

OC230466

19 June 2023

Jay

fyi-request-22891-f85dd5d7@requests.fyi.org.nz

Tēnā koe Jay

I refer to your email dated 23 May 2023 requesting the following briefings under the Official Information Act 1982 (the Act):

“OC230304 — Freight and supply chain strategy - Options for implementation

OC230312 — 2023 Legislation Programme - Reassessment of bids

OC230277 — Civil Aviation Rule Amendments - Part 139: Runway Condition Reporting

OC230065 — Seeking approval to consult on proposed changes to parking regulation and towage and storage fees

OC230270 — Meeting with Debbie Francis and Mahanga Maru - Air Navigation System Review Phase 2 Report“

Of the five briefings you requested:

- three are released with some information withheld or refused
- one is withheld in full
- one is refused.

Certain information is withheld or refused under the following sections of the Act:

9(2)(a) to protect the privacy of natural persons

9(2)(f)(iv) to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials

9(2)(g)(i) to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty

9(2)(h) to maintain legal professional privilege

18(d) the information requested is or will soon be publicly available

The above information is summarised in the document schedule at Annex 1.

With regard to the information that has been withheld under section 9 of the Act, I am satisfied that the reasons for withholding the information at this time are not outweighed by public interest considerations that would make it desirable to make the information available.

You have the right to seek an investigation and review of this response by the Ombudsman, in accordance with section 28(3) of the Act. The relevant details can be found on the Ombudsman's website www.ombudsman.parliament.nz

The Ministry publishes our Official Information Act responses and the information contained in our reply to you may be published on the Ministry website. Before publishing we will remove any personal or identifiable information.

Nāku noa, nā



Hilary Penman

Manager, Ministerial Services

Annex 1 - Document Schedule

Doc #	Reference	Document	Decision on release
1	OC230304	Freight and Supply Chain Strategy - Options for Implementation	Refused under Section 18(d). When published, the briefing will be available here: https://www.transport.govt.nz/area-of-interest/freight-and-logistics/new-zealand-freight-and-supply-chain-strategy/
2	OC230312	2023 Legislation Programme - Reassessment of Bids	Withheld in full under Section 9(2)(f)(iv).
3	OC230277	Civil Aviation Rule Amendments – Part 139: Runway Condition Reporting	Released with some information withheld under Section 9(2)(a).
4	OC230065	Seeking Approval to Consult on Proposed Changes to Parking Regulation and Towage and Storage Fees	Released with some information withheld under Sections 9(2)(a), 9(2)(f)(iv), 9(2)(g)(i) and 9(2)(h).
5	OC230270	Meeting with Debbie Francis and Mahanga Maru - Air Navigation System Review Phase 2 Report	Released with some information withheld under Section 9(2)(a) and refused under Section 18(d).

19 April 2023

OC230277

Hon Kiritapu Allan**Action required by:****Associate Minister of Transport**

Friday, 28 April 2023

CIVIL AVIATION RULE AMENDMENTS - PART 139: RUNWAY CONDITION REPORTING

Purpose

This briefing asks you to make amendments in the Civil Aviation Rules Part 139 relating to Runway Condition Reporting. It includes the Ministry's legal advice about your statutory power to make this Rule amendment.


Key points

- The proposed Rules amendment will change the provisions of Part 139 relating to runway condition reporting (RCR).
- These amendments will update the Rules that prescribe the requirements relating to RCR to be fit for purpose and align with the International Civil Aviation Organisation's (ICAO) align with the ICAO Circular 355 Assessment, Measurement and Reporting of Runway Conditions.
- The proposed rule amendments will have a standardised approach to assessing the condition of the runway and reporting the information to the flight crew members. The flight crew members then use this information alongside aircraft performance data to ensure a safe take-off and landing.
- The Rules also make consequential amendments to existing Rule Parts 1, 121, 125, 135 and 172.
- The section of this briefing headed 'Legal advice - Amendment to Part 139 – Runway Condition Reporting' advises you on the matters you must consider when exercising your powers to make rules. It also advises you how these Rules have been developed in accordance with statutory and other requirements.
- The Rules are now finalised for your approval and signature.
- It is proposed that the Rules enter into force on 30 November 2023.

Recommendations

We recommend you:

- | | | |
|---|--------------------------------------------------------------------------------------------------------------------------------------------|----------|
| 1 | sign the attached Civil Aviation Rules Part 139, Runway Condition Reporting and consequential amendments to Parts 1,121, 125, 135 and 172. | Yes / No |
| 2 | authorise the Civil Aviation Authority to notify the making of the rules by you in the New Zealand Gazette | Yes / No |
| 3 | authorise the laying of the ruled signed by you before the House of Representatives within sixteen days after signing | Yes / No |



 Garrick Wood
 Acting Manager, Economic Regulation
 19 April 2023

 Hon Kiri Allan
 Associate Minister of Transport
 / /

- Minister's office to complete:**
- | | |
|----------------------------------------------|-----------------------------------------------|
| <input type="checkbox"/> Approved | <input type="checkbox"/> Declined |
| <input type="checkbox"/> Seen by Minister | <input type="checkbox"/> Not seen by Minister |
| <input type="checkbox"/> Overtaken by events | |

Comments

Contacts

Name	Telephone	First contact
Bronwyn Turley, Deputy Chief Executive, Strategy & Regulatory Design	s 9(2)(a)	✓
Tom Forster, Manager – Economic Regulation		
Garrick Wood, Senior Adviser – Economic Regulation		

CIVIL AVIATION RULE AMENDMENTS - PART 139 RUNWAY CONDITION REPORTING

Background

- 1 Civil Aviation Rule Part 139: Aerodromes Certification, Operation and Use prescribes rules relating to requirements of a holder of an aerodrome operator certificate to have a maintenance programme which provides for the measurement and provision of real-time runway condition reporting (RCR) to be fit for purpose.
- 2 Part 139 in its current form has had problems emerge in its implementation at various aerodromes across New Zealand.
- 3 The objective of this amendment to Part 139 is to update the Rules that prescribe the requirements relating to RCR to be fit for purpose and align with the ICAO Circular 355 Assessment, Measurement and Reporting of Runway Conditions (ICAO Circular 355).
- 4 All member states of ICAO are expected to implement RCR, that is a standardised approach to assessing the condition of the runway and reporting the information to the flight crew members. The flight crew members then use this information alongside aircraft performance data to ensure a safe take-off and landing. International consistency in the reporting of the runway condition is crucial to achieve the safety benefits. The revised standards and recommended practices (SARPs) came into effect on 5 November 2020.

Runway Excursions have been recognised internationally as a significant safety risk

- 5 Contamination on the runway (such as water, snow or ice) affects the braking performance of the aircraft. The reduced friction between the tyre and the runway means that more space is required for the aircraft to fully stop, and there is a greater risk of an aircraft aquaplaning. Serious harm is likely to occur if an aircraft departs the runway unexpectedly. This is known as a 'runway excursion' – a veer off or overrun of the runway surface.
- 6 Runway excursions resulting from contamination have not historically been an issue in New Zealand. For the period 2000 to 2017 there were 20 reported runway excursions at Part 139 certificated aerodromes. None of these related to snow, ice, or excess surface water. There have been no fatal runway excursion incidents in New Zealand. Nevertheless, several certificated New Zealand aerodromes do experience snow and ice conditions, and all experience a wet runway and are at risk of standing water.
- 7 In 2015 a passenger jet aircraft aquaplaned on standing water at Christchurch airport and stopped five meters from the end of the runway and categorised as a 'near miss'. A recent incident at Auckland Airport during a severe weather event in January 2023 also re-highlighted the importance of this Rule change.
- 8 RCR reduces that risk using a globally standardised method of runway assessment and reporting.

The introduction of RCR in New Zealand is part of a global implementation

- 9 The proposed changes are part of the implementation of a globally standardised approach which has been tested and validated to replace subjective judgements with objective assessments directly tied to criteria relevant for aeroplane performance.¹
- 10 New Zealand is one of many countries implementing RCR. Ensuring global consistency, where appropriate, is important to New Zealand remaining part of the global aviation system.

Summary of proposed changes

Part 139 Aerodromes, Certification, Operation and Use

- 11 Part 139 is amended to update the Civil Aviation Rules that prescribe the requirements relating to runway condition reporting to be fit for purpose, and align with the ICAO Circular 355.
- 12 The proposed rule amendments include the following:
 - the maintenance programme established by a certificated aerodrome operator must also provide for an assessment of runway condition and provision of runway condition report;
 - a certificated aerodrome operator must ensure that the assessment of the runway condition and provision of runway condition report is in accordance with section 4 of the ICAO Circular 355 and the runway condition assessment matrix, or in an equivalent format acceptable to the Director;
 - imposing certain requirements on a certificated aerodrome operator for a controlled or uncontrolled aerodrome, relating to the provision of runway condition reports for an air transport operation under Part 121; and
 - requiring certificated aerodrome operator to ensure that personnel who perform the task of assessing the runway condition and providing a runway condition report are suitably trained and competent to perform those tasks.

