



**PURSUANT** to Section 28 of the Civil Aviation Act 1990

**I, Hon CRAIG FOSS, Associate Minister of Transport,**

**HEREBY MAKE** the following ordinary rules.

**SIGNED AT** Wellington

This 12<sup>th</sup> day of Dec 2016

by Hon Craig Foss

Associate Minister of Transport

A handwritten signature in black ink, appearing to be 'C. Foss', is written over the printed name and title.

**Civil Aviation Rules**

**Part 173, Amendment 3**

**Instrument Flight Procedure Service Organisation –  
Certification and Operation**

*Docket 16/CAR/1*

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## **Rule objective**

The objective of amendment 3 to Part 173 is to correct aspects of the Safety Management transitional provision in line with original policy intentions.

## **Extent of consultation**

A Notice of Proposed Rulemaking, NPRM 16-01, containing the proposed changes to Part 173 and other rules was issued for public consultation under Docket 16/CAR/1 on 2 June 2016.

The NPRM was published on the CAA website and emailed to subscribers of the automatic alert service provided by the CAA.

A period of 27 days was allowed for comment on the proposed rules.

## **Summary of submissions**

Six written submissions and no oral comments were received on the NPRM. These submissions and comments have been considered and as a result a minor and non-controversial amendment is being made to rule 91.605 and two new definitions are being inserted in Part 1 to clarify the definition of “Instrument runway”.

A summary of submissions for this NPRM is available on the CAA website.

No submissions were received in relation to the proposed amendments to Part 173.

## **Examination of submissions**

Submissions may be examined by application to the Docket Clerk at the Civil Aviation Authority between 8:30 am and 4:30 pm on weekdays, except statutory holidays.

## **Insertion of Amendments**

This Part was amended by:

- rule 173.301 (the Safety Management transition rule) was amended to clarify that the body in paragraph (a) is the applicant for the grant of the certificate; that both applicants and certificate holders have to submit implementation plans for

safety management to the Director; the timing of when plans must be submitted; that certificate holders do not need to submit the implementation plan with their certificate renewal application but may do so separately; to correct an incorrect statutory reference and to remove the wording in paragraph (f) of the existing rule.

### **Effective date of rule**

Amendment 3 to Part 173 comes into force on 10 March 2017.

### **Availability of rules**

Civil Aviation Rules are available from–

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

Freephone: 0800 GET RULES (0800 438 785)

## **Part 173 Instrument Flight Procedure Service Organisation – Certification and Operation**

*Replace rule 173.301 with the following rule:*

### **173.301 Transition for instrument flight procedure service certificate holders and applicants**

- (a) This rule applies to each—
- (1) holder of an instrument flight procedure service certificate;
  - (2) applicant for the grant of an instrument flight procedure 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 173.51(a)(2)(iii), if instead of a senior person responsible for the system for safety management, the organisation has a senior person responsible for the safety management system.
  - (2) rule 173.69, if instead of establishing, implementing, and maintaining the system for safety management, the organisation has established a safety management system that complies with rule 173.303;
  - (3) rule 173.71(a)(1A)(i);
  - (4) rule 173.71(a)(3)(ii);
  - (5) rule 173.71(a)(4A).
- (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 instrument flight procedure service certificate under subparagraph (a)(2); and

- (2) by 30 July 2016 for a holder of an instrument flight procedure 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 173.69.
- (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 instrument flight procedure service certificate 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.