



**Notice of Proposed Rule Making
NPRM 18-43
08 November 2018**

**Part 172
Air Traffic Service Organisations-
Certification and Operation**

**Docket 18/CAR/172/05
2018 Rules Review**

Proposed Rule Applicable 8 November 2018

Background to the Civil Aviation Rules

The Civil Aviation Rules establish the minimum regulatory safety boundary for participants to gain entry into, operate within, and exit the Papua New Guinea civil aviation system. The Rules as structured in a manner similar to the Civil Aviation Rules of New Zealand and the Federal Aviation Regulations of the USA. Where practicable the Rules also align with the regulatory code of the Civil Aviation Safety Authority of Australia.

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 established to be an Acceptable Means of Compliance (AMC) with the associated rule. An Advisory Circular may also contain guidance material (GM) to facilitate compliance with the rule requirements.

The objective of the Civil Aviation Rules system is to strike 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 their own means of 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; and
- (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 172.

2. Background to the Proposal

2.1 General Summary

CAR Part 172 was last reviewed in 2015 to capture the requirements of Annex 11 amendments including other provisions in ICAO guidance materials and PANS RAC. The current review is a result of an outcome of the March 2018 ICAO audit which require further updating of the rule part to align it with the latest Annex 11 amendments and other applicable provisions. It also captures editorials to other reference within the rule and minor changes.

New definitions

It is proposed to add the following definitions to Part 172 that are specific to this operating rule;

- Accepting Unit
- Aeronautical fixed service
- Aeronautical station operator
- Aeronautical telecommunication station
- Air-ground communication
- Air traffic controller schedule means
- Air traffic flow management (ATFM)
- Air traffic services reporting office
- Appropriate ATS authority
- Controlled aerodrome
- Declared capacity
- Downstream clearance
- Duty
- Duty period
- Emergency phase
- Non-duty period
- Rescue coordination centre
- Time-in-position
- Transfer of control point
- Transferring unit
- Unidentified aircraft

Requirement for communications channel for Approach control exclusive use

It is proposed to insert the provisions requiring the ATS provider in rule 172.57(c)(iii) to provide a separate communication channel for Approach control use where the unit providing approach control service functions is a separate unit. This requirement is important whenever an approach service is being planned due to increase in air traffic and that there must be a clear separation of communication channel to prevent any confusion regarding the type of service being provided and enhance safety.

Specific situations for contingency plans

It is proposed that specific situations that would lead to an ATS provider establishing a contingency plan to provide for the safe and orderly flow of traffic are added to rule 172.65. The current rule does not go as far as listing the actual disruptions or interruptions and the description is necessary to provide clarity to the ATS provider when formulating its contingency plan.

Inclusion of additional requirements for coordination facilities

With the introduction of ADS-B and ADS-C, it is proposed to include additional requirements at rule 172.67(d) stating the requirements requiring provisions of systems and procedures to facilitate direct speech and or data link communications in ground to ground and ADS-B and ADS-C data link communications. This proposal supports the introduction of the ATM modernisation project.

Additional requirements for transfer of control

This proposal is to insert new requirements in rule 172.81 (d) (3) and (4) and is intended to describe the action where transfer of control is to be effected using radar or ADS-B and ADS-C data, the control information pertinent to the transfer must include information regarding the position and, if required, the track speed of the aircraft, as observed by radar or ADS-B immediately prior to the transfer. The requirement for ADS-C data information pertinent to transfer of control must include the four-dimensional position and other information necessary.

This requirement was not in the earlier rule and it is proposed that this requirement be added to capture ADS-B and ADS-C data transfer and with the intended implementation of the new ATS modernisation program to enable smooth implementation.

New requirements for vehicle on the manoeuvring area

It is proposed to include new requirements in rule 172.83(h) and (j) for vehicles operating on the manoeuvring area to comply with rules to give way to aircraft which are landing, taking off or taxiing in accordance with instructions issued by aerodrome control tower.

This proposal supports the concerns raised at various regional forums dealing with runway incursions and other incidents happening on the manoeuvring area which has been one of the top four safety concerns of the Asia Pacific Region.

Additional requirements for clearance read-back, downstream clearance and en-route clearances

Incorrect pilot read back of ATC clearance has been a subject of an investigation in past serious incidents involving breakdown in separation and air misses both within the PNG civil aviation system and globally. In view of this, it is proposed that additional requirements for clearance read-back, downstream clearance and en-route clearances be included in rule 172.87 expanding on existing requirements and placing responsibility for flight crew to read back ATC clearances and for ATC to ensure that the clearance or instructions has been correctly read back.

New requirement for time used in data link communications

The introduction of data link communications will necessitate time accuracy requirements which are crucial in the dissemination of safety information when using this mode of communications. This proposal in rule 172.101(3) is being submitted to include time accuracy specifically relating to data link.

Requirements for procedures on communications failure, unlawful interference and plotting of aircraft in emergencies

It is proposed that additional requirements be added for procedures to be established and implemented in the event of irregular operations including communication failure, unlawful interference and other emergency conditions. This proposal in 172.109 expands on the existing requirements and covers gaps that currently exist in this Part

Requirements for aeronautical data accuracy and integrity

The transition from AIS to Aeronautical Information Management (AIM) provides requirements for determination and reporting of ATS related aeronautical data is introduced to enable that these are in accordance with the accuracy and integrity classification required to meet the needs of the end-user of aeronautical data.

The inclusion of this requirement in 172.126 ensures alignment among requirements, as contained in Annex 11 for the ATS service provider, Annex 15 for the AIS service provider and the Procedures for Air Navigation Services – Aeronautical Information Management (Doc 10066) and avoids misinterpretation.

New requirements on PBN, PBC and PBS operations

The application of PBN, Performance-based Communications (PBC) and Performance-based surveillance (PBS) operations are specified by the introduction of the navigation specification(s) for designated areas, tracks or ATS routes and prescribed based on the regional air navigation agreements that PNG is a party to. Due to navigation infrastructure constraints or specific navigation functionality requirements, limitations may apply when designating a navigation specification.

In this respect, prescribing of navigation specification shall be appropriate to the level of communications, navigation and ATS provided in the airspace concerned.

Likewise, the application of performance-based communications (PBC) and PBS, specifications which is being prescribed is on the basis of regional air navigation agreements.

The proposal will enable PNG to ensure safe applications of ATM operations predicated on communications and/or surveillance performance and that non-compliance is detected and corrected in a timely manner through monitoring programmes. New rules have been proposed and inserted at 172.167, 172.169 and 172.171 detailing the applications of the above operations.

New requirement for ATS routes and identification of significant points.

A requirement is being included in Part 172.173 to describe clearly the establishment and designation of ATS with protected airspace along each ATS route and that a safe spacing between adjacent ATS routes is being provided. This is for the purpose of defining the routes or instrument approach procedure and/or in relation to the requirements of ATS for information regarding progress of aircraft in flight.

It is also proposed that significant points are clearly identified by designators and a new rule has been inserted at 172.175.

New requirement for Voice-ATIS

It is proposed to add a new Rule 172.177 to include the additional requirement requiring the establishment and provision of Voice-ATIS. It is recognised that ATS is already being provided by ATS unit as stated in the AIP, however there is no regulatory framework in Part 172. The proposal is therefore to mandate the requirement, adds clarity, and to comply with the existing ICAO requirements and better oversight.

Requirements of Organisation exposition amended to reflect proposed changes

As a consequence of the review and addition of additional requirements within Part 172, amendment to organisation exposition is required to be amended to reflect new changes proposed. These are added to rule 172.127.

Insertion of Appendix A containing requirements for Voice-ATIS.

2.2 NPRM Development

The development of Part 172 NPRM is the result of the recent ICAO Audit that found numerous gaps in the existing ATS certification rules. The proposals contained in the NPRM have been developed to address these gaps, and to ensure PNG meets its obligation under the Convention on International Civil Aviation.

2.3 Key Stakeholders

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

- The Civil Aviation Safety Authority
- The Minister for Transport
- The Minister for Civil Aviation
- PNG Air Services Limited
- Aviation Search and Rescue Organisations

3. Issues Addressed during Development

The NPRM development addresses the legislative gaps against Annex 12 and will contain the standards and requirements for oversight of the service provider as well as meeting the intent of the CA Act.

3.1 Consequential Amendments

There are no other consequential amendments in other Rule Parts.

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 new Rule Part is intended to comply, where practicable, with the SARPs contained in the ICAO Annex 12.

3.4 Compliance Costs

There will be financial impact for both the Government and the SAR service provider which will incur costs in the establishment, management and operation of the Search and Rescue service.

There is no cost involved.

4. Summary of changes

- (1) The addition of new definitions inserted
- (2) Inclusion of additional contingency plan requirements
- (3) New requirement for new coordination facilities, and editorial correction to Doc 4444 reference.
- (4) Inclusion of communication channels for approach control exclusive use.
- (5) New requirements for transfer of control.
- (6) Requirements for vehicles on the manoeuvring area.
- (7) New requirements for clearance read-back, downstream clearance and enroute clearances.
- (8) Inclusion of time used in data link communications.
- (9) Amendment to include communications failure, unlawful interference and plotting of aircraft in a state of emergency.
- (10) New requirement for aeronautical data accuracy and integrity.
- (11) Requirements for PBN, PBC, and PBS operations.
- (12) New provisions regarding ATS routes.
- (13) New requirements regarding significant points.
- (14) New requirement regarding Voice ATIS.
- (15) New appendix A added containing requirements for Voice-ATIS.

Editorial and minor changes proposed to correct errors and additional requirements added to organisation exposition as a result of new procedures needed.

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 allows the Minister to make rules for the purpose of the implementation of Papua New Guinea's obligations under the Convention:
- (b) Section 69(b) which allows the Minister to make rules for the purpose of assisting aviation safety and security, including (but not limited to) personal security:
- (c) Section 69(5) which allows the Minister to make rules that provide for matters to be determined or approved by the Authority, the Director, or any other person or empower the Authority, the Director or any other person to impose requirements, or conditions on the performance of any activity including but not limited to procedures to be followed:
- (d) Section 70(c) which allows the Minister to make rules providing for general operating rules, air traffic rules, and flight rules, including but not limited to the following:
 - (1) the conditions under which aircraft may be used or operated, or under which any act may be performed in or from an aircraft:
 - (2) the prevention of aircraft endangering persons or property.
- (e) Section 72(a) which allows the Minister to make rules for the designation, classification, and certification of all or any of the following:
 - (1) aircraft:
 - (2) aircraft pilots:
 - (3) flight crew members:
 - (4) air traffic service personnel:
 - (5) aviation security service personnel:
 - (6) aircraft maintenance personnel:
 - (7) aviation examiners or medical examiners:
 - (8) air services:
 - (9) air traffic services:
 - (10) aerodromes and aerodrome operators:
 - (11) aeronautical navigation service providers:

- (12) aviation training organisations:
 - (13) aircraft design, manufacture, and maintenance organisations:
 - (14) aeronautical procedures:
 - (15) aviation security services:
 - (16) aviation meteorological services:
 - (17) aeronautical communication services:
 - (18) any other person who provides services in the civil aviation system, and any aircraft, aeronautical products, aviation related services, facilities, and equipment operated in support of the civil aviation system, or classes of such persons, aircraft, aeronautical products, aviation related services, facilities, and equipment operated in support of the civil aviation system:
- (f) Section 70(b) which allows the Minister to make rules for the setting of standards, specifications, restrictions, and licensing requirements for all or any of those persons or things specified in paragraph 70(a) including the specifications of standards of design, construction, manufacture, processing, testing, supply, approval, and identification of aircraft and aeronautical products:
- (g) Section 70(c) which allows the Minister to make rules setting the conditions of operation of foreign aircraft and international flights to, from, or within Papua New Guinea:
- (h) Section 70(d) which allows the Minister to make rules for the definitions, abbreviations, and units of measurement to apply within the civil aviation system.

The proposed amendment of Part 1 complies with the requirements of the Civil Aviation Act and does not contravene the Constitution, the Aerodrome (Business Concession) Act, Civil Aviation (Aircraft 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 amendments comply with applicable International Civil Aviation Organization (ICAO) Annexes listed in paragraph 3.3.