Consequential amendments

- 13 To give effect to the proposed amendments in Part 139, consequential amendments were made to Part 1, 121, 125, 135 and 172.
- 14 Part 172 is amended to give full effect to the runway condition reporting proposal. The proposed amendments include the following:
 - requiring an applicant for the grant of an air traffic service certificate for an aerodrome control service to establish procedures promulgating runway surface conditions used in a runway condition report. There are four types of runway conditions namely wet runway, dry runway, slippery wet runway and contaminated runway. A certain runway surface condition (such as dry runway)

¹ ICAO Circular 355, 4.22

establishes the basis for the determination of the runway condition code for aeroplane performance purposes; and

- aligning the runway condition surface descriptions with those terms used in the ICAO Circular 355.
- 15 Part 1 is amended by revising existing definitions ('contaminated', 'dry' and 'wet') and providing for new definitions for certain terms ('standing water', 'slippery wet runway' and 'wet ice') used in the Part 139 Runway Conditions Reporting proposal.
 - 16 Part 121 is amended to give full effect to the Part 139 Runway Condition Reporting proposal.
 - 17 The term 'real time' as currently used in the reference 'real-time reporting' in rule 121.221 is removed, for being problematic. For instance, the rule is difficult to interpret due to a lack of clear policy intent and the cost of technology required to undertake 'real-time' assessments of runway surface condition is prohibitive. Reference to 'TALPA² procedures' is also removed, as the use of the term is redundant.
 - 18 Part 125 is amended to give full effect to the Part 139 Runway Condition Reporting proposal. Similar amendments to Part 121 are made to Part 125.
 - 19 Part 135 is amended to give full effect to the Part 139 Runway Condition Reporting proposal. Similar amendments to Parts 121 and 125 are made to Part 135.

Compliance

- 20 The rules are consistent with the principles of the Treaty of Waitangi. They comply with both the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993, the principles and guidelines set out in the Privacy Act 2020, and the relevant international standards. They are consistent with the Legislation Design and Advisory Committee's guidelines.

Matters for your specific consideration

- 21 The Act requires you to have regard to several matters when deciding to make a rule and give weight to them as you consider appropriate in each case. You must consider these matters yourself and cannot delegate this obligation to anyone else. They are set out in the following table, together with Ministry advice on each.

Matter to be considered	Comment
<p>Section 33(1)(a)</p> <p><i>Ordinary rules made by the Minister shall not be inconsistent with the standards of ICAO relating to aviation safety and security, to the extent adopted by New Zealand</i></p>	<p>The proposed rule amendments are not inconsistent with the standards of ICAO relating to aviation safety and security, to the extent adopted by New Zealand.</p>

² Take-off and Landing Performance Assessments

Matter to be considered	Comment
<p>Section 33(1)(b) <i>Ordinary rules made by the Minister shall not be inconsistent with New Zealand's international obligations relating to aviation safety and security</i></p>	<p>The proposed rule amendments are not inconsistent with New Zealand's international obligations relating to aviation safety and security.</p>
<p>Section 33(2)(a) <i>The recommended practices of ICAO relating to aviation safety and security, to the extent adopted by New Zealand</i></p>	<p>The proposed rules are consistent with the ICAO (SARPs) as applicable:</p> <ul style="list-style-type: none"> - Annex 1 – Personnel Licensing - Annex 2 – Rules of the Air - Annex 3 – Meteorological Services for International Air Navigation - Annex 6 – Operation of Aircraft - Annex 11 – Air Traffic Services - Annex 14 – Aerodromes - Annex 15 – Aeronautical Information Services - Annex 19 – Safety Management
<p>Section 33(2)(b) <i>The level of risk existing to aviation safety in each proposed activity or service</i></p>	<p>The proposed rule change will improve the safety of landing or taking off on wet and contaminated surface. The proposal will reduce the significant risk posed by contamination on runway by regular reporting of 'real-time' runway surface condition reporting.</p> <p>The level of risk as a result of the proposal is low. It is envisaged that the proposal will improve aviation safety especially for air transport operations carried out under Part 121 (air operation large planes) by minimising the risks of runway excursions due to a lack of information, or unclear information, about runway conditions.</p>
<p>Section 33(2)(c) <i>The nature of the particular activity or service for which the rule is being established</i></p>	<p>The proposed rule amendments will comply with ICAO's Standards and Recommended Practices for runway condition reporting. The proposed rule amendment will require the Aerodrome to assess and report the condition of movement are and provide the assessed information in the correct format and report significant changes without delay to ATS/AIS³. ATS/AIS will convey the information from RCR to aircraft operators. Aircraft operators will use the information with Aircraft performance data to determine if landing or take off is safe.</p>

³ air traffic services (ATS) and aeronautical information service (AIS)

Matter to be considered	Comment
<p>Section 33(2)(d) <i>The level of risk existing to aviation safety and security in New Zealand in general</i></p>	<p>The level of risk to aviation safety and security generally as a result of the proposal is low, as the proposal makes changes to rules regarding runway surface condition reporting, which would improve aviation safety on runways. These changes are made to be consistent with ICAO Circular 355, Assessment, Measurement and Reporting of Runway Condition with respect to the assessment of runway conditions and provision of runway condition reports.</p>
<p>Section 33(2)(e) <i>The need to maintain and improve aviation safety and security, including (but not limited to) personal security</i></p>	<p>The proposed rule amendments will improve aviation safety by minimising the risks of runway excursions due to a lack of information, or unclear information, about runway conditions.</p> <p>The proposed rule amendments will promote aviation safety especially for air transport operations being carried out under Part 121. All aerodromes are at risk of a wet runway – which reduces braking action compared to a dry runway. Runway condition reports has safety benefits for all pilots, whether they are flying TALPA-enabled jets, ATRs or smaller aircraft. Passengers will benefit from the safety benefits at all certificated aerodromes.</p> <p>Consistent use of terminology and standard reporting across all certificated aerodromes in New Zealand means that everyone from manufacturers, pilots, air traffic services and ground crew will all use the same terminology to describe the runway surface condition.</p>
<p>Section 33(2)(f)(i) <i>Whether the proposed rule assists economic development</i></p>	<p>The proposed rule amendments will have no detrimental impact on economic development.</p> <p>The proposed rule amendments will assist economic development by reducing the current cost of implementing ‘real time’ runway reporting, which would have required the implementation of expensive technology.</p> <p>The proposed rule amendments will benefit passengers from the decreased risk of runway excursion during poor weather. There are also potential (and untested) economic benefits that using RCR could help to avoid cancelled flights or diversions to another aerodrome. Unattended aerodromes could benefit from wider economic benefits of RCR, such as reduced diverted or cancelled flights due to the pilot not having sufficient information about the runway surface in poor weather.</p>

Matter to be considered	Comment
<p>Section 33(2)(f)(ii) <i>Whether the proposed rule improves access and mobility</i></p>	<p>The proposed rule amendments will not have a detrimental impact on access and mobility.</p> <p>The proposed rule amendments will improve access and mobility especially at certificated aerodromes serving air transport operations carried out under Part 121, through consistent runway condition reporting. Airlines and pilots are better informed about the runway conditions and make the necessary preparations or adjustments before flying.</p>
<p>Section 33(2)(f)(iii) <i>Whether the proposed rule protects and promotes public health</i></p>	<p>The proposed rule amendments will have no impact on protecting and promoting public health.</p>
<p>Section 33(2)(f)(iv) <i>Whether the proposed rule ensures environmental sustainability</i></p>	<p>The proposed rule amendments will have no impact on environmental sustainability.</p>
<p>Section 33(2)(fa) <i>The costs of implementing measures for which the rule is being proposed</i></p>	<p>For affected aerodromes, the proposed approach reduces the current cost of implementing 'real time' runway reporting, which would have required the implementation of expensive technology.</p> <p>Because all aerodromes are exempt from meeting the current rule, the overall cost of implementation will apply. Costs relate mainly to training, but at some aerodromes may include having staff on the ground for a little longer than they currently do.</p> <p>This is balanced with the fact that all aerodromes currently undertake at least two inspections per day, and staff are available at all aerodromes before a passenger flight is due to land.</p> <p>Airways Ltd will need to update their software to enable communication of the RCR to the flight crew members through ATIS, digital ATIS and any amendments made to the NOTAM. The costs for Airways are more significant than any other party.</p>

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Matter to be considered	Comment
<p>Section 33(2)(g)(i) <i>The international circumstances in respect of aviation safety and security</i></p>	<p>The proposed rule amendments will not affect, or be affected by, international circumstances in respect of aviation safety and security.</p> <p>The proposed rule amendments will be consistent with ICAO circular 355 with respect to the assessment of runway conditions and provision of runway condition reports.</p>
<p>Section 33(2)(g)(ii) <i>The international circumstances in respect of mutual recognition of safety certifications in accordance with the ANZA mutual recognition agreements</i></p>	<p>The proposed rule amendments will have no effect on the mutual recognition of safety certifications.</p>
<p>Section 33(2)(h) <i>Such other matters as the Minister considers appropriate in the circumstances</i></p>	<p>There are no other matters that the Ministry suggests are appropriate in the circumstances.</p>

Consultation

- 22 The CAA consulted on the proposed rule amendments in November 2022, in accordance with the requirement in section 34(1) of the Act.
- 23 A draft rule, in the civil aviation system known as a notice of proposed rule-making (NPRM), was released for public consultation on 29 September 2022 and closed 29 November 2022, providing 62 days for comment on the proposed amendments. The NPRM was published on the CAA website and emailed to stakeholders on 29 September 2022. The consultation was promoted at the NZ Airports hui in October 2022.
- 24 A total of four (4) written submissions were received which came from organisations. There were no oral submissions. The submitters showed general support for the proposal and appreciated the need for New Zealand to utilise an ICAO standard approach to RCR. The submitters shared the same sentiments expressed by the CAA that using an ICAO standard approach would allow for the best possible safety outcome for aircraft operations.
- 25 Airways New Zealand confirms it can update its software by November 2023.
- 26 As a result of the submissions, the following changes have been made in respect of RCR:
- rule 139.72(c) has been amended to add paragraph (ca) which further clarifies “to visually determine and promulgate”

- rule 139.107(a)(1)(i) is revised to incorporate reference to section 4 of the ICAO Circular 355
- rule 137.107(b)(1) is revised to better clarify the wording “at the start of an operation”.
- new rule 139.107B is inserted to include the requirement regarding the training of personnel who provide assessment of runway conditions and provide RCR.
- The proposed consequential amendments in Parts 121, 125 and 135 to remove references to ‘TALPA’ and ‘TALPA procedures’ are retained and included in the final rule package.

