



**Notice of Proposed Rule Making
NPRM 2414/71-15
28 August 2024**

**Part 71
Designation and Classification of
Airspace**

**Docket24/14/CAR71/15
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 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 71.

2. Background to the Proposal

Following the introduction of ADS-B, a major technical infrastructure build-up was necessary for the implementation and operation of this new technology. This infrastructure development includes the establishment of the ground based ADS-B equipment, with the up-grade of the ATM system and aircraft equipage of ADS-B equipment.

The requirement for the equipage of ADS-B system in an aircraft was published in CAR Part 20 Transition Rule for each specific airspace volume due to the cost involved for aircraft equipage of ADS-B. The transition rule required all aircraft to be equipped with ADS-B OUT in order to operate in the Papua New Guinea airspace by 17 June 2022.

CAR Part 91 prescribes the standards for ADS-B OUT equipment and refers to an ADS-B mandatory airspace under CAR Part 71, which is non-existent in the current Part 71.

Similarly, CAR Part 91 also refers to a transponder mandatory airspace under Part 71, which is non-existent.

2.1 General Summary

This amendment of Part 71 proposes:

- (a) designation of transponder mandatory airspace.
- (b) designation of ADS-B mandatory airspace.
- (c) editorial changes to existing rule.

2.2 NPRM Development

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
- (d) Air Traffic Service Providers

3. Costs associated with this NPRM

There is no cost associated with this amendment, as all aircraft should be equipped with ADS-B transmitting equipment.



4. Summary of changes

- (a) New rule 71.205 inserted in subpart E for the designation of transponder mandatory airspace.
- (b) New rule 71.305 inserted in subpart G for the designation of ADS-B airspace.
- (c) Description of the remaining Class F airspace is inserted as 71.19(3)(v) to harmonize.

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.

The proposed amendment of Part 71 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, 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.

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 changes comply with applicable ICAO Annexes.



5.2.2 Assisting Economic Development

The proposed rule amendments will have no detrimental impact on economic development.

5.2.3 Assisting Safety and Personal Security

The proposed rule amendments will enhance safety levels in respect to application of separation in controlled airspace.

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 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.



7. How to make submission

Submissions may be sent by the following methods:

- By Mail: Docket Clerk (NPRM 2414/71-15)
Civil Aviation Safety Authority
PO Box 1941
BOROKO
National Capital District
- Delivered: Docket Clerk (NPRM 2414/71-15)
Civil Aviation Safety Authority
Morea-Tobo Road
Six Mile, Jacksons Airport
Port Moresby NCD
- By Fax: Docket Clerk (NPRM 2414/71-15)
3251789 / 325 1919
- By Email: Docket Clerk (NPRM 2414/71-15)
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:

Taras Garap (Ms.)
Manager - Legal Services
CASA PNG
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Proposed Rule Amendments

Part 71

Designation and Classification of Airspace

The following rules in Part 71 are amended in this NPRM:

71.19 Papua New Guinea Airspace Classification

(3) Class F:

ATZs:

...

(iv) Tokua: Within the ATZ boundary as published in the PNG AIP up to FL200; and

(v) All remaining airspace within the Port Moresby FIR.

~~Remaining airspace:-~~

~~All remaining Class F airspace contained within the Port Moresby FIR~~

Subpart E—Transponder mandatory airspace

71.205 Designated Transponder Airspace

The operation of transponder is mandatory for the provision of ATC surveillance service in Class A and Class C airspace within the Port Moresby FIR.

Subpart G—ADS-B mandatory airspace

71.305 Designated ADS-B Airspace

For any flight within the Port Moresby FIR, a pilot-in-command of an aircraft must operate ADS-B OUT transmitting equipment in accordance with acceptable procedures.