



**Notice of Proposed Rule Making
NPRM 2414/157-42
28 August 2024**

Part 157

**Notice of Construction, Alteration,
Activation and Deactivation of
Aerodromes.**

**Docket 24/14/CAR157/42
2024 Rules Review**

Proposed Applicable 04th November 2024



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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 programmers 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 the proposed amendments to Civil Aviation Rule (CAR) Part 157.

2. Background to the Proposal

2.1 General Summary

Civil Aviation Rule (CAR) Part 157 Notice of Construction, Alteration, Activation and Deactivation of Aerodrome came into force on 1 January 2004. The Part provides requirements for the construction, alteration, activation and deactivation of aerodromes.

To date, only 1 amendment to the Part has been enacted,

- Amendment 01 – 13th November 2018
- Amendment 02 – 7th November 2024

The NPRM Part 157 Amendment 02 is proposes to:

- (a) Insert relocated rule 139.13 on Non-certificated aerodromes requirements as 157.1(c)
- (b) Amend rule 157.7(a) to include a new rule requirement for the provision of evidence of lawful entitlement to use the place as an aerodrome as 157.7(a)(ii).

2.2 NPRM Development

The proposal to amend Part 157 was triggered by the ICAO Universal Safety Oversight Audit Programme (USOAP) audit on the State of Papua New Guinea in June 2023 and a proposed approach to ensure that any proponent(s) proposing to construct, alter, activate or deactivate an aerodrome must submit proof of landownership or legal right for use of land.

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) Aviation Document Holders
- (d) Other interested stakeholders

3. Issues Addressed during Development

There were no major issues addressed during the development of this NPRM.

3.1 Consequential Amendments

There are no consequential amendments affecting other Rule Parts.

3.2 Exemptions

There are no exemptions in the current proposed amendment for Part 157.



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

The proposed rule amendments are intended to generally comply with applicable SARPs in Annex 14, Volume I— Aerodrome Design and Operations.

3.4 Compliance Costs

The cost factor on compliance with the introduced RPs may not be significant however, a proponent may require time, funding and resources to establish proof of ownership or legal right to use the land. Promulgation of the proposed rule may be beneficial to the proponent(s) in relation to avoiding unwanted landownership issues that may arise.

4. Summary of changes

The following are the proposed amendments to the current Part 157;

Current Rule Changes

- 157.1 Add “157.1(c) This Part prescribes rules for a person operating an aerodrome who is not required to hold an aerodrome operating certificate must comply with the minimum level of safety and standards acceptable to the Director.” after 157.1(b)(4)(ii).
- 157.7 Amend as “157.7(a) The notice required by rules 157.5(1), (2) and (3) shall be submitted to the Director at least 90 days before the day that work is to begin:
- (i) on Form CA 157/01 and,
 - (ii) with evidence of lawful entitlement to use the place as an aerodrome.”

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;
 - (9) Aeronautical procedures.



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The proposed amendment of Part 157 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 generally comply with Recommended Practices of Annex 14, Volume I — Aerodrome Design and Operations.

5.2.2 Assisting Economic Development

The proposed rule amendments may impact economic development in the long term.

5.2.3 Assisting Safety and Security

The current rule amendments will assist in maintaining the safety and security in the satisfaction of compliance checklists on Notice of Intent applications.

5.2.4 Improving Access and Mobility

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

5.2.5 Protecting and Promoting Public Health

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

5.2.6 Ensuring Environmental Sustainability

The proposed rule amendments will have no additional 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 rules by submitting written data, views, or comments. All submissions will be considered before final action on the proposed rulemaking is taken. If there is a need to make any significant change to the rule requirements in this 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 on the CA web site and provided to each person who submits a written submission on this NPRM. Submissions may be examined by application to the Docket Clerk at the Civil



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Aviation Safety Authority Headquarter Building 1, Level 1, Morea Tobo Road, Six Mile, NCD Port Moresby 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 CASA 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 a submission

Submissions may be sent by the following methods:

- by Mail: Docket Clerk (NPRM 2414/157-42)
Civil Aviation Safety Authority
PO Box 1941
BOROKO
National Capital District
- delivered: Docket Clerk (NPRM 2414/157-42)
Civil Aviation Safety Authority
Morea-Tobo Road
Six Mile, Jacksons Airport
Port Moresby NCD
- by Fax: Docket Clerk (NPRM 2414/157-42)
3251789 / 325 1919
- by Email: Docket Clerk (NPRM 2414/157-42)
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 web site: www.casapng.gov.pg
or at a cost from

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



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7.3 Further information

For further information, contact:

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Proposed Rule Amendments

Part 157

Notice of Construction, Alteration, Activation and Deactivation of Aerodromes.

157.1 Purpose

...

- (c) For compliance with this Part, a person operating an aerodrome who is not required to hold an aerodrome operating certificate issued under Part 139 must comply with the minimum level of safety and standards acceptable to the Director.

157.7 Notice of intent

- (a) The notice required by rules 157.5(1), (2) and (3) shall be submitted to the Director at least 90 days before the day that work is to begin:
- (i) on Form CA 157/01; and
 - (ii) with evidence of lawful entitlement to use the place as an aerodrome.
- (b) The notice required by rule 157.5(4) shall be submitted in writing at least 30 days before the date planned for deactivation, discontinuance of use, or abandonment.