27 A submitter raised concern about the accessibility of definitions outside of Rule Part 1, particularly for the definition of ‘contaminated runway’. CAA agreed that the proposed definition of ‘contaminated runway’ is likely to be problematic for operators outside of New Zealand, including Air New Zealand. The submitter suggested that the ICAO runway condition matrix assessment (RCAM) should be published in the Aeronautical Information Publication (NZAIP) for local operators. The CAA agrees with the submitter’s suggestion and advises that the ICAO RCAM will be published in the NZAIP, for the benefit of local operators.

RCR should be closely aligned with airport reporting when not monitored

28 One submitter suggested that the aircraft operating rules should be more closely aligned with the airport reporting when not being monitored (for when an aerodrome is uncontrolled or unattended). The CAA advises that the rule has been further amended to make it clear that runway condition reports are to be provided at controlled aerodromes when the runway surface conditions are other than dry or wet. The rule requires RCR to be provided at all airports when the required ATC service is on watch. The rule also provides a suitable regulatory mechanism for the provision of RCR at certificated aerodromes without ATC when serving Part 121 operations.

What we would like you to do

- 29 It is proposed that the amendment rules come into force on 30 November 2023. The rules must be notified in the Gazette at least 28 days before commencement.
- 30 You will need to sign the rules by 28 April 2023 to enable gazetting by the end of May 2023 and to give industry sufficient time to prepare for the changes. CAA have indicated to industry a 6 to 8-month transition period for industry to appropriately train staff by November 2023.
- 31 Before you decide to sign the rules it is necessary for you to consider the Legal advice section which follows. The Legal advice section provides advice on the legal requirements for the development of the Part 139 Runway Condition Reporting amendment rules, and the matters that you are required to consider when making civil aviation rules.

Legal advice – Amendment to Part 139 Runway Condition Reporting and other Parts

32 This section is legal advice.

33 Under sections 28 and 30 of the Act, you have the power to make ordinary rules for a number of purposes, including (among other things), to make rules assisting aviation safety; and any matter contemplated under the Act.

Matters for your consideration

34 We consider the advice given in the “Matters for your specific consideration” section of this briefing to be legally sound.

Consultation

35 You are also required under the Act to consult in relation to rule changes. As set out above, consultation took place in between 29 September and 29 November 2022 and received four submissions.

36 We believe that you can conclude that the public notification and consultation on the rule was appropriate and met the requirements of the Act

Regulations Review Committee

37 Ordinary rules are disallowable instruments for the purpose of the Legislation Act 2012 and under section 41 of that Act must be laid before the House of Representatives not later than the sixteenth sitting day after they are made.

38 You have not referred a draft of the Rule to the Regulations Review Committee under Standing Order 318(2).

39 There do not appear to be any grounds for the Regulations Review Committee to draw the Rule to the attention of the House under Standing Order 319(2).

Publicity and tabling

40 The Civil Aviation Authority will notify the making of the Rule in the *New Zealand Gazette* and will also publicise the Rule in its publications and on its website.

41 Subject to your approval, the Civil Aviation Authority will work with officials from your Office to arrange the laying of the signed Rules before the House.

Communications

42 The Civil Aviation Authority will work with the relevant stakeholders to ensure the changes are understood and complied with.



PURSUANT to Sections 28 and 30 of the Civil Aviation Act 1990

I, Hon Kiri Allan, Associate Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT

This day of 2023

by Hon Kiri Allan
Associate Minister of Transport

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

Civil Aviation Rules

Part 139, Amendment 15

Aerodromes - Certification, Operation and Use

Docket 21 /CAR/2

Contents

Rule objective.....	3
Extent of consultation.....	3
Summary of submissions.....	3
Examination of submissions.....	5
Insertion of Amendments	5
Effective date of rule.....	5
Availability of rules.....	5
Subpart C — Operating Requirements for Aerodrome	6
139.103 Aerodrome maintenance.....	6
139.107 Assessment of runway condition and provision of runway condition report	6
139.107B Training and competency of personnel for assessment of runway condition and provision of runway condition report.....	8

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

Rule objective

The objective of amendment 15 to Part 139 is to update the Civil Aviation Rules that prescribe the requirements relating to runway condition reporting to be fit for purpose, and aligned with the **ICAO Circular 355 Assessment, Measurement and Reporting of Runway Conditions**.

In its current form, the affected rule 139.103 is problematic with the use of the term 'real time'. For instance, the rule is difficult to interpret due to a lack of clear policy intent and the cost of technology required to undertake 'real-time' assessments of runway surface condition is prohibitive.

All ICAO member states are expected to implement a standardised approach to assessing the condition of the runway and reporting this information to the appropriate persons to ensure safe take-off and landing. International consistency with regards to runway condition reporting is crucial in order to achieve the full safety benefits.

Extent of consultation

A Notice of Proposed Rulemaking NPRM 22-01, containing the proposed Part 139 Runway Condition Reporting proposal was issued for public consultation under Docket 21/CAR/2 on 29 September 2022.

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 62 days was allowed for comment on the proposed rule.

Summary of submissions

Four (4) written submissions were received on the NPRM. There were no oral comments received on the submission. A summary of submissions for this NPRM is available on the CAA website. These submissions and comments have been considered and as a result, the following amendments were made –

- Paragraph (a)(1) of rule 139.107 is amended by splitting it into 2 subparagraphs to better clarify intent that–

(1) the relevant section is section 4 of the **ICAO Circular 355 Assessment, Measurement and Reporting of Runway Conditions**; and

(2) the assessment of the runway condition and provision of the runway condition report is to be in accordance with the runway condition assessment matrix which produces the runway condition code as contained in the AIPNZ;

- Paragraph (b)(1) of rule 139.107 is amended –

(1) to provide a more definitive time frame for when a runway condition report is to be produced by removing the term ‘daily’ and replacing with ‘in each calendar day’; and

(2) to better pinpoint when a runway condition report is actually required by removing the phrase ‘at the start of the operation’ and replacing with ‘before the first aircraft takes off or lands at the aerodrome’;

- Paragraph (b)(2) of rule 139.107 is amended by splitting the paragraph into 2 subparagraphs to better clarify intent that a runway condition report is amended when there is a change in the conditions since the last report was made, and immediately before an aircraft takes off or lands at the aerodrome;

- Paragraph (c) is amended as follows to better clarify intent –

(1) Paragraphs (1) and (3) are combined into one paragraph to require that the runway condition report is produced in each calendar day immediately before an aircraft takes off or lands at the aerodrome, and produced at civil evening twilight if additional take-off and landing are scheduled, and produced upon agreement with a Part 121 operator, and is available for issue in a timely manner;

(2) Paragraph (2) is removed as it adds another layer of complexity that is not necessary for an uncontrolled aerodrome;

(3) in paragraph (3) - the phrase “in a format acceptable to the Director” which refers to the runway condition report, is removed for being redundant as rule 139.107(a)(2) already covers this;

(4) for consistency with the **ICAO Circular 355 Assessment, Measurement and Reporting of Runway Conditions** paragraph (d)(2) is amended by inserting the phrase ‘and further assessment of runway condition resulting in different runway condition codes’ after ‘poor braking action’; and

- new rule 139.107B (Training of personnel for assessment of runway condition and provision of runway condition report) is inserted, which requires affected certificated aerodrome operators to ensure that personnel who perform tasks involving runway condition assessments and runway condition reporting are suitably trained and remain competent.

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 –

- revoking and replacing rule 139.103; and
- inserting new rules 139.107 and 13.107B.

Effective date of rule

Amendment 15 to Part 139 comes into force on 30 November 2023

Availability of rules

Civil Aviation Rules are available from–

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

Freephone: 0800 GET RULES (0800 438 785)

Subpart C — Operating Requirements for Aerodrome

Rule 139.103 is revoked and replaced by the following rule:

139.103 Aerodrome maintenance

(a) A holder of an aerodrome operator certificate must establish a maintenance programme, including preventative maintenance if appropriate, for maintaining the aerodrome facilities in a condition that does not impair the safety, security, regularity, or efficiency of aircraft operations.

(b) The maintenance programme must –

- (1) provide for the surface of paved manoeuvring areas to be kept clear of any loose objects or debris that might endanger aircraft operations; and
- (2) provide for the surface of paved runways to be maintained in a condition that provides good surface friction characteristics and low rolling resistance for aircraft; and
- (3) provide for an assessment of runway condition and provision of runway condition report as specified in rule 139.107.

The following new rule is inserted after rule 139.105:

139.107 Assessment of runway condition and provision of runway condition report

(a) A holder of an aerodrome operator certificate must ensure that the assessment of the runway condition and the provision of a runway condition report –

- (1) is in accordance with –
 - (i) section 4 of the **ICAO Circular 355 Assessment, Measurement and Reporting of Runway Conditions**; and
 - (ii) the runway condition assessment matrix which produces the runway condition code as contained in the AIPNZ; or

(2) is in an equivalent format acceptable to the Director.

(b) The holder of an aerodrome operator certificate referred to in paragraph (a) for a controlled aerodrome must ensure that for an aircraft performing an air transport operation under Part 121, the runway condition report for conditions other than dry or wet runway -

(1) is compiled and produced each calendar day immediately before the first aircraft takes off or lands at the aerodrome; and

(2) is amended –

(i) when there is a change in the conditions since the last report was made; and

(ii) immediately before an aircraft takes off or lands at the aerodrome; and

(3) is issued in a timely manner to operators.

(c) The holder of an aerodrome operator certificate referred to in paragraph (a) for an uncontrolled aerodrome must ensure that for an aircraft performing an air transport operation under Part 121, the runway condition report -

(1) is compiled –

(i) each calendar day immediately before the aircraft takes off or lands at the aerodrome; and

(ii) at civil evening twilight if additional take-off and landing of aircraft are scheduled; and

(2) is available for issue in a timely manner upon prior agreement with the aircraft operator.

