



PURSUANT to Section 28 of the Civil Aviation Act 1990

I, HARRY JAMES DUYNHOVEN, Minister for Transport Safety,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This *16th* day of *May* 2006
by **HARRY JAMES DUYNHOVEN**


Minister for Transport Safety

Civil Aviation Rules

Part 171, Amendment 3

**Aeronautical Telecommunication Services –
Operation and Certification**

Docket 3/CAR/4

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Rule objective

The objective of Amendment 3 to Part 171 is to make editorial and minor technical changes as part of a general rule fix up project.

Extent of consultation

A Notice of Proposed Rulemaking, NPRM 05-07, containing the proposed changes to Part 171 was issued for public consultation under Docket 3/CAR/4 on 23 June 2005.

The publication of this NPRM was notified in the *Gazette* on 23 June 2005 and advertised in the daily newspapers in the five main provincial centres on 25 June 2005. The NPRM was published on the CAA web site and mailed to identified stakeholders including representative organisations who were considered likely to have an interest in the proposal.

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

New Zealand Transport Strategy

The development of the NPRM and the proposed rule changes takes into account the objectives of the New Zealand Transport Strategy (NZTS) and the provisions of the Civil Aviation Amendment Act (No 2) 2004.

Summary of submissions

Nine written submissions were received on the NPRM. No submissions were received on the proposed amendments to Part 171.

The rule as proposed was then referred to Parliament's Regulations Review Committee before being signed by the Minister for Transport Safety.

Examination of submissions

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

Insertion of Amendments

The amendments to the rules in this Part are reflected by the revocation of the existing rule and the substitution of the new rule.

Effective date of rule

Amendment 3 to Part 171 comes into force on 22 June 2006.

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 171 Aeronautical Telecommunication Services – Operation and Certification

Subpart A – General

Rule 171.19 is revoked and the following new rule is substituted:

171.19 Notification of aeronautical facility information

A person operating an aeronautical facility must, as soon as practicable—

- (1) forward to the provider of the AIS—
 - (i) information on the operational details of the aeronautical facility, for publication in the AIPNZ; and
 - (ii) information concerning any change in the operational status of the aeronautical facility, for the issue of a NOTAM; and
- (2) check, if applicable, that the information forwarded under paragraph (1) has been accurately published; and
- (3) notify the Director of a promulgated information incident in accordance with Part 12.

Subpart B – Certification Requirements

Rule 171.55 is revoked and the following new rule is substituted:

171.55 Security programme

(a) An applicant for the grant of an aeronautical telecommunication service certificate must establish a security programme for the facilities listed in the applicant's exposition.

(b) The security programme required under paragraph (a) must 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 aeronautical facility

operated under the authority of the aeronautical telecommunication service certificate, if such destruction, damage, or interference could endanger the safety of aircraft.

(c) The security programme required under paragraph (a) must include such physical security requirements, practices, and procedures as may be necessary—

- (1) to ensure that each aeronautical facility is subject to positive access control at all times to prevent unauthorised entry; and
- (2) for personnel to follow in the event of a bomb threat or other threat of damage to an aeronautical facility; and
- (3) to monitor an unattended aeronautical facility building to ensure that any intrusion or interference is immediately detected.

(d) The security programme required under paragraph (a) must include procedures to notify, investigate and report security incidents to the Director in accordance with Part 12.

Subpart C — Operating Requirements

Rule title 117.109 Deviations is revoked and the following new rule title is substituted:

171.109 Deviations

Consultation Details

(This statement does not form part of the rules contained in Part 171. It provides details of the consultation undertaken in making the rules.)

Comments arising from the NPRM

The rule amendment was developed under docket 3/CAR/4 and published as NPRM 05-07. The consultation details relating to docket 3/CAR/4 are detailed in each affected rule.

Nine written submissions were received on the NPRM and none commented on the proposed amendments to Part 171.

The comments and all background material used in developing these rules are held on the docket. The docket is available for public inspection at Aviation House, 10 Hutt Road. Persons wishing to view the docket should contact the Docket Clerk on Phone 64-4-560-9603 and ask for docket 3/CAR/4.