control service is not required to visually determine the runway surface condition as part of the procedures referred to in paragraph (c), unless the applicant has an agreement with a holder of an aerodrome operator certificate referred to in rule 139.107(b) that the applicant is to provide runway condition reports on behalf of the aerodrome operator, in the manner specified in paragraph (c).

(d) After receiving advice regarding a contaminated runway or standing water from a holder of an aerodrome operator certificate, the applicant referred to in paragraph (c) must ensure that a runway surface condition description for each runway third is made available using one of the following terms specified in paragraphs (5) to (12) —

- (1) *reserved*;
- (2) *reserved*;
- (3) *reserved*;
- (4) *reserved*;
- (5) dry snow;
- (6) compacted snow;
- (7) frost;

- (8) ice;
- (9) slush;
- (10) standing water;
- (11) wet ice; or
- (12) wet snow.

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

### **Traffic Information**

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

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

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

**172.95 Aerodrome flight information service**

(a) Each applicant for the grant of an air traffic service certificate in respect of an aerodrome flight information service shall establish systems and procedures to—

- (1) determine, from information received and visual observation, the relative positions of known aircraft to each other; and
- (2) provide for the issue of advice and information, including the designation of a preferred runway, for the purpose of the safe and efficient operation of—
  - (i) aircraft flying in the vicinity of an aerodrome; and
  - (ii) aircraft operating on the manoeuvring area; and
  - (iii) aircraft landing and taking off; and
  - (iv) aircraft, vehicles, and persons, on the manoeuvring area; and
  - (v) aircraft on the manoeuvring area and obstructions on that area.

(b) The applicant shall establish procedures to ensure that the designated preferred runway is that most suitable for the particular operation.

**172.97 Alerting service**

(a) In this Rule—

**ALERFA** means the Alert phase:

**DETRESFA** means the Distress phase:

**INCERFA** means the Uncertainty phase:

**RCC** means the rescue co-ordination centre established by the Authority under section 72B(2A) of the Act.



(b) An applicant for the grant of an air traffic service certificate must establish systems and procedures to ensure the provision of an alerting service within its areas of responsibility—

- (1) for all aerodrome traffic when an aerodrome control service or aerodrome flight information service is being provided; and
- (2) for all aircraft—
  - (i) operating under a flight plan submitted in accordance with 91.307 or 91.407; or
  - (ii) otherwise known by any air traffic service to be in need of assistance; or
  - (iii) known or believed to be the subject of unlawful interference.

(c) An applicant for the grant of an air traffic service certificate must establish procedures to ensure that, in the event of a state of emergency described in paragraph (f)—

- (1) immediate declaration of an INCERFA, ALERFA, or DETRESFA is made, in accordance with paragraph (f); and
- (2) the declaration is notified to the ACC or FIC responsible, except where the emergency can be dealt with by local emergency organisations.

(d) An applicant for the grant of an air traffic service certificate in respect of an area control service or flight information service must establish procedures to ensure that, in the event of a state of emergency, an ACC or FIC—

- (1) serves as the central point within the FIR concerned for collecting all information relevant to the state of emergency; and
- (2) except as prescribed in paragraph (l)(1), forwards such information without delay to the RCC.

(e) Notwithstanding paragraph (c), an applicant for an air traffic service certificate for an aerodrome control service, approach control service, or

aerodrome flight information service, must establish procedures to ensure that whenever the urgency of the situation so requires, those services must first alert appropriate local emergency organisations.

(f) The declaration required by paragraph (c) must be made in the following circumstances, and in any other circumstances that warrant such a declaration—

(1) *INCERFA* when—

- (i) no communication has been received from an IFR or controlled VFR aircraft within a period of 15 minutes after the time a communication should have been received, or from the time an unsuccessful attempt to establish communication with the aircraft was first made, whichever is the earlier; or
- (ii) a pilot fails to terminate the flight plan or amend the nominated SARTIME and immediate checks have failed to locate the aircraft; or
- (iii) a VFR aircraft on a VFR flight plan for which a SARTIME has not been provided fails to arrive within 30 minutes of the estimated time of arrival—

except when no doubt exists as to the safety of the aircraft and its occupants; or

(2) *ALERFA* when—

- (i) an aircraft is known or believed to be subject to unlawful interference; or
- (ii) following the uncertainty phase, subsequent attempts to establish communication with the aircraft or inquiries to other relevant sources have failed to reveal any news of the aircraft; or
- (iii) an aircraft has been cleared to land, and fails to land within five minutes of the estimated time of landing, and

communication has not been re-established with the aircraft; or

- (iv) information has been received that indicates that the operating efficiency of the aircraft has been impaired, but not to the extent that a forced landing is likely—

except, in the case of subparagraphs (ii), (iii), and (iv), when evidence exists that would allay apprehension as to the safety of the aircraft and its occupants; or

(3) *DETRESFA* when—

- (i) following the alert phase further unsuccessful attempts to establish communication with the aircraft and more widespread unsuccessful inquiries point to the probability that the aircraft is in distress; or
- (ii) the fuel on board is considered to be exhausted, or to be insufficient to enable the aircraft to reach safety; or
- (iii) information is received that indicates that the operating efficiency of the aircraft has been impaired to the extent that a forced landing is likely; or
- (iv) information has been received that, or it is reasonably certain that, the aircraft is about to make or has made a forced landing—

except when there is reasonable certainty that the aircraft and its occupants are not threatened by grave and imminent danger and do not require immediate assistance.

(g) An applicant for the grant of an air traffic service certificate must establish procedures to ensure the notification of an emergency situation required by paragraph (c)(2) includes such of the following information as is available, in the order listed:

- (1) INCERFA, ALERFA, or *DETRESFA* as appropriate to the phase of the emergency:
- (2) agency and person calling:

- (3) nature of the emergency:
  - (4) significant information from the flight plan:
  - (5) unit that made last contact, time, and radio frequency used:
  - (6) last position report and how determined:
  - (7) colour and distinctive marks of aircraft:
  - (8) any action taken by the reporting office.
- (h) An applicant for the grant of an air traffic service certificate must establish procedures to ensure that, following the notification of an emergency situation, the RCC is provided, without delay, with—
- (1) any useful additional information; and
  - (2) notification when the emergency situation no longer exists.
- (i) An applicant for the grant of an air traffic service certificate must establish procedures to ensure, as necessary, the use of all available means to establish and maintain communication with, and surveillance of, an aircraft in a state of emergency.
- (j) An applicant for the grant of an air traffic service certificate must establish procedures to ensure that, when a state of emergency is considered to exist, the last known position of any aircraft involved is established and recorded.
- (k) An applicant for the grant of an air traffic service certificate for the provision of an area control service or flight information service within the Auckland Oceanic FIR must establish procedures to ensure that, when a state of emergency is considered to exist, the position and track of other aircraft known to be operating in the vicinity are established to determine those most suitable to provide assistance.
- (l) An applicant for the grant of an air traffic service certificate in respect of an area control service or flight information service must establish procedures to ensure that —

- (1) when an ACC or FIC declares an INCERFA or ALERFA it must, where practical, advise the aircraft operator prior to notifying the RCC; and
- (2) all information notified to the RCC by an ACC or FIC must, where practical, also be communicated without delay to the aircraft operator.