(3) For the purposes of paragraph (b)(2)(i), a change in the conditions includes -

(i) when the runway conditions have changed significantly due to meteorological conditions but

excluding a change from dry to wet runway, or wet to dry runway; or

- (ii) following a report of poor braking action and further assessment of runway condition resulting in different runway condition codes.

The following new rule is inserted after rule 139.107:

139.107B Training and competency of personnel for assessment of runway condition and provision of runway condition report

The holder of an aerodrome operator certificate must ensure that personnel who perform the task of assessing the runway condition and providing a runway condition report are suitably trained and competent to perform those tasks.

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982



PURSUANT to Section 30 of the Civil Aviation Act 1990

I, Hon Kiri Allan, Associate Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT

This day of 2023

by Hon Kiri Allan
Associate Minister of Transport

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

Civil Aviation Rules
Part 1, Amendment 58
Definitions and Abbreviations
Docket 21 /CAR/2

Contents

Rule objective.....	3
Extent of consultation.....	3
Summary of submissions.....	3
Examination of submissions.....	3
Insertion of Amendments	4
Effective date of rule.....	4
Availability of rules.....	4
Part 1 Definitions and Abbreviations.....	5
1.1 General definitions	5

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

Rule objective

The objective of amendment 58 to Part 1 is to revise existing definitions and provide for new definitions for certain terms used in Part 139 Amendment 15. These definitions will give full effect to the Part 139 Runway Conditions Reporting proposal.

Extent of consultation

A Notice of Proposed Rulemaking NPRM 22-01, containing the Part 139 Runway Condition Reporting proposal was issued for public consultation under Docket 21/CAR/2 on 29 September 2022.

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 62 days was allowed for comment on the proposed rule.

Summary of submissions

Four (4) written submissions were received on the NPRM. There were no oral comments received. A summary of submissions for this NPRM will be available on the CAA website.

These submissions and comments have been considered and as a result, the new definitions of **Standing water**, **Slippery wet runway** and **Wet ice** are inserted. The definitions of **Standing water** and **Wet ice** were initially proposed to be placed in rule 172.93. However, as these terms could potentially be used in other Rule Parts, it was considered appropriate to place them in Part 1 (General Definitions and Abbreviations).

In finalising the draft definitions, it was considered necessary to also add the new definition of **Slippery wet runway**, as it is one of the main runway condition descriptors.

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 Part 1 are reflected by –

- revoking and replacing the definitions of **Contaminated**, **Dry** and **Wet runway**;
- revoking the definition of **TALPA procedures** and the abbreviation of **TALPA**; and
- inserting the new definitions of **Standing water**, **Slippery wet runway** and **Wet ice**.

Effective date of rule

Amendment 58 to Part 1 comes into force on 30 November 2023

Availability of rules

Civil Aviation Rules are available from–

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

Freephone: 0800 GET RULES (0800 438 785)

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

Part 1 Definitions and Abbreviations

1.1 General definitions

The definition of Contaminated is revoked and replaced with the following definition:

Contaminated, in relation to a runway, means a significant portion of the runway surface area (whether in isolated areas or not) within the length and width being used is covered by one or more of the substances listed in the runway surface condition descriptors as contained in the NZAIP:

The definition of Dry is revoked and replaced with the following definition:

Dry, in relation to a runway, means a runway surface is free of visible moisture and not contaminated within the area intended to be used:

The new definition of Standing water is inserted after the definition of Standard part:

Standing water means water of depth greater than 3mm and includes running water of depth greater than 3mm:

The new definition of Slippery wet runway is inserted after the definition of Single-pilot aircraft:

Slippery wet runway means a wet runway where the surface friction characteristics of a significant portion of the runway has been determined to be degraded:

The definition of TALPA procedures is revoked:

TALPA procedures - Revoked

The definition of Wet runway is revoked and replaced with the following definition:

Wet, in relation to a runway, means a runway surface is covered by any visible dampness or water up to and including 3 mm deep within the area intended to be used:

The new definition of Wet ice is inserted after the definition of Wet:

Wet ice means ice with water on top of it or ice that is melting; which can cause the surface to become very slippery and is to be reported appropriately as reduced braking action in line with procedures in the PAN-Aerodromes (Doc 9981):

1.3 Abbreviations

The abbreviation of TALPA is revoked:

TALPA – Revoked

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

Contents

Rule objective.....	3
Extent of consultation.....	3
Summary of submissions.....	3
Examination of submissions.....	3
Insertion of Amendments	3
Effective date of rule.....	4
Availability of rules.....	4
Part 121 Air Operations – Large Aeroplanes.....	5
Subpart D – Performance.....	5
121.221 Landing distance - runways.....	5
Appendix D – Landing Distance Assessments for Runways.....	6
D.3 TALPA procedures - Revoked	6

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Rule objective

The objective of amendment 33 to Part 121 is to update Part 121 to give full effect to the Part 139 Runway Condition Reporting proposal.

The term ‘real time’ as currently used in the reference ‘real-time reporting’ in rule 121.221 is removed, for being problematic. For instance, the rule is difficult to interpret due to a lack of clear policy intent and the cost of technology required to undertake ‘real-time’ assessments of runway surface condition is prohibitive. Reference to ‘TALPA procedures’ is also removed, as the use of the term is redundant.

Extent of consultation

A Notice of Proposed Rulemaking NPRM 22-01, containing the Part 139 Runway Conditions Reporting was issued for public consultation under Docket 21/CAR/2 on 29 September 2022.

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 62 days was allowed for comment on the proposed rule.

Summary of submissions

Four (4) written submissions were received on the NPRM. There were no oral comments. A summary of submissions for this NPRM will be available on the CAA website. These submissions and comments have been considered and as a result no amendments were made.

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 revoking and replacing rule 121.221, and revoking appendix D.3 (TALPA procedures).

Effective date of rule

Amendment 33 to Part 121 comes into force on 30 November 2023

Availability of rules

Civil Aviation Rules are available from–

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

Freephone: 0800 GET RULES (0800 438 785)

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

Part 121 Air Operations — Large Aeroplanes

Subpart D — Performance

Rule 121.221 is revoked and replaced with the following rule:

121.221 Landing distance - runways

(a) A holder of an air operator certificate must ensure that, for each aeroplane it operates, the landing weight for the estimated time of landing will not exceed the landing weight specified in the aeroplane flight manual.

(b) A holder of an air operator certificate must use the following procedures for calculating the landing distance for an aeroplane on a runway:

- (1) that have been approved under paragraph (c); or
- (2) as provided in Appendix D.

(c) The Director may, after taking account of the following matters, approve an application by a holder of an air operator certificate for procedures if satisfied –

- (1) whether or not the aeroplane proposed has performance data issued by the manufacturer supporting the procedures that is available for use by the pilot or flight crew members; and
- (2) whether the operator has reliable access to either –
 - (i) accurate reporting on runway conditions that is appropriate for the procedures to be used; or
 - (ii) data that enables the operator to identify equivalent conditions; and
- (3) the margin of error that should be applied when calculating landing distance using the procedures which must take into account:
 - (i) the implications of pilot technique on landing distance;

- (ii) the implications of unexpected environmental conditions at the destination aerodrome;
 - (iii) whether the calculation is being undertaken at the dispatch stage or en-route;
 - (iv) whether the margin of error is supported by the reporting of the runway conditions; and
- (4) whether all personnel involved in the reporting of runway conditions, calculation of data and operation of the flight have had appropriate training in the use of the procedures.

Appendix D — Landing Distance Assessments for Runways

Appendix D.3 is revoked:

D.3 TALPA procedures - Revoked

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982



PURSUANT to Sections 28 and 30 of the Civil Aviation Act 1990

I, Hon Kiri Allan, Associate Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT

This day of 2023

by Hon Kiri Allan
Associate Minister of Transport

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Civil Aviation Rules
Part 125, Amendment 25
Air Operations — Medium Aeroplanes
Docket 21 /CAR/2

Contents

Rule objective.....	3
Extent of consultation.....	3
Summary of submissions.....	3
Examination of submissions.....	3
Insertion of Amendments	4
Effective date of rule.....	4
Availability of rules.....	4
Part 125 — Medium Aeroplanes	5
Subpart D — Performance	5
125.233 Landing distance – runways	5
D.3 TALPA procedures - Revoked.....	6

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

Rule objective

The objective of amendment 25 to Part 125 is to update the Civil Aviation Rules (the Rules) to give full effect to the Runway Condition Reporting Part 139 proposal.

The term ‘real time’ as currently used in the reference ‘real-time reporting’ in rule 125.233 is removed, for being problematic. For instance, the rule is difficult to interpret due to a lack of clear policy intent and the cost of technology required to undertake ‘real-time’ assessments of runway surface condition is prohibitive. Reference to ‘TALPA procedures’ is also removed, as the use of the term is redundant.

Extent of consultation

A Notice of Proposed Rulemaking NPRM 22-01, containing the proposed Runway Condition Report Part 139 proposal was issued for public consultation under Docket 22/CAR/1 on 29 September 2022.

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 65 days was allowed for comment on the proposed rule.

Summary of submissions

Four (4) written submissions were received on the NPRM. There were no oral comments. A summary of submissions for this NPRM is available on the CAA website. These submissions and comments have been considered and as a result no amendments were made to the final rules.

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-

- revoking and replacing rule 125.221; and
- revoking appendix D.3.

Effective date of rule

Amendment 25 to Part 125 comes into force on 30 November 2023

Availability of rules

Civil Aviation Rules are available from—

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

Freephone: 0800 GET RULES (0800 438 785)

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

Part 125 — Medium Aeroplanes

Subpart D — Performance

Rule 125.233 is revoked and replaced with the following rule:

125.233 Landing distance – runways

(a) A holder of an air operator certificate must ensure that, for each aeroplane it operates, the landing weight for the estimated time of landing will not exceed the landing weight specified in the aeroplane flight manual.

