



**Notice of Proposed Rule Making
NPRM 16-20
1 December 2016**

**Part 93
Special Aerodrome Traffic Rules and Noise
Abatement Procedures**

**Docket CAR/16/93/01
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 as 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 Rule Making (NPRM) is to put forward for consideration the proposed amendments to Part 93 of the Civil Aviation rules (CAR).

2. Background to the Proposal

1. Editorial amendments only

3. Costs associated with this NPRM

There is no cost associated with this amendment.

4. Summary of changes

- (1) Rule 93.359 correction to spelling of 'operator', 'traffic circuit' and 'Guinea'

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 93 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 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 16-20)
Civil Aviation Safety Authority
PO Box 1941
BOROKO
National Capital District

Delivered: Docket Clerk (NPRM 16-20)
Civil Aviation Safety Authority
Morea-Tobo Road
Six Mile, Jacksons Airport
Port Moresby NCD

By Fax: Docket Clerk (NPRM 16-20)
3251789 / 325 1919

By Email: Docket Clerk (NPRM 16-20)
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

93.1 Purpose

- (a) This Part prescribes—
- (1) special rules for aerodrome traffic, in addition to the rules for aerodrome traffic prescribed in Part 91; and
 - (2) exceptions from the rules for aerodrome traffic, prescribed in Part 91; and
 - (3) aerodrome noise abatement procedures.
- (b) Subject to paragraph (c), this Part also applies to a member of the Papua New Guinea Defence Force and any aircraft operated by the Papua New Guinea Defence Force.
- (c) This Part does not apply to any member of the Papua New Guinea Defence Force or any aircraft operated by the Papua New Guinea Defence Force acting in connection with—
- (1) any war or other like emergency; or
 - (2) the defence of Papua New Guinea and other Papua New Guinea interests; or
 - (3) aid to the civil power in time of emergency; or
 - (4) the provision of any public service.

Subpart B — Port Moresby International Airport

93.51 Purpose

This Subpart prescribes—

- (1) special rules for aerodrome traffic operating in the control zone designated under Part 71 for Port Moresby International Airport; and
- (2) noise abatement procedures for aeroplanes operating in the control zone designated under Part 71 for Port Moresby International Airport.

93.53 Reserved

93.55 Restrictions on flight training

A pilot-in-command must not conduct flight training or conversion instruction in the control zone unless prior approval has been obtained from ATC.

93.57 Noise abatement procedures

- (a) Except as provided in paragraph (b), a pilot-in-command must not fly below an altitude of 2500 feet QNH over any congested area of Port Moresby City.
- (b) Paragraph (a) does not apply to the pilot-in-command of an aircraft if—
- (1) it is essential for the aircraft to be flown below 2500 feet AGL for the proper accomplishment of the operation; and
 - (2) that aircraft has a MCTOW of 5700kg or less.

Subpart C — Goroka Aerodrome

93.101 Purpose

This Subpart prescribes

- (1) special rules for aircraft landing and taking off from Goroka aerodrome; and
- (2) noise abatement procedures for aeroplanes operating in the vicinity of Goroka aerodrome.

93.103 Reduced meteorological minima

Notwithstanding rule 91.301(b), a pilot-in-command may take-off and land at Goroka aerodrome when the cloud ceiling is at or above 500 feet over the aerodrome reference point.

93.105 Noise abatement procedures

A pilot-in-command of an aircraft approaching Goroka aerodrome from the northwest must, on the downwind leg of the circuit, maintain a flight path outside the congested area of the township.

Subpart D — Madang Aerodrome

93.151 Purpose

This Subpart prescribes noise abatement procedures for aircraft operating in the vicinity of Madang aerodrome.

93.153 Noise abatement procedures

- (a) A pilot-in-command of an aircraft conducting a full aerodrome traffic circuit to land at Madang aerodrome must maintain a flight path seaward of the coast line when operating southeast of the aerodrome until clear of the congested area of the Madang township.
- (b) A pilot-in-command of an aircraft must, avoid flying over any congested area of the Madang township after takeoff.

Subpart E — Moro Aerodrome

93.201 Purpose

This Subpart prescribes special rules for aerodrome traffic at Moro aerodrome.

93.203 Manoeuvring in the vicinity of the aerodrome

- (a) A pilot-in-command of an aircraft requiring to manoeuvre the aircraft for any purpose, in the vicinity of Moro aerodrome must manoeuvre—
 - (1) for an aeroplane, north of runways 09/27; or
 - (2) for a helicopter, south of runways 09/27.
- (b) Notwithstanding paragraph (a), a pilot-in-command may, if the meteorological conditions are such that compliance with paragraph (a) could affect the safety of the flight, manoeuvre in other areas provided that they broadcast their intention on the prescribed frequency for Moro Information.

Subpart F — Tabubil Aerodrome

93.251 Purpose

This Subpart prescribes special rules for aerodrome traffic operating at Tabubil aerodrome.

93.253 Use of runways

A pilot-in-command of an aircraft may conduct a straight-in-approach to land on runway 32 if the pilot-in-command can establish that the runway is clear of any other aircraft.

