

Civil Aviation Rules



**Notice of Proposed Rule Making
NPRM 16-04
1 December 2016**

**Part 20
Transition Rules**

**Docket CAR/16/20/01
2016-2017 Rules Review**

Background to the Civil Aviation Rules

The Civil Aviation Rules establish the minimum regulatory safety boundary for participants to gain entry into, operate within, and exit the Papua New Guinea civil aviation system. The Rules are structured in a manner similar to the Civil Aviation Rules of New Zealand and the Federal Aviation Regulations of the USA. Where practicable the Rules also align with the regulatory code of the Civil Aviation Safety Authority of Australia.

Rules are divided into Parts and each Part contains a series of individual rules which relate to a particular aviation activity. Advisory Circulars accompany many rule Parts and contain information about standards, practices and procedures that the Director has established to be an Acceptable Means of Compliance (AMC) with the associated rule. An Advisory Circular may also contain guidance material (GM) to facilitate compliance with the rule requirements.

The objective of the Civil Aviation Rules system is to strike a balance of responsibility between, on the one hand, the State and regulatory authority, the Civil Aviation Safety Authority of PNG (CASA PNG) and, on the other hand those who provide services and exercise privileges in the civil aviation system. This balance must enable the State and regulatory authority to set standards for, and monitor performance of aviation participants whilst providing the maximum flexibility for the participants to develop their own means of compliance within the safety boundary.

Section 45 of the Civil Aviation Act 2000 prescribes general requirements for participants in the civil aviation system and requires, amongst other things, participants to carry out their activities safely and in accordance with the relevant prescribed safety standards and practices.

Section 69 of the Act allows the Minister to make ordinary rules for any of the following purposes:

- The implementation of Papua New Guinea's obligations under the Convention
- To provide for safe, sustainable, effective and efficient aviation services
- To provision of aviation metrological services, search and rescue services and civil aviation security programs and services
- Assisting aviation safety and security, including but not limited to personal security
- Assisting economic development
- Ensuring environmental sustainability

1. Purpose of this NPRM

The purpose of this Notice of Proposed Rulemaking (NPRM) is to put forward for consideration the proposed amendments to Part 20 of the Civil Aviation Rules (CAR).

2. Background to the Proposal

CAR Part 20 changes are for clarity only.

3. Costs associated with this NPRM

There is no cost associated with this amendment.

4. Summary of changes

CAR Part 20 is being amended to reflect the expiry of transition period for applicable rules.

5. Legislative Analysis

The Minister may make ordinary rules under sections 69, 70, 71 and 72 of the Civil Aviation Act 2000, for various purposes including implementing Papua New Guinea's obligations under the Convention on International Civil Aviation, assisting aviation safety and security, and any matter contemplated under the Act.

These proposed rules are made pursuant to:

- (a) Section 69(1)(a) which provides for the Minister to make rules for the implementation of Papua New Guinea's obligations under the Convention;
- (b) Section 72(a) which provides for the Minister to make rule for the designation, classification and certification of-
 - (1) Air services;
 - (2) Aerodrome operators;
 - (3) Aviation security providers;
 - (4) Aviation training organizations"
 - (5) Aircraft design, manufacture, maintenance and supply organizations;
 - (6) Air traffic services;
 - (7) Aviation meteorological services;
 - (8) Aeronautical communication services;
 - (9) Aeronautical procedures.

The proposed amendment of Part 20 complies with the requirements of the Civil Aviation Act and does not contravene the Constitution, the Aerodrome (Business Concession) Act, Civil Aviation (Air Craft Operator Liability) Act, Civil Aviation (Aircraft Charges) Act, Airport

Departure Tax Act, the Explosive Act, Firearms Act, Customs Act, Plant and Disease Control Act and the Environmental Act.

The proposed Rule has been checked for language and compliance with the legal conventions on International Civil Aviation of Papua New Guinea.

6. Submissions on the NPRM

6.1 Submissions are invited

Interested persons are invited to participate in the making of the proposed rule amendment by submitting written data, views, or comments. All submissions will be considered before final action on the proposed rule amendment is taken. If there is a need to make any significant change to the rule requirements in the proposal as a result of the submissions received, then interested persons may be invited to make further submissions.

6.2 Examination of submissions

All submissions will be available in the rules docket for examination by interested persons both before and after the closing date for submissions. A consultation summary will be published with final rule.

Submissions may be examined by application to the Docket Clerk at the Civil Aviation Safety Authority between 8:30 am and 3:30 pm, on weekdays, except statutory holidays.

6.3 Disclosure

Submitters should note that any information attached to submissions will become part of the docket file and will be available to the public for examination at the Civil Aviation Safety Authority offices.

Submitters should state clearly if there is any information in their submission that is commercially sensitive or for some other reason the submitter does not want the information to be released to other interested parties.