(b) A holder of an air operator certificate must use the following procedures for calculating the landing distance for an aeroplane on a runway –

- (1) that have been approved under paragraph (c); or
- (2) as provided in Appendix D.

(c) The Director may approve an application by a holder of an air operator certificate for procedures referred to in paragraph (b)(1) if satisfied of the following matters

- (1) whether or not the aeroplane proposed has performance data issued by the manufacturer supporting the procedures that is available for use by the pilot or flight crew members; and
- (2) whether the operator has reliable access to either –
 - (i) accurate reporting on runway conditions that is appropriate for the procedures to be used; or
 - (ii) data that enables the operator to identify equivalent conditions; and
- (3) the margin of error that should be applied when calculating landing distance using the procedures which must take into account the following –

- (i) the implications of pilot technique on landing distance;
 - (ii) the implications of unexpected environmental conditions at the destination aerodrome;
 - (iii) whether the calculation is being undertaken at the dispatch stage or en-route;
 - (iv) whether the margin of error is supported by the reporting of the runway conditions; and
- (4) whether all personnel involved in the reporting of runway conditions, calculation of data and operation of the flight have had appropriate training in the use of the procedures.

Appendix D — Landing Distance Assessments for Runways

Appendix D.3 is revoked:

D.3 TALPA procedures - Revoked



PURSUANT to Sections 28 and 30 of the Civil Aviation Act 1990

I, Hon Kiri Allan, Associate Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT

This day of 2023

by Hon Kiri Allan
Associate Minister of Transport

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Civil Aviation Rules

Part 135, Amendment 25

Air Operations – Helicopters and Small Aeroplanes

Docket 21/CAR/2

Contents

Rule objective.....	3
Extent of consultation.....	3
Summary of submissions.....	3
Examination of submissions.....	3
Insertion of Amendments	3
Effective date of rule.....	4
Availability of rules.....	4
Part 135 Air Operations — Helicopters and Small Aeroplanes	5
Subpart D — Performance	5
135.233 Landing distance – runways	5
Appendix D — Landing Distance Assessments for Runways.....	6
D.3 TALPA procedures - Revoked	6

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

Rule objective

The objective of amendment 25 to Part 135 is to update the Civil Aviation Rules to give full effect to the Part 139 Runway Condition Reporting proposal.

The term ‘real time’ as currently used in the reference ‘real-time reporting’ in rule 135.233 is removed, for being problematic. For instance, the rule is difficult to interpret due to a lack of clear policy intent and the cost of technology required to undertake ‘real-time’ assessments of runway surface condition is prohibitive. Reference to ‘TALPA procedures’ is also removed, as the use of the term is redundant.

Extent of consultation

A Notice of Proposed Rulemaking NPRM 22-01, containing the proposed Part 139 Runway Condition Reporting proposal was issued for public consultation under Docket 21/CAR/2 on 29 September 2022.

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 62 days was allowed for comment on the proposal.

Summary of submissions

Four (4) written submissions were received on the NPRM. There were no oral comments. A summary of submissions for this NPRM will be available on the CAA website. No amendments were made as a result of the submissions.

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 revoking and replacing rule 135.233 and revoking appendix D.3 (TALPA procedures).

Effective date of rule

Amendment 25 to Part 135 comes into force on 30 November 2023

Availability of rules

Civil Aviation Rules are available from–

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

Freephone: 0800 GET RULES (0800 438 785)

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

Part 135 Air Operations — Helicopters and Small Aeroplanes

Subpart D — Performance

Rule 135.233 is revoked and replaced with the following rule:

135.233 Landing distance – runways

- (a) A holder of an air operator certificate must ensure that, for each aeroplane it operates, the landing weight for the estimated time of landing will not exceed the landing weight specified in the aeroplane flight manual.
- (b) A holder of an air operator certificate must use the following procedures for calculating the landing distance for an aeroplane on a runway –
- (1) that have been approved under paragraph (c); or
 - (2) as provided in Appendix D.
- (c) The Director may approve an application by a holder of an air operator certificate for procedures referred to in paragraph (b)(1) if satisfied of the following matters –
- (1) whether or not the aeroplane proposed has performance data issued by the manufacturer supporting the procedures that is available for use by the pilot or flight crew members; and
 - (2) whether the operator has reliable access to either –
 - (i) accurate reporting on runway conditions that is appropriate for the permitted procedures to be used; or
 - (ii) data that enables the operator to identify equivalent conditions; and
 - (3) the margin of error that should be applied when calculating landing distance using the permitted procedures which must take into account the following –

- (i) the implications of pilot technique on landing distance;
 - (ii) the implications of unexpected environmental conditions at the destination aerodrome;
 - (iii) whether the calculation is being undertaken at the dispatch stage or en-route;
 - (iv) whether the margin of error is supported by the reporting of the runway conditions; and
- (4) whether all personnel involved in the reporting of runway conditions, calculation of data and operation of the flight have had appropriate training in the use of the procedures.

Appendix D — Landing Distance Assessments for Runways

Appendix D.3 is revoked:

D.3 TALPA procedures - Revoked

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982



PURSUANT to Sections 28 and 30 of the Civil Aviation Act 1990

I, Hon Kiri Allan, Associate Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT

This day of 2023

by Hon Kiri Allan
Associate Minister of Transport

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

Civil Aviation Rules

Part 172, Amendment 16

Air Traffic Service Organisations - Certification

Docket 21 /CAR/2

Contents

Rule objective.....	3
Extent of consultation.....	3
Summary of submissions.....	3
Examination of submissions.....	4
Insertion of Amendments	4
Effective date of rule.....	4
Availability of rules.....	4
Subpart B — Certification Requirements.....	5
172.93 Flight information service.....	5

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

Rule objective

The objective of amendment 16 to Part 172 is to update Part 172 to give full effect to the Part 139 Runway Condition Reporting proposal.

Rule 172.93 is amended to generally require an applicant for the grant of an air traffic service certificate for an aerodrome control service to establish procedures promulgating runway surface conditions used in a runway condition report. There are four types of runway conditions namely wet runway, dry runway, slippery wet runway and contaminated runway. A certain runway surface condition (such as dry runway) establishes the basis for the determination of the runway condition code for aeroplane performance purposes.

Rule 172.93 is also amended to align the runway condition surface descriptions with those terms used in the **ICAO Circular 355 Assessment, Measurement and Reporting of Runway Conditions**.

Extent of consultation

A Notice of Proposed Rulemaking NPRM 22-01, containing the proposed Part 139 Runway Condition Reporting proposal was issued for public consultation under Docket 21/CAR/2 on 29 September 2022.

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 62 days was allowed for comment on the proposal.

Summary of submissions

Four (4) written submissions were received on the NPRM. No oral comments were received. A summary of submissions for this NPRM will be available on the CAA website. These submissions and comments have been considered and as a result-

- paragraph (c) is amended by removing the proposed requirement for air traffic personnel to ‘visually determine’ a runway condition, as the responsibility for such a determination rests with a Part 139 certificated aerodrome operator;

- a new paragraph (ca) is inserted in rule 172.93. The new paragraph specifies that an applicant for an air traffic service certificate is not required to provide a visual assessment of the runway condition as part of the procedures referred to in paragraph (c) unless there is a prior agreement between the applicant and a Part 139 certificated aerodrome operator; and
- paragraph (d) is amended to clarify when a runway surface condition description for each runway third is to be made available, and the specified terms only (without any definition) as set out in paragraphs (5) to (12). Terms (such as dry frost, dry snow, compacted snow, frost, ice or slush) which do not have a special meaning are not defined. Whilst terms (such as standing water and wet ice) which have a special meaning are defined in Part 1.

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 amendment to the rules in this Part is reflected by revoking and replacing rule 172.93.

Effective date of rule

Amendment 16 to Part 172 comes into force on 30 November 2023

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 172 Air Traffic Service Organisations Certification

Subpart B — Certification Requirements

Rule 172.93 is revoked and replaced with the following rule:

172.93 Flight information service

General

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

- (1) each aircraft being provided with an ATC service that is likely to be affected by the information in paragraph (b);
- (2) each aircraft being provided with an aerodrome flight information service that is likely to be affected by the information in paragraph (b);
- (3) each aircraft operating IFR that is likely to be affected by the information in paragraph (b);
- (4) any aircraft operating VFR for which the pilot has submitted a VFR flight plan to an ATS unit;
- (5) any aircraft operating VFR if the pilot makes a specific request to an ATS unit for flight information.

(b) The applicant must ensure that the procedures required by paragraph (a) for the provision of the flight information service includes the provision of available and relevant —

- (1) SIGMET information;
- (2) information on weather conditions reported or forecast at departure, destination, and alternate aerodromes;

- (3) information concerning pre-eruption volcanic activity, volcanic eruptions, and volcanic ash clouds;
- (4) information concerning the release into the atmosphere of radioactive materials or toxic chemicals;
- (5) information on changes in the serviceability of navigation aids;
- (6) information on changes in the condition of aerodromes and associated facilities, including information on the state of the aerodrome movement areas when they are affected by snow, ice, or water;
- (7) information on unmanned free balloons; and
- (8) other information likely to affect safety.

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

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

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

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

- (1) *reserved*;
- (2) *reserved*;
- (3) *reserved*;
- (4) *reserved*;
- (5) dry snow;
- (6) compacted snow;
- (7) frost;
- (8) ice;
- (9) slush;
- (10) standing water;
- (11) wet ice; or
- (12) wet snow.

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

Traffic Information

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

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

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



20 April 2023

OC230065

Hon Kiritapu Allan

Action required by:

Associate Minister of Transport

Monday, 24 April 2023

SEEKING APPROVAL TO CONSULT ON PROPOSED CHANGES TO PARKING REGULATION AND TOWAGE AND STORAGE FEES

Purpose

Provides you with a draft Cabinet paper (and associated documents) seeking approval to consult on proposals to amend parking regulation and towage and storage fees.