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*

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 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 18-43)
Civil Aviation Safety Authority
PO Box 1941
BOROKO
National Capital District

Delivered: Docket Clerk (NPRM 18-43)
Civil Aviation Safety Authority
Morea-Tobo Road
Six Mile, Jacksons Airport
Port Moresby NCD

By Fax: Docket Clerk (NPRM 18-43)
3251789 / 325 1919

By Email: Docket Clerk (NPRM 18-43)
rules@casapng.gov.pg

7.1 Final date for submissions

Comments must be received before **3:30pm Friday, 28th September 2018.**

7.2 Further information

For further information, contact:

Amanda Nambau
Manager Legal Services
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Ph: 325 7320 Mob: 70316205

Subpart A — General

172.1 Purpose

- (a) This Part prescribes rules governing—
- (1) the certification and operation of organisations providing an air traffic service in the ~~Papua New Guinea~~ Port Moresby Flight Information Region, designated under Part 71; and
 - (2) the operating and technical standards for the provision of air traffic services operated by those organisations.
- (a) Subparts A, B, and C apply to air traffic services specified in paragraphs (a) to (f) of the interpretation of the term *air traffic service* in Section 3 of the Act.
- (b) Subpart D and this rule apply to services considered to be air traffic services under paragraph (g) of the interpretation of the term *air traffic service* in Section 3 of the Civil Aviation Act 2000.

172.3 Definitions

Accepting Unit means an air traffic control unit next to take control of an aircraft:

Aeronautical fixed service means a telecommunication service between specified fixed points provided primarily for the **safety** of air navigation and for the regular, efficient and economical operation of air services:

Aeronautical station operator means an aeronautical station operator holding a current licence issued in accordance with Part 65:

Aeronautical telecommunication station means a station in the aeronautical telecommunications service:

Air-ground communication means two-way communication between aircraft and stations or locations on the surface of the earth:

Air traffic controller schedule means a plan for allocating air traffic controller duty periods and non-duty periods over a period of time, otherwise referred to as a roster:

Air traffic flow management (ATFM) means a service established with the objective of contributing to a safe, orderly and expeditious flow of air traffic by ensuring that ATC capacity is utilized to the maximum extent possible and that the traffic volume is compatible with the capacities declared by the appropriate ATS authority:

Air traffic services reporting office means a unit established for the purpose of receiving reports concerning air traffic services and flight plans submitted before departure:

Air traffic service includes—

- (1) an aerodrome control service; and
- (2) an area control service
- (3) an approach control service; and

- (4) a flight information service; and
- (5) an aerodrome flight information service; and
- (6) an alerting service; and
- (7) any other air traffic service considered by the Minister to be necessary or desirable for the safe and efficient operation of the civil aviation system:

In this Part—

Annex 1 means Annex 1 to the Convention:

Annex 2 means Annex 2 to the Convention:

Annex 3 means Annex 3 to the Convention:

Annex 10 means Annex 10 to the Convention:

Annex 11 means Annex 11 to the Convention:

Appropriate ATS authority means the relevant authority designated by the State responsible for providing air traffic services in the airspace concerned:

Area of responsibility means the airspace, and in the case of an aerodrome, the manoeuvring area, within which a particular operating position is responsible for the provision of an air traffic service:

ATS Letter of Agreement means a document formalising matters of operational significance between ATS units:

ATS messages means emergency messages, movement and control messages, and flight information messages as described in Part IX of Document 4444:

Certificate holder means the holder of a certificate issued under this Part:

Controlled aerodrome means an aerodrome at which air traffic control service is provided to aerodrome traffic:

Declared capacity means a measure of the ability of the ATC system or any of its subsystems or operating positions to provide service to aircraft during normal activities:

Document 4444 means the ICAO document titled *Procedures for Air Navigation Services – Air Traffic Management*:

Document 7030 means the ICAO document titled *Regional Supplementary Procedures* as applicable to the Middle East/Asia and Pacific regions:

Document 9432 means the ICAO document titled *Manual of Radiotelephony*:

Downstream clearance means a clearance issued to an aircraft by an air traffic control unit that is not the current controlling authority of that aircraft:

Duty means any task that an air traffic controller is required by an air traffic services provider to

perform. These tasks include those performed during time-in-position, administrative work and training:

Duty period means a period which starts when an air traffic controller is required by an air traffic services provider to report for or to commence a duty and ends when that person is free from all duties:

Emergency phase means generic term meaning, as the case may be, uncertainty phase, alert phase or distress phase:

Essential traffic means any controlled traffic that is not separated by the prescribed minima in relation to other controlled flights where separation is required:

Filed flight plan means the flight plan as filed with an ATS unit by a pilot or an aircraft operator without any subsequent changes:

Flow control means measures designed to adjust the flow of traffic into a given airspace, along a given route, or bound for a given aerodrome, to ensure the most effective utilisation of the airspace:

Non-duty period means a continuous and defined period of time, subsequent to and/or prior to duty periods, during which the air traffic controller is free of all duties:

Operating position means the work station from which one or more air traffic controllers or aeronautical station operators provide air traffic services within an allocated area or areas of responsibility:

Rated air traffic controller means an air traffic controller holding a current licence, and a rating, or ratings, validated for the particular location, issued in accordance with Part 65:

~~Rated aeronautial~~ aeronautical station operator means an aeronautical station operator holding a current licence, and an aeronautical station operator rating, validated for the particular location, issued in accordance with Part 65:

Rescue coordination centre means a unit responsible for promoting efficient organization of search and rescue services and for coordinating the conduct of search and rescue operations within a search and rescue region:

Special VFR flight means a VFR flight cleared by ATC to operate within a control zone in special VFR weather conditions in accordance with 91.303:

Strayed aircraft means an aircraft that has deviated significantly from its intended track or reports that it is lost:

Time-in-position means the period of time when an air traffic controller is exercising the privileges of the air traffic controller's licence at an operational position:

Traffic avoidance advice means advice provided by an ATS unit to assist a pilot to avoid a collision:

Traffic information means information issued by an ATS unit, to alert a pilot to other known or observed air traffic which may be in proximity to the position, or intended route of flight, and to help the pilot avoid a collision.

Transfer of control point means a defined point located along the flight path of an aircraft, at which the responsibility for providing air traffic control service to the aircraft is transferred from one control

unit or control position to the next:

Transferring unit means an air traffic control unit in the process of transferring the responsibility for providing air traffic control service to an aircraft to the next air traffic control unit along the route of flight:

Unidentified aircraft means an aircraft which has been observed or reported to be operating in a given area but whose identity has not been established:

VORSEC means VOR/DME minimum sector altitude chart:

172.5 Requirement for certificate

No person shall provide an air traffic service except under the authority of, and in accordance with the provisions of, an air traffic service certificate issued under this Part.

172.7 Application for certificate

An applicant for the grant of an air traffic service certificate shall—

- (1) complete form CAA 172/01, which shall require the following information—
 - (i) the applicant's name and address for service in Papua New Guinea; and
 - (ii) the specific air traffic service or services to be provided; and
 - (iii) the aerodrome location or airspace designation at, or within which, the service will be provided; and
 - (iv) such other particulars relating to the applicant and the intended service as may be required by the Director as indicated on the form; and
- (2) submit the completed form to the Director with—
 - (i) the exposition required by 172.125; and
 - (ii) payment of the appropriate application fee prescribed by regulations made under the Act.

172.9 Issue of certificate

(a) Subject to paragraph (b), an applicant is entitled to an air traffic service certificate if the Director is satisfied that—

- (1) the applicant meets the requirements of Subpart B; and
- (2) the applicant, and the applicant's senior person or persons required by 172.51, are fit and proper persons; and
- (3) the granting of the certificate is not contrary to the interests of aviation safety.

(b) The Director shall ensure, in the interests of aviation safety, that only one certificate for the same air traffic service is current at any time.

172.11 Privileges of certificate

(a) An air traffic service certificate specifies which of the following air traffic services, and which training and assessment for such services, the certificate holder is authorised to provide:

- (1) area control service:
- (2) approach control service:
- (3) aerodrome control service:
- (4) flight information service:
- (5) aerodrome flight information service:
- (6) alerting service:
- (7) any other service provided in accordance with Subpart D.

(b) An air traffic service certificate—

- (1) states the aerodrome or airspace at, or within which, the service is provided; and
- (2) may include such conditions as the Director considers appropriate.

172.13 Duration of certificate

(a) An air traffic service certificate may be granted or renewed for a period of up to 5 years.

(b) An air traffic service certificate remains in force until it expires or is suspended or revoked.

(c) The holder of an air traffic service certificate that expires or is revoked shall forthwith surrender the certificate to the Director.

(d) The holder of an air traffic service certificate that is suspended shall forthwith produce the certificate to the Director for appropriate endorsement.

172.15 Renewal of certificate

(a) An application for the renewal of an air traffic service certificate shall be made on form CAA 172/01.

(b) The application shall be submitted to the Director before the application renewal date specified on the certificate or, if no such date is specified, not less than 30 days before the certificate expires.

Subpart B — Certification Requirements**172.51.1 Personnel requirements**

(a) An applicant for the grant of an air traffic service certificate shall engage, employ, or contract—

- (1) a senior person identified as the Chief Executive who has the authority within the applicant's organisation to ensure that each air traffic service listed in its exposition—

-
- (i) can be financed; and
 - (ii) is provided in accordance with the requirements prescribed by this Part; and
- (2) a senior person or persons who are responsible for ensuring that the applicant's organisation complies with the requirements of this Part. Such nominated person or persons shall be ultimately responsible to the Chief Executive; and
 - (3) sufficient personnel to manage, support, and provide the air traffic services and any associated training or assessment listed in the applicant's exposition.
- (b) The applicant shall establish procedures to—
- (1) ensure the competence of those personnel who are authorised by the applicant to provide the air traffic services, and training and assessment for those services, listed in the applicant's exposition; and
 - (2) provide those authorised personnel with written evidence of the scope of their authorisation; and
 - (3) ensure that those authorised personnel hold appropriate current personnel licences and ratings issued under Part 65; and
 - (4) ensure, where practicable, that authorised personnel only exercise the privileges of their ratings if they are familiar with all relevant and current information; and
 - (5) facilitate, for rated air traffic service personnel licence holders, compliance with the recent experience requirements of Part 65; and
 - (6) ensure, where practicable, that an air traffic controller ~~shall~~ does not exercise the privileges of ratings—
 - (i) unless they comply with any endorsements on their medical certificate; and
 - (ii) when any decrease in their medical fitness might render them unable to safely exercise these privileges.
- (c) The applicant shall develop and implement a policy and procedures for recruiting and retaining appropriately qualified and experienced ATS personnel applicable to the person's function.

172.53 ATS training

- (a) An applicant for the grant of an air traffic service certificate shall establish procedures and programmes for the training and assessment of the following personnel:
- (1) air traffic controllers:
 - (2) aeronautical station operators:
 - (3) personnel directly involved in the provision of an HF aeronautical telecommunication service:
 - (4) personnel directly involved in activities supporting—
 - (i) rated air traffic controllers; and

(ii) rated aeronautical station operators.

(b) The applicant shall establish procedures to ensure that personnel giving instruction in an operational environment hold an appropriate current ATS instructor rating issued under Part 65.

(c) The applicant shall establish procedures to ensure that personnel carrying out assessment for the issue of licences, or the issue or validation of ratings, hold an appropriate current ATS instructor rating issued under Part 65 or is an authorised ATS examiner under Part 183.

(d) The applicant shall establish a training program and procedures for ensuring every ATS personnel it employs fulfils the applicable segments for initial, refresher, recurrent and specialised training.

172.55 Prevention of fatigue

(a) The applicant for the grant of an air traffic service certificate shall establish a properly balanced work load scheme to—

- (1) justify the number of persons employed at each facility; and
- (2) prevent work ~~over loading~~ overloading of personnel at a particular work station.

(b) The applicant shall—

- (1) establish a scheme for the prevention of fatigue applicable to personnel assigned for duty at a facility where such fatigue may endanger the safety of air navigation; and
- (2) maintain an accurate record of the time each person subject to the scheme is on duty.

(c) The scheme required under paragraph (b) shall have a feedback system for affected personnel to provide input in terms of fatigue to the certificate holder.

