



WELLINGTON NEW ZEALAND

PURSUANT to Section 28 of the Civil Aviation Act 1990


I, MAURICE WILLIAMSON, Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This 2 day of December 1996

by MAURICE WILLIAMSON


Minister of Transport

Civil Aviation Rules

Part 65

Air Traffic Service Personnel Licences and Ratings

Docket Nr. 1120

Civil Aviation Rules
Part 65

Air Traffic Service Personnel
Licences and Ratings

RULE OBJECTIVE, EXTENT OF CONSULTATION AND COMMENCEMENT

The objective of Part 65 is to establish the standards for the issue and use of air traffic service personnel licences and ratings.

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

A draft of Part 65 was developed by the rules rewrite team in consultation with members of the consultative group. An informal draft was published and distributed in December 1995 and a period of informal consultation followed. This culminated in the issue of Notice of Proposed Rule Making 96-4 under Docket 1120 on 11 May 1996.

The publication of this notice was advertised in the daily newspapers in the five main provincial centres on 11 May 1996. The notice was mailed to members of the Regulatory Review Consultative Group and to other parties, including overseas Aviation Authorities and organisations, who were considered likely to have an interest in the proposal.

A period of 44 days was allowed for comment on the proposed rule.

The submissions and verbal comments were considered and where appropriate the proposed rules amended to take account of the comments made.

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

Part 65 comes into force on 1 April 1997.

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Subpart A — General

65.1 *Applicability*

This Part prescribes rules governing—

- (1) the issue of air traffic service licences and ratings; and
- (2) the conditions under which those licences and ratings are necessary; and
- (3) the privileges and limitations of those licences and ratings.

65.3 *Definitions*

In this Part—

Air traffic service licence means any licence issued under Part 65:

Direct supervision, in respect of the privileges of an air traffic service licence or rating, means the licence holder is supervising the situation as closely as if they were performing the task themselves, and is ready to correct or take over control at any time:

Validation, in respect of an air traffic service rating, means an authorisation to exercise the privileges of that rating at a specified location, and in a specified operating position.

65.5 *Requirement for licence and ratings*

(a) Except as provided in paragraph (d), each person who provides an air traffic service within the airspace specified in 172.1 may only provide that service within an organisation operating under the authority of an air traffic service certificate issued under Part 172 and must hold—

- (1) an appropriate current air traffic service licence issued under this Part; and
- (2) an appropriate current rating issued and validated under this Part.

(b) Except as provided in paragraph (d), each person who exercises the privileges of an air traffic service instructor, listed in 65.405, must hold a current air traffic service instructor rating issued under this Part.

(c) Except as provided in paragraph (d), each person who exercises the privileges of an air traffic service examiner listed in 65.455 must hold a current air traffic service examiner rating issued under this Part.

(d) A person who, at the time this Part comes into force, is exercising the privileges of an air traffic trainee licence, a flight service trainee licence, a flight

service operator licence, an area control automatic dependant surveillance rating, an air traffic service instructor rating, or an air traffic service examiner rating, may continue to exercise those privileges under the authority of an Airways Service Certificate issued under regulation 149A of the Civil Aviation Regulations 1953 for a period of 6 months from the date this Part comes into force.

65.7 Licences and ratings

(a) The following air traffic service licences and ratings are issued under this Part:

- (1) Air traffic trainee licence:
- (2) Air traffic controller licence:
- (3) Flight service trainee licence:
- (4) Flight service operator licence:
- (5) Flight radiotelephone operator rating:
- (6) Air traffic controller ratings:
 - (i) Aerodrome control rating:
 - (ii) Approach control rating:
 - (iii) Approach control radar rating:
 - (iv) Area control rating:
 - (v) Area control radar rating:
 - (vi) Area control automatic dependant surveillance rating:
- (7) Flight service operator ratings:
 - (i) Oceanic air-ground rating:
 - (ii) Aerodrome flight information rating:
 - (iii) Area flight information rating:
- (8) Air traffic service instructor rating:
- (9) Air traffic service examiner rating.

(b) Air traffic service instructor and examiner ratings shall be shown on the holder's licence. All other ratings and validations under this Part shall be shown in the holder's logbook and may additionally be shown on the holder's licence.

65.9 Exchange of licence

(a) Airways services personnel licences issued under the Civil Aviation Regulations 1953 are deemed to be lifetime air traffic service licences issued under this Part. Upon application in accordance with 65.11 they may be exchanged for an equivalent new licence under this Part without any further examination or test.

(b) Ratings and validations held on a licence issued under the Civil Aviation Regulations 1953 carry over to a licence issued under this Part and are deemed to have been issued under this Part.

65.11 Application for licences and ratings

Each applicant for the grant of an air traffic service licence, an air traffic service instructor rating, or an air traffic service examiner rating, or for the endorsement of any other rating on that licence, shall complete form CAA 24065/01 and submit it to the Director with a payment of the appropriate application fee prescribed by regulations made under the Act.

65.13 Issue of licences and ratings

An applicant is entitled to a licence or rating issued by the Director under this Part if the Director is satisfied that—

- (1) the applicant is a fit and proper person; and
- (2) the applicant has sufficient ability in reading, writing, speaking, and understanding the English language to enable the applicant to carry out their responsibilities as the holder of that licence or rating; and
- (3) the applicant complies with all of the eligibility requirements specified in the Subpart for that licence or rating; and
- (4) the granting of the licence or rating is not contrary to the interests of aviation safety.

65.15 Duration of licences and ratings

(a) Except as provided in paragraph (b), a licence or rating issued under this Part shall be valid for the lifetime of the holder unless it is suspended or revoked in accordance with the Act.

(b) The Director may, where the Director considers it necessary, issue a temporary licence or rating.

65.17 Examinations

(a) A candidate for an examination under this Part shall—

- (1) produce written proof of their identity; and

(2) except where a particular examination requires a higher pass mark, gain at least 70% of the possible marks in order to pass.

(b) An organisation conducting any examination required under this Part shall identify any knowledge deficiencies exhibited by each candidate, and shall ensure those deficiencies are corrected before issuing any examination pass credit.

65.19 Cheating or other unauthorised conduct

(a) During any examination under this Part, no person shall, unless authorised by the conducting officer—

- (1) copy from another person; or
- (2) refer to any source of information; or
- (3) communicate in any way with anyone other than the conducting officer; or
- (4) take an examination on behalf of anyone else; or
- (5) remove material from the examination; or
- (6) record any examination by electronic means.

(b) Any person who performs any of the acts specified in paragraph (a) shall be liable to all or any of the following:

- (1) failure in that subject:
- (2) disqualification of all or any subjects already passed:
- (3) debarment from sitting further examinations under the Civil Aviation Rules for up to 12 months:
- (4) suspension or revocation of any licence, certificate, or rating issued to that person under this or any other Part of these rules.

65.21 Air traffic service logbooks – general

Each holder of an air traffic service licence shall—

- (1) maintain a record in ink of their air traffic service training and experience in a logbook acceptable to the Director; and
- (2) before submitting their record in support of any application for a licence or rating, sign below the last entry to certify the correctness of the entries.

65.23 Air traffic service logbooks – crediting of time

(a) Subject to paragraph (b), the holder of a current air traffic service licence shall be entitled to be credited with the total air traffic service time during which they are carrying out the duties of an air traffic service licence holder, air traffic service instructor, or air traffic service examiner.

(b) A person exercising the privileges of a licence or rating, issued under this Part, while not complying with any applicable requirement of this Part shall not credit that time for any purpose under this Part.

65.25 Medical requirements

(a) The holder of an air traffic trainee licence or air traffic controller licence issued under this Part shall not exercise the privileges of that licence unless that person—

- (1) holds a current Class 3 medical certificate issued under Part 67; and
- (2) complies with all medical endorsements on that medical certificate.