### **172.99 Flight plans**

(a) Each applicant for the grant of an air traffic service certificate shall establish procedures for the acceptance and actioning of flight plans.

(b) Each applicant shall ensure that the acceptance procedures required by paragraph (a) include, for the first ATS unit receiving a filed flight plan—

- (1) a check for compliance with any prescribed flight plan format and data conventions; and
- (2) a check for completeness, and to the extent practical, for accuracy; and
- (3) provision for any action necessary to make the plan acceptable to ATS.

(c) Any applicant intending to provide air traffic services from more than one location may nominate a single ATS unit within the applicant's organisation to accept filed flight plans on behalf of any or every unit.

(d) Each applicant for the grant of an air traffic service certificate intending to operate a centralised flight planning office shall ensure the office is equipped with—

- (1) AFTN, facsimile, and computer data-link connection facilities, for the acceptance of flight plans from aircraft operators and any other ATS unit; and
- (2) facilities for the advance filing, retention, and activation of standard or repetitive elements of flight plan information.

**172.101 Time**

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

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

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

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

**172.103 Altimeter setting procedures**

An applicant for the grant of an air traffic service certificate must establish a procedure to ensure that—

- (1) QNH altimeter settings are in hectopascals rounded down to the nearest whole hectopascal; and
- (2) the appropriate aerodrome QNH altimeter setting or area QNH zone altimeter setting is provided to all aircraft on initial radio contact, including aircraft that advise having received the current applicable ATIS broadcast, except when it is known the aircraft has already received the information; and
- (3) ATS units provide to an aircraft on request, the current applicable aerodrome QNH altimeter setting or area QNH zone altimeter setting.

### 172.105 Radio and telephone procedures

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

- (1) the standard telephony and radiotelephony phraseology prescribed in paragraph (b) is used; and
- (2) in all radiotelephony communications discipline is observed, by transmitting only those messages that are necessary for the provision of an air traffic service, or that otherwise contribute to safety; and
- (3) communications procedures are in accordance with the applicable communication procedures prescribed in ICAO Annex 10 Volume II, except that—
  - (i) procedures relating to callsigns for domestic use by New Zealand registered aircraft are those required by rule 91.249; and
  - (ii) an aerodrome flight information service shall use the radiotelephony callsign suffix **flight service**.

(b) The applicant must establish procedures for ensuring that, for the purposes of paragraph (a), the standard phraseology, and the circumstances in which it is used, is that published in—

- (1) Subpart F; or
- (2) ICAO Annex 10; or
- (3) ICAO Document 4444; or
- (4) ICAO Document 9432.

(c) For the purposes of paragraph (b), where differences occur between the stated documents, the particular phraseology shall be selected according to the order of precedence of the documents as listed.

**172.107 ATS Surveillance Service**

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

- (1) all ATS surveillance services are provided in accordance with procedures published in—
  - (i) ICAO Document 4444; or
  - (ii) ICAO Document 7030 (as applicable to the Middle East/Asia Region); or
  - (iii) Subpart G; and
- (2) SSR code allocation for international flights is in accordance with the code assignment system published in the applicable ICAO Air Navigation Plan; and
- (3) an SSR code management plan is in place for domestic flights that—
  - (i) conforms to the applicable principles contained in ICAO Document 4444; and
  - (ii) does not conflict with the SSR code allocation tables of rule 91.247(a); and
- (4) full information is made available to inform pilots and aircraft operators on—
  - (i) the nature and extent of the ATS surveillance services provided; and
  - (ii) any significant limitations regarding such ATS surveillance services; and
  - (iii) all areas where PSR, SSR, ADS-B and MLAT systems or other ATS surveillance systems are in use; and
- (5) the information displayed at individual ATS surveillance service operating positions is that required for the air traffic services to be provided; and



- (6) for aircraft equipped with ADS-B systems that meet the requirements of rule 91.257, and operating in transponder mandatory controlled airspace designated under Part 71 within the New Zealand FIR; and
- (7) ADS-B must only be used for the provision of an air traffic control service when the message set elements meet the requirements referred to in rule 91.257(4); and
- (8) ADS-B may only be solely relied on to provide for the separation between aircraft when –
  - (i) the aircraft to be separated is identified and its identity is maintained; and
  - (ii) the data integrity measure in the ADS-B message is adequate to support the separation minimum; and
- (9) for a discreet operation referred to in rule 91.255D -
  - (i) the procedures and separation requirements for aircraft are approved by the Director; and
  - (ii) the appropriate ATS unit approves the carrying out of the discreet operation only after being satisfied that there will be safe separation between aircraft.

### **172.109 Aircraft emergencies and irregular operation**

- (a) Each applicant for the grant of an air traffic service certificate shall establish procedures to ensure maximum assistance and priority is given to an aircraft known, or believed to be, in a state of emergency.
- (b) Each applicant shall, where appropriate, establish procedures to assist strayed aircraft, unidentified aircraft, and aircraft subject to military interception.

### **172.111 Action after serious incident or accident**

Each applicant for the grant of an air traffic service certificate shall establish procedures regarding a serious incident or accident to—

- (1) determine if any air navigation facilities have contributed to the event; and

- (2) ensure immediate action is taken to—
  - (i) warn other aircraft that may be using or intending to use the facilities; and
  - (ii) advise the operator of the facility of the occurrence, and that the facility may be implicated; and
- (3) assist the operator of the facility with the prompt promulgation of any decision to withdraw the equipment from service; and
- (4) ensure that any facility identified in paragraph (1) is not used in the provision of separation to IFR aircraft until cleared for use by the relevant holder of an aeronautical telecommunications service certificate issued under Part 171.

### **172.113 Incidents**

Each applicant for the grant of an air traffic service certificate shall establish procedures for—

- (1) the notification, investigation, and reporting of incidents in accordance with Part 12; and
- (2) the forwarding of facility malfunction reports required by 91.431 to the applicable aeronautical telecommunication service certificate holder.