172.57 Facility requirements

(a) An applicant for the grant of an air traffic service certificate shall establish the following facilities that are appropriate to the air traffic services listed in the applicant's exposition:

- (1) aerodrome control towers:
- (2) approach control centres:
- (3) area control centres:
- (4) aerodrome flight information units:
- (5) flight information centres:
- (6) dedicated training and assessment facilities.

(b) An applicant for an aerodrome control service, or an aerodrome flight information service, shall establish procedures to ensure that any aerodrome control tower or aerodrome flight information office, including any mobile tower or office, listed in the applicant's exposition, is—

- (1) constructed and situated to provide—

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- (i) the maximum practicable visibility of aerodrome traffic; and
 - (ii) protection from glare and reflection; and
 - (iii) protection from noise; and
- (2) safeguarded from any development that would affect the requirements of paragraph (b)(1); and
- (3) at solo watch locations, provided with—
- (i) toilet facilities that ensure the minimum possible interruption to, or degradation of, air traffic services; and
 - (ii) storage and preparation facilities for food and drink in the visual control room; and
- (4) provided with equipment for two-way voice communication with—
- (i) aircraft, in or adjacent to airspace for which the applicant has responsibility; and
 - (ii) aircraft, vehicles, and persons, on, or adjacent to, the manoeuvring area; and
- (5) provided with the following minimum equipment:
- (i) a display system or systems designed to show the disposition of current and pending aerodrome traffic together with ancillary information for individual aircraft:
 - (ii) a power supply:
 - (iii) appropriate and current maps and charts:
 - (iv) binoculars:
 - (v) clocks:
 - (vi) logbook:
 - (vii) outside temperature indicator:
 - (viii) QNH display:
 - (ix) signal lamp with green, red, and white functions:
 - (x) telephone communications:
 - (xi) status monitors for approach and landing aids and any road signalling equipment affecting the use of a runway:
 - (xii) visibility and cloud height checkpoints:
 - (xiii) voice and, where applicable, data recording equipment:
 - (xiv) wind direction and speed display:
 - (xv) an audible alerting alarm:

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- (xvi) an AFTN terminal or, where provided for in an ATS letter of agreement, an alternative means of reception and transmission of information normally conveyed by AFTN:
- (xvii) if applicable, airfield lighting controls panel; and
- (6) provided with two independent sources of the current altimeter setting, at least one of which shall be an aneroid barometer or barometric altimeter situated in the visual control room.
- (c) The applicant shall establish procedures to ensure that area control centres, flight information centres, and approach control offices are—
- (1) provided with equipment enabling—
- (i) to the fullest extent practical, two-way voice communication; and
- (ii) where applicable, data communication—
with aircraft in, or adjacent to, airspace for which the applicant has responsibility; and
- (iii) where applicable, a dedicated air-ground communications channels provided for approach control service for its exclusive use; and
- (2) provided with the following minimum equipment:
- (i) a display system or systems designed to show the disposition of current and pending flights together with ancillary information for individual aircraft:
- (ii) a power supply:
- (iii) appropriate and current maps and charts:
- (iv) clocks:
- (v) logbook:
- (vi) status monitors as appropriate for navigation, approach, and landing aids:
- (vii) telephone communications:
- (viii) voice recording equipment and, where applicable, data recording equipment:
- (ix) an AFTN terminal:
- (x) for approach control operating positions, an ILS/MLS status monitor at the approach control or approach control radar operating position for the aerodrome concerned:
- (xi) for approach control operating positions responsible for aircraft on final approach, or aircraft landing or taking-off, a wind direction and speed display fed from the same source as the corresponding equipment in the aerodrome control tower.
- (d) The applicant shall establish procedures to ensure that the aeronautical telecommunications equipment required by paragraphs (b) and (c) are operated in accordance with the requirements of Part

171.

(e) The applicant shall establish procedures to ensure that visual display units used by air traffic services are positioned with due regard to the relative importance of the information displayed and ease of use by the staff concerned.

(f) The equipment required by paragraphs (b)(4) and (5), and (c)(1) and (2), shall have a level of reliability, availability, and redundancy, that minimises the possibility of failure, non-availability, or significant degradation of performance.

(g) The applicant shall establish procedures to ensure that the status monitors required by paragraph (b)(5)(xi) and paragraphs (c)(2)(vi) and (x) are fitted with—

- (1) an aural signal to indicate a change of status; and
- (2) a visual indication of the current status.

172.59 Establishment and transfer of service

(a) An applicant for the grant of an air traffic service certificate shall include with its application—

- (1) for each aerodrome and airspace, a schedule of the proposed hours of service for the first 12 months of operation; and
- (2) in respect of an aerodrome, or airspace, not currently provided with an air traffic service, a summary of safety factors considered before seeking certification.

(b) An applicant for the grant of an air traffic service certificate intending to assume responsibility for providing any air traffic service from an existing certificate holder, shall include with its application, full details of transitional arrangements endorsed by the Chief Executives of both organisations.

172.61 Shift administration

An applicant for the grant of an air traffic service certificate shall establish a procedure to ensure that—

- (1) adequate time is provided at the beginning and end of each shift, for the performance of those duties required—
 - (i) before providing an air traffic service; and
 - (ii) after ceasing to provide an air traffic service; and
- (2) a minimum of 5 minutes is provided for each transfer of watch at an ATS operational position.

172.63 Documentation

(a) An applicant for the grant of an air traffic service certificate shall hold copies of the relevant technical manuals, and all other documents, necessary for the provision and operation of the services listed in its exposition.

(b) The applicant shall establish a procedure to control all the documentation required by

paragraph (a). The procedure shall ensure that—

- (1) all incoming documentation is reviewed, and actioned as required, by authorised personnel; and
- (2) all documentation is reviewed and authorised before issue; and
- (3) current issues of all relevant documentation are available to personnel at all locations where they need access to such documentation for the provision and operation of air traffic services; and
- (4) all obsolete documentation is promptly removed from all points of issue or use; and
- (5) any obsolete documents retained as archives are suitably identified as obsolete; and
- (6) changes to documentation are reviewed and approved by authorised personnel who shall have access to pertinent background information upon which to base their review and approval; and
- (7) the current version of each item of documentation can be identified to preclude the use of out-of-date editions.

172.65 Contingency plan

(a) An applicant for the grant of an air traffic service certificate shall establish a contingency plan providing for the safe and orderly flow of traffic in the event of a disruption, interruption, or temporary withdrawal of an air traffic service or related supporting service such as –

- (1) major facility failures; or
- (2) natural disasters; or
- (3) public health emergencies; or
- (4) industrial action or civil unrest; or
- (5) military conflicts; or
- (6) acts of unlawful interference.

(b) When developing the contingency plan required under paragraph (a) the applicant shall ensure that the plan is coordinated with all concerned neighbouring States.

172.67 Co-ordination requirements

(a) An applicant for the grant of an air traffic service certificate shall establish systems and procedures to ensure, where applicable, co-ordination between each ATS unit listed in the applicant's exposition and the following agencies—

- (1) a holder of an aeronautical telecommunication service organisation certificate issued under Part 171; and
- (2) a holder of an air navigation service organisation certificate issued under Part 173; and
- (3) a holder of an aviation meteorological service organisation certificate under Part 174; and

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- (4) a holder of an aeronautical information service organisation certificate issued under Part 175; and
 - (5) aircraft operators; and
 - (6) the Papua New Guinea Defence Force; and
 - (7) search and rescue authorities; and
 - (8) where the listed ATS unit is an aerodrome control or aerodrome flight information unit—
 - (i) the aerodrome operator; and
 - (ii) the apron management service, if that service is not provided by the aerodrome control unit.
- (b) The applicant shall establish procedures to ensure an ATS letter of agreement is in place between each ATS unit listed in the applicant's exposition and—
- (1) each ATS unit responsible for adjoining airspace, and
 - (2) any other ATS unit with which regular operational co-ordination is required.
- (c) The applicant shall establish procedures to ensure each ATS letter of agreement—
- (1) details such matters as are necessary for effective co-ordination between the units party to the agreement; and
 - (2) is kept current; and
 - (3) is signed by senior representatives of the participating units; and
 - (4) is part of the applicant's operations manual.
- (d) The applicant shall provide systems and procedures to facilitate communications between those ATS units having an operational requirement to communicate with each other and to ensure that direct speech and/or data link communications are used in ground-ground communications for air traffic services purposes.
- (e) The applicant shall provide facilities for communications between area control centres serving contiguous control areas and in addition, include provisions for direct speech and, where applicable, data link communications, with automatic recording.
- (f) The applicant shall provide systems and procedures to ensure that communications can be established instantaneously for the purpose of transfer of control using radar, ADS-B or ADS-C data and for other purposes the communications can normally be established within fifteen seconds.
- (g) The applicant shall provide systems and procedures to ensure that ATS units, aircraft operators, and aviation meteorological service providers, where they require the information, are provided, through the exchange of ATS messages, with details of—
- (1) the intended movement of each aircraft for which a flight plan has been filed, and any amendments to that flight plan; and

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- (2) current information on the actual progress of the flight.
- (h) The applicant shall establish procedures to ensure that ATS messages are prepared and transmitted in accordance with procedures detailed and cross-referenced in Document 4444 (~~Part IX~~ Chapter 11 – Air Traffic Services Messages).

172.69 Notification of facility status

- (a) An applicant for the grant of an air traffic service certificate shall establish procedures to notify users of its air traffic services of relevant operational information and of any changes in the operational status of each facility or service listed in the applicant's exposition.
- (b) The procedures shall ensure that —
- (1) operational information for each of the applicant's air traffic services is forwarded to the holder of the aeronautical information service certificate issued under Part 175 for the PNGAIP service; and
 - (2) the users of an air traffic service are notified without delay of any change in operational status of the facility or service that may affect the safety of air navigation, and, except where the change is temporary in nature, information concerning any change in operational status is forwarded to the holder of the aeronautical information service certificate for the NOTAM service.

172.71 General information requirements

- (a) An applicant for the grant of an air traffic service certificate shall establish procedures for the receipt of information on the following activities when the activity could affect airspace used by flights within the applicant's area of responsibility—
- (1) pre-eruption volcanic activity; and
 - (2) volcanic eruptions; and
 - (3) volcanic ash-cloud; and
 - (4) release into the atmosphere of radioactive materials or toxic chemicals.
- (b) The applicant shall establish systems and procedures to ensure that each ATS unit, as appropriate to the applicant's intended area of responsibility, is kept informed of the operational status of—
- (1) non-visual navigation aids; and
 - (2) visual aids essential for take-off, departure, approach, and landing procedures; and
 - (3) visual and non-visual aids essential for surface movement.
- (c) Each applicant for the grant of an air traffic service certificate for an—
- (1) aerodrome control unit; or
 - (2) approach control unit; or

(3) aerodrome flight information service unit—

shall establish procedures to ensure the unit is kept informed of operationally significant conditions on the movement area. The information shall include the existence of temporary hazards and the operational status of any associated facilities at the aerodrome.

172.73 Meteorological information and reporting

(a) Each applicant for the grant of an air traffic service certificate shall establish systems and procedures to ensure that all meteorological information provided as part of any flight information service is—

- (1) supplied by the holder of an aviation meteorological service organization certificate issued under Part 174; or
- (2) issued as a basic *weather report* in accordance with 174.3 and 174.6.

(b) The applicant shall establish systems and procedures to ensure that ATS units are supplied with the meteorological information necessary for the performance of their respective functions, in a form that requires a minimum of interpretation by ATS personnel.

(c) The applicant shall establish procedures to ensure that equipment used in the compilation of *basic weather reports*—

- (1) supplies data representative of the area for which the measurements are required; and
- (2) where that equipment consists of multiple wind direction and speed indicators, identifies the runway, or section of the runway, monitored by each instrument.

(d) The applicant shall establish a procedure to ensure that the information contained in a meteorological bulletin remains unchanged through onward transmission.

(e) The applicant shall establish an agreement with Part 174 certificate holder to formalize the provision of aviation meteorological services.

(f) The applicant shall establish mechanism for ensuring that it coordinates with the holder of an aviation meteorological service organization certificate issued under Part 174 matters relating to weather observations, including wind shear warnings.