(b) The holder of an air traffic trainee licence or air traffic controller licence issued under this Part shall not exercise the privileges of that licence—

- (1) while they have a known medical deficiency that would make them unable to meet the medical standards for their medical certificate; or
- (2) after—
 - (i) any medical procedure which involves the holder being subjected to general anaesthesia; or
 - (ii) other major surgery; or
 - (iii) in the case of pregnancy, the end of the second trimester or after delivery or termination—

until they are assessed fit again by an Aviation Medical Assessor.

(c) Each person who exercises the privileges of an air traffic trainee licence or air traffic controller licence issued under this Part shall, on demand by the Director, by any employee of the Authority duly authorised by the Director, or by any sworn member of the Police—

- (1) produce, within 7 days, a current Class 3 medical certificate issued under Part 67; and
- (2) on further demand by any such person surrender such medical certificate to that person.

65.27 Examination for continued fitness or proficiency

(a) The holder of a licence or rating issued under this Part shall, within such period as the Director determines, undergo such medical or other examination or test as the Director considers necessary to demonstrate their continued fitness or proficiency in the capacity for which the licence or rating is held.

(b) A person who undergoes a medical or other examination or test under paragraph (a) and who fails to comply with the requirements prescribed for the grant of the licence or rating held, shall not exercise the privileges of that licence or rating.

65.29 Offences involving alcohol or drugs

A conviction for any offence relating to alcohol or drugs, including a refusal to submit to any lawful test for alcohol or drugs, shall be relevant for determining whether a person is or remains fit and proper to hold a licence. Such conviction may result in a refusal to grant a licence, or suspension or revocation of the licence.

Subpart B — Air Traffic Trainee Licences**65.51 Applicability**

This Subpart prescribes rules governing—

- (1) the issue of air traffic trainee licences; and
- (2) the privileges and limitations of those licences.

65.53 Eligibility requirements

(a) To be eligible for an air traffic trainee licence a person shall—

- (1) be at least 18 years of age; and
- (2) hold a current Class 3 medical certificate issued under Part 67; and
- (3) hold a flight radiotelephone operator rating; and
- (4) have at least 5 hours experience on the flight deck of an aircraft in controlled air space; and
- (5) have satisfactorily completed a training course relevant to the duties of an air traffic controller, in the following subject areas:
 - (i) *Air law*: Rules and regulations; and
 - (ii) *Air traffic control equipment*: Principles, use, and limitations of equipment used in air traffic control; and

- (iii) *General aircraft knowledge*: Principles of flight; principles of operation and functioning of aircraft, powerplants and systems; aircraft performances; and
- (iv) *Human factors*: Human performance and limitations, with emphasis on cognitive maps, the role of imagery in their work, fatigue, workload stressors in ATC operations, equipment and workspace design, and key issues in human communication; and
- (v) *Meteorology*: Aeronautical meteorology; use and appreciation of meteorological documentation and information; origin and characteristics of weather phenomena affecting flight operations and safety; altimetry; and
- (vi) *Navigation*: Principles of air navigation; principle, limitation and accuracy of navigation systems and visual aids; and
- (vii) *Operational procedures*: Air traffic control, communication, radiotelephony and phraseology procedures (routine, non routine and emergency); use of the relevant aeronautical documentation; safety practices associated with flight.

(b) The training required to be completed by paragraph (a)(5) shall be conducted by—

- (1) the holder of an air traffic service organisation certificate issued under Part 172, where the certificate authorises the holder to conduct that training; or
- (2) the holder of an aviation training organisation certificate issued under Part 141, where the certificate authorises the holder to conduct that training.

65.55 Privileges and limitations

An air traffic trainee licence authorises the holder to perform air traffic control duties, while under the direct supervision of the holder of an air traffic service instructor rating, for the purpose of obtaining practical experience in air traffic control duties to—

- (1) qualify for the issue of an air traffic controller licence, rating, or validation; or
- (2) regain currency of an air traffic controller licence, rating, or validation.

Subpart C — Air Traffic Controller Licences

65.101 *Applicability*

This Subpart prescribes rules governing—

- (1) the issue of air traffic controller licences; and
- (2) the privileges and limitations of those licences.

65.103 *Eligibility requirements*

(a) To be eligible for an air traffic controller licence a person shall—

- (1) hold a current air traffic trainee licence issued under this Part, or a current air traffic controller licence issued by a foreign contracting State to the Convention; and
- (2) be at least 21 years of age; and
- (3) have at least—
 - (i) three months experience exercising the privileges of an air traffic trainee licence issued under this Part; or
 - (ii) two years experience, within the State of issue, exercising the privileges of an air traffic controller licence issued by a foreign contracting State to the Convention; and
- (4) have at least 10 hours experience on the flight deck of an aircraft in controlled airspace; and
- (5) have passed examinations relevant to the duties of an air traffic controller, in the following subject areas:
 - (i) *Air law*: Rules and regulations; and
 - (ii) *Air traffic control equipment*: Principles, use, and limitations of equipment used in air traffic control; and
 - (iii) *General aircraft knowledge*: Principles of flight; principles of operation and functioning of aircraft, powerplants and systems; aircraft performances; and
 - (iv) *Human factors*: Human performance and limitations with emphasis on cognitive maps, the role of imagery in their work, fatigue, workload stressors in ATC operations, equipment and workspace design, and key issues in human communication; and

- (v) *Meteorology*: Aeronautical meteorology; use and appreciation of meteorological documentation and information; origin and characteristics of weather phenomena affecting flight operations and safety; altimetry; and
 - (vi) *Navigation*: Principles of air navigation; principle, limitation and accuracy of navigation systems and visual aids; and
 - (vii) *Operational procedures*: Air traffic control, communication, radiotelephony and phraseology procedures (routine, non routine and emergency); use of the relevant aeronautical documentation; safety practices associated with flight; and
- (6) have met the training, experience, and assessment requirements for at least one air traffic controller rating issued under Subpart G; and
 - (7) have demonstrated to the holder of an air traffic service examiner rating the ability to perform competently the duties of an air traffic controller.
- (b) The holder of a current air traffic controller licence issued by a foreign contracting State to the Convention is deemed to have passed the examinations required by paragraph (a)(5) in general aircraft knowledge, meteorology, and navigation.
- (c) The examinations required to be passed by paragraph (a)(5) shall be conducted by—
- (1) the holder of an air traffic service organisation certificate issued under Part 172, where the certificate authorises the holder to conduct those examinations; or
 - (2) the holder of an aviation training organisation certificate issued under Part 141, where the certificate authorises the holder to conduct those examinations.

65.105 Privileges

An air traffic controller licence authorises the holder to exercise the privileges of—

- (1) an air traffic trainee licence; and
- (2) a flight service operator licence; and
- (3) any current air traffic controller ratings and validations held.

65.107 Recent experience requirements

Where the privileges of an air traffic controller licence issued under this Part have not been exercised within the immediately preceding 5 years, the licence holder shall meet the requirements of 65.103(a)(7) before the privileges of that licence may be exercised again.

Subpart D — Flight Service Trainee Licences**65.151 Applicability**

This Subpart prescribes rules governing—

- (1) the issue of flight service trainee licences; and
- (2) the privileges and limitations of those licences.

65.153 Eligibility requirements

(a) To be eligible for a flight service trainee licence a person shall—

- (1) be at least 18 years of age; and
- (2) hold a flight radiotelephone operator rating; and
- (3) have at least 5 hours experience on the flight deck of an aircraft; and
- (4) have satisfactorily completed a training course relevant to the duties of a flight service operator, in the following subject areas:
 - (i) *Air traffic service general knowledge*: Air traffic service provided within New Zealand; and
 - (ii) *Operational procedures*: Radiotelephone procedures; phraseology; telecommunication network; and
 - (iii) *Air Law*: Rules and regulations; and
 - (iv) *Human factors*: Human performance and limitations with emphasis on cognitive maps, the role of imagery in their work, fatigue, workload stressors in ATC operations, equipment and workspace design, and key issues in human communication; and
 - (v) *Telecommunication equipment*: Principles, use and limitations of telecommunications equipment in an aeronautical station.