6.4 How to make submission

Submissions may be sent by the following methods:

By Mail: Docket Clerk (NPRM 16-04)
Civil Aviation Safety Authority
PO Box 1941
BOROKO
National Capital District

Delivered: Docket Clerk (NPRM 16-04)
Civil Aviation Safety Authority
Morea-Tobo Road
Six Mile, Jacksons Airport
Port Moresby NCD

By Fax: Docket Clerk (NPRM 16-04)
3251789 / 325 1919

By Email: Docket Clerk (NPRM 16-04)
rules@casapng.gov.pg

6.5 Final date for submissions

Comments must be received before **4:00pm, Friday 31st of March 2017.**

6.6. Further information

For further information contact:

Manager - Legal Services

CASA PNG

anambau@casapng.gov.pg

Ph: 325 7320

Mob: 76980173

Subpart A — General

20.1 Purpose

This Part prescribes transition provisions for the introduction of new rules which require participants to change the manner in which they conduct an aviation activity.

20.3 Definitions

For the purpose of applying this Part, **transition** means a move from one state of compliance to another state of compliance.

20.5 Applicability

A Part will only be listed in Subpart B if there are transition rules in effect for that Part.

Subpart B — Transition Rules

20.51 Reserved

20.53 Reserved

20.55 Reserved

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20.61 Reserved

20.63 Reserved

20.65 Part 61

A holder of pilot licence issued under Part 61 must ensure that he or she complies with the appropriate level of proficiency in English Language at ELP 4 or above in accordance with the requirements of rule 61.103(d), 61.155(a)(2), 61.205(c)(2) or 61.255 (b)(2) ~~no later than 1 January 2016~~.

20.67 Reserved

20.69 Part 65

(a) A holder of air traffic service licence issued under Part 65 must ensure that he or she complies with the appropriate level of proficiency in English Language at ELP 4 or above in accordance with the requirements of rule 65.105(b)(2) or rule 65.305(b)(2) ~~no later than 1 August 2016~~.

(b) A holder of an aeronautical station operator licence issued under Part 65 must ensure that he or she complies with the rating associated with the licence in accordance with rule 65.7 (5) and Subpart F no later than 1 February 2017.

20.71 Part 66

(a) A holder of an aircraft maintenance engineer licence issued under Part 66 must ensure that he or she complies with the revised licence categories and ratings issued under Subpart C no later than 1 February 2017.

20.73 Part 67

(a) A person holding a Designated Aviation Medical Examiner certificate issued by the Director under Part 67 must comply with the requirements for the submission of an exposition in accordance with rule

67.161 no later than 1 February 2017.

(b) A holder of an aviation medical certificate issued under Part 67 on the coming into force of Part 67 amendment 1 shall be deemed to hold a valid medical certificate issued under rule 67.6 until the expiry of that medical certificate.

20.75 Reserved

20.77 Reserved

20.79 Reserved

20.81 Part 91

(a) A holder of an air operator certificate issued under Part 119 for operation of large aeroplanes in accordance with Part 121 and operating within ADS-B airspace must ensure that each aircraft is equipped with ADS-B OUT capability in accordance with A.27 of Appendix A no later than 1 April 2017.

(b) A holder of an air operator certificate issued under Part 119 for operation of medium aeroplanes in accordance with Part 125 and operating within ADS-B airspace must ensure that each aircraft is equipped with ADS-B OUT capability in accordance with A.27 of Appendix A no later than 1 April 2017.

(c) A holder of an air operator certificate issued under Part 119 for operation of small aeroplanes in accordance with Part 135 and operating within ADS-B airspace must ensure that each aircraft is equipped with ADS-B OUT capability in accordance with A.27 of Appendix A no later than 1 April 2017.

(d) A holder of an air operator certificate issued under Part 119 for operation of helicopters in accordance with Part 136 and operating within ADS-B airspace must ensure that each aircraft is equipped with ADS-B OUT capability in accordance with A.27 of Appendix A no later than 1 April 2017.

20.83 Reserved

20.85 Reserved

20.87 Reserved

20.89 Reserved

20.91 Reserved

20.93 Reserved

20.95 Part 108

(a) A holder of an air operator certificate issued under Part 119 or Part 129 must ensure that the air operator security programme required under rule 119.69 or rule 129.61 is amended to reflect the revised requirements of rule 108.65 no later than 1 February 2017.

20.97 Part 109

a) A holder of a regulated air cargo agent certificate issued under Part 109 must ensure that the certificate holder's exposition is amended to reflect the revised requirements of rule 109.73 no later than 1 February 2017.

(b) A holder of a regulated air cargo agent certificate issued under Part 109 must comply with the Safety and Quality Management system requirements of rule 109.71 no later than 1 February 2017.

