



**Notice of Proposed Rule Making
NPRM 2414/172-44
28 August 2024**

**Part 172
Air Traffic Service Organisation
Certification and Operation**

**Consequential Amendments
Nil**

**Docket 24/14/CAR172/44
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 proposed amendments to Civil Aviation Rule (CAR) Part 172.

2. Background to the Proposal

2.1 General Summary

The amendments to CAR Part 172 are proposed:

- (a) as a consequence of amendment 53 to Annex 11 as follows:
 - (i) the amendment concerning GADSS aims to support the implementation of the GADSS concept and facilitates contact between air traffic services (ATS) units, air operators and rescue coordination centres (RCCs) using the up-to-date contact details in the OPS Control Directory. The changes facilitate the communication required for and the reporting of an aircraft in a distress condition potentially resulting in a faster response to a forced landing contributing to better management of safety risks.
 - (ii) the amendment concerning the initial implementation of the FF-ICE services 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. The amendment also introduces the definition of “current flight plan”, which is currently used in a few provisions of Annex 11. These definitions are proposed to be included in this NPRM in Part 1.
- (b) to address ICAO Protocol Questions requiring mechanism to ensure air traffic service (ATS) provider conducts safety reviews on a regular basis. These amendments are proposed to ensure a mechanism is in place to provide oversight over the ATS provider’s safety reviews of ATS.
- (c) as editorial amendments to existing rules.

2.2 NPRM Development

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.

Air traffic services operations must thus remain consistent with the requirements of Annex 11 and other applicable Annexes and international best practices, where applicable.

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) NiuSky Pacific Limited
- (d) Aviation Search and Rescue Organisations
- (e) Airline Operators



3. Issues Addressed during Development

The NPRM development addresses the gaps against the applicable ICAO Annexes and contains standards and requirements for safe and efficient provision of air traffic services in PNG.

3.1 Consequential Amendments

There are no consequential amendments to this proposal.

3.2 Exemptions

There are no current exemptions issued against this rule part.

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

The rule amendments are intended to align, where practicable, with the SARPs contained in ICAO Annexes and are drafted in line with the following Annexes:

- (a) Annex 11 (amendment 53) – Air traffic services
- (b) Annex 10 Vol 5
- (c) Annex 10 Vol 2

3.4 Compliance Costs

Compliance costs associated with the proposed amendments have not been assessed.

4. Summary of changes

CASA is proposing the following amendments to CAR Part 172:

- (a) New rule inserted in 172.97(d)(3) – per Annex 11 amendment 53
- (b) Additional requirement inserted to rule 172.97(f)(2)(iv) - per Annex 11 amendment 53.
- (c) New rule 172.123(c) inserted to address ICAO PQ on ATS safety review (PANS/ATM)
- (d) Appendix C inserted expanding on rule 172.123(c) above
- (e) Editorial changes to schedule of rules:
 - (1) Rule 172.85 title amended to “Air traffic flow management
 - (2) Rule 172.86 ATS system capacity inserted (missed last NPRM)
- (f) Rule 172.97(a) CA Act reference amended to the definition of RCC
- (g) Rule 172.127(24) title corrected
- (h) Inserted 172.127(25) (missed last NPRM) and consequential numbering changes thereafter.
- (i) Appendix B.2 relevant reference specified for clarity
- (j) Appendix B.2(j) inserted
- (k) New Appendix B.8 inserted and renumbered previous B.8 to B.9 (consequential change)



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 172 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

Positive. The changes will facilitate the communication required for and the reporting of an aircraft in a distress condition potentially resulting in a faster response to a forced landing contributing to better management of safety risks.



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5.2.4 Improving Access and Mobility

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

5.2.5 Protecting and Promoting Public Health

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

5.2.6 Ensuring Environmental Sustainability

The proposed rule amendments will have no adverse 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 CASA PNG 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 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 2414/172-44)
Civil Aviation Safety Authority
PO Box 1941
BOROKO
National Capital District
- delivered: Docket Clerk (NPRM 2414/172-44)
Civil Aviation Safety Authority
Morea-Tobo Road
Six Mile, Jacksons Airport
Port Moresby NCD
- by Fax: Docket Clerk (NPRM 2414/172-44)
3251789 / 325 1919
- by Email: Docket Clerk (NPRM 2414/172-44)
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

7.3 Further information

For further information, contact:

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Proposed Rule Amendments

Part 172 Air Traffic Service Organisation

– Certification and Operation

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172.97 Alerting service

(a) In this Rule—

ALERFA means the Alert phase:

DETRESFA means the Distress phase:

INCERFA means the Uncertainty phase:

RCC means the rescue co-ordination centre established by the Authority under section



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~~13(e)~~ 8A of the Act.