172.75 Area and approach control services

(a) An applicant for the grant of an air traffic service certificate in respect of an area or approach control service shall establish systems and procedures to—

- (1) determine, from information received, the positions of known aircraft relative to each other; and
- (2) provide for the issue of ATC clearances, instructions, and information, according to the airspace classification and type of flight, for the purpose of preventing collisions between aircraft under the control of the unit, and expediting and maintaining a safe and efficient flow of traffic; and
- (3) co-ordinate clearances, as necessary, with other ATC units; and

- (4) display, in a manner that permits ready analysis, information on aircraft movements, together with a record of clearances issued.
- (b) The procedures required by paragraph (a)(2) shall, except as provided in paragraph (d) and 172.91, ensure vertical or horizontal or composite separation is provided, in accordance with paragraph (c), between—
- (1) all flights in class A airspace; and
 - (2) IFR flights in class C airspace; and
 - (3) IFR flights and VFR flights in class C airspace; and
 - (4) IFR flights and Special VFR flights; and
 - (5) Special VFR flights when the flight visibility is reported to be less than 5 km.
- (c) The separation required by paragraph (b) shall be in accordance with criteria and minima prescribed by—
- (1) Annex 11; or
 - (2) Document 4444; or
 - (3) Document 7030; or
 - (4) Subpart E.

172.77 Aerodrome control service

- (a) An applicant for the grant of an air traffic service certificate in respect of an aerodrome control service shall establish systems and procedures to—
- (1) determine, from information received and visual observation, the relative positions of known aircraft to each other; and
 - (2) provide for the issue of ATC clearances, instructions, and information, for the purpose of preventing collisions between—
 - (i) aircraft flying in the vicinity of an aerodrome; and
 - (ii) aircraft landing and taking off; and
 - (iii) aircraft operating on the manoeuvring area; and
 - (iv) aircraft, vehicles, and persons, operating on the manoeuvring area; and
 - (v) aircraft on the manoeuvring area and obstructions on that area; and
 - (3) provide for the issue of ATC clearances, instructions, and information, for the purpose of expediting and maintaining a safe and efficient flow of traffic; and
 - (4) except as provided in 172.91 and 172.287, provide runway and wake turbulence separation in accordance with criteria and minima prescribed by—
 - (i) Annex 11; or

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- (ii) Document 4444; or
 - (iii) Document 7030; or
 - (iv) Subpart E; and
- (5) ensure that emergency vehicles responding to an aircraft emergency are given priority over all other surface movement traffic; and
 - (6) provide for the control of the movement of persons or vehicles, including towed aircraft, on the manoeuvring area, as necessary to avoid hazard to them or to aircraft landing, taxiing, or taking off; and
 - (7) co-ordinate as necessary with other ATS units; and
 - (8) display, at operating positions, continuously updated information on aircraft movements.
- (b) The applicant shall establish a procedure to ensure that, when radio communication is not available, basic clearances, instructions, and information required by paragraph (a)(2) can be conveyed by the use of the light signals described in 91.243.
- (c) The applicant shall establish procedures to ensure that when required by either the weather, or category of approach, or both—
- (1) aircraft on an ILS or MLS approach are informed of ILS/MLS critical area incursions, or the imminent possibility of an incursion; or
 - (2) the applicable ILS/MLS critical areas are protected from incursion when an aircraft is on an ILS or MLS approach, or has reached a point on the approach from which protection from incursion is necessary.
- (d) The applicant shall establish a procedure to ensure that, except as provided in 172.91, and subject to authorisation by the applicable approach control unit, aerodrome control units provide separation between—
- (1) IFR flights and Special VFR flights; and
 - (2) Special VFR flights when the flight visibility is reported to be less than 5 km.
- (e) The applicant shall establish a procedure to ensure that, when authority has been delegated by, and accepted from, the applicable area or approach control unit, aerodrome control units provide separation between controlled flights in accordance with the delegation.
- (f) The separation required by paragraphs (d) and (e) shall be obtained by the use of vertical or horizontal or composite separation, in accordance with criteria and minima prescribed by—
- (1) Annex 11; or
 - (2) Document 4444; or
 - (3) Document 7030; or
 - (4) Subpart E.

172.79 Special use airspace

Each applicant for the grant of an air traffic service certificate in respect of an air traffic control service shall establish systems and procedures to ensure that separation in accordance with 172.289 is provided between controlled flights and active special use airspace designated under Part 71 or 73, except when—

- (1) in the case of a danger area or a volcanic hazard area, the pilot has notified an express intention to operate in the area; or
- (2) it is known, or reasonably believed, that the pilot of a VFR flight, or an IFR flight navigating by visual reference, is aware that the airspace is active; or
- (3) upon a request by the pilot, the flight is cleared to maintain its own separation from the airspace.

172.81 Responsibility for control

(a) An applicant for the grant of an air traffic service certificate in respect of an air traffic control service shall establish procedures to ensure that any controlled flight is under the control of only one ATC operating position at any given time.

(b) The applicant shall establish procedures to ensure that responsibility for the control of all aircraft operating within a given block of airspace is vested in a single operating position. Control of an aircraft or groups of aircraft may be delegated to other operating positions provided that coordination between all affected operating positions is assured.

(c) The applicant shall establish procedures for the transfer of responsibility for the control of an aircraft.

(d) The procedures required by paragraph (c) shall ensure that—

- (1) transfer arrangements are—
 - (i) agreed between ATC units responsible for adjacent airspaces and published in ATS letters of agreement; and
 - (ii) in place for separate operating positions within an ATC unit and promulgated in the holder's operations manual; and
- (2) responsibility for control of an aircraft is not transferred from one ATC unit to another without—
 - (i) communication of appropriate parts of the current flight plan; and
 - (ii) any relevant control information; and
 - (iii) the consent of the accepting unit; and
- (3) where transfer of control is to be effected using radar or ADS-B data, the control information pertinent to the transfer includes the position and, if required, the track and speed of the aircraft, as observed by radar or ADS-B immediately prior to the transfer; and

- (4) where transfer of control is to be effected using ADS-C data, the control information pertinent to the transfer shall include the four-dimensional position and other information as necessary.

172.83 Priorities

(a) An applicant for the grant of an air traffic service certificate in respect of an air traffic control service shall establish procedures to ensure that, providing safety is not jeopardised, ATC units apply the following priorities—

- (1) an aircraft known or believed to be in a state of emergency or impaired operation has priority over all other aircraft; and
- (2) an aircraft landing, or in the final stages of an approach to land, has priority over a departing aircraft; and
- (3) an aircraft landing or taking off has priority over taxiing aircraft.

(b) The applicant shall establish procedures to ensure that, where practical, following a request from the pilot, an aircraft involved in, or positioning for, the following activities is granted priority—

- (1) ambulance or mercy missions; and
- (2) search and rescue; and
- (3) civil defence or police emergencies; and
- (4) carriage of heads-of-state, heads-of-government, or equivalent dignitaries; and
- (5) an aircraft at a cruising level shall normally have priority over other aircraft requesting that level.

(c) An applicant for an air traffic service certificate in respect of an area control service may establish procedures regarding priorities to be applied in airspace designated as RNP or RVSM airspace under Part 71.

(d) Subject to the requirements of paragraphs (a) and (b), an applicant may put in place schemes for the determination of priorities for arriving and departing flights, provided that consultation with interested parties is undertaken prior to implementing the scheme.

(e) The applicant shall establish procedures to ensure that, where priorities are established under paragraphs (d) or (e), relevant information, including details regarding the handling of complaints, is published in the PNGAIP.

(f) The applicant shall establish procedures to ensure that, providing safety is not jeopardised, due regard is given to those priorities determined in conjunction with the aerodrome operator for—

- (1) aircraft arriving and departing that aerodrome; and
- (2) other operations in any control zone associated with that aerodrome.

(g) The applicant shall establish procedures to ensure that, except when applying priority in accordance with other provisions of this rule, priority for arriving and departing flights is allocated on a first-come first-served basis.

(h) The applicant shall establish procedures to ensure that the provision of an ATC service takes precedence—

- (1) over the provision of a flight information service whenever the situation so requires; and
- (2) over the performance of any other non-ATS tasks.

(i) The applicant shall establish procedures to ensure that vehicles and vehicles towing aircraft on the manoeuvring area comply with the following: -

- (1) give way to aircraft which are landing, taking-off or taxiing; and
- (2) give way to other vehicles towing aircraft; and
- (3) give way to other vehicles in accordance with ATS unit instructions; and

(j) Notwithstanding the provisions of paragraph (i), vehicles and vehicles towing aircraft shall comply with instructions issued by the aerodrome control tower.

172.85 Flow control

(a) An applicant for the grant of an air traffic service certificate in respect of an air traffic control service shall establish flow control procedures where, due to limitations in ATS system capacity or aerodrome capacity, the applicant considers the procedures necessary.

(b) The procedures shall take account of—

- (1) the requirements of affected aerodrome operators including their traffic handling priorities; and
- (2) the needs of aircraft operators, and other ATS providers, who will be affected by the procedures; and
- (3) the requirements of the aeronautical information service, including advance notice, and information on the method of activation and de-activation.

172.87 ATC clearances

(a) An applicant for the grant of an air traffic service certificate in respect of an air traffic control service shall establish procedures for the provision of ATC clearances and read-back of clearances and safety-related information.

(b) The procedures shall ensure that—

- (1) no person knowingly issues an ATC clearance or instruction that requires or invites a pilot to violate the provisions of any other rule; and
- (2) clearances and instructions contain positive and concise data and are, where practicable, phrased in a standard manner; and

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- (3) if a pilot advises that a clearance or instruction is unsuitable, an amended clearance or instruction is, if practicable, issued; and
 - (4) an ATC clearance for an en route flight consists of—
 - (i) the aircraft identification as shown in the flight plan or, where similarity with another flight might cause confusion, an alternative identification provided by ATC; and
 - (ii) the clearance limit; and
 - (iii) the route of flight; and
 - (iv) the level(s) of flight for the entire route, or part thereof, and changes of level if required; and
 - (v) any necessary instructions or information on other matters, such as approach or departure manoeuvres, communications, and the time of validity or expiry of the clearance; and
 - (5) an ATC clearance for a local flight, a flight operating in defined areas, or a flight operating in a random manner, includes those elements detailed in paragraph (4) that are appropriate; and
 - (6) an ATC clearance for a transonic flight—
 - (i) extends at least to the end of the transonic acceleration phase; and
 - (ii) provides for uninterrupted descent during deceleration from supersonic cruise to subsonic flight.
- (c) The read-back procedures in (a) must ensure that -
- (1) the flight crew read back to the air traffic controller of safety-related parts of ATC clearances and instructions which are transmitted by voice; and
 - (2) the following items are read back:
 - (i) ATC route clearances; and
 - (ii) clearances and instructions to enter, land on, take off from, hold short of, cross and backtrack on any runway; and
 - (iii) runway-in-use, altimeter settings, SSR codes, level instructions, heading and speed instructions and transition levels; and
 - (iv) other clearances or instructions, including conditional clearances, are read back or acknowledged in a manner to clearly indicate that they have been understood and will be complied with; and
 - (3) the controller listens to the read-back to ascertain that the clearance or instruction has been correctly acknowledged by the flight crew and take immediate action to correct any discrepancies revealed by the read-back; and
 - (4) unless specified by under this Part, voice read-back of CPDLC messages are not required.
- (e) An applicant for the grant of an air traffic service certificate shall establish procedures for the coordination of clearances to ensure that –
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- (1) air traffic control clearances are coordinated between air traffic control units to cover the entire route of an aircraft or a specified portion thereof; and
 - (2) an aircraft is cleared for the entire route to the aerodrome of first intended landing when:
 - (i) it has been possible, prior to departure, to coordinate the clearance between all the units under whose control the aircraft will come; or
 - (ii) there is reasonable assurance that prior coordination will be effected between those units under whose control the aircraft will subsequently come; and
 - (3) when coordination in (e)(2) has not been achieved, the aircraft shall be cleared only to that point where coordination is reasonably assured; prior to reaching such point, or at such point, the aircraft shall receive further clearance, holding instructions being issued as appropriate.
- (f) An applicant for the grant of an air traffic service certificate in respect of an air traffic control service shall establish procedures to ensure that –
- (1) an aircraft contacts a downstream air traffic control unit, for the purpose of receiving a downstream clearance prior to the transfer of control point; and
 - (2) the aircraft maintains the necessary two-way communication with the current air traffic control unit whilst obtaining a downstream clearance; and
 - (3) a clearance issued as a downstream clearance is clearly identified as such to the pilot; and
 - (4) unless coordinated, a downstream clearance does not affect the aircraft's original flight profile in any airspace, other than that of the air traffic control unit responsible for the delivery of the downstream clearance; and
 - (5) when an aircraft intends to depart from an aerodrome within a control area to enter another control area within a period of thirty minutes, or such other specific period of time as has been agreed between the area control centres concerned, coordination with the subsequent area control centre shall be effected prior to issuance of the departure clearance; and
 - (6) when an aircraft intends to leave a control area for flight outside controlled airspace, and subsequently re-enter the same or another control area:
 - (i) a clearance from point of departure to the aerodrome of first intended landing may be issue; and
 - (ii) such clearance or revisions thereto are applied only to those portions of the flight conducted within controlled airspace.