Key points

- Parking and towage and storage regulation support the delivery of a safe, fair, and efficient transport system. These regulatory levers also play crucial roles in the achievement of other key Government priorities. For example, the effective management of on-street parking is an essential component in response to urban intensification and the achievement of emissions reductions targets. Similarly, changes to regulated towage and storage fees are crucial to the delivery of proposals to address fleeing drivers.
- Following Hon Michael Wood, Minister of Transport's direction in October 2022 (OC220775 refers), we have drafted the attached Cabinet Paper (Appendix One) seeking approval to consult on proposed changes to both parking regulation and towage and storage fees. The consultation document, draft regulatory impact statement (RIS), and draft Land Transport (Road User) Amendment Rule are attached at Appendix Two, Three, and Four respectively.
- The proposed changes to parking regulation and the towage and storage proposals have been combined into a single package for consultation. However, if preferable, the proposals could be progressed separately on different timelines.
- We are seeking your agreement to consult your Ministerial colleagues over the period of 24 April – 5 May 2023 on the proposed changes. We are also seeking your approval to lodge the attached Cabinet paper for you to take, along with the consultation materials, to the Cabinet Economic Development Committee on 17 May 2023.
- A six week period of public consultation is currently planned for 29 May – 7 July 2023, following Cabinet agreement to consult. Consultation will provide us with the opportunity to better understand the impacts of the current regulatory status, as well as the potential impacts that the proposed changes could have on particular groups.

- If you do not wish to proceed with all of the proposals for consultation, we recommend proceeding with consultation solely on proposed changes to parking requirements in the Land Transport (Road User) Rule 2004 (the Rule). The proposed amendments to the Rule are minor and seek to clarify parking requirements; there are no proposals to amend penalties. As such, you can proceed with these proposals without Cabinet agreement, and we can start consultation from 8 May 2023.
- We will report back to you on the outcome of consultation in July 2023, seeking your agreement on next steps.

Recommendations

We recommend you:

- | | | |
|---|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|
| 1 | indicate whether you would like to discuss the proposed changes with officials | Yes / No |
| 2 | agree to consult your Ministerial colleagues over the period of 24 April – 5 May 2023 on the proposed changes. | Yes / No |
| 3 | provide feedback, if any, on the consultation documents by 9 May 2023 | Yes / No |
| 4 | agree to take the attached Cabinet paper and consultation package to the Cabinet Economic Development Committee (DEV) on 17 May 2023 seeking Cabinet approval to consult for six weeks from 29 May – 7 July 2023 on proposed changes to: | |
| | <ul style="list-style-type: none"> • parking penalty levels • clarify the use of publicly provided evidence for parking enforcement • towage and storage regulated fee levels • implement a regular cycle of review for parking penalties and towage and storage fees. | <p>Yes / No</p> <p>Yes / No</p> <p>Yes / No</p> <p>Yes / No</p> |
| 5 | agree to proceed with public consultation on proposed changes to parking requirements amendments in the Land Transport (Road User) Rule 2004 | Yes / No |



Megan Moffet
Manager Regulatory Policy
 20 / 04 / 2023

Hon Kiritapu Allan
Associate Minister of Transport
 / /

- Minister's office to complete:**
- | | |
|----------------------------------------------|-----------------------------------------------|
| <input type="checkbox"/> Approved | <input type="checkbox"/> Declined |
| <input type="checkbox"/> Seen by Minister | <input type="checkbox"/> Not seen by Minister |
| <input type="checkbox"/> Overtaken by events | |

Comments

Contacts

Name	Telephone	First contact
Megan Moffet, Manager, Regulatory Policy	s 9(2)(a)	
Bronwyn Turley, Deputy Chief Executive, System and Regulatory Design		✓

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

SEEKING APPROVAL TO CONSULT ON PROPOSED CHANGES TO PARKING REGULATION AND TOWAGE AND STORAGE FEES

In 2021, we undertook an assessment of the parking system's performance

- 1 In October 2021, we updated Minister Wood on the completion of our initial assessment of the performance of New Zealand's parking regulatory system (OC210623 refers).
- 2 This assessment found that parking penalty levels and towage and storage regulated fees have not been updated since 1999, over which time their value has decreased due to inflation (OC210623 refers). As a result, parking penalty levels are no longer proportionate to the impacts of parking offences and are not effectively deterring people from committing offences. Similarly, towage and storage fees are no longer effectively covering operating costs, leading to difficulties sourcing operators willing to tow illegally parked vehicles and to store vehicles that have been impounded by Police.
- 3 We have progressed two workstreams as a result of this assessment: one to review parking penalty levels and offences, and another to review regulated towage and storage fees (for both Road Controlling Authorities (RCAs) and Police-ordered towage and impoundment). This will be followed at a later date by a larger-scale review of the towage and storage regulatory system.

In late 2022, we sought Minister Wood's agreement to draft a joint consultation package on proposed changes to both parking regulation and towage and storage fees

As part of proposed changes to parking regulation, Minister Wood agreed we should draft amendments to parking requirements in the Land Transport (Road User) Rule 2004

- 4 In August, Minister Wood agreed we should issue drafting instructions to the Parliamentary Council Office (PCO) to draft several minor regulatory stewardship amendments to parking requirements set out in the Land Transport (Road User) Rule 2004 (OC220643 refers).
- 5 We have now finalised the draft Land Transport (Road User) Amendment Rule (the draft Amendment Rule) which will form part of the consultation package on changes to parking requirements. The draft Amendment Rule is included in Appendix Four.

Minister Wood also agreed we should prepare a joint consultation package covering proposed changes to both parking regulation and towage and storage fees

- 6 In October 2022, Minister Wood agreed that we should draft a consultation document on proposed changes to various aspects of parking regulation (including penalties, requirements, and the use of publicly provided evidence for enforcement) and towage and storage regulated fees (OC220775 refers).

Local Government Road Controlling Authorities use parking regulatory tools to ensure the transport system functions fairly, efficiently, and effectively

- 7 Many parking requirements are designed to make sure the transport system can operate efficiently, for example, to keep loading zones clear, and to encourage parking turnover so more people can access the places they need to go.
- 8 Parking requirements also enable more equitable access, for example, by providing clear access to mobility parking for those who need it.
- 9 Other parking requirements are also intended to improve safety for all transport users, for example, by protecting safe access to footpaths and cycleways for pedestrians and cyclists, or by making sure people do not park in places where they could inhibit the visibility of oncoming traffic.

RCAs use parking penalties to encourage people to comply with these parking requirements

- 10 If someone commits a parking offence, RCAs issue infringement notices (commonly referred to as parking tickets) which set out the financial penalty (or the cost of the ticket). The financial penalty is designed to deter people from breaching parking requirements in the first place and sends a signal about the significance of the impacts of the offence.

RCAs and Police rely on towage and storage operators to keep our roads safe and free from obstruction

- 11 Towage and storage operators play an essential role in traffic enforcement to keep our roads safe and accessible. If the Police want to impound a vehicle or remove an abandoned vehicle, they rely on towage and storage operators being willing to come and collect and store these vehicles for the impoundment period.
- 12 This keeps roads clear of obstruction and ensures people who have had their vehicles impounded for unsafe driving behaviour cannot gain access to their vehicle until the impoundment period has lapsed.
- 13 Many RCAs also work with tow operators to remove vehicles that are obstructing the flow of traffic or posing a safety risk to other transport users, and the fee for towage is charged to the vehicle's registered person.

Effective parking and towage and storage regulation contributes to several key Government priorities

- 14 Both national and local government priorities require RCAs to actively manage road space. From a central government perspective, the transition to a low-emissions economy depends on actions taken at a local level. Many local councils are developing their parking strategies around the need to reduce emissions, support new placemaking and urban development initiatives, and to deliver efficient transport options for a growing population.

Emissions reductions

- 15 One of the key actions for transport in the Emissions Reductions Plan is to reduce reliance on cars by supporting people to walk, cycle, and use public transport.
- 16 To achieve this, RCAs need to be able to use parking charges to encourage mode shift and effective parking financial penalties to keep footpaths, cycleways, and bus lanes safe, efficient, and easy to access. RCAs also rely on tow operators to remove incorrectly parked vehicles from these areas.

Urban development

- 17 Placemaking and urban development projects designed to prioritise active and low-emissions modes and increase urban density can result in increased pressures on on-street parking.
- 18 Effective parking penalties and towage services will support the fair and efficient allocation of public space that is in increasingly high demand.

Responding to fleeing drivers and dangerous driving

- 19 An effective towage and storage sector enables Police to respond to dangerous and unsafe behaviour on roads. The impoundment of vehicles is a crucial enforcement tool, along with others such as penalties and licencing, to enable Police to ensure public safety and deter negative behaviour.

Without regular updates, the parking regulatory system cannot support these priorities...

- 20 Parking penalty levels have not been updated since 1999, over which time inflation has eroded their value. As a consequence, they are no longer an effective deterrent and are not proportionate to the impacts created by parking offences.
- 21 Because of these low penalty levels, people are choosing to commit parking offences and risk getting a ticket instead of complying with parking requirements.
- 22 The public is becoming increasingly aware of this lack of financial incentive. We have noted posts on social media platforms and newspaper articles about the fact that it frequently costs more to pay for parking than it does if you choose not to comply.
- 23 Individuals have written to the Ministry as well as to Minister Wood in his capacity as Minister of Transport calling for changes to parking penalty levels to improve parking compliance. Early engagement with groups including the Cycling Action Network, Living Streets Aotearoa, and CCS Disability Action has also highlighted the realities of the safety and accessibility impacts parking offences can have.

...and towage and storage fees are becoming increasingly unsustainable

- 24 This legislation has also not been updated since 1999, meaning storage and mileage fees have not been adjusted to account for inflation and increased operating costs (including increases in fuel prices).