### **172.115 Records**

(a) An applicant for the grant of an air traffic service certificate must establish systems and procedures for identifying, collecting, indexing, filing, storing, securing, maintaining, accessing, and disposing of, records necessary for—

- (1) the operational provision of air traffic services; and
- (2) the purpose of assisting with any accident or incident investigation.

(b) The records referred to in paragraph (a) must include—

- (1) telephone communications; and

- (2) radio broadcasts and communications; and
  - (3) air-ground digital data exchanges; and
  - (4) ATS surveillance system data; and
  - (5) filed flight plans including standard and repetitive plans; and
  - (6) flight progress strips; and
  - (7) staff duty rosters; and
  - (8) appropriate meteorological and aeronautical information, except where the information is retained for an equivalent period by a meteorological or AIS organisation; and
  - (9) [revoked]
  - (10) a record for every person who is required to be trained under rule 172.165, including details of—
    - (i) each segment of training that is undertaken; and
    - (ii) knowledge testing or competency assessment as appropriate for the training conducted.
- (c) The applicant must establish systems and procedures for ensuring the electronic recording of—
- (1) all ATS radio and telephone communications; and
  - (2) all high-frequency air-ground communications; and
  - (3) all relevant data from ATS surveillance systems used in providing or supporting an ATC service; and
  - (4) for any equipment coming into service after the date this Part comes into force, any transfer and acceptance of control process not conducted by telephone.
- (d) The applicant must establish systems and procedures for ensuring that electronic records referred to in paragraph (c)—

- (1) include time recording, correct to within 5 seconds of UTC, as determined by reference to a standard time station or GPS time standard; and
- (2) either—
  - (i) replicate the voice communications, and, if applicable, a situation display presentation applying at the particular operating position; or
  - (ii) are accompanied by a statement fully describing the differences between the recording supplied and a recording under paragraph (i); or
  - (iii) replicate the visual surveillance system display.
- (e) The option provided by paragraph (d)(2)(ii) only applies to equipment that was in service on 1 January 1998.
- (f) The applicant must establish systems and procedures for ensuring that all records, except where replication is required by paragraph (d)(2)(i), are sufficiently clear to convey the required information.
- (g) The applicant must establish procedures for ensuring that the records referred to in paragraph (b) are retained for 31 days from the date of entry, except for—
  - (1) staff duty rosters which must be retained for 2 years; and
  - (2) written records associated with the requirements of rules 172.121(a)(2) and (3) which must be retained for 2 years; and
  - (3) training records which must be retained for a period of 3 years from the date the affected person ceases to work or be associated with the air traffic service organisation.

### **172.117 Logbooks and position logs**

- (a) Each applicant for the grant of an air traffic service certificate shall establish procedures to ensure that a logbook, with sequentially numbered pages, is kept at each ATS unit, and, where a unit has physically separate operations areas, at each such location within the unit.

- (b) The procedure shall ensure that—
- (1) the logbook is maintained by the senior person on duty, or the person on watch at a nominated operating position; and
  - (2) the logbook is maintained throughout the hours of watch of the unit or operations room; and
  - (3) all entries include the time of entry; and
  - (4) the person responsible for maintaining a logbook signs *On Watch*, and effects transfer of responsibility by successive *On Watch* entries; and
  - (5) logbook entries are—
    - (i) in chronological sequence and in ink; and
    - (ii) without erasure, defacement, or obliteration; and
    - (iii) corrected by drawing a single line through the erroneous information and initialling the correction; and
  - (6) actual times of opening and closing watch are recorded in the logbook, together with the reason for every variation from published hours of service; and
  - (7) logbooks are retained for a period of 3 years from the date of final entry.
- (c) Each applicant shall establish a procedure to ensure the keeping of an operating position log, when such information is not available in the logbook required by paragraph (a).
- (d) The procedure shall ensure that the operating position log—
- (1) contains sufficient information to identify—
    - (i) when that position was in operation; and
    - (ii) the services being provided from that position; and

- (iii) the identity of the individual providing the service; and
- (2) is retained for a period of 31 days from the date of filing.

### **172.119 Security**

(a) Each applicant for the grant of an air traffic service certificate shall prepare an ATS security programme.

(b) Each ATS security programme shall specify the physical security requirements, practices, and procedures to be followed for the purposes of minimising the risk of destruction of, damage to, or interference with the operation of, any ATS unit operated by the applicant where such destruction, damage, or interference is likely to endanger the safety of aircraft.

(c) Without limiting the generality of paragraph (b), the security programme shall specify such physical security requirements, practices, and procedures as may be necessary—

- (1) to ensure that entrances to permanent ATS facilities operated by the applicant are subject to positive access control at all times, so as to prevent unauthorised entry; and
- (2) to protect personnel on duty; and
- (3) to be followed in the event of a bomb threat or other threat of violence against an ATS unit; and
- (4) to monitor unattended ATS unit buildings to ensure that any intrusion or interference is detected.

### **172.121 Service disruptions**

(a) Each applicant for the grant of an air traffic service certificate shall establish procedures, in addition to any requirements in Part 12, to—

- (1) advise the Director of any planned disruption to the provision of air traffic services that could have an impact on safety; and
- (2) investigate any unplanned disruption to the provision air traffic services; and

- (3) report to the Director, within 48 hours of the occurrence, the circumstances surrounding any unplanned disruption to air traffic services when the disruption affected, or could have affected, the safety of air traffic.
- (b) Disruptions reportable under paragraph (a) shall include, but are not limited to, any—
- (1) failure to open watch within 15 minutes of the promulgated opening time; and
  - (2) any interruption, of greater than 10 minutes, to the normal provision of an air traffic service; and
  - (3) curtailment of watch, by greater than 30 minutes, from the promulgated off watch time.

### **172.123 Safety management**

An applicant for the grant of an air traffic service certificate must establish, implement, and maintain a system for safety management in accordance with rule 100.3.