172.89 Cruising levels

An applicant for the grant of an air traffic service certificate in respect of an air traffic control service shall establish procedures to ensure that cruising levels allocated within the Papua New Guinea FIR are selected in accordance with 91.419 for IFR flights, or 91.313 for VFR flights, except that, within controlled airspace—

- (1) for both IFR and VFR flights, correlation of cruising level with track need not apply; and
- (2) VFR flights may be allocated IFR levels.

172.91 Deviation from an ATC clearance

(a) Subject to paragraph (b), an applicant for the grant of an air traffic service certificate in respect of an air traffic control service shall establish procedures to ensure that instructions issued to restore any loss of separation do not hinder the responses of a pilot to—

- (1) ACAS or GPWS alerts; or
- (2) weather, or other emergency situations, necessitating a deviation from an ATC clearance.

(b) The procedures required by paragraph (a) shall ensure that, once the emergency situation has been resolved, if any separation has been lost it is restored.

172.93 Flight information service**General**

(a) An applicant for the grant of an air traffic service certificate shall establish procedures to ensure that a flight information service is provided to any aircraft that is likely to be affected by the information, if—

- (1) the aircraft is being provided with an ATC service; or
- (2) the aircraft is being provided with an aerodrome flight information service; or
- (3) the aircraft is operating under IFR; or
- (4) the aircraft is operating under VFR having filed the flight plan required by 91.307; or
- (5) the pilot of an aircraft operating under VFR without a flight plan makes a specific request for flight information.

(b) The applicant shall establish procedures to ensure that the flight information service includes the provision of available and relevant—

- (1) SIGMET information; and
- (2) information on weather conditions reported or forecast, at departure, destination, and alternate aerodromes; and
- (3) information concerning pre-eruption volcanic activity, volcanic eruptions, and volcanic ash clouds; and
- (4) information concerning the release into the atmosphere of radioactive materials or toxic chemicals; and
- (5) information on changes in the serviceability of navigation aids; and
- (6) information on changes in the condition of aerodromes and associated facilities, including information on the state of the aerodrome movement areas when they are affected by snow, ice, or water; and
- (7) information on unmanned free balloons; and
- (8) other information likely to affect safety.

(c) The applicant shall establish procedures to ensure that flight information provided to aircraft operating on a VFR flight plan, and aircraft specifically requesting the information, includes available details concerning weather conditions along the route of flight that are likely to make operation under VFR impracticable.

(d) The applicant shall establish procedures to ensure that, when requested by a pilot, flight information for a long-distance flight over water includes any available information on surface vessels in the area.

(e) The applicant shall establish procedures to ensure that, whenever water is present on a runway, a description of the runway surface conditions on the centre half of the width of the runway is made available using one of the following terms—

- (1) DAMP – the surface shows a change of colour due to moisture; or
- (2) WET – the surface is soaked but there is no standing water; or
- (3) WATER PATCHES – significant patches of standing water are visible; or
- (4) FLOODED – extensive standing water is visible.

(f) The applicant shall establish procedures to ensure that, where practical, local aircraft operators likely to be affected by the information are advised of short-notice changes to published hours of service where they are unlikely to have the information from any other sources.

Traffic Information

- (g) An applicant for the grant of an air traffic service certificate for an air traffic control service, shall establish procedures to ensure that essential traffic information is passed to all affected traffic.
- (h) An applicant for the grant of an air traffic service certificate shall establish procedures to ensure that traffic information is provided to flights likely to be affected by the information as follows:
- (1) in class C airspace, between VFR flights, together with traffic avoidance advice on request:
 - (2) in class F airspace, between IFR flights, and where practical between VFR flights on request:

172.95 Aerodrome flight information service

(a) An applicant for the grant of an air traffic service certificate in respect of an aerodrome flight information service shall establish systems and procedures to—

- (1) determine, from information received and visual observation, the relative positions of known aircraft to each other; and
- (2) provide for the issue of advice and information, including the designation of a preferred runway, for the purpose of the safe and efficient operation of aircraft—
 - (i) flying in the vicinity of an aerodrome; and

- (ii) operating on the manoeuvring area; and
- (iii) landing and taking off; and
- (iv) vehicles, and persons, on the manoeuvring area; and
- (v) on the manoeuvring area and obstructions on that area.

(b) The applicant shall establish procedures to ensure that the designated preferred runway is that most suitable for the particular operation.

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 13(c) of the Act.

(b) An applicant for the grant of an air traffic service certificate shall establish systems and procedures to ensure the provision of an alerting service within its areas of responsibility—

- (1) when aerodrome control or aerodrome flight information service is in attendance, for all aerodrome traffic; and
- (2) for all aircraft—
 - (i) having filed a flight plan in accordance with 91.307 or 91.407; or
 - (ii) having notified a SARTIME; or
 - (iii) otherwise known by any air traffic service to be in need of assistance; and
- (3) for any aircraft known or believed to be the subject of unlawful interference.

(c) An applicant for the grant of an air traffic service certificate shall establish procedures to ensure that, in the event of a state of emergency described in paragraph (f)—

- (1) immediate declaration of an INCERFA, ALERFA, or DETRESFA is made, in accordance with paragraph (f); and
- (2) the declaration is notified to the ACC or FIC responsible, except where the emergency can be dealt with by local emergency organisations.

(d) An applicant for the grant of an air traffic services certificate 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, 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.

(e) Notwithstanding paragraph (c), an applicant for an air traffic service certificate for an aerodrome control, approach control, or aerodrome flight information service, shall establish procedures to ensure that whenever the urgency of the situation so requires, those services shall first alert appropriate local emergency organisations.

(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 IFR or controlled VFR 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) a VFR aircraft on a flight plan fails to arrive at an aerodrome where an ATS unit is on watch within 30 minutes of the estimated time of arrival last notified to, or estimated by, ATS, whichever is the later; or
- (iii) a VFR aircraft on a flight plan fails to arrive at a destination within a control zone, within 30 minutes of the estimated time of arrival last notified to, or estimated by, ATS, whichever is the later; or
- (iv) a VFR aircraft on a flight plan fails to arrive at its final destination within 30 minutes of the estimated time of arrival last notified to ATS, or estimated by ATS, whichever is the later; or
- (v) a pilot 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—

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

(3) DETRESFA when—

- (i) following the alert phase further unsuccessful attempts to establish communication with the aircraft and more widespread unsuccessful inquiries point to the probability that the aircraft is in distress; or
- (ii) the fuel on board is considered to be exhausted, or to be insufficient to enable the aircraft to reach safety; or
- (iii) information is received that indicates that the operating efficiency of the aircraft has been impaired to the extent that a forced landing is likely; or
- (iv) information has been received that, or it is reasonably certain that, the aircraft is about to make or has made a forced landing—

except when there is reasonable certainty that the aircraft and its occupants are not threatened by grave and imminent danger and do not require immediate assistance.

(g) An applicant for the grant of an air traffic service certificate shall establish procedures to ensure the notification of an emergency situation required by paragraph (c)(2) includes such of the following information as is available, in the order listed:

- (1) INCERFA, ALERFA, or DETRESFA as appropriate to the phase of the emergency:
- (2) agency and person calling:
- (3) nature of the emergency:
- (4) significant information from the flight plan:
- (5) unit that made last contact, time, and frequency used:
- (6) last position report and how determined:
- (7) colour and distinctive marks of aircraft:
- (8) any action taken by the reporting office.

(h) An applicant for the grant of an air traffic service certificate shall establish procedures to ensure that, following the notification of an emergency situation, the RCC is provided, without delay, with—

- (1) any useful additional information; and
- (2) notification when the emergency situation no longer exists.

(i) An applicant for the grant of an air traffic service certificate shall establish procedures to ensure that—

- (1) as necessary, the use of all available means to establish and maintain communication with, and surveillance of, an aircraft in a state of emergency; and
- (2) when a state of emergency is considered to exist, the last known position of any aircraft involved is established and recorded.

- (j) An applicant for the grant of an air traffic service certificate in respect of an area control service or flight information service shall establish procedures to ensure that —
- (1) when an ACC or FIC declares an INCERFA or ALERFA it shall, where practical, advise the aircraft operator prior to notifying the RCC; and
 - (2) all information notified to the RCC by an ACC or FIC shall, where practical, also be communicated without delay to the aircraft operator.

172.99 Flight plans

- (a) An applicant for the grant of an air traffic service certificate shall establish procedures for the acceptance and actioning of flight plans.
- (b) An applicant shall ensure that the acceptance procedures required by paragraph (a) include, for the first ATS unit receiving a filed flight plan—
 - (1) a check for compliance with any prescribed flight plan format and data conventions; and
 - (2) a check for completeness, and to the extent practical, for accuracy; and
 - (3) provision for any action necessary to make the plan acceptable to ATS.
- (c) An applicant intending to provide air traffic services from more than one location may nominate a single ATS unit within the applicant's organisation to accept filed flight plans on behalf of any or every unit.
- (d) An applicant for the grant of an air traffic service certificate intending to operate a centralised flight planning office shall ensure the office is equipped with—
 - (1) AFTN, facsimile, and computer data-link connection facilities, for the acceptance of flight plans from aircraft operators and any other ATS unit; and
 - (2) facilities for the advance filing, retention, and activation of standard or repetitive elements of flight plan information.

172.101 Time

- (a) An applicant for the grant of an air traffic service certificate shall establish a procedure to ensure that ATS unit clocks and other time recording devices—
 - (1) use Co-ordinated Universal Time (UTC) and express that time in hours and minutes of the 24-hour day beginning at 0000 UTC; and
 - (2) are correct to within 5 seconds of UTC as determined by reference to a standard time station or GPS time standard; and
 - (3) used in data link communications are correct to within 1 second of UTC.
- (b) The applicant shall establish a procedure to ensure that the correct time, to the nearest half minute, is provided—
 - (4) in respect of any aerodrome control service or aerodrome flight information service, to IFR aircraft prior to taxiing for take-off unless arrangements have been made for the

pilot to obtain it from other sources; and

- (5) to any aircraft on request.

172.103 Altimeter setting procedures

An applicant for the grant of an air traffic service certificate shall establish a procedure to ensure that—

- (1) QNH altimeter settings are in hectopascals rounded down to the nearest whole hectopascal; and
- (2) the appropriate aerodrome or area QNH setting is provided to all aircraft on initial radio contact, including aircraft that advise having received the current applicable ATIS broadcast; and
- (3) ATS units provide to an aircraft, on request, the current applicable aerodrome or area QNH altimeter setting.

172.105 Radio and telephone procedures

- (a) An applicant for the grant of an air traffic service certificate shall establish systems and procedures to ensure that—

- (1) the standard telephony and radiotelephony phraseology prescribed in paragraph (b) is used; and
- (2) in all radiotelephony communications discipline is observed, by transmitting only those messages that are necessary for the provision of an air traffic service, or that otherwise contribute to safety; and
- (3) communications procedures are in accordance with the applicable communication procedures prescribed in Annex 10 Volume II, except that procedures relating to callsigns for domestic use by Papua New Guinea registered aircraft are those required by 91.251.

- (b) The applicant shall establish procedures to ensure that, for the purposes of paragraph (a), the standard phraseology, and the circumstances in which it is used, is that published in—

- (1) Subpart F; or
- (2) Annex 10; or
- (3) Document 4444; or
- (4) Document 9432.

(c) For the purposes of paragraph (b), where differences occur between the stated documents, the particular phraseology shall be selected according to the order of precedence of the documents as listed.