(b) The training required to be completed by paragraph (a)(4) shall be conducted by—

- (1) the holder of an air traffic service organisation certificate issued under Part 172, where the certificate authorises the holder to conduct that training; or
- (2) the holder of an aviation training organisation certificate issued under Part 141, where the certificate authorises the holder to conduct that training.

65.155 Privileges and limitations

A flight service trainee licence authorises the holder to perform flight service operator duties, while under the direct supervision of the holder of a current air traffic service instructor rating, for the purpose of obtaining practical experience in flight service operator duties to—

- (1) qualify for the issue of a flight service operator licence, rating, or validation; or
- (2) regain currency of a flight service operator licence, rating, or validation.

Subpart E — Flight Service Operator Licences

65.201 Applicability

This Subpart prescribes rules governing—

- (1) the issue of flight service operator licences; and
- (2) the privileges and limitations of those licences.

65.203 Eligibility requirements

(a) To be eligible for a flight service operator licence a person shall—

- (1) hold a current flight service trainee licence issued under this Part; and
- (2) have at least 2 months experience exercising the privileges of the flight service trainee licence; and
- (3) have at least 10 hours experience on the flight deck of an aircraft; and

- (4) have passed examinations relevant to the duties of a flight service operator, in the following subject areas:
 - (i) *Air traffic service general knowledge*: Air traffic service provided within New Zealand; and
 - (ii) *Operational procedures*: Radiotelephone procedures; phraseology; telecommunication network; and
 - (iii) *Air Law*: Rules and regulations; and
 - (iv) *Human factors*: Human performance and limitations with emphasis on cognitive maps, the role of imagery in their work, fatigue, workload stressors in ATC operations, equipment and workspace design, and key issues in human communication; and
 - (v) *Telecommunication equipment*: Principles, use and limitations of telecommunications equipment in an aeronautical station; and
 - (5) have met the training and assessment requirements of at least one flight service operator rating issued under Subpart H; and
 - (6) have demonstrated to the holder of an air traffic service examiner rating the ability to perform competently the duties of a flight service operator, including—
 - (i) operating the telecommunication equipment in use at the unit for which the rating is sought; and
 - (ii) transmitting and receiving radiotelephony messages with efficiency and accuracy.
- (b) The examinations required to be passed by paragraph (a)(4) shall be conducted by—
- (1) the holder of an air traffic service organisation certificate issued under Part 172, where the certificate authorises the holder to conduct those examinations; or
 - (2) the holder of an aviation training organisation certificate issued under Part 141, where the certificate authorises the holder to conduct those examinations.
- (c) A person who holds a current aeronautical station operator licence issued under the Civil Aviation Regulations 1953 is deemed to meet the eligibility requirements of paragraph (a).

65.205 Privileges and limitations

(a) Subject to paragraph (b), a flight service operator licence authorises the holder to exercise the privileges of—

- (1) an aeronautical station operator licence issued under the Civil Aviation Regulations 1953; and
- (2) a flight service trainee licence; and
- (3) any current flight service operator ratings and validations held.

(b) Before exercising the privileges of the licence, the holder shall be familiar with all relevant and current information regarding the types of equipment and operating procedures used at the aeronautical station for which the licence holder holds a validated rating.

Subpart F— Flight Radiotelephone Operator Rating**65.251 Applicability**

This Subpart prescribes rules governing—

- (1) the issue of flight radiotelephone operator ratings to air traffic service personnel; and
- (2) the privileges and limitations of those ratings.

65.253 Eligibility requirements

(a) To be eligible for a flight radiotelephone operator rating issued under this Part, a person shall—

- (1) have satisfactorily completed a training course in aeronautical radiotelephone practices and procedures, including a written examination, conducted by—
 - (i) the holder of an air traffic service organisation certificate issued under Part 172, where the certificate authorises the holder to conduct that training and examination; or
 - (ii) the holder of an aviation training organisation certificate issued under Part 141, where the certificate authorises the holder to conduct that training and examination; and
- (2) have demonstrated to the holder of an air traffic service instructor rating, or flight instructor rating—
 - (i) correct manipulation and adjustment of the controls of aeronautical radiotelephone equipment; and

- (ii) the ability to transmit and receive spoken messages competently and in accordance with the current procedures.

(b) A person who held an airways services personnel licence issued under the Civil Aviation Regulations 1953 is deemed to meet the eligibility requirements of paragraph (a).

65.255 Issue

(a) When the holder of an appropriate air traffic service instructor rating, or flight instructor rating, is satisfied that the requirements of 65.253 for a flight radiotelephone operator rating have been complied with, the instructor shall issue the flight radiotelephone rating by entering in that person's logbook the name, number of licence and rating, and signature of the instructor; and date of issue of the flight radio telephone operator rating, under the following statement:

This is to certify that [name of person] has satisfied the requirements of Civil Aviation Rule Part 65 for the issue of the flight radiotelephone operator rating.

(b) Upon application to the Director and payment of the applicable fee, the holder of an air traffic service licence may, in addition, have their flight radiotelephone operator rating printed on their licence.

65.257 Privileges and limitations

A flight radiotelephone operator rating authorises the holder to operate, subject to the Radiocommunications (Radio) Regulations 1993, the radiotelephone of any aircraft, aeronautical station, or mobile surface station that operates on frequencies allocated to the aeronautical mobile service where the transmitter—

- (1) requires only the use of simple external controls; and
- (2) automatically maintains the stability of the radiated frequencies.

Subpart G — Air Traffic Controller Ratings

65.301 Applicability

This Subpart prescribes rules governing—

- (1) the issue and validation of the following air traffic controller ratings—
 - (i) Aerodrome control rating;
 - (ii) Approach control rating;
 - (iii) Approach control radar rating;
 - (iv) Area control rating;

- (v) Area control radar rating;
 - (vi) Area control automatic dependant surveillance rating; and
- (2) the privileges and limitations of those ratings.

65.303 Eligibility requirements

(a) To be eligible for an air traffic controller rating and an initial validation of that rating a person shall—

- (1) hold an air traffic controller licence; and
- (2) have satisfactorily completed a training course relevant to the rating and validation, in the following subject areas—
 - (i) *Aerodrome control rating*: Aerodrome layout; physical characteristics and visual aids, airspace structure; applicable rules, procedures and source of information; air navigation facilities; air traffic control equipment and use; terrain and prominent landmarks; characteristics of air traffic; weather phenomena; emergency and search and rescue plans;
 - (ii) *Approach control and area control ratings*: Airspace structure; applicable rules, procedures and source of information; air navigation facilities; air traffic control equipment and its use; terrain and prominent landmarks; characteristics of air traffic and traffic flow; weather phenomena; emergency and search and rescue plans;
 - (iii) *Approach radar and area radar control ratings*: As for subparagraph (ii) in so far as they affect the area of responsibility, plus — Principles, uses and limitations of radar, other surveillance systems and associated equipment; procedures for the provision of approach or area radar control services, as appropriate, including procedures to ensure appropriate terrain clearance;
 - (iv) *Area control automatic dependant surveillance rating*: As for subparagraph (ii) in so far as they affect the area of responsibility, plus — Principles, uses and limitations of automatic dependant surveillance systems and associated equipment; procedures for the provision of area control automatic dependant surveillance services, including procedures to ensure appropriate terrain clearance; and