### **172.125 Air traffic service organisation exposition**

- (a) An applicant for the grant of an air traffic service certificate must provide the Director with an exposition containing—
- (1) a statement signed by the chief executive on behalf of the applicant's organisation confirming that the exposition and any included manuals—
    - (i) define the organisation and demonstrate its means and methods for ensuring ongoing compliance with this and any other applicable Part; and
    - (ii) are to be complied with by its personnel at all times; and
- (1A) in relation to the system for safety management required by rule 172.123,—
- (i) all of the documentation required by rule 100.3(b); and

- (ii) for an applicant that is not applying for a renewal of an air traffic service certificate, an implementation plan that describes how the system for safety management will be implemented; and
- (2) the titles and names of the senior person or persons required by rules 172.51(a)(1) and (2); and
- (3) the duties and responsibilities of the senior person or persons required by rules 172.51(a)(1) and (2), including—
  - (i) matters for which they have responsibility to deal directly with the Director or the Authority on behalf of the organisation; and
  - (ii) responsibilities for safety management; and
- (4) an organisation chart showing lines of responsibility of the senior person or persons required by rules 172.51(a)(1) and (2), and extending to each location listed under paragraph (a)(5)(i); and
- (5) in the case of an organisation providing air traffic services from more than 1 ATS unit, a table listing—
  - (i) locations of ATS units; and
  - (ii) the aerodrome or airspace being serviced; and
  - (iii) the services provided; and
- (6) details of the applicant's staffing structure for each ATS unit; and
- (7) details of procedures required by rule 172.51(b) regarding the competency, qualifications, maintenance of current operating practice, and fitness of personnel; and
- (8) details of procedures required by rule 172.53 regarding the training and assessment of ATS personnel, and regarding the qualifications of ATS training personnel; and



- (9) information identifying the lines of safety responsibility within the organisation; and
- (10) a description of the display systems to be used in meeting the requirements of rules 172.57(b)(5)(i) and 172.57(c)(2)(i); and
- (11) the information required by rule 172.59 regarding hours of service, the establishment of an air traffic service, and any transitional arrangements; and
- (12) procedures regarding shift administration required by rule 172.61; and
- (13) details of the procedures required by rule 172.63 regarding the control of documentation; and
- (14) the contingency plan required by rule 172.65; and
- (15) details of the systems and procedures required by rule 172.67 regarding co-ordination requirements; and
- (16) details of the procedures required by rule 172.69 regarding the notification of facility status; and
- (17) details of the systems and procedures required by rule 172.71 regarding general information requirements; and
- (18) details of the systems and procedures required by rule 172.73 regarding meteorological information and reporting; and
- (19) details of systems and procedures required by rule 172.75 regarding the provision of area control and approach control services; and
- (20) details of systems and procedures required by rule 172.77 regarding the provision of aerodrome control service; and
- (21) details of systems and procedures required by rule 172.79 regarding the separation of controlled flights and active special use airspace; and

- (22) details of the procedures required by rule 172.81 regarding responsibility for control; and
- (23) details of the procedures required by rule 172.83 regarding the application of priorities; and
- (24) details of the procedures required by rule 172.85 regarding flow control; and
- (25) details of the procedures required by rule 172.87 regarding ATC clearances; and
- (26) details of the procedures required by rule 172.89 regarding the allocation of cruising levels; and
- (27) details of the procedures required by rule 172.91 regarding deviations from an ATC clearance; and
- (28) details of systems and procedures required by rule 172.93 regarding the provision of flight information service; and
- (29) details of systems and procedures required by rule 172.95 regarding the provision of aerodrome flight information service; and
- (30) details of systems and procedures required by rule 172.97 regarding the provision of alerting service; and
- (31) details of the procedures required by rule 172.99 regarding the processing of flight plans; and
- (32) details of the procedures required by rule 172.101 regarding time; and
- (33) details of altimeter setting procedures required by rule 172.103; and
- (34) details of the radio and telephone procedures required by rule 172.105; and
- (35) details of the procedures required by rule 172.107 regarding the provision of radar services; and

- (36) details of the procedures required by rule 172.109 regarding aircraft emergencies and irregular operation; and
  - (37) details required by rule 172.111 regarding procedures following a serious incident or accident; and
  - (38) details of the procedures required by rule 172.113 regarding incidents; and
  - (39) details of systems and procedures required by rule 172.115 regarding the gathering and management of records; and
  - (40) details of the procedures required by rule 172.117 regarding the keeping of logbooks and position logs; and
  - (41) details of the programme required by rule 172.119 regarding security arrangements; and
  - (42) details of the procedures required by rule 172.121 regarding disruptions to service; and
  - (43) [*revoked*]
  - (44) procedures to control, amend and distribute the exposition.
- (b) The applicant's exposition must be acceptable to the Director.

## Subpart C — Operating Requirements

### 172.151 Continued compliance

Each holder of an air traffic service certificate shall—

- (1) hold at least one complete and current copy of its exposition at each ATS unit listed in its exposition, except that manuals relating solely to a particular location need only be held at principal locations and the unit concerned; and
- (2) comply with all procedures and standards detailed in its exposition; and

- (3) make each applicable part of its 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; and
- (5) promptly notify the Director of any change of address for service, telephone number, or facsimile number, required by form CAA 24172/01.

### **172.151A Transitional arrangements**

- (a) Despite rule 172.151(4), a holder of an air traffic service certificate is not required to comply with rule 172.115(b)(10) until 16 July 2013.
- (b) Rule 172.165 does not apply to the holder of an air traffic service certificate until 16 July 2013.

### **172.153 Operations manuals**

- (a) Each holder of an air traffic service certificate shall provide, for compliance by its personnel, an operations manual or system of manuals for the services listed in its exposition.
- (b) A holder certificated to provide more than one air traffic service, or an air traffic service or services from more than one location, may publish a core manual together with manual supplements specific to each service or location.

### **172.155 Trials**

- (a) Upon application in writing from the holder of an air traffic service certificate, the Director may approve, subject to such conditions as the Director considers necessary in the interests of aviation safety, the conduct of trials regarding—
  - (1) separation minima; or
  - (2) standard phraseology; or
  - (3) ATS surveillance service procedures.
- (b) A trial may be approved by the Director for a single period of not more than 3 months, and upon further application in writing by the

certificate holder, be extended by the Director for a single period of not more than 3 months.

(c) A trial approved under this rule may be terminated by the Director at any time.

### **172.157 Denial of ATC clearance**

(a) The holder of an air traffic service certificate in respect of an aerodrome control service shall not deny the pilot of an aircraft an ATC clearance on the basis of non-payment of charges owed to the certificate holder unless—

- (1) the aircraft is on the ground; and
- (2) that clearance is for entry onto the manoeuvring area.

(b) The certificate holder shall continue to provide normal ATC service for any aircraft entering the manoeuvring area without an ATC clearance.

### **172.159 Suspension of VFR operations**

Each holder of an air traffic service certificate for an approach control service or aerodrome control service may, when appropriate for safety reasons, suspend any or all controlled VFR operations within a control zone.

### **172.161 Changes to certificate holder's organisation**

(a) A holder of an air traffic service certificate must ensure that the holder's exposition is amended so as to remain a current description of the holder's organisation and services.