- (d) An applicant in respect of an area control service or flight information service shall establish procedures to ensure that, in the event of a state of emergency of an aircraft, an ACC or FIC—
- (1) serves as the central point within the FIR concerned for collecting all information relevant to the state of emergency; and
 - (2) except as prescribed in paragraph (j)(1), forwards such information without delay to the RCC; and
 - (3) maintains an up-to-date contact directory for notification of emergencies to RCC, air operators and the ATS management.
- (f) The declaration required by paragraph (c) shall be made in the following circumstances, and in any other circumstances that warrant such a declaration—
- (1) INCERFA when—
 - (i) no communication has been received from an aircraft within a period of 15 minutes after the time a communication should have been received, or from the time an unsuccessful attempt to establish communication with the aircraft was first made, whichever is the earlier; or
 - (ii) an aircraft fails to arrive within 30 minutes of the estimated time of arrival last notified to, or estimated by ATS, whichever is the later; or
 - (iii) an aircraft fails to report at the nominated SARTIME and immediate checks have failed to locate the aircraft— except when no doubt exists as to the safety of the aircraft and its occupants; or
 - (2) ALERFA when—
 - (i) an aircraft is known or believed to be subject to unlawful interference; or
 - (ii) following the uncertainty phase, subsequent attempts to establish communication with the aircraft or inquiries to other relevant sources have failed to reveal any news of the aircraft; or
 - (iii) an aircraft has been cleared to land, and fails to land within five minutes of the estimated time of landing, and communication has not been re-established with the aircraft; or
 - (iv) information has been received that indicates that the operating efficiency of the aircraft has been impaired, but not to the extent that a forced landing is likely or where the likelihood of a forced landing has not been determined —

except, in the case of subparagraphs (ii), (iii), and (iv), when evidence exists that would allay apprehension as to the safety of the aircraft and its occupants; or

172.123 Safety Management System

- (a) An applicant for the grant of an air traffic service certificate shall establish and implement



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a safety management system which meets the requirements of Part 100.

- (b) The safety management system required by paragraph (a) must include a runway safety program.
- (c) The applicant for the grant of an air traffic service certificate shall establish systems and procedures to conduct safety reviews of ATS units in accordance with Appendix C.

172.127 Organisation exposition

- (a) An applicant for the grant of an air traffic service certificate shall provide the Director with an exposition containing—

(24) details of the procedures required by rule 172.85 regarding air traffic flow management control; and

(25) details of the procedures required by rule 172.876 regarding ATC clearances; ATS system capacity; and

Appendix B – ATS Training

B.2 Training and procedures manual

2.1 The training organisation shall provide a training and procedures manual for the use and guidance of personnel concerned. This manual may be issued in separate parts and shall contain at least the following information:

- (a) a general description of the scope of training authorized under the organization's terms of approval;
- (b) the content of the training programs offered including the courseware and equipment to be used;
- (c) a description of the organization's quality assurance system in accordance with B.4;
- (d) a description of the organization's facilities;
- (e) the name, duties and qualification of the person designated as responsible for compliance with the requirements of the approval in B.6 6.1;
- (f) a description of the duties and qualification of the personnel designated as responsible for planning, performing and supervising the training in B.6 6.2;
- (g) a description of the procedures used to establish and maintain the competence of instructional personnel as required by B.6 6.3;
- (h) a description of the method used for the completion and retention of the training records required by B.7;
- (i) a description, when applicable, of additional training needed to comply with the ATSP's procedures and requirements; and



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- (j) a description of the selection, role and duties of the authorized personnel, and the applicable requirements established by the Licensing Authority.
- 2.2 The training organisation must ensure that the training and procedures manual is amended as necessary to keep the information contained therein up to date.
- 2.3 Copies of all amendments to the training and procedures manual must be furnished promptly to all organizations or persons to whom the manual has been issued.

