



**Notice of Proposed Rule Making
NPRM 2414/91-17
28 August 2024**

**Part 91
General Operating Rules**

**Consequential Amendments
Nil**

**Docket 24/14/CAR91/17
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

Amendment of CAR Part 91 to clarify the requirements of ICAO Annex 2 Standard and Recommended Practices (SARPS) and through industry experience, updating the aircraft communication regulation to facilitate technological advancement to aircraft equipment's

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.

There are six (6) amendments proposed in this NRPM for Part 91.

First, rule 91.259 is amended to corrected text as: A pilot-in command of a civil aircraft, when intercepted, must comply with the requirements in Appendix D.5 and the air to air visual signals specified in Appendix D.6

Second, amendment to Appendix A.9 Communication and Navigation equipment. Currently, Subparagraph (a) (1) lists the acceptable level 1 communication equipment for IFR aircrafts. This amendment adds new FAA TSO numbers: *C139*, *C169* and *C170* to the current list.

The amendment provides necessary legislation to enable aircraft operators install and use the latest technology of approval level 1 communications equipment, thus, increase the level of safety particularly pertaining to situational awareness.

Third amendment refers to Appendix D.5- Interception of Civil Aircraft. Under Subparagraph (a) (1), the text and reference is amended to provide clarity and a correct reference. Current rule states;

(a) An aircraft which is intercepted by another aircraft shall immediately:

(1) follow the instructions given by the intercepting aircraft, interpreting and responding to visual signals in accordance with the specifications in Appendix D;

Proposed amendment clarifies the reference as Appendix D.6 (a).

Fourth amendment refers to Appendix D.6 – Air to air visual signals. Current rules state:

(a) The visual signals to be used by intercepting and intercepted aircraft are those set forth in Appendix D.

Proposed amendment replaces the reference “Appendix D” with a more accurate reference, PNG AIP

Amendments to Appendix D.5 and D.6 proposed herein further aligns the PNG CARs with ICAO Annex 2 and Annex 11 SARPS.

Fifth amendment is the proposed addition of rule 91.267 as it sets forth actions to undertake by any pilot in command intercepting a distress transmission. This amendment aligns with ICAO SARPs in Annex 12, Chapter 5.7

Sixth amendment is the proposed additions of paragraphs (b) – (f) in rule 91.713 as it describes the procedure to be taken by pilot in command when arriving at the scene of an accident. This amendment aligns with ICAO SARPS in Annex 12 chapter 5.6.2, 5.6.2.1, 5.6.3, 5.6.4 and 5.6.5.



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2.2 NPRM Development

The proposed amendments to Appendix A.9 is triggered by the increase use of newer aircraft with more advanced and new technology. The amendment updates the current legislation to accommodate the use of this new technologies, ensuring operators remain compliant with the rules without compromising safety.

Amendments CAR 91.259, Appendix D.5 and D.6 is triggered from an ICAO audit finding against CASA PNG, which stated that the Annex 2 SARPS for Interception of civil aircraft are not fully promulgated in the current legislation. Whilst Part 91 makes provisions for the Interception of civil aircraft under CAR 91.259, the references under appendix D are not clearly specified. This amendment will provide clarity in the rules and also satisfies the outstanding finding against CASA PNG.

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

Nil

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 amendment is intended to comply with ICAO Annex 2.

3.4 Compliance Costs

Negligible financial impact is expected from this amendment.

4. Summary of changes

- (a) 91.259 – inserted text “*Appendix D.5 and the air to air visual signals specified in Appendix D.6*”
- (b) New Rule 91.267 transposing the requirements of Annex 12, Standard 5.7.
- (c) New subparts under CAR 91.713 (b) - (f). transposing the requirements of Annex 12, Standard 5.6.
- (d) Appendix A.9 (a) (1) – inserted *C139, 169, C170*
- (e) Appendix D.5 (a) 1) = deleted the text “in accordance with the specification” and replaced with “*referred to in Appendix D.6(a)*”



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- (f) Appendix D.6 (a) – Deleted reference “Appendix D” and replaced with “*Papua New Guinea AIP*”

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 91 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.



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Expected implementation time: Minimal time needed since this amendment only clarifies current provisions. New regulations should not be required. Existing operational specifications are still valid.

5.2.3 Assisting Safety and Personal Security

Safety impact: Negligible. Clarification of the language used is primarily to allow scope for future developments to be covered by operational credit provisions.