172.107 ATIS surveillance services

An applicant for the grant of an air traffic service certificate shall establish procedures to ensure that, where surveillance systems is used to support the provision of an air traffic service—

- (1) all surveillance services are provided in accordance with procedures published in—
 - (i) Document 4444; or
 - (ii) Document 7030 (as applicable to the Middle East/Asia Region); or
 - (iii) Subpart G; and
- (2) SSR code allocation for international flights is in accordance with the code assignment system published in the applicable ICAO Air Navigation Plan; and
- (3) an SSR code management plan is in place for domestic flights that—
 - (i) conforms to the applicable principles contained in Document 4444; and
 - (ii) does not conflict with the SSR code allocation tables of 91.249(a); and
- (4) full information is made available to pilots and aircraft operators on—
 - (i) the nature and extent of the radar services provided; and
 - (ii) any significant limitations regarding such surveillance services; and
- (5) the information displayed at individual surveillance system operating positions is that required for the air traffic services to be provided.

172.109 Aircraft emergencies and irregular operation

- (a) An applicant for the grant of an air traffic service certificate shall establish procedures to ensure maximum assistance and priority is given to an aircraft known, or believed to be, in a state of emergency.
- (b) An applicant shall, where appropriate, establish procedures to assist strayed aircraft, unidentified aircraft, and aircraft subject to military interception.
- (c) An applicant shall establish procedures for air-ground communications failure with aircraft operating under VFR and IFR flight procedures within controlled airspace.
- (d) An applicant for the grant of an air traffic service shall establish procedures to ensure that, when an aircraft is known or believed to be subjected to unlawful interference -
 - (1) ATS units attend promptly to requests by the aircraft; and
 - (2) no reference is made in ATS air-ground communications to the nature of the emergency unless it has first been referred to in communication from the aircraft involved and it is certain that such reference will not aggravate the situation; and
 - (3) information pertinent to the safe conduct of the flight continues to be transmitted; and
 - (4) necessary action is taken to expedite the conduct of all phases of the flight, especially the safe landing of the aircraft; and

- (5) the appropriate authority designated by the state is immediately informed; and
 - (6) necessary information is exchanged with the operator or its designated representative.
- (e) An applicant for the grant of an air traffic service shall establish procedures to ensure that when a state of emergency exists –
- (1) the flight of the aircraft involved is plotted on a chart in order to determine the probable future position of the aircraft; and
 - (2) the flight of other aircraft known to be operating in the vicinity of the aircraft involved are plotted to determine their probable future position; and
 - (3) other aircraft known to be in the vicinity of the aircraft involved are, except as provided in (d)(2), informed of the nature of the emergency as soon as practicable.

172.111 Action after serious incident or accident

An applicant for the grant of an air traffic service certificate shall establish procedures regarding a serious incident or accident to—

- (1) determine if any air navigation facilities have contributed to the event; and
- (2) ensure immediate action is taken to—
 - (i) warn other aircraft that may be using or intending to use the facilities; and
 - (ii) advise the operator of the facility of the occurrence, and that the facility may be implicated; and
- (3) assist the operator of the facility with the prompt promulgation of any decision to withdraw the equipment from service; and
- (4) ensure that any facility identified in paragraph (1) is not used in the provision of separation to IFR aircraft until cleared for use by the relevant holder of an aeronautical telecommunications service certificate issued under Part 171.

172.113 Incidents

An applicant for the grant of an air traffic service certificate shall establish procedures for—

- (1) the notification, investigation, and reporting of incidents in accordance with Part 12; and
- (2) the forwarding of facility malfunction reports required by 91.253 to the applicable aeronautical telecommunication service certificate holder.

172.115 Records

- (a) An applicant for the grant of an air traffic service certificate shall establish systems and procedures to identify, collect, index, file, store, secure, maintain, access, and dispose of, records necessary for—
- (1) the provision of air traffic services; and
 - (2) the purpose of assisting with any accident or incident investigation; and
 - (3) the maintenance of personnel training records
- (b) The records shall include—

- (1) telephone communications; and
 - (2) radio broadcasts and communications; and
 - (3) air-ground digital data exchanges; and
 - (4) radar information; and
 - (5) filed flight plans including standard and repetitive plans; and
 - (6) flight progress strips; and
 - (7) staff duty rosters; and
 - (8) appropriate meteorological and aeronautical information, except where the information is retained for an equivalent period by a meteorological or AIS organisation; and
 - (9) a record of each safety management review carried out under the procedures required by 172.123. The record shall detail the activities reviewed and any necessary follow-up corrective and preventive actions.
 - (10) a record of each quality management review carried out under the procedures required by 172.125. The record shall detail the activities reviewed and any necessary follow-up corrective and preventive actions.
- (c) The applicant shall establish systems and procedures to ensure the electronic recording of
- (1) all ATS radio and telephone communications; and
 - (2) all high-frequency air-ground communications; and
 - (3) all relevant data from primary and secondary radar equipment, or obtained through automatic dependent surveillance (ADS), used in providing or supporting an ATC service; and
 - (4) for any equipment coming into service after the date this Part comes into force, any transfer and acceptance of control process not conducted by telephone.
- (d) The applicant shall establish systems and procedures to ensure that electronic records required by paragraph (c)—
- (1) include time recording, correct to within 5 seconds of UTC, as determined by reference to a standard time station or GPS time standard; and
 - (2) either—
 - (i) replicate the voice communications, and, if applicable, the radar picture, applying at the particular operating position; or
 - (ii) are accompanied by a statement fully describing the differences between the recording supplied and a recording in accordance with subparagraph (i).
- (e) For the purposes of paragraph (d)(2) the term radar picture includes any visual presentation of aircraft position, however derived.
- (f) The option provided by paragraph (d)(2)(ii) shall apply only to equipment in service on the date this Part comes into force.

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- (g) The applicant shall establish systems and procedures to ensure that all records, except where replication is required by paragraph (d)(2)(i), are of sufficient clarity to convey the required information.
 - (h) The applicant shall establish procedures to ensure that the records referred to in paragraph (b) are retained for 31 days from the date of entry, except for—
 - (1) staff duty rosters; and
 - (2) written records associated with the requirements of 172.121(a)(3) - which shall be retained for 2 years.

172.117 Logbooks and position logs

- (a) Each applicant for the grant of an air traffic service certificate shall establish procedures to ensure that a logbook, with sequentially numbered pages, is kept at each ATS unit, and, where a unit has physically separate operations areas, at each such location within the unit.
- (b) The procedure shall ensure that—
 - (1) the logbook is maintained by the senior person on duty, or the person on watch at a nominated operating position; and
 - (2) the logbook is maintained throughout the hours of watch of the unit or operations room; and
 - (3) all entries include the time of entry; and
 - (4) the person responsible for maintaining a logbook signs *On Watch*, and effects transfer of responsibility by successive *On Watch* entries; and
 - (5) logbook entries are—
 - (i) in chronological sequence and in ink; and
 - (ii) without erasure, defacement, or obliteration; and
 - (iii) corrected by drawing a single line through the erroneous information and initialling the correction; and
 - (6) actual times of opening and closing watch are recorded in the logbook, together with the reason for every variation from published hours of service; and
 - (7) logbooks are retained for a period of 3 years from the date of final entry.
- (c) An applicant shall establish a procedure to ensure the keeping of an operating position log, when such information is not available in the logbook required by paragraph (a).
- (d) The procedure shall ensure that the operating position log—
 - (1) contains sufficient information to identify—
 - (i) when that position was in operation; and
 - (ii) the services being provided from that position; and

(iii) the identity of the individual providing the service; and

(2) is retained for a period of 31 days from the date of filing.

172.119 Security

- (a) An applicant for the grant of an air traffic service certificate shall prepare an ATS security programme.
- (b) An ATS security programme shall specify the physical security requirements, practices, and procedures to be followed for the purposes of minimising the risk of destruction of, damage to, or interference with the operation of, any ATS unit operated by the applicant where such destruction, damage, or interference is likely to endanger the safety of aircraft.
- (c) Without limiting the generality of paragraph (b), the security programme shall specify such physical security requirements, practices, and procedures as may be necessary—
- (1) to ensure that entrances to permanent ATS facilities operated by the applicant are subject to positive access control at all times, so as to prevent unauthorised entry; and
 - (2) to protect personnel on duty; and
 - (3) to be followed in the event of a bomb threat or other threat of violence against an ATS unit; and
 - (4) to monitor unattended ATS unit buildings to ensure that any intrusion or interference is detected.
 - (5) To protect critical information and communications technology systems from interference that may jeopardise the safety of air navigation services.
- (d) The security programme required under paragraph (a) shall include procedures to notify, investigate and report security incidents to the Director in accordance with Part 12.

172.121 Service disruptions

- (a) An applicant for the grant of an air traffic service certificate shall establish procedures, in addition to any requirements in Part 12, to—
- (1) advise the Director of any planned disruption to the provision of air traffic services that could have an impact on safety; and
 - (2) investigate any unplanned disruption to the provision air traffic services; and
 - (3) report to the Director, within 48 hours of the occurrence, the circumstances surrounding any unplanned disruption to air traffic services when the disruption affected, or could have affected, the safety of air traffic.
- (b) Disruptions reportable under paragraph (a) shall include, but are not limited to, any—
- (1) failure to open watch within 15 minutes of the promulgated opening time; and
 - (2) any interruption, of greater than 10 minutes, to the normal provision of an air traffic service; and

- (3) curtailment of watch, by greater than 30 minutes, from the promulgated off watch time.

172.123 Safety Management System

An applicant for the grant of an air traffic service certificate shall establish and implement a safety management system which meets the requirements of Part 100.

172.125 Quality Management System

- (a) An applicant for the grant of an air traffic service certificate shall establish and implement a quality safety management system which meets the requirements of Part 100.

172.126 Aeronautical data

An applicant for the grant of an air traffic service certificate shall establish procedures to ensure that -

- (1) determination and reporting of air traffic services-related aeronautical data is in accordance with the accuracy and integrity classification required to meet the needs of the end-user of aeronautical data; and

Note – Specifications concerning the accuracy and integrity classification of air traffic services-related aeronautical data are contained in PANS-AIM (Doc 10066), Appendix 1.

- (2) digital data error detection techniques are used during the transmission and/or storage of aeronautical data and digital data sets; and

Note – detailed specifications concerning digital data error detection techniques are contained in PANS-AIM (Doc 10066).

- (3) the AIRAC effective dates are observed when submitting the raw information/data to aeronautical information services.

Note – detailed specifications concerning the AIRAC system are contained in PANS-AIM (Doc 10066), Chapter 6.

