



**WELLINGTON NEW ZEALAND**

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

**I, MARK GOSCHE**, Minister of Transport,

**HEREBY MAKE** the following ordinary rules.

**SIGNED AT** Wellington

This

*25th*

day of

*June*

2002

by **MARK GOSCHE**

*Mark Gosche*  
Minister of Transport

*Deputy Minister*

**Civil Aviation Rules**

**Part 71, Amendment 1**

**Designation of Airspace**

*Docket 98/CAR/1304*

## Contents

Rule objective.....	3
Extent of consultation.....	3
Summary of comments.....	4
Examination of comments.....	4
Insertion of Amendments .....	4
Effective date of rule.....	4
Availability of rules.....	4

### Part 71 Amendments

#### Subpart A—General

71.11 Auckland Oceanic Flight Information Region and New Zealand Flight Information Region .....	5
CONSULTATION DETAILS.....	8
Notice of Proposed Rule Making .....	8
Summary of Comments on Docket Number 98/CAR/1304 NPRM.....	8

**Rule objective**

Part 71 prescribes the boundaries of the Auckland Oceanic Flight Information Region (FIR) and the New Zealand FIR and it also prescribes rules for the designation and classification of airspace within these FIRs. The objective of amendment 1 to Part 71 is to amend the boundary of the Auckland Oceanic FIR in accordance with the decision of the ICAO Council.

**Extent of consultation**

The international issues involved in this proposal have been addressed through established ICAO procedures for amending the Regional Air Navigation Plan and all affected States, including New Zealand, have been consulted.

On 27 November 2001 the ICAO Council approved an amendment to the ICAO Air Navigation Plan–Asia and Pacific Region (Doc 9673). This amendment changed the boundary between the Auckland Oceanic FIR and the Nadi FIR to bring the sovereign states of Samoa and Tonga within the Auckland Oceanic FIR. The amendment is also associated with the desire of Samoa and Tonga to delegate responsibility for the provision of air traffic services in the upper airspace over their territories to New Zealand.

A Notice of Proposed Rulemaking, NPRM 02-04, containing the proposed amendment to the Auckland Oceanic FIR was published for public consultation under Docket 98/CAR/1304 on 12 March 2002.

The development of this NPRM included detail from the ICAO amendment to the Air Navigation Plan together with input from the CAA ATS and airspace specialists.

The publication of this NPRM was notified in the Gazette on 14 March 2002 and advertised in the daily newspapers in the five main provincial centres on 14 March 2002. The NPRM was also 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 15 days was allowed for comment on the proposed rule.

### **Summary of comments**

Two written submissions were received on the NPRM. One submission accepted the proposal without change; the other submission suggested a wording change in respect to the consequential amendment to Part 172–*Air Traffic Service Organisations–Certification* in regard to the use of the term ‘air traffic service’. These submissions have been considered and as a result the suggested wording change has been made to the Part 172 amendment. Details of these submissions are contained in the Consultation Details section.

The rule as amended was then referred to Parliament’s Regulations Review Committee before being signed by the Minister of Transport.

### **Examination of comments**

Comments may be examined by application to the Docket Clerk at Aviation House 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 rules and insertion of new rules.

### **Effective date of rule**

Amendment 1 to Part 71 comes into force on 8 August 2002.

### **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 71 Amendments

### Subpart A—General

*Rule 71.11 is revoked and the following new rule inserted:*

#### **71.11 Auckland Oceanic Flight Information Region and New Zealand Flight Information Region**

- (a) The Auckland Oceanic Flight Information Region—
- (1) comprises all that airspace, excluding airspace within the New Zealand flight information region, bounded by a line joining S 30 00 00.0, W 131 00 00.0, S 90 00 00.0, E 00 00 00.0 (South Pole), S 30 00 00.0, E 163 00 00.0, S 28 00 00.0, E 168 00 00.0, S 25 00 00.0, E 171 25 00.0, S 25 00 00.0, 180 00 00.0, S 15 32 45.1, W 175 40 31.2 (Niuafu'ou), S 05 00 00.0, W 171 00 00.0, S 05 00 00.0, W 157 00 00.0, S 30 00 00.0, W 157 00 00.0, S 30 00 00.0, W 131 00 00.0; and
  - (2) has an upper limit of flight level 999; and
  - (3) has the surface of the earth as the lower limit.
- (b) The New Zealand Flight Information Region—
- (1) comprises all that airspace bounded by the arc of a circle of 200 nm radius centred on S 37 00 16.7, E 174 48 49.1, (Auckland VOR/DME) from S 39 07 38.1, E 171 33 21.7, clockwise to S 37 32 29.5, E 178 56 08.9, a line joining S 37 32 29.5, E 178 56 08.9, S 38 27 00.0, W 179 44 00.0, S 42 51 30.0, E 175 03 00.0, S 48 09 00.0, E 168 16 00.0, S 45 55 00.0, E 165 18 00.0, S 41 25 27.0, E 170 23 24.0, the arc of a circle of 200 nm radius centred on S 41 20 14.0, E 174 49 01.1, (Wellington VOR/DME) from S 41 25 27.0, E 170 23 24.0, clockwise to S 39 07 38.1, E 171 33 21.7; and
  - (2) has an upper limit of flight level 999; and