B.8 Oversight

The Licensing Authority shall maintain an effective oversight programme of the approved training organization to ensure continuing compliance with the approval requirements.

B.9 Evaluation and checking

~~Examination and testing required for the issuance of a licence or rating shall be conducted by personnel authorised under CAR Part 183.~~

When a State has authorized an approved training organization to conduct the testing required for the issuance of a licence or rating, the testing shall be conducted by personnel authorized by the Licensing Authority or designated by the training organization in accordance with criteria approved by the Licensing Authority.

Appendix C – ATS Safety Reviews

C.1 General requirements

Safety reviews of ATS units shall be conducted on a regular and systematic basis by personnel qualified through training, experience and expertise and having a full understanding of relevant Standards and Recommended Practices, Procedures for Air Navigation Services, safe operating practices and Human Factors principles.

C.2 Scope

The scope of ATS unit safety reviews shall include at least the following issues:

C2.1 Regulatory issues to ensure that:

- (a) ATS operations manuals, ATS unit instructions and air traffic control coordination procedures are complete, concise and up-to-date;
- (b) the ATS route structure, where applicable, provides for:
- (i) adequate route spacing; and
 - (ii) crossing points for ATS routes located to reduce the need for controller intervention and for inter- and intra-unit coordination;
- (c) the separation minima used in the airspace or at the aerodrome are appropriate and all the provisions applicable to those minima are being complied with;



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- (d) where applicable, provision is made for adequate observation of the manoeuvring area, and procedures and measures aimed at minimizing the potential for inadvertent runway incursions are in place. This observation may be performed visually or by means of an ATS surveillance system;
- (e) appropriate procedures for low visibility aerodrome operations are in place;
- (f) traffic volumes and associated controller workloads do not exceed defined, safe levels and that procedures are in place for regulating traffic volumes whenever necessary;
- (g) procedures to be applied in the event of failures or degradations of ATS systems, including communications, navigation and surveillance systems, are practicable and will provide for an acceptable level of safety; and
- (h) procedures for the reporting of incidents and other safety-related occurrences are implemented, that the reporting of incidents is encouraged and that such reports are reviewed to identify the need for any remedial action.

C2.2 Operational and technical issues to ensure that:

- (a) the environmental working conditions meet established levels for temperature, humidity, ventilation, noise and ambient lighting, and do not adversely affect controller performance;
- (b) automation systems generate and display flight plan, control and coordination data in a timely, accurate and easily recognizable manner and in accordance with Human Factors principles;
- (c) equipment, including input and output devices for automation systems, are designed and positioned in the working position in accordance with ergonomic principles;
- (d) communications, navigation, surveillance and other safety significant systems and equipment:
 - (i) are tested for normal operations on a routine basis;
 - (ii) meet the required level of reliability and availability as defined by the appropriate authority;
 - (iii) provide for the timely and appropriate detection and warning of system failures and degradations;
 - (iv) include documentation on the consequences of system, subsystem and equipment failures and degradations;
 - (v) include measures to control the probability of failures and degradations; and
 - (vi) include adequate backup facilities and/or procedures in the event of a system failure or degradation; and
- (e) detailed records of systems and equipment serviceability are kept and periodically reviewed.



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Note.— In the context above, the terms reliability and availability have the following meanings:

- 1) Reliability. The probability that a device or system will function without failure over a specified time period or amount of usage; and
- 2) Availability. The ratio of percentage of the time that a system is operating correctly to the total time in that period.

C2.3 Licensing and training issues to ensure that:

- (a) controllers are adequately trained and properly licensed with valid ratings;
- (b) controller competency is maintained by adequate and appropriate refresher training, including the handling of aircraft emergencies and operations under conditions with failed and degraded facilities and systems;
- (c) controllers, where the ATC unit or control sector is staffed by teams, are provided relevant and adequate training ~~in order~~ to ensure efficient teamwork;
- (d) the implementation of new or amended procedures, and new or updated communications, surveillance and other safety significant systems and equipment is preceded by appropriate training and instruction;
- (e) controller competency in the English language is satisfactory in relation to providing ATS to international air traffic; and
- (f) standard phraseology is used.