

## **Airways NZ Submission on the Civil Aviation Bill Exposure Draft**

### **Executive Summary:**

Airways support the intent of this Exposure draft as we recognise the need to update the legislation: to improve the safety and security of New Zealand's aviation system; in response to a growing and evolving industry; and to improve the usability of the legislation. However, we suggest changes to certain aspects of the Exposure draft as set out below.

Airways is a State enterprise under the State-Owned Enterprises Act 1986. We are a certificated air navigation service provider for domestic and international services. We are responsible for controlling all air movements across 30 million square kilometres of airspace in New Zealand and over the Pacific (the New Zealand and Auckland Oceanic Flight Information Regions), handling over 1 million air traffic movements a year.

One of Airways' greatest priorities as an air navigation service provider, is ensuring that the New Zealand and Auckland Oceanic Flight Information Regions are safe airspaces for aircraft operations.

Airways' has consulted with aviation experts within our business.

We wish to make the following comments:

### **General:**

We agree with the amalgamation of Civil Aviation Act 1990 and Airport Authorities Act 1966. However, changing the Civil Aviation Act sections will result in a lot of administrative burden to CAA and industry to amend the references. This is across the aviation spectrum and involves documents such as training material, operational documents and guidance material. The time to do this needs to be factored into the implementation date.

Aspects of the Exposure draft are confusing for the following reasons:

### **Specific clauses:**

#### **Clause 5 Interpretation**

Aviation-related service – need to ensure this covers future supporting systems such as Aviation navigation services (Global Navigation Satellite Systems, Satellite Based Augmentation System) and Aviation surveillance services (Space based surveillance systems).

International airport – we consider this definition has previously been problematic and could assign responsibilities to an aerodrome that is not intended from an aviation perspective. We suggest the CAA reviews this to ensure the assignment of certain services (customs and MAF) does not create international airport requirements under Civil Aviation Rules for an airport.

### **Clauses 31 and 126(3)**

We note that under clause 126(3) AvSec is no longer required to have a Part 140 certificate, as they are the only supplier. If this is the case should this situation also apply to Airways as the only provider under clause 31 relating to a Part 172 certificate?

### **Clause 65 Incorporation of material by reference in rules**

Incorporation by reference in a rule. Clause 65(5)(b) notes the material must be *“available for inspection during working hours free of charge”*, however this would be at CAA so a person must travel to Wellington to view. Any document incorporation should be available to a participant and we suggest that this is aligned to clause 350(4)(b) and be freely available on an internet site.

We consider that incorporation of material by reference should not be used if a person has to purchase a license to access the material such as ICAO documentation.

### **Clauses 106 to 112**

Airways agrees with the intent of these clauses. We think that some of the detail should be under the Civil Aviation Rules rather than in the primary legislation. If it is in the Civil Aviation Rules it is easier to amend the DAMP requirements.

Clause 107(4) refers to any process specified in the rules. There are no rules so we consider this should be removed from the Exposure draft and put into the Civil Aviation Rules.

Clause 109 Director Testing seems to be too broad and at odds with the needs of a DAMP. If a DAMP is appropriate and acceptable why does the Director need to do random sampling. The rationale seems to be at odds with an operator having a DAMP.

Director testing without notification to the DAMP operator may cause unintended safety impacts. We consider a DAMP operator needs to be made aware as the testing may render the person unable to work and, without the operator knowing, this could result in a safety service being stopped. For example, an Airways solo watch tower, if the controller tests non-negative or they feel after the test they cannot continue to work (stress) then a tower may have to shut down for the whole shift.

We do not consider it appropriate for the Director to delegate such a wide power to a third party who may not understand the aviation safety impacts of the testing.

We consider that the detail for this should be taken out of the Exposure draft and put into the Civil Aviation Rules.

### **Clause 125**

To be clear this clause means that AvSec will need to provide security services at Airways' two security designated air traffic control centres when they currently only provide limited services.

### **Clauses 131 and 132**

Airways' navigation installations do not have crew or passengers and it is for this reason that we request that the reference is removed.

**Clauses 140 and 141**

Airways' navigation installations are not a sterile area or a security enhanced area so we consider that AvSec cannot do this. This is another reason why we request the references in clauses 131 and 132 be removed.

**Clause 350**

Airways thinks that the transport instruments need to have more process to ensure adequate industry consultation and transparency before they are published. For example, summary of submissions and impact analysis.