- 25 This has negative implications for:
- 25.1 safety – due to a shortage of operators willing to tow and store impounded vehicles
 - 25.2 credibility of enforcement – where police and RCAs cannot effectively tow and impound vehicles
 - 25.3 unsustainable workarounds – where RCAs are using funding to subsidise towing costs or no longer towing vehicles due to an inability to recover costs, and where some operators are using revenue from other sources to be able to continue providing services for police impounds.

26 s 9(2)(g)(i)

The attached consultation document includes proposed changes to parking and towage and storage regulation...

Parking Requirements

- 27 Four parking requirements in the Land Transport (Road User) Rule 2004 have been identified as being unclearly or inconsistently worded, as well as being difficult to enforce. The proposed changes will improve clarity and consistency in the legislation, to make these parking requirements easy to understand and enforce.
- 28 Please see Part 1 of the attached consultation document for details of the proposed changes (Appendix Two).

Parking Penalties

- 29 Minister Wood recently approved the public release of the Effective Financial Penalties Framework and Tool (the Framework and Tool) which provides a step-by-step process for developing penalty levels that are consistent, proportionate, and an effective deterrent (OC210982 refers). We have used the Framework and Tool to develop the proposed penalty levels in the consultation document.
- 30 These proposals are intended to ensure penalty levels are fair and proportionate to the impacts of the offence and are effective in deterring people from committing parking offences.
- 31 Please see Part 2 of the attached consultation document for details about the proposed changes (Appendix Two).

Towage and storage regulated fees

- 32 In late 2022, Minister Wood agreed that we should include proposals to amend towage and storage fees in our parking consultation package (OC220775 refers).

- 33 Proposed changes are intended to improve cost recovery to support the continuation of vehicle towage and storage services that support the safety and efficiency of the transport system.
- 34 Please see Part 4 of the attached consultation document for details about these proposals (Appendix Two).

Regular cycle of review

- 35 We have also included a section in the consultation document seeking public feedback about options to implement a periodic review of parking penalties and towage and storage fees.
- 36 This proposal is designed to ensure parking penalty levels and towage and storage fees do not become outdated again in future.
- 37 Please see Part 5 of the attached consultation document for details about this proposal (Appendix Two).

...and also includes a proposal to clarify the ability of parking wardens to use publicly provided evidence to enforce parking requirements

We have provided Minister Wood with previous advice about the impact of legislative change

- 38 In June 2021, we provided Minister Wood with advice about the legal status of publicly provided evidence for parking enforcement (OC210535 refers).
- 39 [Section 139\(6\) of the Land Transport Act 1999](#) states that if a parking warden has “reason to believe” that a parking offence has been committed, they “may issue an infringement notice in respect of the alleged offence”. The legislation does not describe the specific types of evidence that a warden must use, or the considerations they need to have, when forming their “reason to believe”.
- 40 Current legislation allows RCAs to use evidence provided by the public to enforce parking offences. RCAs have raised concerns that legislative changes would not change the operational difficulties they face when determining the validity of this kind of evidence.

We have included a proposal to clarify the legislation in the attached consultation document

- 41 As requested, we have included a proposal in the attached consultation document to clarify that RCAs can use evidence provided by the public when forming their “reason to believe” an offence has been committed.
- 42 Please see Part 3 of the attached consultation document for details about this proposal (Appendix Two).

There are several risks associated with progressing this proposal

- 43 s 9(2)(f)(iv), s 9(2)(h)

44

s 9(2)(f)(iv), s 9(2)(h)

45

46 Consultation will provide us with an opportunity to better understand the impacts of this proposal.

47 Details about this proposal are included in Part 3 of the consultation document.

Key risks

Negative public and media interest is expected if consultation goes ahead

48 Proposals to amend parking penalty levels and towage and storage fees are expected to receive a level of public and/or media interest, given that they would impose greater costs to the public should they commit a parking offence, when compared to the status quo.

49 Officials are preparing a consultation strategy, which includes consideration of approaches to feedback or media interest that proposals may receive.

There could also be increased dissent and abuse directed at parking enforcement

50 One key risk of consulting on the proposed changes is that it will increase verbal and physical abuse directed at parking wardens if members of the public are angered by the proposed changes.

51 Having said this, RCA parking teams are already experiencing this kind of response from the public, and are broadly very supportive of the proposed changes, in particular, to parking penalty levels.

Key risks of not progressing with changes to parking regulation

52 De-prioritisation or termination of this work could exacerbate existing pressure on the integrity of the parking system. For example, with fewer and fewer people opting to pay for their parking, the ability of the system to fairly and efficiently allocate scarce parking resources will continue to be undermined.

53 This could lead to worsening outcomes for safety, equitable access, economic prosperity, environmental sustainability, and overall efficiency of the transport system.

Key risks of not progressing with changes to towage and storage

54 Prior advice, which was forwarded to the Minister of Justice's office (OC221046 refers) outlines that, given the proposed changes to penalties for failing to stop for Police in

the draft Road Safety Bill and the increased seizure powers being introduced by the CAIL Bill, we will see a significant increase in the number of Police-ordered impoundments. We reasonably expect that this could be up to 16,000 extra 28-day impoundments (or equivalent) which is a 50-70% increase on the current rate.

- 55 While the Ministry is working to provide advice on how long-term impoundment could be implemented, we know that even with the Crown investing in the system, it is likely to take time for the system to grow sufficiently to undertake the required towage and storage. Feedback received from industry during the Select Committee process for the CAIL Bill outlined that there was a strong demand for towage and storage regulated fees to be reviewed and increased, to alleviate the financial burden that operators are facing. s 9(2)(g)(i)

We are seeking your and Cabinet's agreement to consult publicly on proposed changes

We have allowed time for you to consult with your Ministerial colleagues and for us to incorporate feedback from other government agencies

- 56 We are seeking your agreement to consult the general public on the proposals set out in the consultation document. We will make stylistic and editorial changes to the consultation document before the document is released for formal consultation.
- 57 We have built in two weeks for you to consult with your Ministerial colleagues prior to seeking Cabinet agreement to consult. We may also receive further comments from relevant agencies during this period, and any agency or Ministerial feedback will be included in the revised draft for lodging.
- 58 The attached draft regulatory impact statement (RIS) is awaiting final review from the Ministry's regulatory impact analysis review panel. We will provide a final revised version of the RIS in time for lodgement.
- 59 Two elements of the consultation, the draft parking-related rule amendments and the proposal in relation to publicly provided evidence, have received regulatory impact analysis exemptions due to limited impacts.

With your agreement your Office will then lodge the final Cabinet paper in March

- 60 Following your agreement and Ministerial consultation, you will need to take the final Cabinet paper and consultation package to the Cabinet Economic Development Committee (DEV), scheduled for Wednesday 17 May 2023.

- 61 You will then need to seek Cabinet confirmation the following Monday, 22 May 2023.

With approval, public consultation will commence for six weeks

- 62 Public consultation is planned for six weeks starting on 29 May until 7 July 2023.

63 Along with a consultation document on our website, we intend to meet with a range of key stakeholders during the consultation period and are currently developing a communications and engagement strategy to support the consultation approach.

64 We also intend to undertake engagement with Māori groups, such as local Marae, to better understand the impacts that proposed changes could have on Māori.

Following consultation, we will provide you with a summary of submissions and finalised proposals for Cabinet’s final policy decisions

65 Following consultation, we will work to summarise the submissions received and collect views in a summary of submissions document. We will also suggest any amendments to proposed changes in response to public feedback.

66 We will then provide information to support report back to Cabinet for final policy decisions in July 2023.

All annexes to this briefing are withheld under Section 9(2)(f)(iv)

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

26 April 2023

OC230270

Hon Kiri Allan
 Associate Minister of Transport

MEETING WITH DEBBIE FRANCIS AND MAHANGA MARU: AIR NAVIGATION SYSTEM REVIEW PHASE 2 REPORT

Snapshot

This meeting is for Debbie Francis, Chair of the Air Navigation System Review Panel, to present you with the Panel's final Phase 2 report.

At Ms Francis's request, the meeting will also be attended by Mahanga Maru, Chair of Ngā Rau o te Ao Hou, the Panel's Māori reference group.

Time and date	2:30pm, Monday 1 May 2023
Venue	Executive Wing, 5.3R, Parliament
Attendees	Ms Debbie Francis, Chair, Air Navigation System Review Panel Mr Mahanga Maru, Chair, Ngā Rau o te Ao Hou
Officials attending	None
Agenda	<ul style="list-style-type: none"> Air Navigation System Review Phase 2 report: Key findings and recommendations
Talking points	Attached as Annex 3

Contacts

Name	Telephone	First contact
Bronwyn Turley, Deputy Chief Executive, System & Regulatory Design	s 9(2)(a)	✓
Tom Forster, Manager, Economic Regulation		

Meeting with Debbie Francis and Mahanga Maru: Air Navigation System Review Phase 2 Report

Key points

- **You are meeting for the first time with Debbie Francis**, Chair of the Air Navigation System Review Panel, who will present to you the Panel's final Phase 2 report. A near final draft of the report is attached to this briefing at **Annex 1**.
- Debbie will be accompanied by Mahanga Maru, Chair of Ngā Rau o te Ao Hou, the Panel's Māori reference group. Their biographies are attached at **Annex 2**.
- Last month, we provided a progress update on the review, and **you agreed to release the report** once it has been presented to you [OC230170 refers]. Te Manatū Waka Ministry of Transport (the Ministry) will arrange for this to be released on our website following final design work and stakeholder briefings.
- **The report recommends a system-wide reset** to the overarching policy and regulatory, institutional and funding settings. In the Panel's view, the system lacks leadership and strategic direction in service of system-level (as well as national-level) goals and priorities.
- **Agency and industry stakeholders are fully engaged** and supportive of the case for change and recommendations.
- The report also notes that **te ao Māori perspectives are absent in the current system and Māori rights and interests are a fundamental live issue**.
- **The Ministry's initial view is that the report's recommendations** to lift system-wide performance, capability and accountability, seize the opportunities and resolve long-standing policy and regulatory challenges **deserve further consideration**.
- We will undertake work to provide a government response towards the end of the year, in consultation with other government agencies, with a view to **reporting to Cabinet Ministers**.
- **Annex 3** provides **talking points** for your meeting with Ms Francis and Mr Maru.

