



**Notice of Proposed Rule Making
NPRM 2414/01-01
28 August 2024**

**Part 1
Definitions, Abbreviations and
Units of Measurements**

**Consequential Amendments
Nil**

**Docket24/14/CAR01/01
2024 Rules Review**

Proposed Applicable 04th November 2024



Background to the Civil Aviation Rules

The Papua New Guinea (PNG) Civil Aviation Rules (CARs) establish the *minimum* regulatory safety standards and boundary for participants to gain entry into, operate within, and exit the PNG civil aviation system. The PNG 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 been established to be an ‘*Acceptable Means of Compliance*’ (AMC) for the associated rule. An Advisory Circular may also contain Guidance Material (GMs) and Explanatory Material (EMs) to facilitate compliance with the rule requirements.

The objective of the Civil Aviation Rules system is to obtain 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 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:

- (a) The implementation of Papua New Guinea’s obligations under the Convention
- (b) To provide for a safe, sustainable, effective and efficient aviation services
- (c) The provision of aviation meteorological services, search and rescue services and civil aviation security programmes and services
- (d) Assisting aviation safety and security, including but not limited to personal security
- (e) Assisting economic development
- (f) Improving access and mobility
- (g) Protecting and promoting public health
- (h) Ensuring environmental sustainability
- (i) Any matter related or reasonably incidental to any of the following:
 - (1) The Minister’s functions and role under section 8 of the Act;
 - (2) The Authority’s general objects and functions under section 11 of the Act;
 - (3) The Authority’s functions in relation to safety under section 12 of the Act; and
 - (4) The Director’s functions and powers under section of 17 the Act
 - (5) The Director’s powers under section 52A, 53 and 54 of the Act
- (j) Any other matter contemplated by any provision of the Act.



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1. Purpose of this NPRM

The purpose of this Notice of Proposed Rulemaking (NPRM) is to put forward for consideration proposed amendments to Civil Aviation Rule (CAR) Part 1.

2. Background to the Proposal

2.1 General Summary

As a signatory to the Convention on International Civil Aviation, Papua New Guinea is committed to aligning its regulations to the ICAO SARPS, where practicable.

(a) Flight plan

In this NPRM, it is proposed Part 1 be amended to align with Amendment 53 of Annex 11 with regard to the definition ‘Flight plan’.

Amendment 53 of Annex 11 was adopted by the ICAO Council at the 5th Meeting of its 231st Session on 18th March 2024. When adopting Amendment 53, the Council prescribed 22nd July 2024 as the date on which it will become effective and resolved that 28th November 2024 as the date when Amendment 53 will become applicable.

Amendment 53 arises from proposals through the Air Traffic Management Requirements and Performance Panel (ATMRPP/4) to amend definitions of the terms “flight plan” and “current flight plan” as a consequence of the initial implementation of the flight and flow – information for a collaborative environment (FF-ICE) services.

Amendment 53 aims to update the definition of “flight plan” to make it generic about to whom, the information is sent and describes the notion of flight plan evolution during the life cycle of a flight.

(b) Current flight plan

In this NPRM, it is proposed Part 1 be amended to align with Amendment 53 of Annex 11 with regard to the new definition “Current flight plan(CPL)”.

It is proposed, the following definition “Current flight plan” from Amendment 53 of Annex 11, be added to Part 1 rule 1.1 after the term “Current” on page 20, and before the term “Damp lease” on page 21.

In line with the General Summary provided in 2.1(a) above, the new ICAO definition “Current Flight Plan” included in Amendment 53 aims to update the definition of “flight plan” to make it generic about to whom, the information is sent and describes the notion of flight plan evolution during the life cycle of a flight.

(c) System Wide Information Management

In this NPRM, it is proposed Part 1 be amended to align with Amendment 81 of Annex 3 to include new abbreviation “SWIM”. SWIM means System Wide Information management and it consists of Standards, Infrastructure and Governance, enabling the



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management of Air Navigation Services (ANS) related information and its exchange between qualified parties via interoperable services referenced from ICAO Doc.10039.

- (d) In this NPRM, it is proposed Part 1 be amended to include in Rule 1.1 General definitions, the definition of “Man-portable air defence systems” or “MANPADs” to add clarity to the meaning of MANPADs in the new Rules 108.53(b) (20) & 108.55(b) (24).

Man-portable air defence systems means: Stand-off weapons that arises at lower altitudes (including during take-off and landing phases) from shorter-range Surface-to-air-missiles and can destruct an aircraft at or close to the airport.

- (e) In this NPRM, it is proposed Part 1 be amended to include in Rule 1.2 Abbreviations, the abbreviation “MANPADs” as referenced in the new Rules 108.53(b) (20) & 108.55(b) (24).

MANPADs means Man-portable air defence systems.

- (f) In this NPRM, it is proposed Part 1 be amended to include in Rule 1.1 General definitions, the definition of “Regular Public Transport”to add clarity to the meaning of MANPADs in the new Rules 108.53(b) (20) & 108.55(b) (24).