(c) A holder of a regulated air cargo agent certificate issued under Part 109 must ensure the training programme required by rule 109.65 is established no later than 1 February 2017.

20.99 Part 119

(a) A holder of an air operator certificate issued under Part 119 must ensure the certificate holder's exposition is amended to reflect the revised requirements of the following as applicable ~~no later than 1 October 2015:~~

- (1) Part 121 Amendment 3:
- (2) Part 125 Amendment 2:
- (3) Part 135 Amendment 3:
- (4) Part 136 Amendment 1

20.101 Part 121

(a) A holder of an air operator certificate must ensure that an aeroplane performing a regular air transport operation under that certificate to, from or outside Papua New Guinea does not use an aerodrome for landing or take off unless each runway at an aerodrome within Papua New Guinea has a RESA at each end of the runway in accordance with 121.69(a)(2) no later than 1 January 2018.

(b) A holder of an air operator certificate must ensure that for each aeroplane it operates for which the individual certificate of airworthiness is issued on or after 1 January 2003 shall comply with the cockpit voice recorder minimum capacity requirement in accordance with A.5 of Appendix A by no later than 1 April 2017.

(c) A holder of an air operator certificate must ensure that each flight crew member assigned for crew duties for international operations comply with the flight crew operational and age limits for pilots at 64 years in accordance with rule 121.515 no later than 1 April 2017.

(d) A holder of an air operator certificate must ensure that an aeroplane performing a regular air transport operations for the carriage of passengers using an ICAO Code 4 category aircraft within Papua New Guinea does not use an aerodrome for landing or take off unless each aerodrome within Papua New Guinea has a RESA at each end of the runway in accordance with 121.69(a)(2) no later than 1 April January 2018.

(e) A holder of an air operator certificate must ensure that each turbine-powered aeroplane being operated under that certificate which is certificated for more than 19 passengers is equipped with ACAS II in accordance with rule part 121.381 no later than 1 April 2017

20.103 Part 122

(a) A holder of an air operator certificate under Part 119 who intends to implement a Fatigue Risk Management System must comply with the requirements of Subpart I no later than 1 February 2017.

20.105 Part 125

a) A holder of an air operator certificate must ensure that each turbine powered aeroplane for which the individual certificate of airworthiness is issued on or after 1 January 2003 complies with the cockpit voice recorder minimum capacity requirement in accordance with A.3(3) of Appendix A no later than 1 April 2017.

(b) A holder of an air operator certificate must ensure that each multi-engine turbine powered aeroplane being operated under that certificate is equipped with a flight data recorder in accordance with rule 125.369(a) no later than 1 April 2017.

(c) A holder of an air operator certificate must ensure that each flight crew member assigned for crew duties for international operations complies with the flight crew member age limits for pilots at 64 years in accordance with ~~of~~rule 125.513 after 1 April 2017.

(d) A holder of an air operator certificate must ensure that each multi engine turbine powered

aeroplane being operated under that certificate meets the flight data recorder storing and recording requirement in accordance with A.3(3) of Appendix A no later than 1 April 2017.

20.107 Reserved

20.109 Reserved

20.111 Part 136

(a) A holder of an air operator certificate must ensure that at every base where helicopter sling load operations are conducted, ground based operational activity is supervised and controlled by a load master meeting the training requirements contained in Subpart O of this part ~~by 1 January 2016.~~

(b) A holder of an air operator certificate must ensure that all helicopters it operates are equipped with the cockpit voice recorder minimum capacity requirement in accordance with A1(3) of Appendix A no later than 1 April 2017.

(c) A holder of an air operator certificate must ensure that all helicopters with a MCTOW of greater than 3180 kg being operated under that certificate is equipped with a flight data recorder in accordance with 136.515(a) and shall meet the parameter requirements of A.2(4) of Appendix A no later than 01 April 2017.

(d) A holder of an air operator certificate must ensure that all helicopters with a MCTOW of greater than 7000kg or a certificated passenger seating of more than 19 being operated under that certificate is equipped with a flight data recorder in accordance with 136.515(b) and shall meet the parameter requirements of A.2(4) of Appendix A no later than 01 April 2017.

(e) A holder of an air operator certificate must ensure that all helicopters with a MCTOW of greater than 3180 kg being operated under that certificate meets the flight data recorder storing and recording requirement in accordance with A.2(3) of Appendix A no later than 1 April 2017.

20.113 Reserved

20.115 Part 139

(a) A holder of an aerodrome certificate issued under Part 139 must ensure that a runway end safety area (RESA) at each end of the runway is provided in accordance with Appendix A no later than 1 April 2018 for:

- (1) regular air transport operations for carriage of passengers to and from Papua New Guinea;
- (2) regular domestic air transport operations for the carriage of passengers by aircraft that have an ICAO Code 4 category.