(3) has the surface of the earth as the lower limit.

(c) Portions of each flight information region may be divided by the Director into sectors to facilitate the provision of air traffic services within that flight information region.

### **Controlled airspace**

(d) Where the Director determines that an air traffic control service is required in a portion of airspace within a flight information region, that portion of airspace must be—

- (1) designated by the Director as a control area or a control zone in accordance with Subpart B; and
- (2) classified by the Director as class A, B, C, D, or E airspace in accordance with Subpart C.

(e) Each portion of airspace within the Auckland Oceanic Flight Information Region where another ICAO Contracting State provides an air traffic control service, must be—

- (1) designated by the Director as a control area or a control zone in accordance with Subpart B after consulting with the other State; and
- (2) classified by the Director as class A, B, C, D, or E airspace in accordance with Subpart C.

### **Uncontrolled airspace**

(f) Each portion of airspace within a flight information region that is not designated as a control area or a control zone is uncontrolled airspace and—

- (1) may be classified by the Director as class F airspace in accordance with Subpart C; or
- (2) is class G airspace.

(g) Each control area or control zone becomes class G airspace during those times when an air traffic control service is not being provided within that control area or control zone.

## CONSULTATION DETAILS

(This statement does not form part of the rules contained in Part 71. It provides details of the consultation undertaken in making the rules.)

### Notice of Proposed Rule Making

To provide public notice of, and the opportunity for comment on, the proposed new boundaries for the Auckland Oceanic FIR, and the proposed rules for clarifying New Zealand's obligations for the provision of air traffic services in the Auckland Oceanic FIR, Notice of Proposed Rule Making 02-04 was published under Docket Number 98/CAR/1304 on 12 March 2002. It was notified in the New Zealand *Gazette* and advertised in the five major daily New Zealand newspapers on 14 March 2002. This notice proposed amendments to Part 71 *Designation of Airspace* and consequential amendments to Part 172 *Air Traffic Service Organisations–Certification*.

International issues involved with this proposal were addressed through established ICAO procedures for amending the Regional Air Navigation Plan, and all affected States, including New Zealand, were consulted. The NPRM wording was developed in consultation with the CAA ATS and airspace specialists and incorporated details from the ICAO amendment to the Air Navigation Plan.

### Summary of Comments on Docket Number 98/CAR/1304 NPRM

#### 1. General comments on the NPRM

**1.1** A total of two written submissions were received. One submission from **Air New Zealand Ltd** accepted the proposal without change. The other submission from **Airways Corporation Ltd** suggested a wording change to the consequential amendment to Part 172.

The CAA has incorporated the suggested wording change in the final rules.



## **2. Specific comment on the NPRM**

### **Part 172**

#### **172.1(d)–Purpose**

**2.1 Airways Corporation** pointed out that the proposed changes to 172.1 are to clarify New Zealand’s obligations to cover instances when an ICAO Contracting State, other than New Zealand, may be providing an air traffic service in portions of the Auckland Oceanic FIR. The emphasis here is on the generic meaning of air traffic services, which applies to all airspace, not just controlled airspace, and to an air traffic service not just an air traffic control service. This is in line with what happens now in the Cook Sector, and the reference in the proposed 172.1(d) to controlled airspace and air traffic control service should be replaced with ‘airspace’ and ‘air traffic service’ respectively. They suggest that the wording in 172.1(d) should read: ‘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 airspace where an ICAO Contracting State other than New Zealand is providing the air traffic service’.

**CAA Comment:** The CAA agrees with the comment and has incorporated the intent of the changes into the final rule. The CAA also considers it necessary to make reference to Rule 71.11(c) in respect to sectors and has replaced the term ‘those portions of airspace’ with ‘those sectors of airspace’, in 172.1(d).