In this NPRM, it is proposed Part 1 be amended to include in Rule 1.2 Abbreviations, the following abbreviations as referenced throughout CAR Part 176:

- (g) “RCC” – Rescue Coordination Centre;
- (h) “RSC” – Rescue Sub-centre
- (i) “SAR” – Search and Rescue
- (j) “SRR” – Search Rescue Region
- (k) “SARSOC” - Search and Rescue Service Organisation Certificate
- (l) “SAREX” - Search and Rescue Exercises
- (m) “IAMSAR” - International Aeronautical and Maritime Search and Rescue Manual
- (n) “LADR” - Location of aircraft in distress repository
- (o) “OPS CTRL” - Operational Control Directory

In this NPRM, it is proposed Part 1 be amended to include in Rule 1.2 Abbreviations, the following abbreviation as referenced in CAR Part 171:

- (p) “ITU” – International Telecommunication Union.

2.2 NPRM Development

Part 1 contains the definitions and abbreviations used in the Civil Aviation Rules to facilitate the interpretation of those rules, and includes as a general policy, definitions of specific terms and abbreviations used in more than one Rule Part.

2.3 Key Stakeholders



The Civil Aviation Safety Authority identifies the following as key stakeholders for the proposed rule amendments contained in this NPRM:

- (a) The Civil Aviation Safety Authority
- (b) The Ministry for Transport and Civil Aviation
- (c) Aircraft operators

3. Issues Addressed during Development

There were no significant issues identified during the development of this NPRM

3.1 Consequential Amendments

- (a) Flight plan

The proposed amendment of Rule 1.1 to update the existing definition of ‘Flight plan’ will have no consequential amendments on another Part.

- (b) Current flight plan

The proposed amendment of Rule 1.1 to include the definition of “Current flight plan” will have no consequential amendments on another Part.

3.2 Exemptions

There are no current Exemptions against this Rule Part.

3.3 ICAO SARPS and Level of Risk to Papua New Guinea Aviation Safety

The proposed rule amendments are intended to comply, where practicable, with the SARPs contained in ICAO Annexes.

3.4 Compliance Costs

Additional compliance costs to the proposed amendments have not been assessed.

4. Summary of changes

- (a) Rule 1.1 General definitions – Add new definition “Current flight plan”.

To incorporate ICAO Annex 11 amendment 53, new definition “Current flight plan” is added to rule 1.1, after “Current” on page 20 and before “Damp lease” on page 21.

- (b) Rule 1.1 General Definitions – Update existing definition “Flight plan”.

To incorporate ICAO Annex 11 amendment 53 existing definition “Current flight plan” is updated to make it generic about whom the information is sent and describes the notion of flight plan evolution during the life cycle of a flight by deleting part of the existing definition “Flight plan means specified information ~~provided to an ATS unit or flight following service~~ relative to an intended flight or portion of a flight of an aircraft.”

- (c) Rule 1.1 General definitions- Add new definition “Man-portable air defence systems”



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To incorporate the new definition to add clarity to the meaning of MANPADs in the new Rules 108.53(b) (20) & 108.55(b) (24)

Man-portable air defence systems means: Stand-off weapons that arises at lower altitudes (including during take-off and landing phases) from shorter-range Surface-to-air-missiles and can destruct an aircraft at or close to the airport.

(d) Rule 1.1 General definitions- Add new definition “Regular Public Transport”

regular public transport means an operation of an aircraft for the purposes of a service of providing air transportation of people, or both people and goods, that:

- (1) is provided for a fee payable by persons using the service; and
- (2) is available to the general public on a regular basis; and
- (3) is conducted in accordance with fixed schedules to or from fixed terminals over specific routes.

(e) 1.2 Abbreviations- Add new Abbreviation “MANPADs”

To incorporate the new abbreviation as it is referenced in the new Rules 108.53(b)(20) & 108.55(b)(24).

MANPADs means Man-portable air defence systems.

- (f) Rule 1.2 Abbreviations – To include new abbreviation “SWIM” as it is referenced in Rule 174.79 (b)(3)(iii) to aligned it with ICAO’ Annex 3 amendment 81.
- (g) Rule 1.2 Abbreviations – To include new abbreviation “RCC” as it is referenced throughout CAR Part 176
- (h) Rule 1.2 Abbreviations – To include new abbreviation “RSC” as it is referenced throughout CAR Part 176
- (i) Rule 1.2 Abbreviations – To include new abbreviation “ SAR” as it is referenced throughout CAR Part 176
- (j) Rule 1.2 Abbreviations – To include new abbreviation “SRR” as it is referenced throughout CAR Part 176
- (k) Rule 1.2 Abbreviations – To include new abbreviation “SARSOC” as it is referenced throughout CAR Part 176
- (l) Rule 1.2 Abbreviations – To include new abbreviation “SAREX” as it is referenced throughout CAR Part 176
- (m) Rule 1.2 Abbreviations – To include new abbreviation “IAMSAR” as it is referenced throughout CAR Part 176
- (n) Rule 1.2 Abbreviations – To include new abbreviation “LADR” as it is referenced in rule 176.52 (d)
- (o) Rule 1.2 Abbreviations – To include new abbreviation “OPS CTRL” as it is referenced in 176.52(c)
- (p) Rule 1.2 Abbreviations – To include new abbreviation “ITU” as it is referenced throughout CAR Part 171



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5. Legislative Analysis

5.1 Power to make rules

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, 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; and
 - (9) Aeronautical procedures.