(b) A holder of an aerodrome certificate issued under Part 139 for an aerodrome serving international air transport operations must ensure that an emergency operations centre is provided in accordance with the requirements of rule 139.57(b)(5) ~~by 1 January 2016.~~

(c) A holder of an aerodrome certificate issued under Part 139 for an aerodrome where RFFS is required under rule 139.59 must comply with the communications and alerting system requirements of rule 139.69 ~~no later than 1 January 2016.~~

(d) A holder of an aerodrome certificate issued under Part 139 must establish procedures for collecting and reporting traffic movement data in accordance with the requirements of rule 139.77 ~~no later than 1 September 2015.~~

(e) A holder of an aerodrome certificate issued under Part 139 must comply with the Safety Management System requirements of rule 139.93 and the Quality Management System requirements of rule 139.95 ~~no later than 1 January 2016.~~

(f) A holder of an aerodrome certificate issued under Part 139 for a security designated aerodrome must ensure that the certificate holder's exposition includes the airport security programme required by rule 139.201(d)(15) ~~no later than 30 September 2015~~.

(g) A holder of an aerodrome certificate issued under Part 139 where ATS is provided must ensure that a written agreement is established with the holder of a Part 172 organisation certificate in accordance with rule 139.109 ~~no later than 1 January 2016~~.

(h) A holder of an aerodrome certificate issued under Part 139 for a security designated aerodrome must establish procedures to control the parking of unattended vehicles in areas immediately adjacent to the front of any terminal serving passenger carrying air services in accordance with rule 139.201(d)(16) ~~no later than 1 January 2016~~.

(i) A holder of an aerodrome certificate issued under Part 139 for a security designated aerodrome must ensure the security training programme required by rule 139.205 is established ~~no later than 31 March 2016~~.

20.117 Part 140

(a) A holder of an aviation security services organization certificate issued under Part 140 must comply with the Safety and Quality Management System requirements of rule 140.61 no later than 1 February 2017.

20.119 Part 141

(a) A holder of an aviation training organization certificate issued under Part 141 must comply with the safety management system requirements of rule 141.61 and the quality management system requirements of rule 141.63 no later than 1 February 2017.

20.121 Reserved

20.123 Reserved

20.125 Reserved

20.127 Reserved

20.129 Reserved

20.131 Part 171

(a) A holder of an aeronautical telecommunication service organisation certificate issued under Part 171 must ensure that the security programme required under rule 171.55 is amended to reflect the revised requirements ~~no later than 1 August 2016~~.

(b) A holder of an aeronautical telecommunication service organisation certificate issued under Part 171 must comply with the Safety Management System requirements of rule 171.73 and the Quality Management System requirements of rule 171.75 ~~no later than 1 August 2016~~.

(c) A holder of an aeronautical telecommunication service organisation certificate issued under Part 171 must ensure the certificate holder's exposition is amended to reflect the revised requirements of rule 171.77 ~~no later than 1 August 2016~~.

20.133 Part 172

(a) A holder of an air traffic service organization certificate issued under Part 172 must ensure that a written agreement is established with the holder of a Part 174 organization certificate in accordance with rule part 172.73 ~~no later than 1 August 2016~~.

(b) A holder of an air traffic service organization certificate issued under Part 172 must ensure that the security programme is amended to reflect the revised requirements of rule 172.119 ~~no later than 1 August 2016~~.

(c) A holder of an air traffic service organization certificate issued under Part 172 must comply with the Safety Management System requirements of rule 172.123 and the Quality Management System requirements of rule 172.125 ~~no later than 1 August 2016~~.

(d) A holder of an air traffic service organization certificate issued under Part 172 must ensure the certificate holder's exposition is amended to reflect the revised requirements of rule 172.127 ~~no later than 1 August 2016~~.

20.135 Reserved

20.137 Part 174

(a) A holder of an aviation meteorological service organization certificate issued under Part 174 must comply with the Safety Management System requirements of rule 174.77 and the Quality Management System requirements of rule 174.79 no later than 1 February 2017.

(b) A holder of an aviation meteorological service organization certificate issued under Part 174 must ensure that a written agreement is established with the holders of other certificated organizations and agencies listed in rule 174.83 ~~no later than 1 August 2016~~.

(c) A holder of a meteorological service certificate must establish the systems and procedures required by rule 174.83 ~~no later than 1 August 2016~~.

20.139 Part 175

(a) A holder of an aeronautical information service organization certificate issued under Part 175 must ensure the security programme required by rule 175.54 is established no later than 1 February 2017.

(b) A holder of an aeronautical information service organization certificate issued under Part 175 must comply with the Safety Management System requirements of rule 175.67 and the Quality Management System requirements of rule 175.69 no later than 1 February 2017.

20.141 Reserved