(b) The holder of an air traffic service certificate must ensure that any amendment made to the holder's exposition—

- (1) meets the applicable requirements of this Part; and
- (2) complies with the amendment procedures contained in its exposition; and

(c) The holder of an air traffic service certificate must forward to the Director for retention a copy of each amendment to its exposition as soon as

practicable after the amendment is incorporated into its exposition, except that, for the holder's operational manual or manuals, the holder must forward to the Director—

- (1) a copy of each amendment, at least 15 working days in advance of the effective date; and
  - (2) an amendment of an urgent or immediate nature, without delay, and no later than the date on which it is effective.
- (d) Before a holder of an air traffic service certificate changes any of the following, prior acceptance by the Director is required:
- (1) the chief executive;
  - (2) the listed senior person or persons;
  - (3) any aspect of air traffic management that may have an adverse impact on air traffic services provided by a State responsible for adjacent airspace;
  - (4) the system for safety management, if the change is a material change.
- (e) The Director may impose conditions under which the holder of the air traffic service certificate must operate during or following any of the changes specified in paragraph (d).
- (f) The holder of an air traffic service certificate must comply with any condition imposed by the Director under paragraph (e).
- (g) If any change referred to in this rule requires an amendment to the certificate, the holder of the air traffic service certificate must forward the certificate to the Director for endorsement of the change as soon as practicable.
- (h) The holder of an air traffic service certificate must make amendments to its exposition as the Director considers necessary in the interests of aviation safety.

**172.163 Withdrawal or transfer of service**

- (a) Each holder of an air traffic service certificate who wishes to permanently withdraw an air traffic service shall give the Director at least 90 days notice of the proposal and include in that notice a summary of factors considered in arriving at the decision to withdraw the service.
- (b) Each holder of an air traffic service certificate who intends to permanently reduce the hours of operation of an air traffic service shall provide to the Director advance notice of, and the reasons for, the proposed reduction.
- (c) Each holder of an air traffic service certificate who is the outgoing provider of an air traffic service shall not hinder the preparation and execution of the transitional arrangements required by 172.59(b).

**172.165 Security training programme**

- (a) A holder of an air traffic service certificate must establish a security training programme and procedures for ensuring that every person who is employed, engaged, or contracted by the applicant has the appropriate level of security awareness applicable to the person's function.
- (b) The training programme required by paragraph (a) must contain—
- (1) applicable segments for initial training and recurrent training; and
  - (2) knowledge testing or competency assessment as appropriate for the training conducted.
- (c) The holder must establish procedures for ensuring that each segment required by paragraph (b)(1)—
- (1) includes a syllabus that is acceptable to the Director; and
  - (2) is conducted in a structured and coordinated manner by a person authorised by the certificate holder.
- (d) The holder of an air traffic service certificate must establish procedures for ensuring that every person who is required to be trained under paragraph (a) undertakes the recurrent training segment of the training programme at an interval of not more than 3 years.

## Subpart D — Other Air Traffic Services

### 172.201 General

(a) A person may request the Director to determine whether an aviation related service is an air traffic service under paragraph (7) of the definition of the term in Part 1 by application in writing, including a definition, and details of, the proposed service.

(b) The Director may, in consultation with such persons as the Director considers necessary, determine whether any aviation related service is an air traffic service under paragraph (7) of the definition of the term.

### 172.203 Requirement

No person shall provide a service that the Director determines to be an air traffic service in accordance with 172.201 except under the authority of, and in accordance with, the provisions of an air traffic service certificate issued under this Subpart.

### 172.205 Application

(a) Each applicant for an air traffic service certificate for an air traffic service under paragraph (7) of the definition of the term shall complete form CAA 24172/01 and submit the completed form to the Director together with—

- (1) such other details regarding the applicant's organisation and the air traffic service as the Director may require; and
- (2) a payment of the appropriate application fee prescribed by regulations made under the Act.

### 172.207 Issue of certificate

(a) An applicant is entitled to an air traffic service certificate for an air traffic service under paragraph (7) of the definition of the term if the Director is satisfied that the—

- (1) applicant is a fit and proper person; and
- (2) granting of the certificate is not contrary to the interests of aviation safety.



(b) The Director may attach such conditions to the certificate as the Director thinks necessary in the interests of safety.

### **172.209 Operating conditions**

Each holder of a certificate issued under this Subpart shall provide the air traffic service in accordance with the conditions attached to the certificate.

## **Subpart E — Separation criteria and minima**

### **172.251 Vertical separation**

Within controlled airspace, vertical separation may be reduced to 500 feet when—

- (1) both aircraft are either medium or light wake turbulence category; and
- (2) the lower aircraft is a VFR or Special VFR flight, and operating at an altitude of 4500 feet or below.

### **172.253 Composite visual separation**

An aerodrome controller may apply a composite of geographical and visual separation, provided instructions are issued as necessary to maintain adequate separation, between—

- (1) an aircraft continuously in sight of the controller, and within 10 NM of the aerodrome; and
- (2) an aircraft not in sight of the controller, but whose current position has been determined by approved use of an ATS surveillance system or a pilot position report.

### **172.255 Visual separation beyond the vicinity of an aerodrome**

Separation minima may be reduced by approving visual separation when, by day—

- (1) a specific request is made by a pilot; and
- (2) each aircraft is under the control of—
  - (i) the same operating position; or

- (ii) physically adjacent operating positions, provided both controllers agree; and
- (3) each aircraft remains in VMC; and
- (4) either—
  - (i) each aircraft is continuously visible to the pilot of the other aircraft and both pilots concur with the application of visual separation; or
  - (ii) the pilot of a following aircraft reports the preceding aircraft is in sight and that pilot can maintain visual separation from the preceding aircraft.

### **172.257 Longitudinal separation by time**

When separating aircraft that are on the same track, and on the opposite sides of an NDB, VOR, or VORTAC, at which both aircraft are required to report, 5 minutes minimum separation may be applied, provided—

- (1) one aircraft is in level flight and the other aircraft is climbing or descending to achieve vertical separation; and
- (2) the preceding aircraft has passed the NDB, VOR, or VORTAC by at least 5 minutes; and
- (3) confirmation is obtained from the following aircraft that it has not yet reached the NDB, VOR, or VORTAC.

### **172.259 Longitudinal separation by distance**

(a) A minimum separation of 20 nm may be applied, between aircraft climbing or descending on the same track, provided separation is assured by obtaining frequent, and immediately consecutive, DME readings from both aircraft.