The proposed amendment of Part 1 complies with the requirements of the *Civil Aviation Act 2000* and does not contravene the Constitution, the Aerodrome (Business Concession) Act 2000, Civil Aviation (Air Craft Operator Liability) Act 1975, Aircraft Charges Act, Airport Departure Tax Act, Explosive Act 1952, Firearms Act 1978, Customs Act 1951, Plant, Disease and Control Act 1953, and the Environmental Act 2000.

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

5.2 Matters to be taken into account

The development of this NPRM and the proposed rule changes take into account the matters under section 75 of the Act that the Minister must take into account when making ordinary rules including the following:

5.2.1 ICAO Standards and Recommended Practices

The proposed rule amendments comply with applicable sections of the International Civil Aviation Organization (ICAO) Annexes listed in 3.3 above.

5.2.2 Assisting Economic Development

The proposed rule amendments will have no detrimental impact on economic development, and in some cases will reduce costs incurred by the aviation industry.

5.2.3 Assisting Safety and Personal Security



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The proposed rule amendments will maintain safety levels in respect to clarifying and maintaining common standards of definitions, abbreviations and units of measurements used throughout the industry.

5.2.4 Improving Access and Mobility

The proposed rule amendments will have no impact on access and mobility.

5.2.5 Protecting and Promoting Public Health

The proposed rule amendments will have no impact on protecting and promoting public health.

5.2.6 Ensuring Environmental Sustainability

The proposed rule amendments will have no impact on environmental sustainability.

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 of Papua New Guinea 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 of Papua New Guinea office.

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.

7. How to make submission

Submissions may be sent by the following methods:



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By Mail: Docket Clerk (NPRM 2414/01-01)
Civil Aviation Safety Authority of
Papua New Guinea
PO Box 1941
Boroko
National Capital District

Delivered: Docket Clerk (NPRM 2414/01-01)
Civil Aviation Safety Authority of
Papua New Guinea
Morea-Tobo Road
Six Mile, Jacksons Airport
Port Moresby NCD

By Email: Docket Clerk (NPRM 2414/01-01)
rules@casapng.gov.pg

7.1 Final date for submissions

Comments must be received before **COB, 01st October 2024.**

7.2 Availability of the NPRM

Any person may obtain a copy of this NPRM from-

CASA PNG web site: www.casapng.gov.pg

or at a cost from

Docket Clerk
Civil Aviation Safety Authority of Papua New Guinea Headquarter
Building 1, Level 1
Morea-Tobo Road
Six Mile, Jacksons Airport
Port Moresby NCD.

7.3 Further information

For further information, contact:

Taras Garap (Ms.)
Manager Legal Services
CASA PNG
tgarap@casapng.gov.pg

Ph.: 325 7320 Mob: 70319368



Proposed Rule Amendments

Part 1

Definitions, Abbreviations and Units of Measurements

1.1 General definitions

In rules made under the Act, unless the context otherwise requires—

...

Current flight plan means the flight plan that reflects changes to the filed flight plan, if any, by subsequent ATC clearances:

Flight plan means specified information ~~provided to an ATS unit or flight following service~~ relative to an intended flight or portion of a flight of an aircraft:

Man-portable air defence systems means; Stand-off weapons that arises at lower altitudes (including during take-off and landing phases) from shorter-range Surface-to-air-missiles and can destruct an aircraft at or close to the airport.

Regular public transport means an operation of an aircraft for the purposes of a service of providing air transportation of people, or both people and goods, that:

- (1) is provided for a fee payable by persons using the service; and
- (2) is available to the general public on a regular basis; and
- (3) is conducted in accordance with fixed schedules to or from fixed terminals over specific routes.

1.2 Abbreviations

In rules made under the Act —

MANPADs means Man-portable air defence systems.

SWIM means System Wide Information Management

IAMSAR means International Aeronautical and Maritime Search and Rescue Manual

RCC means Rescue Coordination Centre

SAR means Search and Rescue

SAREX means Search and Rescue Exercises

RSC means Rescue Sub-centre

SARSOC means Search and Rescue Service Organisation Certificate

LADR means Location of aircraft in distress repository

SRR means Search and Rescue Region

OPS Control (CTRL) means Operational Control Directory

ITU means International Communication Unit