- (3) have completed the following applicable experience under the direct supervision of an appropriately rated holder of an air traffic service instructor rating:
 - (i) *Aerodrome control rating*: an aerodrome control service, for at least 90 hours or one month, whichever is the greater, at the aerodrome for which the rating is sought;
 - (ii) *Approach control, approach control radar, area control, area control radar, or area control automatic dependant surveillance rating*: the control service for which the rating is sought, for at least 180 hours or three months, whichever is the greater, providing the service at the unit for which the rating is sought; and
 - (4) have passed examinations relevant to the privileges of the rating, in the subject areas specified in paragraph (2), conducted by—
 - (i) the holder of an air traffic service certificate issued under Part 172, where the certificate authorises the holder to conduct those examinations; or
 - (ii) the holder of an aviation training organisation certificate issued under Part 141, where the certificate authorises the holder to conduct those examinations; and
 - (5) have demonstrated to the holder of an appropriate air traffic service instructor rating, the skill, judgement, and performance required to provide a safe, orderly, and expeditious control service, at the unit for which the rating is sought.
- (b) The training required to be completed by paragraph (a)(2) shall be conducted by—
- (1) the holder of an air traffic service organisation certificate issued under Part 172, where the certificate authorises the holder to conduct that training; or
 - (2) the holder of an aviation training organisation certificate issued under Part 141, where the certificate authorises the holder to conduct that training.
- (c) To be eligible for validation of an existing air traffic controller rating for an additional location a person shall—
- (1) have completed the training required by paragraph (a)(2) for the additional location; and

- (2) have complied with the requirement of paragraph (a)(5) for the additional location.

65.305 Issue

(a) When the holder of an appropriate air traffic service instructor rating is satisfied that the requirements of 65.303(a) for an air traffic controller rating have been met, the instructor shall issue the rating by entering in the air traffic controller's logbook the air traffic control rating; any conditions on the use of the rating; the name of the location for which it has been validated; the name, number of licence and rating, and signature of the instructor; and date of issue of the air traffic control rating, under the following statement:

This is to certify that [name of air traffic controller] has satisfied the requirements of Civil Aviation Rule Part 65 for the issue of the air traffic controller rating specified below.

(b) When the holder of an appropriate air traffic service instructor rating is satisfied that the requirements of 65.303(c) for the additional validation of an air traffic controller rating have been met, the instructor shall validate the rating by entering in the air traffic controller's logbook the name of the location for which the rating has been validated; the name, number of licence and rating, and signature of the instructor; and date of issue of the additional validation, under the rating certification statement required by paragraph (a).

(c) Upon application to the Director and payment of the applicable fee, the holder of an air traffic controller licence may, in addition, have their ratings endorsed on their licence.

65.307 Privileges and limitations

(a) Subject to paragraph (b), the following air traffic controller ratings authorise the holder to exercise the corresponding privileges—

- (1) *Aerodrome control rating*: to provide aerodrome control service at the aerodrome or aerodromes for which the rating is validated:
- (2) *Approach control rating*: to provide approach control service for the aerodrome or aerodromes for which the rating is validated:
- (3) *Approach control radar rating*: to provide approach control service with the use of radar, or other surveillance systems, for the aerodrome or aerodromes for which the rating is validated:
- (4) *Area control rating*: to provide area control service within the control area or areas for which the rating is validated:

- (5) *Area control radar rating*: to provide area control service with the use of radar, or other surveillance systems, within the control area or areas for which the rating is validated
 - (6) *Area control automatic dependant surveillance rating*: to provide area control service with the use of automatic dependant surveillance systems, within the control area or areas for which the rating is validated.
- (b) Before exercising the privileges of a rating, the holder shall be familiar with all current information relevant to that rating.

65.309 Recent experience requirements

- (a) Where the privileges of an air traffic controller rating or validation issued under this Part have not been exercised, without direct supervision, for at least 5 hours of operational duty during a single shift, within the immediately preceding 28 days, the holder shall demonstrate their ability to perform unsupervised duty to an air traffic service instructor, before the privileges of that rating or validation may be exercised again.
- (b) Where the privileges of an air traffic controller rating or validation issued under this Part have not been exercised within the immediately preceding 6 months, the holder shall meet the requirements of 65.303(a)(4) and (5) before the privileges of that rating or validation may be exercised again.

Subpart H — Flight Service Operator Ratings

65.351 Applicability

This Subpart prescribes rules governing—

- (1) the issue of the following flight service operator ratings—
 - (i) Oceanic air-ground rating;
 - (ii) Aerodrome flight information rating;
 - (iii) Area flight information rating; and
- (2) the privileges and limitations of those ratings.

65.353 Eligibility requirements

To be eligible for a flight service operator rating and an initial validation of that rating, or for an additional validation, a person shall—

- (1) hold a flight service operator licence; and

- (2) have satisfactorily completed a training course relevant to the rating conducted by—
 - (i) the holder of an air traffic service certificate issued under Part 172, where the certificate authorises the holder to conduct that training; or
 - (ii) the holder of an aviation training organisation certificate issued under Part 141, where the certificate authorises the holder to conduct that training; and
- (3) have demonstrated to the holder of an applicable air traffic service instructor rating the required skill, judgement, and performance to provide the flight service at the unit for which the rating is sought.

65.355 Issue

(a) When the holder of an appropriate air traffic service instructor rating is satisfied that the requirements of 65.353 for a flight service operator rating have been met, the instructor shall issue the rating by entering in the flight service operator's logbook the flight service rating; any conditions on the use of the rating; the name of the location for which it has been validated; the name, number of licence and rating, and signature of the instructor; and date of issue of the flight service operator rating, under the following statement:

This is to certify that [name of flight service operator] has satisfied the requirements of Civil Aviation Rule Part 65 for the issue of the flight service operator rating specified below.

(b) When the holder of an appropriate air traffic service instructor rating is satisfied that the requirements of 65.353 for the additional validation of a flight service operator rating have been met, the instructor shall validate the rating by entering in the flight service operator's logbook the name of the location for which the rating has been validated; the name, number of licence and rating, and signature of the instructor; and date of issue of the additional validation, under the rating certification statement.

(c) Upon application to the Director and payment of the applicable fee, the holder of a flight service operator licence may, in addition, have their ratings endorsed on their licence.

65.357 Privileges and limitations

(a) Subject to paragraph (b), the following flight service operator ratings authorise the holder to exercise the corresponding privileges—

- (1) *Oceanic air-ground rating*: to provide oceanic air-ground service for the area or areas for which the holder is validated:

- (2) *Aerodrome flight information rating*: to provide aerodrome flight information service for the aerodrome or aerodromes for which the holder is validated;
- (3) *Area flight information rating*: to provide flight information service for the area or areas for which the holder is validated.

(b) Before exercising the privileges of a rating, the holder shall be familiar with all current information relevant to that rating.

65.359 Recent experience requirements

(a) Where the privileges of a flight service operator rating or validation issued under this Part have not been exercised, without direct supervision, for at least 5 hours of operational duty during a single shift, within the immediately preceding 28 days, the holder shall demonstrate their ability to perform unsupervised duty to an air traffic service instructor, before the privileges of that rating or validation may be exercised again.

(b) Where the privileges of a flight service operator rating or validation issued under this Part have not been exercised within the immediately preceding 6 months, the holder shall meet the requirements of 65.353(3) before the privileges of that rating or validation may be exercised again.

Subpart I — Air Traffic Service Instructor Ratings

65.401 Applicability

This Subpart prescribes rules governing—

- (1) the issue of air traffic service instructor ratings; and
- (2) the privileges and limitations of those ratings.