172.127 Organisation exposition

- (a) An applicant for the grant of an air traffic service certificate shall provide the Director with an exposition containing—
- (1) a statement signed by the Chief Executive on behalf of the applicant's organisation confirming that the exposition and any included manuals—
 - (i) define the organisation and demonstrate its means and methods for ensuring ongoing compliance with this and any other applicable Part; and
 - (ii) are required to be complied with by its personnel at all times; and
 - (2) the titles and names of the senior person or persons required by 172.51(a)(1) and (2); and
 - (3) the duties and responsibilities of the senior person or persons specified in paragraph (a)(2), including matters for which they have responsibility to deal directly with the Director on behalf of the organisation; and
 - (4) an organisation chart showing lines of responsibility of the senior persons specified in paragraph (a)(2), and extending to each location listed under paragraph (a)(5)(i); and
 - (5) in the case of an organisation providing air traffic services from more than one ATS unit, a

table listing—

- (i) locations of ATS units; and
 - (ii) the aerodrome or airspace being serviced; and
 - (iii) the services provided; and
- (6) details of the applicant's staffing structure for each ATS unit; and
 - (7) details of procedures required by 172.51(b) regarding the, competency, qualifications, maintenance of current operating practice, and fitness of personnel; and
 - (8) details of procedures required by 172.53 regarding the training and assessment of ATS personnel, and regarding the qualifications of ATS training personnel; and
 - (9) a description of the display systems to be used in meeting the requirements of 172.57(b)(5)(i) and 172.57(c)(2)(i); and
 - (10) the information required by 172.59 regarding hours of service, the establishment of an air traffic service, and any transitional arrangements; and
 - (11) procedures regarding shift administration required by 172.61; and
 - (12) details of the procedures required by 172.63 regarding the control of documentation; and
 - (13) the contingency plans required by 172.65; and
 - (14) details of the systems and procedures required by 172.67 regarding co-ordination requirements; and
 - (15) details of the procedures required by 172.69 regarding the notification of facility status; and
 - (16) details of the systems and procedures required by 172.71 regarding general information requirements; and
 - (17) details of the systems and procedures required by 172.73 regarding meteorological information and reporting; and
 - (18) details of systems and procedures required by 172.75 regarding the provision of area control and approach control services; and
 - (19) details of systems and procedures required by 172.77 regarding the provision of aerodrome control service; and
 - (20) details of systems and procedures required by 172.29 regarding separation between controlled flights and active special use airspace users; and
 - (21) details of the procedures required by 172.81 regarding responsibility for control; and
 - (22) details of the procedures required by 172.83 regarding the application of priorities; and
 - (23) details of the procedures required by 172.85 regarding flow control; and
 - (24) details of the procedures required by 172.87 regarding ATC clearances; and
 - (25) details of the procedures required by 172.89 regarding the allocation of cruising levels; and
 - (26) details of the procedures required by 172.91 regarding deviations from an ATC clearance; and
 - (27) details of systems and procedures required by 172.93 regarding the provision of flight information service; and

- (28) details of systems and procedures required by 172.95 regarding the provision of aerodrome flight information service; and
- (29) details of systems and procedures required by 172.97 regarding the provision of alerting service; and
- (30) details of the procedures required by 172.99 regarding the processing of flight plans; and
- (31) details of the procedures required by 172.101 regarding time; and
- (32) details of altimeter setting procedures required by 172.103; and
- (33) details of the radio and telephone procedures required by 172.105; and
- (34) details of the procedures required by 172.107 regarding the provision of radar services; and
- (35) details of the procedures required by 172.109 regarding aircraft emergencies and irregular operation; and
- (36) details required by 172.111 regarding procedures following a serious incident or accident; and
- (37) details of the procedures regarding incidents required by 172.113; and
- (38) details of systems and procedures required by 172.115 regarding the gathering and management of records; and
- (39) details of the procedures required by 172.117 regarding the keeping of logbooks and position logs; and
- (40) details of the programme required by 172.119 regarding security arrangements; and
- (41) details of the procedures required by 172.121 regarding disruptions to service; and
- (42) details of the systems, procedures, and programmes required by 172.123 regarding safety management systems; and
- (43) details of the systems, procedures, and programmes required by 172.125 regarding quality management system; and
- (44) details of the procedures required by 172.126 regarding aeronautical data; and
- (45) details of the systems and procedures used to complete safety assessments required by 172.155; and
- (46) details of procedures required by 172.167 regarding Performance-based navigation operations; and
- (47) details of the procedures required by 172.169 regarding performance-based communication operations; and
- (48) details of the procedures required by 172.171 regarding performance-based surveillance operations; and
- (49) details of the procedures required by 172.173 regarding establishment and identification of ATS routes; and
- (50) details of the procedures required by 172.175 regarding establishment and identification of significant points; and
- (51) details of the procedures required by 172.177 regarding Voice-ATIS; and
- (52) procedures to control, amend and distribute the exposition.

- (b) The applicant's exposition must be acceptable to the Director.

Subpart C — Operating Requirements

172.151 Continued compliance

The holder of an air traffic service certificate shall—

- (1) hold at least one complete and current copy of its exposition at each ATS unit listed in its exposition, except that manuals relating solely to a particular location need only be held at principal locations and the unit concerned; and
- (2) comply with all procedures and standards detailed in its exposition; and
- (3) make each applicable part of its exposition available to personnel who require those parts to carry out their duties; and
- (4) continue to meet the standards and comply with the requirements of Subpart B prescribed for certification under this Part; and
- (5) promptly notify the Director of any change of address for service, telephone number, or facsimile number, required by form CAA 172/01.

172.153 Operations manuals

- (a) The holder of an air traffic service certificate shall provide, for compliance by its personnel, an operations manual or system of manuals for the services listed in its exposition.
- (b) The holder certificated to provide more than one air traffic service, or an air traffic service or services from more than one location, may publish a core manual together with manual supplements specific to each service or location.

172.155 Safety Assessment

(a) The holder of an air traffic service certificate shall carry out a safety assessment in respect of proposal for significant airspace reorganisation, changes in provision of ATS procedures and for the introduction of new equipment, systems or facilities such as:

- (1) a reduced separation minimum to be applied within an airspace or at an aerodrome;
- (2) a new operating procedure, including departure and arrival procedures, to be applied within an airspace or at an aerodrome;
- (3) a reorganisation of the ATS route structure;
- (4) a re-sectorisation of an airspace;
- (5) implementation of new communications, surveillance or other safety-significant systems and equipment, including those providing ~~new~~ new functionality or capabilities.

to demonstrate that an acceptable level of safety will be met.

- (b) The holder of an air traffic services certificate must ensure that users of the services are consulted when carrying out the safety assessment as required under paragraph (a).

(c) The holder of an air traffic services certificate where appropriate, shall ensure that adequate provision is made for post-implementation monitoring to verify that the defined level of safety ~~continues~~continues to be met.

172.157 Trials

(a) The Director may, upon application in writing from the holder of an air traffic service certificate, approve, subject to such conditions on that approval as the Director considers necessary in the interests of aviation safety, the conduct of trials regarding—

- (1) separation minima; or
- (2) standard phraseology; or
- (3) surveillance procedures.

~~(d)~~ (b) A trial may be approved by the Director for a single period of no longer than 3 months, and upon further application in writing by the certificate holder, be extended by the Director for a single period of no longer than 3 months.

~~(e)~~ (c) A trial approved under this rule may be terminated by the Director at any time.

172.159 Denial of ATC clearance

(a) The holder of an air traffic service certificate in respect of an aerodrome control service shall not deny the pilot of an aircraft an ATC clearance on the basis of non-payment of charges owed to the certificate holder unless—

- (1) the aircraft is on the ground; and
- (2) that clearance is for entry onto the manoeuvring area.

~~(f)~~(b) The certificate holder shall continue to provide normal ATC service for any aircraft entering the manoeuvring area without an ATC clearance.

172.161 Suspension of VFR operations

The holder of an air traffic service certificate for an approach control service or aerodrome control service may, when appropriate for safety reasons, suspend any or all controlled VFR operations within a control zone.

172.163 Changes to certificate holder's organisation

(a) The holder of an air traffic service certificate shall ensure that its exposition is amended so as to ~~remain~~ reflect a current description of the holder's organisation and services.

~~(g)~~ (b) The certificate holder shall ensure that any amendments made to the holder's exposition—

- (1) meet the applicable requirements of this Part; and
- (2) comply with the amendment procedures contained in the holder's exposition.

~~(h)~~ (c) The certificate holder shall provide the Director with a copy of each amendment to the

holder's exposition as soon as practicable after its incorporation into the exposition, except that, for the holder's operational manual or manuals, the certificate holder shall forward to the Director—

- (1) printed amendments, at least 15 working days in advance of their effective date; and
- (2) amendments of an urgent or immediate nature, without delay, and no later than the date on which they are effective.

~~(j)~~ (d) Where a certificate holder proposes to make a change to any of the following, prior notification to and acceptance by the Director is required—

- (1) the Chief Executive; or
- (2) the listed senior persons; or
- (3) any aspect of air traffic management that may have an adverse impact on air traffic services provided by States responsible for adjacent airspace.

~~(j)~~ (e) The Director may prescribe conditions under which a certificate holder may operate during or following any of the changes specified in paragraph (d).

~~(k)~~ (f) The certificate holder shall comply with any conditions prescribed under paragraph (e).

~~(l)~~ Where any of the changes referred to in this rule require an amendment to the certificate, the certificate holder shall forward the certificate to the Director as soon as practicable.

~~(m)~~ (g) The certificate holder shall make such amendments to the holder's exposition as the Director may consider necessary in the interests of aviation safety.

172.165 Withdrawal or transfer of service

(a) A holder of an air traffic service certificate who wishes to permanently withdraw an air traffic service shall give the Director at least 90 days' notice of the proposal and include in that notice a summary of factors considered in arriving at the decision to withdraw the service.

~~(n)~~ (b) A holder of an air traffic service certificate who intends to permanently reduce the hours of operation of an air traffic service shall provide to the Director advance notice of, and the reasons for, the proposed reduction.

172.167 Performance-based navigation (PBN) operations.

A holder of an air traffic service certificate shall, in applying performance-based navigation (PBN) -

- (1) prescribe navigation specifications; and
- (2) when applicable, prescribe the navigation specification(s) for designated areas, tracks or ATS routes on the basis of regional air navigation agreements; and
- (3) ensure the prescribed navigation specification is appropriate to the level of communications, navigation and air traffic services provided in the airspace concerned; and

172.169 Performance-based communications (PBC) operations.

A holder of an air traffic service certificate shall, in applying performance-based communications (PBC)

–

- (1) prescribe RCP specifications; and
- (2) when applicable, prescribe the RCP specifications on the basis of regional air navigation agreements; and
- (3) the prescribed RCP specification shall be appropriate to the air traffic services provided.

172.171 Performance-based surveillance (PBS) operations

A holder of an air traffic service certificate shall, in applying performance-based surveillance (PBS) –

- (1) prescribe RSP specifications; and
- (2) when applicable, prescribe the RSP specification(s) on the basis of regional air navigation agreements; and
- (3) The prescribed RSP specification shall be appropriate to the air traffic services provided; and
- (4) Where an RSP specification has been prescribed for PBS, ATS units shall be provided with equipment capable of performance consistent with the prescribed RSP specification(s).

172.173 Establishment and identification of ATS routes.

A holder of an air traffic service certificate shall establish procedures to ensure that:

- (1) when ATS routes are established, a protected airspace along each ATS route and a safe spacing between adjacent ATS routes are provided; and
- (2) ATS routes are identified by designators; and
- (3) Designators for ATS routes other than standard departure and arrival routes are selected in accordance with the principles set forth in Appendix 1 of Annex 11; and
- (4) standard departure and arrival routes and associated procedures are identified in accordance with the principles set forth in Appendix 3 of Annex 11.

172.175 Establishment and identification of significant points.

A holder of an air traffic service certificate shall establish procedures to ensure that:

- (1) significant points are established for the purpose of defining an ATS route or instrument approach procedure and/or in relation to the requirements of air traffic services for information regarding the progress of aircraft in flight; and
- (2) significant points are identified by designators; and
- (3) significant points are established and identified in accordance with the principles set forth in Appendix 2 of Annex 11.

172.177 Voice-Automatic terminal information service (Voice-ATIS)

(a) An applicant for the grant of an air traffic service certificate shall establish procedures to provide Voice-ATIS at aerodromes where there is a requirement to reduce the communication load on the ATS VHF air-ground communication channels.

(b) The procedures must ensure that –

(1) discrete VHF frequency is used for Voice-ATIS broadcasts; or

(2) where discrete frequency is not available, transmission is made on the voice channel(s) of the most appropriate terminal navigation aid(s), preferably a VOR, provided the range and readability are adequate and the identification of the navigation aid is sequenced with the broadcast so that the latter is not obliterated; and

(3) Voice-ATIS broadcasts are not transmitted on the voice channel of an ILS; and

(4) Voice-ATIS broadcasts are continuous and repetitive; and

(5) Voice-ATIS is available in the English language; and

(6) the information contained in the current broadcast is immediately made known to the ATS unit(s) concerned with the provision to aircraft of information relating to approach, landing and take-off, whenever the message has not been prepared by that (those) unit(s); and

(7) when rapidly changing meteorological conditions make it inadvisable to include a weather report in the ATIS, the broadcast shall indicate that the relevant weather information will be given on initial contact with the appropriate ATS unit; and

(8) information contained in a current ATIS, the receipt of which has been acknowledged by the aircraft concerned, need not be included in a directed transmission to the aircraft, with the exception of the altimeter setting, which shall be provided; and

(9) if an aircraft acknowledges receipt of an ATIS that is no longer current, any element of information that needs updating shall be transmitted to the aircraft without delay.

(c) The provisions of information and messages contained in an ATIS must be in accordance with Annex A.