(b) A minimum separation of 10 nm may be applied—

- (1) between aircraft climbing or descending on the same track provided—

- (i) the preceding aircraft maintains a true airspeed speed of 20 knots or more faster than the following aircraft; and
  - (ii) the effect of slant-range is taken into consideration; and
  - (iii) separation is assured, by obtaining frequent, and immediately consecutive, DME readings from both aircraft; or
- (2) when changing from longitudinal to vertical separation, where the following aircraft is instructed to reach a vertical separation level 10 nm prior to the last DME report of the preceding aircraft; or
- (3) when separating an aircraft beyond, and flying away from, a DME or TACAN arc, from an aircraft on the arc, using the same DME.

#### **172.261 Lateral separation**

(a) GPS distance may be used, instead of DME distance, in the provision of lateral separation when—

- (1) both aircraft are flying tracks based on the same navigation aid; and
- (2) the GPS distance reported is from the same navigation aid on which the lateral separation is based.

(b) Lateral separation may only be applied in accordance with criteria and minima—

- (1) approved by the holder of an instrument flight procedure service certificate issued in accordance with Part 173; or
- (2) approved under rule 19.155(b) that was in force before 23 October 2009.

#### **172.263 Separation between aircraft on an instrument approach**

Successive aircraft may be cleared for an instrument approach when the leading aircraft—

- (1) has crossed the middle marker of an ILS or LOC approach or the final NDB of a twin NDB or VOR/NDB approach, provided separation can be maintained in the event of a missed approach; or
- (2) is on final approach and has crossed the radio navigation aid from which the initial approach of the following aircraft commences, and the missed approach procedure is separated from the initial, intermediate, and final approach.

### **172.265 Reduced separation when providing an ATS surveillance service**

The Director may, in accordance with paragraph 8.7.3.2 and 8.7.3.3 of ICAO Document 4444, approve a reduction of the standard 5 NM minimum separation prescribed in paragraph 8.7.3.1 of ICAO Document 4444.

### **172.267 Separation from an unidentified controlled flight by ATS surveillance service**

A minimum separation of 5 NM may be applied in any of the following circumstances—

- (1) between an identified aircraft and an unidentified controlled flight entering or about to enter ATS surveillance system coverage under ICAO Document 4444 paragraph 8.7.2.8 a) and b); or
- (2) between a previously identified aircraft which has since passed out of ATS surveillance system cover, and a following identified aircraft, provided the following aircraft can achieve the appropriate vertical separation before the position at which the preceding aircraft passed out of ATS surveillance system cover; or
- (3) between aircraft on reciprocal tracks, when an identified aircraft is at least past the position at which previously identified aircraft passed out of ATS surveillance system cover; or
- (4) using an ATS surveillance system may be applied between an identified aircraft and the cleared route of an unidentified controlled VFR flight; or

- (5) between aircraft equipped with ADS-B systems that meet the requirements of rule 91.257, and operating in transponder mandatory controlled airspace designated under Part 71 within the New Zealand FIR.

### **172.269 Separation from holding aircraft in the ATS surveillance service**

A minimum separation of 5 NM using an ATS surveillance system may be applied between an identified aircraft that is not holding, and other identified aircraft that are holding, despite that individual identity of the holding aircraft may be lost.

### **172.271 Formation flights**

Separation need not be applied between individual aircraft in formation flight when—

- (1) prior notice of the flight has been given to ATC by the formation leader; or
- (2) the flight consists of an aircraft in distress and its escort.

### **172.273 Reduced runway separation – general**

The reduced runway separation prescribed in 172.275 to 172.279 inclusive may be applied when—

- (1) visibility is at least 5 km and the pilot is in a position to make an early assessment of conditions on the runway; and
- (2) braking action is unlikely to be adversely affected by runway contaminants; and
- (3) specified longitudinal distances are able to be readily determined by the aerodrome controller by reference to prominent markers or features; and
- (4) pertinent traffic information is issued; and
- (5) except in the case of 172.275(1), the separation is applied by day.

**172.275 Reduced runway separation – departure versus departure**

Provided the conditions in 172.273 apply, a following aircraft may be cleared for take-off when —

- (1) the runway is longer than 1800 metres, and the preceding aircraft is airborne and has reached a point at least 1800 metres ahead of the following aircraft; or
- (2) both aircraft have an MCTOW of 7000 kg or less, and the preceding aircraft is airborne and has reached a point at least 1000 metres ahead of the following aircraft; or
- (3) both aircraft have an MCTOW of 2300 kg or less, and the preceding aircraft is airborne and has reached a point at least 600 metres ahead of the following aircraft; or
- (4) the aircraft is a microlight, and the preceding aircraft is airborne.

**172.277 Reduced runway separation – arrival versus departure**

Provided the conditions in 172.273 apply, an arriving aircraft may be permitted to cross the runway threshold to land when—

- (1) the departing aircraft is airborne, and has reached a point beyond the expected landing roll of the arriving aircraft; or
- (2) both aircraft have an MCTOW of 2300 kg or less, and the departing aircraft is accelerating and has reached a point at least 600 metres ahead of the arriving aircraft.

**172.279 Reduced runway separation – arrival versus arrival**

Provided the conditions in 172.273 apply, the following aircraft may be permitted to cross the runway threshold to land when both aircraft have an MCTOW of—

- (1) 7000 kg or less, and the preceding aircraft —
  - (i) has landed; and
  - (ii) has commenced a turn to vacate the runway without stopping or backtracking; or

- (2) 2300 kg or less, and the preceding aircraft —
  - (i) has landed; and
  - (ii) can vacate the runway without backtracking; and
  - (iii) has reached a point ahead of the following aircraft where, in the opinion of the aerodrome controller, there is no risk of collision.

### **172.281 Operations on parallel runways**

Same direction parallel runway operations may be permitted by day when—

- (1) the aerodrome control provider and the aerodrome operator are the same, or there is written agreement between them regarding the operation; and
- (2) the visibility is at least 5 km; and
- (3) neither runway is adversely affected by contaminants; and
- (4) both aircraft are in two-way communication with aerodrome control; and
- (5) pertinent traffic information is issued; and
- (6) the adjacent runway edges are clearly defined; and
- (7) one of the following applies—
  - (i) the adjacent edges of the two runways are not less than 165 metres apart; or
  - (ii) both aircraft have an MCTOW of 5700 kg or less, and the adjacent edges of the two runways are not less than 90 metres apart; or
  - (iii) both aircraft have an MCTOW of 2300 kg or less, and the adjacent edges of the two runways are not less than 60 metres apart.