65.403 Eligibility requirements

(a) To be eligible for an air traffic service instructor rating a person shall—

- (1) hold an air traffic service licence; and
- (2) have at least 1 years experience exercising the privileges of an air traffic controller or flight service operator licence; and
- (3) have satisfactorily completed a training course in the theory and practice of instruction conducted by—
 - (i) the holder of an air traffic service certificate issued under Part 172, where the certificate authorises the holder to conduct that training; or

- (ii) the holder of an aviation training organisation certificate issued under Part 141, where the certificate authorises the holder to conduct that training; and
 - (4) have demonstrated the ability to exercise the privileges of the rating by passing an examination and a practical test that are acceptable to the Director.
- (b) The examination and test required to be demonstrated by paragraph (a)(4) shall be conducted by—
- (1) the holder of an air traffic service organisation certificate issued under Part 172, where the certificate authorises the holder to conduct those assessments; or
 - (2) the holder of an aviation training organisation certificate issued under Part 141, where the certificate authorises the holder to conduct those assessments.
- (c) A person who at the time this Part comes into effect is exercising privileges, equivalent to those of 65.405, under the authority of an Airways Service Certificate issued under the Civil Aviation Regulations 1953, is deemed to meet the eligibility requirements of paragraph (a).

65.405 Privileges and limitations

- (a) Subject to paragraph (b), the holder of an air traffic service instructor rating is authorised to—
- (1) instruct air traffic service personnel; and
 - (2) directly supervise air traffic service personnel under training, or regaining currency, who are performing air traffic service duties; and
 - (3) assess for, and issue, air traffic service ratings and validations.
- (b) Subject to paragraph (c), to exercise the privileges of an air traffic service instructor rating the holder shall—
- (1) hold a current air traffic service licence with a current rating and validation for the relevant service; and
 - (2) exercise those privileges within an organisation operating under—
 - (i) an air traffic service certificate issued under Part 172, where the certificate authorises the holder to conduct those privileges; or

- (ii) an aviation training organisation certificate issued under Part 141, where the certificate authorises the holder to conduct those privileges; and
- (3) to assess for, and issue to the holders of air traffic service licences, air traffic service ratings and validations—
 - (i) have at least 2 years experience exercising the privileges of an air traffic controller or flight service operator licence; and
 - (ii) within the immediately preceding 13 months have demonstrated to the holder of an air traffic service examiner rating the ability to exercise those privileges by passing an examination and a practical test based on the exercise of those privileges of the rating.
- (c) Where the holder of an instructor rating is not exercising the privilege of providing an air traffic service, the holder is not required to hold a current medical certificate.

Subpart J — Air Traffic Service Examiner Ratings

65.451 Applicability

This Subpart prescribes rules governing—

- (1) the issue of air traffic service examiner ratings; and
- (2) the privileges and limitations of those ratings.

65.453 Eligibility requirements

- (a) To be eligible for an air traffic service examiner rating a person shall—
 - (1) hold an air traffic service licence; and
 - (2) have at least 5 years experience exercising the privileges of an air traffic controller or flight service operator licence; and
 - (3) have demonstrated to a Civil Aviation Authority testing officer the ability to perform the duties of an air traffic service examiner.
- (b) A person who at the time this Part comes into effect is exercising privileges, equivalent to those of 65.455, under the authority of an Airways Service Certificate issued under the Civil Aviation Regulations 1953, is deemed to meet the eligibility requirements of paragraph (a).

65.455 Privileges and limitations

(a) Subject to paragraph (b), the holder of an air traffic service examiner rating is authorised to—

- (1) conduct written, oral, and practical tests for the issue or continued currency of air traffic service licences; and
- (2) conduct written, oral, and practical tests for the issue or continued currency of air traffic service instructor ratings.

(b) Subject to paragraph (c), to exercise the privileges of an air traffic service examiner rating the holder shall—

- (1) hold a current air traffic service licence with a rating for the relevant service; and
- (2) conduct the examining within an organisation operating under—
 - (i) an air traffic service certificate issued under Part 172, where the certificate authorises the holder to conduct that examining; or
 - (ii) an aviation training organisation certificate issued under Part 141, where the certificate authorises the holder to conduct that examining; and
- (3) within the immediately preceding 13 months, have demonstrated to a Civil Aviation Authority testing officer the ability to perform the duties of an air traffic service examiner.

(c) Where the holder of an examiner rating is not exercising the privilege of providing an air traffic service, the holder is not required to hold a current medical certificate.

APPENDIX A – Transition for holders of Airways Service Certificates

For the purposes of this Part, any act required to be performed by, or under the authority of, the holder of an air traffic service certificate issued under Part 172, may be performed by or under the authority of the holder of an Airways Service Certificate issued under regulation 149A of the Civil Aviation Regulations 1953 that is current at the time this Part comes into force until the end of the transition period for certification under Part 172.

CONSULTATION DETAILS

(This statement does not form part of the rules contained in Part 65.
It provides details of the consultation undertaken in making the rules.)

Background to the Rules

In April 1988 the Swedavia - McGregor Report on civil aviation regulation in New Zealand was completed. Following the recommendations contained in that report, the Civil Aviation Authority (CAA) (formerly the Air Transport Division of the Ministry of Transport) commenced a complete review of all existing civil aviation legislation. The existing legislation that is still appropriate is being rewritten into the new Rules format. New legislation is being generated where necessary for the areas not presently covered.

Considerable research was carried out to determine the format for the new legislation. It was decided that the legislative framework should incorporate the advantages of the regulatory system of the Federal Aviation Administration (FAA) of United States of America and the system being developed by the European Joint Aviation Authorities and published as Joint Aviation Requirements (JAR).

The new rules are structured in a manner similar to the Federal Aviation Regulations (FAR) of the FAA, and aim to achieve maximum harmonisation whilst allowing for national variations. Close co-operation is also being maintained with the Civil Aviation Safety Authority of Australia to ensure maximum harmonisation with their regulatory code.

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

Accompanying most Parts will be at least one associated Advisory Circular (AC) which will expand, in an informative way, specific requirements of the Part and acceptable means of compliance. For instance an AC may contain examples of acceptable practices or procedures which would meet the requirements of a particular rule.

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

The objective of the new rules system is to strike a balance of responsibility between the State authority and those who provide services and exercise privileges in the civil aviation system. This balance must enable the State authority to set standards for, and monitor performance of, aviation participants

whilst providing the maximum flexibility for the participants to develop their own means of compliance.

Section 12 of the Civil Aviation Act 1990 requires participants in the aviation system to carry out their activities safely and in accordance with the relevant prescribed safety standards and practices. Section 28 of the Act allows the Minister to make ordinary rules.

Notice of Proposed Rule Making

To provide public notice of, and opportunity for comment on the proposed new rules, the Authority issued Notice of Proposed Rule Making 96-4 under Docket Number 1120 on 11 May 1996. This Notice proposed the introduction of Civil Aviation Rules Part 65 to provide a regulatory safety boundary for the licensing of Air Traffic Service Personnel.

Supplementary Information

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

Availability of the Document

Any person may view a copy of these rules at Aviation House, 1 Market Grove, Lower Hutt. Copies may be obtained from Publishing Solutions Ltd, PO Box 983, Wellington 6015, Telephone 0800 800 359.

Summary of Comments on Docket Number 1120 NPRM

1. General comments on the NPRM

Airways Corporation of New Zealand Limited note "that Part 65 introduces some provisions, particularly in the area of licensing, training and examining, which directly alter ICAO Annex 1 provisions".

Civil Aviation Authority response is that these provisions are in addition to the minimum provisions of Annex 1.

An ATCO instructor comments that "The intent of the CAR 65 is to bring Air Traffic Control training into line with training in other areas of the aviation industry and the proposed format does this in a comprehensive yet simplistic way."

Execair International Limited say they have studied the contents and the NPRM "appears satisfactory".

The Guild of Air Pilots and Air Navigators say they are "generally happy with the Rule as proposed from the safety standpoint".

An ATCO licence holder says "I welcome the move to a greater involvement by the CAA particularly in respect to the issuing of ATCO licences."