93.257 Use of radio

A pilot-in-command of an aircraft must, in addition to the requirements of 91.225(b)—

- (1) on approaching the aerodrome, broadcast their intention on the prescribed frequency at—
 - (i) 20 nm; and
 - (ii) 10 nm or at the “sawmill”; and
- (2) on departure, report to Moresby FIS when commencing taxiing.

Subpart G — Right-Hand Aerodrome Traffic Circuits

93.351 Purpose

This Subpart prescribes rules to allow the Director to issue a determination regarding the requirement for a right-hand aerodrome traffic circuit to be published for a runway at an aerodrome, if in the interests of aviation safety or security, a standard left-hand aerodrome traffic circuit is not practicable.

93.353 Determination for a right-hand aerodrome traffic circuit

The Director may issue a determination for a right-hand aerodrome traffic circuit to be published for a runway at an aerodrome that is published in the PNGAIP if the Director considers that in the interest of aviation safety or security, a standard left-hand aerodrome traffic is not possible.

93.355 Application for a right-hand aerodrome traffic circuit

- (a) An operator of an aerodrome that is published in the PNGAIP may apply to the Director for a right-hand aerodrome traffic circuit determination for a runway at the aerodrome.
- (b) An applicant for the issue of a right-hand aerodrome traffic circuit determination must provide the Director with the following:
 - (1) the name and contact details of the applicant;
 - (2) the name of the aerodrome;
 - (3) details of the runway that is the subject of the application including the runway designation, surface type, and any associated instrument procedures;
 - (4) details of any other runway on the aerodrome;
 - (5) details of any other aerodrome or heliport that is within 10 nm of the aerodrome;
 - (6) the reasons for having a right-hand aerodrome traffic circuit;
 - (7) any other applicable information that is requested by the Director.

- (c) An application for a right-hand aerodrome traffic circuit determination must be submitted to the Director with the payment of any applicable charge prescribed by regulations made under the Act.
- (d) The application specified in paragraph (c) must be submitted not less than 90 days before the date on which the right-hand aerodrome traffic circuit is to come into force, unless a shorter period is acceptable to the Director.

93.357 Procedures for issue of a determination for a right-hand aerodrome traffic circuit

- (a) Before issuing a determination that a right-hand aerodrome traffic circuit is required for a runway at an aerodrome that is published in the PNGAIP, the Director must consult with such persons and organisations as the Director considers appropriate in each case.
- (b) Upon issuing a determination that a right-hand aerodrome traffic circuit is required for a runway at an aerodrome that is published in the PNGAIP the Director must-
- (1) notify the issue of the determination in the Gazette; and
 - (2) enter the details of the right-hand aerodrome traffic circuit in the Papua New Guinea Air Navigation Register; and
 - (3) notify the aerodrome operator of the issue of the determination.
- (c) The gazette notice required under paragraph (b)(1) must specify the date on which the right-hand aerodrome traffic circuit comes into force.
- (d) A right-hand aerodrome traffic circuit for a runway does not come into force until the date specified in the gazette notice.
- (e) An aerodrome operator who is notified by the Director under paragraph (b)(3) of the issue of the determination must ensure that the applicable details for the runway and aerodrome are published in the PNGAIP.

93.359 Withdrawal of right-hand aerodrome traffic circuit.

- (a) An operator of an aerodrome that is published in the PNGAIP may apply to the Director to withdraw a right-hand aerodrome traffic circuit determination for a runway at the aerodrome, if the aerodrome ~~operator~~ **operator** considers that the right-hand aerodrome traffic circuit is no longer required.
- (b) If after considering aviation safety and security requirements, the Director is satisfied that a right-hand aerodrome traffic circuit is no longer required for a runway at an aerodrome that is published in the PNGAIP, the Director may withdraw the determination for the right-hand aerodrome traffic circuit.
- (c) After withdrawing a right-hand aerodrome traffic circuit determination for a runway at an aerodrome that is published in the PNGAIP the Director must-
- (1) notify the withdrawal and date of the withdrawal of the right-hand aerodrome traffic circuit in the Gazette; and
 - (2) amend the details of the aerodrome and the runway in the Papua New Guinea ~~Guinea~~ **Guinea** Air Navigation Register; and
 - (3) notify the aerodrome operator of the withdrawal of the determination.
- (d) The withdrawal of a right-hand aerodrome traffic circuit comes into force on the date specified

in the gazette notice.

(e) An aerodrome operator who is notified under paragraph (c)(3) that the Director has withdrawn a determination for a right-hand aerodrome traffic circuit for a runway at the aerodrome, must ensure that the details for the aerodrome and the runway published in the PNGAIP are appropriately amended.

93.361 Savings provision for existing right-hand aerodrome traffic circuits

Every right-hand aerodrome traffic circuit for a runway at an aerodrome that is published in the PNGAIP immediately before 10 February 2009 continues to have effect on or after 10 February 2009 as if it were a right-hand aerodrome traffic circuit determined in accordance with this Subpart as in force on or after 10 February 2009.