The Panel was established to undertake a review of the Air Navigation System

- 1 We have previously provided you with background on the Air Navigation System Review, which has been undertaken by an independent Panel chaired by Debbie Francis [OC230170 refers].
- 2 The Panel's terms of reference included examining a broad scope of the system components, enablers and authorising environment, with a view to the medium to long-term horizon and the roles and responsibilities of key agencies and actors within the system. Technical and operational policy matters were out of scope.
- 3 Ngā Rau o te Ao Hou (in English, 'Feathers of the New World') is a Māori reference group formed to support the Panel and Secretariat to weave these aspects into the review, including advice on engagement in good faith with iwi Māori. The members of Ngā Rau o te Ao Hou do not claim to speak on behalf of iwi, hapū or rūnanga but as individuals with expertise in air navigation, aviation and te ao Māori, with a shared commitment to upholding Te Tiriti for the benefit of all Māori.

The Panel recommends an urgent reset to future-proof the system settings

- 4 The Phase 2 report builds on conclusions from the review's first phase. The Panel found that the system is not currently in crisis. It is safe, reliable, efficient and well regarded by international standards. However, the current settings are not fit for the future.
- 5 The Panel highlights that global disruptive forces for change are placing increasing demands on system agencies and actors to think and behave as a more interconnected system. These include:
 - airspace modernisation and integration of new and emerging technologies, such as remotely piloted aircraft and advanced air mobility systems;
 - advanced cyber technology and security capability requirements in response to increasing digitisation and automation;
 - decarbonisation of aviation and adaptation to the impacts of climate change;
 - dynamic tensions and shifts in the geopolitical environment; and
 - increasing global and regional interoperability.
- 6 The Panel contends that the system's role as a critical national infrastructure is undervalued. They found that its broader role to deliver a range of economic, social, environmental and cultural benefits is not well understood.
- 7 In the Panel's view, a lack of system thinking and leadership means the system is failing to keep pace with rapid technological and social change. The risk is loss of system integrity and performance, security and resilience and benefit realisation. Aotearoa New Zealand is falling behind comparable jurisdictions, which will affect our ability to be a fast follower and integrate with other systems.

The report makes 8 recommendations for the system

- 8 The Panel has made eight recommendations for the system:
- i. implement a national air navigation system strategy to set priorities and drive action;
 - ii. establish an Aviation Council to steer system-wide transformation;
 - iii. develop a shared set of system-level performance metrics to hold leaders to account;
 - iv. invest in critical system components to preserve and enhance national security and resilience;
 - v. maintain user-pays for current operations and explore new funding and investment streams for R & D and innovation;
 - vi. develop robust international partnerships for economies of scale and innovation;
 - vii. engage proactively with iwi Māori to identify Māori rights and interests and opportunities for Māori-Crown partnership; and
 - viii. build a diverse workforce with the full range of capabilities required for transformation.
- 9 These recommendations are similar to ones shared with Ngā Rau o te Ao Hou and the stakeholder reference group, except recommendation viii. has been expanded from a focus on regulatory approach to the need for capability across the workforce. Workforce issues were a particular focus of the reference group.

The recommendations reflect the perspectives of stakeholders

- 10 The Panel engaged extensively with key system agencies and industry actors in the stakeholder reference group; with Ngā Rau o te Ao Hou from te ao Māori perspectives; and with a range of international organisations. The Ministry was involved throughout the review process, including several stakeholder workshops. In our view, their feedback is well reflected in the report and has informed the Panel's recommendations.
- 11 The sector and aviation industry are supportive of the Panel's recommendations and have a strong appetite for change. They are looking for leadership and direction, strategic thinking and investment, better coordination between agencies, and a more responsive regulatory system to enable a future-fit system.
- 12 The sector has high expectations that agencies will work with them to maintain the momentum created by the review. They agree with the Panel's concern that lack of action now will lead to loss of system performance and benefit delivery in future.

Introducing te ao Māori perspectives into the system

- 13 The report reiterates Phase 1's key finding that te ao Māori values and perspectives are conspicuously absent from system design and decision-making. Ngā Rau o te Ao Hou particularly highlights that Māori rights and interests in airspace ownership and management are a live and fundamentally underexplored issue.
- 14 The Panel sees ample opportunity to enhance engagement with iwi Māori across the system to incorporate indigenous rights, interests, perspectives and approaches, including tikanga and mātauranga Māori.

There will be ongoing work for government and the sector following the formal end of the review

- 15 The review formally ends on 30 April 2023.
- 16 The Panel will provide pre-release briefings to senior leaders from CAA, Airways, and the Ministry of Transport on 5 May, Ngā Rau o te Ao Hou on 8 May and the sector stakeholder reference group during the week of 22 May. The report will be released immediately after the sector reference group meeting on the review webpage: www.ansr.transport.govt.nz. We will work with your office to prepare talking points in case you receive media enquiries following the release of the report.
- 17 The Ministry considers that the Panel's key findings and recommendations constitute a sound basis for consideration of a way forward. A national direction for aviation and a deliberate, system-wide approach have the potential to improve system performance.
- 18 The report also provides a basis for coordinated implementation of various related government work programmes in your portfolios as Associate Minister of Transport and Minister of Regional Development, including the Civil Aviation Act 2023, Enabling Drone Integration, Integrated Airspace Trials Programme and the upcoming release of the Aerospace Strategy. We also note the Panel's recommendations on greater emphasis of the system in the review of Civil Defence and Emergency Management legislation and designation of critical infrastructure.
- 19 We acknowledge the absence of te ao Māori perspectives and consideration of Māori rights and interests in the current system. We are actively working to build organisational capability around te ao Māori and enhance iwi Māori engagement, including through implementation of our Hei Arataki and He Waka Maiangi strategies and work with the Kāhui advisory group. We will investigate options for ongoing advice and support from Ngā Rau o te Ao Hou on air navigation and aviation matters.
- 20 The Panel's recommendations together form a comprehensive change programme with resourcing implications for agencies, namely Te Manatū Waka Ministry of Transport, the Civil Aviation Authority and Airways. Building agency capacity and capability – particularly within the CAA as regulator – will require dedicated support and sustained investment over time to resolve central funding challenges.
- 21 As the monitoring agency for Airways, Air New Zealand and MetService, the Treasury has a key role in enabling a future-focussed air navigation system. We note the Panel's

observations of the need for a monitoring view that includes – but is not limited to – narrow lag safety indicators and commercial performance measures.

- 22 We will coordinate with other agencies and the sector to provide further advice to Ministers towards the end of the year. This advice would support a formal Government response to the report, including proposals for whether, how and when the recommendations should be operationalised.

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

Annex 1. Final Air Navigation System Review Phase 2 Report

Note that design work will be completed prior to public release.

Refused under Section 18(d). The report is available here:
<https://www.transport.govt.nz/assets/Uploads/Air-Navigation-System-Review-phase-two-report-May-2023.pdf>

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

Annex 2. Biographies

Debbie Francis, Chair, Air Navigation System Review Panel



Debbie Francis (Chair) is an independent consultant specialising in strategy development, organisational culture and change management.

She was previously head of PwC New Zealand's Government and People and Change consulting practices where she worked with public and private sector clients on culture and organisational change. She was a lead reviewer for the State Services Commission and undertook many performance improvement reviews of public agencies.

Debbie has undertaken similar reviews in a wide variety of private sector companies, from small start-ups to large multinationals. Debbie has also spent time in a range of executive roles, including as Chief Executive for the New Zealand Correspondence School and a two-star General equivalent in the New Zealand Defence Force. More recently, Debbie undertook a review of culture within New Zealand Police and led an independent review of the culture in the New Zealand Parliamentary workplace.

Debbie lives on a truffle farm in Waipara, has six children, six grandchildren and three cats. Her passions are military history, detective novels, fast cars and growing roses.

Mahanga Maru, Chair, Ngā Rau o te Ao Hou



Mahanga (Ngāti Porou) is the director of Maru Consulting and the founder of a scenic flight airline, Air Ruatoria.

He has previously held senior executive roles in the public sector and post-settlement iwi organisations, including roles as Director and Chair of a primary health organisation and a Māori SME business network. He has also led the development of Māori strategies in several organisations and has designed and led successful consultation processes with iwi.

Training has been part of Mahanga's professional life in one way or another since qualifying in 1990 as a flight instructor whilst a commercial pilot. He spends his time between Te Whanganui-a-Tara and his home in Ruatoria.

Annex 3. Talking Points

MEETING WITH DEBBIE FRANCIS AND MAHANGA MARU: AIR NAVIGATION SYSTEM REVIEW PHASE 2 REPORT

You could acknowledge receipt of the report and thank the Panel and the reference group for its work

- Thank you for all the hard work you have put in over the course of the review. I understand that you have engaged actively with stakeholders.
- I have asked the Ministry of Transport to work with industry, stakeholders and other government agencies in considering a response to your report. I anticipate that officials will provide advice to Ministers later in the year.

You may wish to ask Ms Francis:

- In your view, how urgent is the case for change?
- What is the nature and/or scale of investment required for the system reset?
- How prepared are government agencies and the sector to deal with the risks of disruption to the aviation sector described by the Panel?
- The report refers to lack of direction and leadership. In your view, what are the one or two things that will change that? What are the priority actions?

You may wish to ask Mr Maru:

- In your view, what are Māori rights and interests in the system now? What could they be in future?
- What is your experience of the air navigation sector's ability and willingness to engage with te ao Māori? What effect does this have?