Civil Aviation Authority notes the above four comments.

An ATCO licence holder is "concerned that there is no specific entry relating to the provision of an ATS service at a temporary location."

Civil Aviation Authority response is that Part 65 is focused on the licensing of individuals rather than on the operational provision of the ATS services.

The New Zealand Gliding Association "would like to see air traffic controllers receive a measure of appropriate air experience as part of their various qualifications."

Civil Aviation Authority response has been to introduce flight experience requirements.

Rural Aviation (1963) Ltd say "the closest I usually get to this subject is a friendly voice at the other end of the radio" but "I have reviewed the proposed rule and advisory circular and cannot see anything that appears to be in conflict with the other rules I have worked on. Naturally I would suggest that you look to Airways Corporation and its staff for detailed input."

Civil Aviation Authority notes this comment.

2. Specific comments on the NPRM

Rule numbers refer to the numbering as it was in the NPRM

Subpart A - General

65.3 Requirement for licence and ratings

An ATCO licence holder discussed the use of the terms "current" and "valid" in several areas.

Civil Aviation Authority response has been to define these terms.

65.5 Licences and ratings

Airways Corporation of New Zealand Limited "strongly prefers the terminology "trainee Licence" as opposed to "Cadet Licence".

Civil Aviation Authority response is that this was the only comment received after the NPRM requested comments on this point, and the preference has been accepted.

The New Zealand Air Line Pilots' Association "submits that an additional air traffic controller rating should be added, namely an Automatic Dependant Surveillance Rating."

Airways Corporation of New Zealand Limited reviewed "its response in regard to Automatic Dependant Surveillance, ADS, Ratings" and wrote "With the continual change and evolution of this technology it is now apparent that such a Rating is warranted."

Civil Aviation Authority response to the above two comments has been to add this rating in addition to the current ICAO Annex 1 requirements.

The New Zealand Air Line Pilots' Association "submits that all ratings should be shown on the holder's licence, in the same way as on Drivers Licences. It would be inappropriate, and indeed misleading, if only some and not other ratings were entered on the licence."

Civil Aviation Authority response is that the option is there for all ratings to be shown on a person's licence. However, in accordance with the lifetime licence philosophy of not wishing to force individuals to keep renewing their licences every time they get a new rating, the rule only requires the instructor and examiner ratings to be shown on the licence.

65.7 Exchange of licence

Airways Corporation of New Zealand Limited say "Provision is made in this section for ATS licences, rating and validations issued under the 1953 Regulations to be deemed to have been issued under this Part. Instructor and Examiner Ratings do not currently exist although individuals currently exercise those functions. What transition provisions would exist in this area?"

Civil Aviation Authority response has been to provide transition provisions.

65.9 Application for licences and ratings

An ATCO licence holder says the term "air traffic service licence" is used but not defined.

Civil Aviation Authority response has been to define this term.

65.11 Issue of licences and ratings

The New Zealand Air Line Pilots' Association submits that the English language requirement should define "sufficient ability" and suggests the use of the "International English Language Test".

Civil Aviation Authority response is that this matter has already been fully investigated in the drafting of earlier rules, and the best measure of the required ability has been determined at that required to complete the training and pass the required assessments.

The New Zealand Air Line Pilots' Association asks why a prerequisite is that "the granting of the licence or rating is not contrary to the interests of aviation safety."

An ATCO licence holder says "I am opposed to a provision such as this if the criteria or guidelines for such action are not published and therefore known to all participants."

Civil Aviation Authority response to the above two comments is that this is a requirement of the Act for any aviation document and is being included in all new and amended rules for the issue of aviation documents.

The New Zealand Air Line Pilots' Association suggests there should be a paragraph specifying what a validation is.

Civil Aviation Authority response has been to add a definition of validation, in the context of air traffic service ratings, to the list of definitions.

The New Zealand Air Line Pilots' Association suggests that it should be specified "that no controller can exercise the privileges of his/her licence unless they hold a current validation for the service being provided."

Civil Aviation Authority response is that this point is already covered under the requirement for licence and ratings at the beginning of Part 65.

65.19 Air traffic service logbooks - general

The Guild of Air Pilots and Air Navigators "sees little merit in the proposed introduction of a form of logbook for ATC officers. Our Air Traffic Control Subcommittee was of the opinion that this document would be cumbersome to administer and in any event, would have little meaning or relevance. The present currency requirements are quite adequate and are working well."

Civil Aviation Authority response is that logbooks are needed because of the change from the present in-house system within one organisation, that the Guild refers to, to the new system where an external body, the CAA, requires proof of a person's experience.

65.21 Air traffic services logbooks — crediting of time

Airways Corporation of New Zealand Limited say "The concept of logbooks in air traffic services is new. The practical reality, i.e. the form the logbook will take and the level of detail that will be entered in it is still, from our perspective, unclear. We request clarification."

An ATCO licence holder says "I think that the concept of logbooks is reasonable but think it unnecessary to use daily entries. The logbook should be restricted to significant entries. A system of loose leaf entries could also be incorporated."

Civil Aviation Authority response to the above two comments is that one reason for the introduction of logbooks is because the CAA will be issuing ATS licenses and will require proof that experience prerequisites have been met. The other reason is that logbook records will provide a mechanism for industry to issue most of the ratings and all validations. The form of the book, and level of detail to be recorded, will be as necessary to achieve those objectives. However, loose leaves would not be an acceptable permanent record.

65.23 Medical requirements

An ATCO licence holder says "I submit that there should also be an onus on the licence holders not to exercise the privileges of the licence if they are aware of a condition that could impair their performance but may in fact still comply with the provision of para (b)(1)."

Civil Aviation Authority response is that the onus is certainly there, and the I'M SAFE checklist is a reminder of this, but the core medical standards are those of this Rule.

An ATCO licence holder says "I think that 48 hrs is a reasonable period in which to produce the licence and medical certificate if so required."

Civil Aviation Authority response has been to allow the same full 7 days that are specified in the Transport (vehicle and driver registration and licensing) Act 1986.

An ATCO licence holder questions the alcohol levels.

The New Zealand Air Line Pilots' Association made a 23 page submission objecting to the rule introducing restrictions on alcohol amounts that may be present in a persons body prior to exercising the privileges of their licence. They concluded "The New Zealand Air Line Pilots Association would be happy to co-operate with CAA in the investigation of possible alcohol-abuse within the air traffic control industry, and to work to provide sensible solutions to benefit the aviation system as a whole."

Civil Aviation Authority response to the above two submissions has been to withdraw this rule pending further consultation as suggested by ALPA. A discussion paper is to be developed by MOT addressing this issue comprehensively across the transport industry.

65.27 Offences involving alcohol or drugs

An ATCO licence holder says "the possible linking of a drink/drive charge to the ATCO licence is not appropriate unless specific guidelines are stated and adequately defined."

Civil Aviation Authority response is that the Act requires the Director to determine whether a person is a fit and proper person to hold an aviation document before issuing the document. The criteria for the fit and proper person test are specified in section 10 of the Act and include a broad discretion for the Director to “take into account such other matters and evidence as may be relevant”. This rule provides notice that offences involving alcohol or drugs will be relevant to the determination of whether a person is fit and proper or not.

Subpart B — Air Traffic Trainee Licences

65.55 Privileges and limitations

An ATCO licence holder says ““direct supervision” must be defined”.

Civil Aviation Authority response has been to define this term.

Subpart C — Air Traffic Controller Licences

65.103 Eligibility requirements

Airways Corporation of New Zealand Limited request clarification “as to the meaning of the word “current” with respect to an air traffic control licence issued by a foreign State.”

Civil Aviation Authority response is that this term has been added to the Definitions.