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

Environmental impact: No environmental impact with the implementation of this amendment

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 2414/91-17)
Civil Aviation Safety Authority
PO Box 1941
Boroko
National Capital District

Delivered: Docket Clerk (NPRM 2414/91-17)
Civil Aviation Safety Authority
Morea-Tobo Road
Six Mile, Jacksons Airport
Port Moresby NCD

By Email: Docket Clerk (NPRM 2414/91-17)
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 with payment 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
anambau@casapng.gov.pg

Ph.: 325 7320 Mob: 70319368



Proposed Rule Amendments

Part 91

General Operating Rules

...

91.259 Interception of civil aircraft

A pilot-in command of a civil aircraft, when intercepted, must comply with the requirements in Appendix D.5 and the air to air visual signals specified in Appendix D.6

...

91.267 Intercepting a distress transmission

A pilot in command who intercepts a distress transmission must as soon as practicable:

- (a) acknowledge the distress transmission; and
- (b) record the position of the aircraft in distress if given; and
- (c) take a bearing on the transmission; and
- (d) inform the appropriate rescue coordination center or air traffic services unit of the distress transmission, giving all available information; and
- (e) at the pilot's discretion, proceed to the position given in the transmission.

...

91.713 Search and Rescue Flights

...

- (b) Where a pilot in command observes another aircraft in distress, the pilot must as soon possible, unless in the interest of safety of the aircraft and its occupants:
 - (1) keep the aircraft in distress in sight until compelled to leave the scene or advised by a rescue coordination center that it is no longer necessary; and
 - (2) determine the position of the aircraft in distress; and
 - (3) report as appropriate, to the rescue coordination center or air traffic services unit as much of the following information as possible:
 - (i) type of craft in distress, its identification and condition; and
 - (ii) its position, expressed in geographical or grid coordinates or in distance and true bearing from a distinctive landmark or from a radio navigation aid; and
 - (iii) time of observation expressed in hours and minutes Coordinated Universal Time (UTC); and



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- (iv) number of persons observed; and
- (v) whether persons have been seen to abandon the craft in distress; and
- (vi) on-scene weather conditions; and
- (vii) apparent physical condition of survivors; and
- (viii) apparent best ground access route to the distress site; and
- (4) act as instructed by the rescue coordination center or the air traffic services unit.
- (c) Where an aircraft that is not a search and rescue aircraft reaches the scene of an accident first, it must unless in the interest of safety of the aircraft and its occupants;
 - (1) take charge of on-scene activities of all other aircraft subsequently arriving until the first search and rescue aircraft reaches the scene of the accident; or
 - (2) if such aircraft is unable to establish communication with the appropriate rescue coordination center or air traffic services unit, by mutual agreement hand over to an aircraft capable of establishing and maintaining such communications until the arrival of the first search and rescue aircraft.
- (d) An aircraft who intends to convey information to survivors or surface rescue units, without two-way communication, must if practicable,
 - (1) drop communication equipment that would enable direct contact to be established; or
 - (2) convey the information by dropping a hard copy message.
- (e) Where a ground signal has been displayed by survivors or rescue units referred to in paragraph (d), the aircraft must indicate;
 - (1) whether the signal has been understood; or
 - (2) by making the appropriate visual signal.
- (f) Where an aircraft intends to direct a surface craft to the place where an aircraft or surface craft is in distress, the aircraft shall do so by;
 - (1) transmitting precise instructions by any means at its disposal; or
 - (2) if no radio communication can be established, the aircraft shall make the appropriate visual signal- in accordance with Part 176 Appendix A.

...

A.9 Communication and navigation equipment

- (a) Except as provided in paragraph (c), radio communication and navigation equipment must meet the requirements of—



- (1) for Level 1—
- (i) communication equipment, one of the following TSO as applicable: C31, C32, C37, C38, ~~or~~ C50; C139, C169, or C170; or

...

D.5 Action by intercepted aircraft

- (a) An aircraft which is intercepted by another aircraft shall immediately:
- (1) follow the instructions given by the intercepting aircraft, interpreting and responding to visual signals ~~in accordance with the specifications~~ referred in Appendix D.6(a);

...

D.6 Air-to-air visual signals

- (a) The visual signals to be used by intercepting and intercepted aircraft are those set forth in the ~~Appendix D~~ Papua New Guinea AIP.