**172.283 Separation from an aircraft dumping fuel**

The minimum separation from an aircraft dumping fuel is—

- (1) 5 nm horizontally; or
- (2) 2000 feet vertically; or
- (3) 1000 feet vertically when below flight level 290 and the aircraft dumping fuel is the lower aircraft

**172.285 Separation involving military aircraft**

The separation criteria and minima prescribed in these rules shall be applied to military aircraft unless there is written agreement between the ATS provider and the New Zealand Defence Force, or a military agency of a foreign state, authorising the use of reduced military separation when it is—

- (1) between military aircraft; and
- (2) agreed to by the pilots of the aircraft involved; and
- (3) in accordance with the written agreement.

**172.287 Separation of successive departures using IFR**

A following IFR aircraft may be cleared for take-off when—

- (1) the initial departure track differs by at least 30 degrees from the departure track of the leading aircraft, and visual observation by the aerodrome controller confirms that the leading aircraft—
  - (i) has turned to clear the departure track of the following aircraft; or
  - (ii) has reached a point where adequate separation will exist from the following aircraft, or
- (2) the initial departure track differs by at least 20 degrees from the departure track of the leading aircraft; and



- (i) identification using an ATS surveillance system will be established within 1 NM of the end of the runway used for take-off; and
- (ii) the leading aircraft is 1 NM ahead of the following aircraft, and confirmed by visual or observation using an ATS surveillance system as having turned to clear the departure track of the following aircraft.

### **172.289 Helicopters and unpowered aircraft**

The runway separation required by 172.77(a)(4) may be waived or varied to take account of the particular operating characteristics of helicopters and unpowered aircraft, provided safety is not jeopardised.

### **172.291 Wake turbulence separation**

A specific pilot request for a waiver from any wake turbulence separation may be granted provided—

- (1) the air traffic controller does not prompt, instigate, or invite a pilot to request a waiver from wake turbulence separation; and
- (2) when the other aircraft is an ICAO heavy category or B757 aircraft, the air traffic controller reminds the pilot requesting the waiver of the category or type of the other aircraft.

### **172.293 Separation from active special use airspace**

(a) Except as provided in paragraph (b), when applying the separation required by rule 172.79, the minimum separation must be—

- (1) when aircraft within the active special use airspace may be operating in IMC—
  - (i) 1000 feet vertical separation up to FL290; or
  - (ii) 2000 feet vertical separation above FL 290; or
  - (iii) 5 NM separation in the provision of an ATS surveillance service; or

- (2) when aircraft within the active special use airspace are operating in VMC—
  - (i) 500 feet vertical separation up to FL290; or
  - (ii) 1000 feet vertical separation above FL290; or
  - (iii) separation of 1 NM plus the accuracy tolerance of the ATS surveillance system in the provision of a surveillance service; or
- (3) achieved by the use of minima or instrument flight procedures—
  - (i) approved by the holder of an instrument flight procedure service certificate issued under the Act and Part 173; or
  - (ii) approved under rule 19.155(b) that was in force before 23 October 2009; or
  - (iii) when no separation minimum or procedure is specified under paragraphs (a)(1), (2), or (3), separation must be achieved by keeping controlled flights clear of active special use airspace.

### **172.295 [Revoked]**

## **Subpart F — Standard phraseology**

### **172.351 Applicability**

(a) This subpart prescribes standard phraseology to be used in the particular circumstances stated, in accordance with the requirements of 172.105.

(b) In this subpart, words in brackets indicate an appropriate insertion is required and an oblique stroke indicates a choice is required to be made from the alternatives separated by the stroke.

### 172.353 Controller/pilot phraseology

(a) **Unavailability of route or cruising level**

When it is not possible to clear a flight via the preferred route or cruising level:

“(route and/or level) *NOT AVAILABLE DUE* (reason)”

(b) **Block levels**

- (1) When approving a requested block level:

“*MAINTAIN BLOCK* (level) *TO* (level)”

- (2) When cancelling a block level:

“*CANCEL BLOCK CLEARANCE ...*”

(c) **DME climbs and descents**

- (1) When authorising a DME step climb procedure:

“*CLIMB ABOVE DME STEPS*” or

“*CLIMB ABOVE VORSEC DME STEPS*”

- (2) When authorising a DME step descent procedure:

“*DESCEND DME STEPS TO* (level)” or

“*DESCEND VORSEC DME STEPS TO* (level)”

(d) **Visual departures**

When authorising a visual departure:

“*VISUAL DEPARTURE*”

(e) **Holding**

When issuing a holding instruction where more than one holding pattern is published for a specified geographical location:

*“HOLD AT (designator). ENTER THE (descriptor) HOLDING PATTERN”*

(f) **Precautionary holding**

When issuing a holding instruction to New Zealand operators, when that instruction is likely to be cancelled before the aircraft reaches the designated holding point:

*“PRECAUTIONARY HOLD”*

(g) **Runway operations**

- (1) When approving a request for a stop and go landing:

*“CLEARED STOP AND GO”*

- (2) When emphasising the runway to be used for landing:

*“RUNWAY (designator) CLEARED TO LAND”*

- (3) When an expeditious take-off is required:

*“CLEARED IMMEDIATE TAKE-OFF”*

(h) **Land and hold short operations**

When requiring an aircraft to terminate its landing run in less than the available runway length:

*“LAND AND HOLD SHORT BY (taxiway or other specified point)”*

(i) **Visual separation**

When requiring a pilot to maintain visual separation from another aircraft:

*“MAINTAIN VISUAL SEPARATION FROM (traffic) TO/UNTIL (clearance limit)”*

(j) **Terrain clearance**

- (1) When advising a pilot that a descent clearance is based on a radar terrain contour map use the suffix:

*“... RADAR TERRAIN”*

- (2) When requiring pilots to arrange their own terrain clearance:

*“MAINTAIN TERRAIN CLEARANCE VISUALLY”*

(k) **Confirmation of unlawful interference**

When seeking verification that the SSR transponder Mode A code 7500 has been set intentionally:

*“CONFIRM SQUAWKING 7500”*

(l) **Helicopter operations**

When approving helicopter operations at a controlled aerodrome, but outside the manoeuvring area:

*“LAND/TAKEOFF/AIR TAXI AT YOUR DISCRETION”*

(m) **Traffic avoidance advice**

When initiating, or responding to a request for, traffic avoidance advice:

*“SUGGEST....”*

(n) **Traffic information**

When indicating there is no pertinent IFR traffic information:

*“NO REPORTED IFR TRAFFIC”*

(o) **Joining the circuit**

- (1) When instructing an aircraft to make the standard overhead joining procedure:

*“MAKE STANDARD OVERHEAD JOIN”*

- (2) When instructing an aircraft to cross over the aerodrome, then follow specific joining instructions:

*“CROSS OVERHEAD, JOIN (specific instructions)”*

### **172.355 ATS co-ordination phraseology**

(a) **Release instructions to aerodrome control**

- (1) When there are no restrictions:

*“RELEASED”*

- (2) When the aircraft is to be held on the ground:

*“HOLD”*

- (3) When a release is based on clock time:

*“CLEARANCE VALID/EXPIRES AT (time)”*

- (4) When a release is based on time interval:

*“RELEASED (number of minutes) MINUTES BEHIND (leading aircraft)”*

- (5) When a release is based on the application of vertical separation:

*“RELEASED AFTER (leading aircraft call sign) HAS PASSED (level)”*

- (6) When a release is subject to aerodrome control providing separation from specified traffic, where *RYS* means *“Released, your separation”*:

*“RYS (call sign of conflicting traffic) (details of conflicting traffic, if not already passed)”*

**(b) Clarification of responsibility for providing separation**

When assigning or clarifying who is providing separation, and to acknowledge the arrangement:

*“MY SEPARATION/YOUR SEPARATION (call sign of conflicting traffic)”*

**(c) Co-ordination between surveillance controllers**

- (1) When effecting a transfer of control:

*“RELEASE (details)”*

- (2) When identity only is being transferred:

*“IDENT (details)”*

**(d) Negotiation of revised estimate messages**

- (1) Invitation by transferring controller:

*“WILL YOU ACCEPT (details)”*

- (2) Refusal by accepting controller:

*“NEGATIVE, WILL ACCEPT (alternative details)”*

## Subpart G —ATS surveillance procedures

### 172.401 Verification of transponder level information

(a) Subject to paragraph (b), aerodrome control may verify the transponder level information of a departing aircraft when the aerodrome control situation display indicates a positive rate of climb from the aerodrome elevation.

(b) Transponder level information must not be used when the displayed level varies by more than 300 feet from the aerodrome elevation during the take-off roll.

### 172.403 Speed control

Speed control must not be applied or continued after a point 4 NM from the runway threshold on final approach.

## Subpart H — Transitional Provisions

### 172.451 Transition for air traffic service certificate holders and applicants

(a) This rule applies to each—

- (1) holder of an air traffic service certificate;
- (2) applicant for the grant of an air traffic service certificate.

(b) Before the date for implementation set in accordance with subparagraph (e)(2), an organisation to which this rule applies is not required to comply with—

- (1) rule 172.51(a)(2)(ii), if instead of a senior person responsible for the system for safety management, the organisation has a senior person responsible for internal quality assurance;
- (2) rule 172.123, if instead of establishing, implementing, and maintaining the system for safety management, the organisation



has established an internal quality assurance system that complies with rule 172.453:

- (3) rule 172.125(a)(1A)(i):
  - (4) rule 172.125(a)(3)(ii):
  - (5) rule 172.125(a)(9).
- (c) A completed CAA form and implementation plan must be submitted to the Director—
- (1) after 1 February 2016 for an applicant for the grant of an air traffic service certificate under subparagraph (a)(2); and
  - (2) by 30 July 2016 for a holder of an air traffic service certificate under subparagraph (a)(1).
- (d) The implementation plan referred to in paragraph (c) must—
- (1) include a proposed date for implementation of the system for safety management; and
  - (2) outline how the organisation plans to implement the system for safety management required under rule 172.123.
- (e) The Director will, if acceptable—
- (1) approve the organisation's implementation plan; and
  - (2) set the date for implementation of the system for safety management.
- (f) In setting the date under subparagraph (e)(2), the Director must have regard to the following:
- (1) the capability of the organisation:
  - (2) the complexity of the organisation:
  - (3) the risks inherent in the activities of the organisation:

- (4) the date of any certificate renewal;
  - (5) any resource or scheduling impacts on the organisation or the Authority or both;
  - (6) the date for implementation must not be later than 1 February 2018.
- (g) A holder of an air traffic service certificate holder under subparagraph (a)(1) does not have to submit an implementation plan with its certificate renewal application.
- (h) This rule expires on 1 February 2018.

**172.453 Transitional internal quality assurance for air traffic service certificate holders and applicants**

- (a) The internal quality assurance system required by rule 172.451(b)(1)(ii) must be established to ensure the organisation's compliance with, and the adequacy of, the procedures required by this Part.
- (b) The internal quality assurance system must include—
- (1) a safety policy and safety policy procedures; and
  - (2) a procedure to ensure quality indicators, including samples of radio and telephone records, defect and incident reports, and personnel and customer feedback, are monitored to identify existing problems or potential causes of problems within the system; and
  - (3) a procedure for corrective action to ensure existing problems that have been identified within the system are corrected; and
  - (4) a procedure for preventive action to ensure that potential causes of problems that have been identified within the system are remedied; and
  - (5) an internal audit programme to audit the applicant's organisation for conformity with its safety policy; and

- (6) management review procedures to ensure the continuing suitability and effectiveness of the internal quality assurance system in satisfying the requirements of this Part.
- (c) The safety policy procedures must ensure that the safety policy is understood, implemented, and maintained at all levels of the organisation.
- (d) The procedure for corrective action must specify how—
  - (1) to correct an existing problem; and
  - (2) to follow up a corrective action to ensure the action is effective; and
  - (3) to amend any procedure required by this Part as a result of a corrective action; and
  - (4) management will measure the effectiveness of any corrective action taken.
- (e) The procedure for preventive action must specify how—
  - (1) to correct a potential problem; and
  - (2) to follow-up a preventive action to ensure the action is effective; and
  - (3) to amend any procedure required by this Part as a result of a preventive action; and
  - (4) management will measure the effectiveness of any preventive action taken.
- (f) The internal quality audit programme must—
  - (1) specify the frequency and location of the audits taking into account the nature of the activity to be audited; and
  - (2) ensure audits are performed by trained auditing personnel who are independent of those having direct responsibility for the activity being audited; and

- (3) ensure the results of audits are reported to the personnel responsible for the activity being audited and the manager responsible for internal audits; and
  - (4) require preventive or corrective action to be taken by the personnel responsible for the activity being audited if problems are found by the audit; and
  - (5) ensure follow up audits to review the effectiveness of any preventive or corrective action taken.
- (g) The procedure for management review must—
- (1) specify the frequency of management reviews of the quality assurance system taking into account the need for the continuing effectiveness of the system; and
  - (2) identify the manager who is responsible for the review of the quality assurance system; and
  - (3) ensure the results of the review are evaluated and recorded.
- (h) The senior person who has the responsibility for internal quality assurance must have direct access to the chief executive on matters affecting the safe provision of any air traffic service listed in the exposition.
- (i) This rule expires on 1 February 2018.