Airways Corporation of New Zealand Limited say this rule appears “to indicate that the holder of a foreign air traffic control licence is required to be re-examined in all the subject areas specified in (4), If this is the case we would consider this requirement to be excessive. It is important, however, that any individual is examined on New Zealand specific material - in this respect we would consider it suitable to indicate that the holder of a foreign air traffic control licence was required to pass examinations on New Zealand specific material which could come under any of the topic headings specified in (4).”

Civil Aviation Authority response has been to amend this requirement as requested.

An ATCO licence holder asks “Does this para make it mandatory that a Trainee licence be held as a prerequisite for the issue of an ATCO licence?”

Civil Aviation Authority response is that it does, subject to the overseas option, as the trainee licence includes what would otherwise be other prerequisites for the full licence.

An ATCO licence holder says to delete the word current as “Currency is not the requirement being sought”.

Civil Aviation Authority response is that it is not rating currency that is being sought, but an assurance that the overseas licence being presented to CAA for acceptance, would be acceptable for use in the applicant's own country.

An ATCO licence holder says "Three months is not an acceptable period of training. I submit that one year is the absolute minimum. The CAA started its own training scheme in the 60's and decided that 3 years was the appropriate amount of training."

Civil Aviation Authority response is that this period is in addition to that required for the training course for the trainee licence.

An ATCO licence holder says "Air Law should specify that the rules and regulations are those relating to aircraft and not just those found in ATC documents."

Civil Aviation Authority response is that the Rule only contains the level of detail required by ICAO Annex 1, and that the Advisory Circular then fleshes out the syllabus.

An ATCO licence holder says "I submit that the ICAO standard of 21 yrs is the minimum acceptable. It must be assumed that the holder may become the sole charge at a busy unit on gaining the licence. It is not possible to accumulate sufficient experience and to achieve the degree of responsibility/maturity required prior to that age. Compare with an ATPL."

Airways Corporation of New Zealand Limited "vigorously support our previous submissions relating to a reduction of minimum age from 21 to 19."

The Guild of Air Pilots and Air Navigators supports "the lowering of the minimum age for a licence-holder to 19 years. This is in line with requirements for the holding of comparable licences in other parts of the Aviation Industry."

The New Zealand Air Line Pilots' Association made an eight page submission supporting the retention of 21 as the minimum age for an air traffic controller licence.

Civil Aviation Authority response to the above 4 comments has been to transfer the minimum age submission back to its own project in order to consider it separately to this final rule.

An ATCO instructor makes a two page submission questioning the need for examinations.

Civil Aviation Authority response is that it believes the licensing Rules have all the necessary flexibility in them, whilst still meeting ICAO requirements and providing the CAA with the assurances it requires to issue licences.

The New Zealand Air Line Pilots' Association believe "Part 65 should contain some requirements relating to assessments of proficiency for controllers on a regular and defined basis" and "recommend to CAA that it incorporate within Part 65 a requirement similar to that contained within the Airways Corporation Manual of Air Traffic Services in Pel 24, where it specifies that each controller must complete an assessment of proficiency at intervals of not less than 11 calendar months and not exceeding 13 calendar months. If a controller is not assessed within this period, or fails to pass such an assessment, he/she shall not be rostered for duty at the position concerned until such an assessment has been successfully completed."

Civil Aviation Authority response is that the operational situation of controllers is very similar to that of pilots who will be flying for the holder of an air operator certificate issued under Part 119, where the rules require the holder to have procedures to ensure the competency of their own pilots. In this situation it is proposed to remove the need for a separate biennial flight review; and it is felt this philosophy also applies to controllers who will all be employed by the holder of a Part 172 certificate.

An ATCO licence holder says "is it not reasonable to expect that an ATCO should have a limited amount of experience of being in an aircraft - other than as a passenger - flight deck familiarity or 5 hrs dual minimum?"

The New Zealand Gliding Association propose an additional requirement of at least "twenty hours of air experience in aircraft, of which at least five hours has been conducted in a light-twin and at least 10 hours of which has been conducted on cross-country navigation exercises".

Civil Aviation Authority response to the above two comments has been to require applicants for air traffic controller licences to have flight deck experience in controlled airspace.

Subpart E — Flight Service Operator Licences

65.201 Eligibility

The New Zealand Gliding Association propose an additional requirement of at least "ten hours of air experience in aircraft, of which at least five hours has been conducted on cross-country navigation exercises".

Civil Aviation Authority response has been to require applicants for flight service operator licences to have flight deck experience.

Subpart F — Flight Radio Telephone Operator Ratings

65.252 Applicability

An ATCO licence holder says "The FRT0 should be issued by the CAA as at present. Is this FRT0 the same as for the pilot?" "With the decline in the level of involvement by current ATCOs in flying, I submit that it is inappropriate to sit the same subject that a student pilot sits."

Civil Aviation Authority response is that the issue of the FRT0 is being devolved to industry in accordance with industry requests. The FRT0 is the same for ATS personnel as for pilots because they share a common communication system.

65.255 Issue

Airways Corporation of New Zealand Limited ask "What transition provisions will be made for most existing staff who do not have this formal rating?"

Civil Aviation Authority response has been to deem existing staff to meet the eligibility requirements for this rating.

Subpart G - Air Traffic Controller Ratings

65.303 Eligibility requirements

Airways Corporation of New Zealand Limited "foresee difficulty with the specification of minimum time periods for the issue of a new validation for an existing rating." "We request that this requirement be amended to reflect the original ICAO intent of allowing validation without specifying a minimum time period. Competency being addressed by the operational examination described in (5)."

Civil Aviation Authority response has been to amend the time requirement to a training requirement.

An ATCO licence holder asks "Can you in fact hold an ATCO licence when you are gaining your first rating? I would think they are coincident, ie you do not gain an ATCO licence until you also gain your first rating."

Civil Aviation Authority response is that in practice they are coincident but that technically the licence comes first.

An ATCO licence holder asks if the instructors referred to are required to be current.

Civil Aviation Authority response is that the Rule requiring licences and ratings requires those licences and ratings to be current.

An ATCO licence holder submits "that it should not be possible to hold the radar rating without also holding the associated procedural rating" so "the loss of a radar facility should not unduly reduce the safety margins."

Civil Aviation Authority response is that the requirements for the radar ratings already include the requirements for the procedural ratings.

The New Zealand Air Line Pilots' Association "support the use of high-fidelity simulators in the training phase of controllers up to a maximum of 25% of the time requirement for specific ratings. Our support is contingent upon several factors:"

Airways Corporation of New Zealand Limited says "Simulation in ATS has a similar value to that of pilot training. Airways currently credits "high fidelity" simulation on a 1 hour for 1 hour basis up to a maximum of 50% of the required minimum experience time for the issue of a rating. There is strong evidence that the value is in fact much greater."

Civil Aviation Authority response is that the use of simulation during the training of air traffic service personnel is acceptable in principle to the CAA and that it will consult further with the above two submitters.

The New Zealand Gliding Association propose an additional requirement of (i) for the issue of an area or area radar control rating, have completed ten sectors air transport experience in a multi-engined aircraft operating on a scheduled air transport service within controlled airspace; and (ii) for the issue of an approach and approach radar control rating, have completed at least one precision and one non-precision instrument approach while on air experience flights on air transport operations within controlled airspace."

Civil Aviation Authority response has been to require the flight deck experience at licence issue level rather than at rating level.

65.309 Recent experience requirements

An ATCO licence holder says "I think that the recent requirements should also specify the length of time permitted before which "currency" is at risk. The current term of 28 days is appropriate."

The New Zealand Air Line Pilots' Association "submits that the requirements as specified are insufficient to guarantee a required level of currency" and proposes a two-tiered approach based on the current Airways Corporation standards.

Civil Aviation Authority response to the above two comments has been to provide a further rule as proposed.

An ATCO licence holder says "it may be necessary to include in the privileges of the rating the ability to give "direct supervision" to a suitably qualified controller who is undergoing the requirements of the recent experience revision. This would be similar to the instrument rating requirements for pilots; you do not have to do dual, you can fly with another instrument rated pilot."

Civil Aviation Authority response is that this need has been addressed through the specified privileges of the instructor rating.

Subpart I - Air Traffic Service Instructor Ratings

65.401 Applicability

An ATCO instructor comments that "the introduction of Instructor ratings is long overdue."

The New Zealand Air Line Pilots' Association "supports the concept of Air Traffic Service Instructor ratings as provided for in this NPRM".

Civil Aviation Authority response to the above two comments is to note those comments.

65.403 Eligibility requirements

Airways Corporation of New Zealand Limited say they "assume that it would be acceptable for the practical test to be carried out in a simulated environment as opposed to a live air traffic control environment which would be impractical."

Civil Aviation Authority response is to confirm that this option would be acceptable.

Airways Corporation of New Zealand Limited say "The minimum experience requirement of two years for the issue of an Instructor rating would have a significant effect on our ability to manage units with a high staff turnover." But "Airways would be comfortable with the option suggested at page 3 of the NPRM, i.e. 1 years experience for the privilege of supervising trainees and 2 years for the privilege of issuing ratings and validations."

An ATCO licence holder says "I would submit that economics is not sufficient justification for reducing the period that an instructor must have from two years to any lesser period. There can not be any other reason."

The New Zealand Air Line Pilots' Association "believes that the requirement to have held an ATC licence for at least two years is desirable and submits that this period of time should be retained within the rule. We believe that if the cumulative average time from the issue of a PPL through to the granting of a B Category Instructor Rating were analysed, the figure would be in excess of 2 years. The two year requirement for ATC instruction is reinforced as the Corporation further reduces the course length of its training programmes. Over one decade the trainee course has reduced from a 3-year course to a 64 week programme. The old cadet programme allowed a reasonably lengthy time of "aviation immersion", including work as an ATC assistant and also flight training."

The Guild of Air Pilots and Air Navigators “is of the opinion that the proposed move to lower the experience level for an Instructor Rating from 2 years to 12 months is unwise. An officer in any other area of the Aviation Industry would be considered to be barely out of probation after 12 months, let alone able to instruct others, irrespective of the hours attained at this point in his career. The Sub-committee was of the opinion that the reduction to 12 months appeared to be driven by expediency rather than by good aviation practice. For this reason the Guild is opposed to the reduction.”

Civil Aviation Authority response to the above four comments is that the two tier experience requirement – bearing in mind the transfer of what were supervising privileges of an ordinary licence to that of an instructor rating – would best meet the needs of all the different commenters.

65.405 Privileges and limitations

Airways Corporation of New Zealand Limited say “It is assumed that the Instructor rating requirements relate to the performance of actual operational duties and as such a rating is not required for non-operational instruction (e.g. Training Centre and Unit simulators).”

Civil Aviation Authority response is to confirm this is correct and that the qualifications of instructors in non-operational situations will be addressed in the requirements for the certification of the organisation.

Airways Corporation of New Zealand Limited say “It is noted that the FAA has recently waived medical requirements for airline simulator instructors allowing flight instruction and check functions to be undertaken in simulators by experienced pilots who no longer hold medicals.”

Civil Aviation Authority response is that this is already CAA policy and that this provision was already available in the NPRM.

An ATCO licence holder says “Delete the FRTTO issue. This exam is currently available through CAA and should remain so.”

Civil Aviation Authority response is that issue of this rating is being devolved to Industry as a result of industry submissions and the provision in Part 65 is to maintain the standards of the rating in the air traffic service area.

An ATCO licence holder says, in respect to currency, “13 months is not a long term compared with the 5 years for an ATCO licence. Perhaps the 2 year – BFR – period might be more appropriate.”

Civil Aviation Authority response is that the 13 months chosen is the same as for Category “B” flight instructor rating and for flight engineer examiner ratings.

Subpart J - Air Traffic Service Examiner Ratings

65.451 Applicability

The New Zealand Air Line Pilots' Association "supports the concept of Air Traffic Service Examiner ratings as provided for in this NPRM".

Civil Aviation Authority response is to note this comment.

65.455 Privileges and limitations

Airways Corporation of New Zealand Limited suggest that assessment and training at their Training Centre could be handled under Part 172 or Part 141.

Civil Aviation Authority response is to agree with this suggestion.

Airways Corporation of New Zealand Limited asks "could provision be made for authorised individuals who do not hold ATS Licences but are covered under a Part 172 or 141 certificate to examine for the issue of an Instructor Rating?"

Civil Aviation Authority response has been to provide for this.

List of Consultants

Airways Corporation of New Zealand Limited

Barry Brunton, Christchurch

Execair International Limited

The Guild of Air Pilots and Air Navigators

P. Hislop, Christchurch

The New Zealand Air Line Pilots' Association ATC Council

New Zealand Gliding Association

Rural Aviation (1963) Limited

Transitional arrangements

Under rule 65.9(a), airways services personnel licences issued under the Civil Aviation Regulations 1953 are deemed to be lifetime air traffic service licences issued under Part 65. They may be exchanged for an equivalent new licence under Part 65 without any further examination or test.

Under rule 65.9(b), ratings and validations held on a licence issued under the Civil Aviation Regulations 1953 carry over to a licence issued under Part 65 and are deemed to have been issued under Part 65.

Under rule 65.203(c), a person who holds a current aeronautical station operator licence issued under the Civil Aviation Regulations 1953 is deemed to meet the eligibility requirements for the issue of a flight service operator licence.

Under rule 65.253(b), a person who holds an airways services personnel licence issued under the Civil Aviation Regulations 1953 is deemed to meet the eligibility requirements for the issue of a flight radiotelephone operator rating.

Under rule 65.403(c), a person who, at the time Part 65 comes into effect, is exercising privileges equivalent to those of an air traffic service instructor listed under rule 65.405, under the authority of an Airways Service Certificate issued under the Civil Aviation Regulations 1953, is deemed to meet the eligibility requirements for the issue of an air traffic service instructor rating.

Under rule 65.453(b), a person who, at the time Part 65 comes into effect, is exercising privileges equivalent to those of an Air Traffic Service examiner listed under rule 65.455, under the authority of an Airways Service Certificate issued under the Civil Aviation Regulations 1953, is deemed to meet the eligibility requirements for the issue of an air traffic service examiner rating.

Under rule 65.5(d), a person who is exercising the privileges of an air traffic trainee licence, a flight service trainee licence, an air traffic service instructor rating, or an air traffic service examiner rating is not required to hold those licences or ratings for a period of 6 months from the date this Part comes into force.

Under Appendix A, any act required by this Part to be performed by, or under the authority of, the holder of an air traffic service certificate issued under Part 172, may be performed by or under the authority of the holder of an Airways Service Certificate issued under regulation 149A of the Civil Aviation Regulations 1953 that is current at the time this Part comes into force until the end of the transition period for certification under Part 172.

Regulatory activities

The following regulations will be affected by the commencement of this rule Part—

1. Civil Aviation Regulations 1953:

Regulation 228(1A),(2A),(4)-(9)

Regulations 229 to 235

2. Civil Aviation Safety Order Nr 16, medical requirements for the grant of Air Traffic Controller licences.

Conclusion

The Authority concludes from this consultation that the majority of the aviation industry participants favour the direction of the new rules. Specific issues that were identified in the comments received from the consultative group have been addressed. The rules also meet New Zealand's international obligations under

the applicable ICAO Annex. The comments and all the background material used in developing the rules are held on the docket file and are available for public scrutiny. Persons wishing to view the docket file should call at Aviation House, 1 Market Grove, Lower Hutt and ask for docket file 1120.