Subpart D — Other Air Traffic Services**172.201 General**

(a) A person may request the Minister to determine whether an aviation related service is an air traffic service under paragraph (7) of the definition of the term in Part 1 by application in writing, including a definition, and details of, the proposed service.

~~(b)~~ (b) The Minister may, in consultation with such persons as the Minister considers necessary, determine whether any aviation related service is an air traffic service under paragraph (7) of the definition of the term.

172.203 Requirement

No person shall provide a service that the Minister determines to be an air traffic service in accordance with 172.201 except under the authority of, and in accordance with, the provisions of an air traffic service certificate issued under this Subpart.

172.205 Application

An applicant for an air traffic service certificate for an air traffic service under paragraph (7) of the definition of the term shall complete form CAA 172/01 and submit the completed form to the Director together with—

- (1) such other details regarding the applicant's organisation and the air traffic service as the Director may require; and
- (2) a payment of the appropriate application fee prescribed by regulations made under the Act.

172.207 Issue of certificate

(a) An applicant is entitled to an air traffic service certificate for an air traffic service under paragraph (7) of the definition of the term if the Director is satisfied that the—

- (1) applicant is a fit and proper person; and
- (2) granting of the certificate is not contrary to the interests of aviation safety.

(b) The Director may attach such conditions to the certificate as the Director thinks necessary in the interests of safety.

172.209 Operating conditions

The holder of a certificate issued under this Subpart shall provide the air traffic service in accordance with the conditions attached to the certificate.

Subpart E — Separation Criteria**172.251 Composite visual separation**

An aerodrome controller may apply a composite of geographical and visual separation, provided instructions are issued as necessary to maintain adequate separation, between—

- (1) an aircraft continuously in sight of the controller, and within 10 nm of the aerodrome; and
- (2) an aircraft not in sight of the controller, but whose current position has been determined by radar or a pilot position report.

172.253 Visual separation beyond the vicinity of an aerodrome

Separation minima may be reduced by approving visual separation when, by day—

- (1) a specific request is made by a pilot; and

- (2) each aircraft is under the control of—
 - (i) the same operating position; or
 - (ii) physically adjacent operating positions, provided both controllers agree; and
- (3) each aircraft remains in VMC; and
- (4) either—
 - (i) each aircraft is continuously visible to the pilot of the other aircraft and both pilots concur with the application of visual separation; or
 - (ii) the pilot of a following aircraft reports the preceding aircraft is in sight and that pilot can maintain visual separation from the preceding aircraft.

172.255 Longitudinal separation by time

When separating aircraft that are on the same track, and on the opposite sides of an NDB or VOR, at which both aircraft are required to report, 5 minutes minimum separation may be applied, provided—

- (1) one aircraft is in level flight and the other aircraft is climbing or descending to achieve vertical separation; and
- (2) the preceding aircraft has passed the NDB or VOR by at least 5 minutes; and
- (3) confirmation is obtained from the following aircraft that it has not yet reached the NDB or VOR.

172.257 Longitudinal separation by distance

(a) A minimum separation of 20 nm may be applied, between aircraft climbing or descending on the same track, provided separation is assured by obtaining frequent, and immediately consecutive, DME readings from both aircraft.

~~(a)~~(b) A minimum separation of 10 nm may be applied—

- (1) between aircraft climbing or descending on the same track provided—
 - the preceding aircraft maintains a true airspeed ~~speed~~ of 20 knots or faster than the following aircraft; and
 - the effect of slant-range is taken into consideration; and
 - separation is assured, by obtaining frequent, and immediately consecutive, DME readings from both aircraft; or
- (2) when changing from longitudinal to vertical separation, where the following aircraft is instructed to reach a vertical separation level 10 nm prior to the last DME report of the preceding aircraft; or
- (3) when separating an aircraft beyond, and flying away from, a DME arc, from an aircraft on the arc, using the same DME.

172.259 Lateral separation

(a) GPS distance may be used, in lieu of DME distance, in the provision of lateral separation when—

- (1) both aircraft are flying tracks based on the same navigation aid; and
- (2) the GPS distance reported is from the same navigation aid on which the lateral separation is based.

(~~a~~) (b) Lateral separation may only be applied in accordance with criteria and minima approved by the Director

172.261 Separation between aircraft on an instrument approach

Successive aircraft may be cleared for an instrument approach when the leading aircraft—

- (1) has crossed the middle marker of an ILS or LLZ approach or the final NDB of a twin NDB or VOR/NDB approach, provided separation can be maintained in the event of a missed approach; or
- (2) is on final approach and has crossed the radio navigation aid from which the initial approach of the following aircraft commences, and the missed approach procedure is separated from the initial, intermediate, and final approach.

172.263 Reduced radar separation

The Director may approve a reduction of the standard 5 nm minimum radar separation prescribed in Document 4444 Chapter 8, in accordance with paragraph 8.7.3.1 and 8.7.3.2 of that document.

172.265 Radar separation from an unidentified controlled flight

(a) A minimum radar separation of 5 nm may be applied between an identified aircraft and an unidentified controlled flight entering or about to enter radar coverage, in accordance with the provisions of Document 4444 Chapter 8, paragraph 8.7.2.8 a) and b); or

(~~a~~) (b) Radar separation may be applied between a previously identified aircraft which has since passed out of radar cover, and a following identified aircraft, provided the following aircraft can achieve the appropriate vertical separation at least 5 nm before the position at which the preceding aircraft passed out of radar cover; or

(~~a~~) (c) Radar separation may be applied between aircraft on reciprocal tracks, when an identified aircraft is at least 5 nm past the position at which a previously identified aircraft passed out of radar cover; or

(~~a~~) (d) A minimum radar separation of 5 nm may be applied between an identified aircraft and the cleared route of an unidentified controlled VFR flight.

172.267 Radar separation from holding aircraft

A minimum radar separation of 5 nm may be applied between an identified aircraft that is not holding, and other identified aircraft that are holding, notwithstanding that individual identity of the holding aircraft may be lost.

172.269 Formation flights

Separation need not be applied between individual aircraft in formation flight when—

- (1) prior notice of the flight has been given to ATC by the formation leader; or
- (2) the flight consists of an aircraft in distress and its escort.

172.271 Reduced runway separation – general

The reduced runway separation prescribed in 172.273 and 172.275 may be applied when—

- (1) visibility is at least 5 km and the pilot is in a position to make an early assessment of conditions on the runway; and
- (2) braking action is unlikely to be adversely affected by runway contaminants; and
- (3) specified longitudinal distances are able to be readily determined by the aerodrome controller by reference to prominent markers or features; and
- (4) pertinent traffic information is issued; and
- (5) except in the case of 172.273(1), the separation is applied by day.

172.273 Reduced runway separation – departing aircraft

Provided the conditions in 172.271 apply, a following aircraft may be cleared for take-off when —

- (1) the runway is longer than 1800 metres and the preceding departing aircraft is airborne and has reached a point at least 1800 metres ahead of the following aircraft; or
- (2) both aircraft have an MCTOW of 1930 kg or less and the preceding aircraft is airborne and has reached a point at least 600 metres ahead of the following aircraft.

172.275 Reduced runway separation – arriving versus departing aircraft

Provided the conditions in 172.271 apply, an arriving aircraft may be permitted to cross the runway threshold to land when—

- (1) the departing aircraft has an MCTOW of less than 13600 kg and is airborne; or
- (2) the departing aircraft has an MCTOW of 13600 kg or more and is airborne at least 1800 metres beyond the threshold.

172.277 Operations on parallel runways

Same direction parallel runway operations may be permitted by day when—

- (1) the aerodrome control provider and the aerodrome operator are the same, or there is written agreement between them regarding the operation; and
- (2) the visibility is at least 5 km; and
- (3) neither runway is adversely affected by contaminants; and
- (4) both aircraft are in two-way communication with aerodrome control; and

- (5) pertinent traffic information is issued; and
- (6) the adjacent runway edges are clearly defined; and
- (7) the minimum distance between the parallel runways meet those prescribed in Annex 14, Volume 1, Chapter 3 for simultaneous operations.

172.279 Separation from an aircraft dumping fuel

The minimum separation from an aircraft dumping fuel is—

- (1) 5 nm horizontally; or
- (2) 2000 feet vertically; or
- (3) 1000 feet vertically when below flight level 290 and the aircraft dumping fuel is the lower aircraft

172.281 Separation involving military aircraft

The separation criteria and minima prescribed in these rules shall be applied to military aircraft unless there is written agreement between the ATS provider and the Papua New Guinea Defence Force, or a military agency of a foreign state, authorising the use of reduced military separation when it is—

- (1) between military aircraft; and
- (2) agreed to by the pilots of the aircraft involved; and
- (3) in accordance with the written agreement.

172.283 Separation of successive IFR departures

A following IFR aircraft may be cleared for take-off when—

- (1) the initial departure track differs by at least 30 degrees from the departure track of the leading aircraft, and visual observation by the aerodrome controller confirms that the leading aircraft—
 - (i) has turned to clear the departure track of the following aircraft; or
 - (ii) has reached a point where adequate separation will exist from the following aircraft, or
- (2) the initial departure track differs by at least 20 degrees from the departure track of the leading aircraft; and
 - (i) radar identification will be established within 1 nm of the end of the runway used for takeoff; and
 - (ii) the leading aircraft is 1 nm ahead of the following aircraft, and confirmed by visual or radar observation as having turned to clear the departure track of the following aircraft.

172.285 Helicopters and unpowered aircraft

The runway separation required by 172.77(a)(4) may be waived or varied to take account of the particular operating characteristics of helicopters and unpowered aircraft, provided safety is not jeopardised.

172.287 Wake turbulence separation

A specific pilot request for a waiver from any wake turbulence separation may be granted provided—

- (1) the air traffic controller does not prompt, instigate, or invite a pilot to request a waiver from wake turbulence separation; and
- (2) when the other aircraft is an ICAO heavy category or B757 aircraft, the air traffic controller reminds the pilot requesting the waiver of the category or type of the other aircraft.

172.289 Separation from active special use airspace

(a) Except as provided in paragraph (b), when applying the separation required by 172.79, the minimum separation shall be—

- (1) when aircraft within the active special use airspace may be operating in IMC—
 - (i) 1000 feet vertical separation up to FL290; or
 - (ii) 2000 feet vertical separation above FL 290; or
 - (iii) 5 nm radar separation; or
- (2) when aircraft within the active special use airspace are operating in VMC—
 - (i) 500 feet vertical separation up to FL290; or
 - (ii) 1000 feet vertical separation above FL290; or
 - (iii) radar separation of 1 nm plus the accuracy tolerance of the radar system in use; or
- (3) achieved by the use of minima or procedures approved by the Director.

~~(b)~~ When no separation minimum or procedure is specified under subparagraphs (a)(1), (2), or (3), separation shall be achieved by keeping controlled flights clear of active special use airspace.

Subpart F — (Reserved)**Subpart G — Radar procedures****172.401 Verification of SSR transponder Mode C level information**

(a) Subject to paragraph (b), approach control may verify the Mode C level information of a departing aircraft when the approach surveillance indicates a positive rate of climb from the aerodrome elevation.

~~(b)~~ Mode C information shall not be used when the displayed level varies by more than 300 feet from the aerodrome elevation during the take-off roll.

172.403 Speed control

Speed control shall not be applied or continued after a point 4 nm from the runway threshold on final approach.

Appendix A

A.1 Automatic terminal information service (voice and/or data link)

Whenever Voice-ATIS and/or D-ATIS is provided, the information and messages must meet the following criteria-

- a) the information relates to a single aerodrome;
- b) the information is updated immediately a significant change occurs;
- c) the certificate holder is responsible for the preparation and dissemination of the ATIS message;
- d) individual ATIS messages are identified by an ICAO designator and in alphabetical order;
- e) aircraft must acknowledge receipt of the information on first contact with the ATS unit providing approach control service or the aerodrome control tower, as appropriate;
- f) when replying to the message in e) above or, in the case of arriving aircraft, at such other time prescribed by this Part, the appropriate ATS unit must provide the aircraft with the current altimeter setting; and
- g) the meteorological information must be extracted from the local meteorological routine or special report.

Note. — In accordance with Sections 4.1 and 4.3 of Appendix 3 to Annex 3, the surface wind direction and speed and runway visual range (RVR) are to be averaged over 2 minutes and 1 minute, respectively; and the wind information is to refer to conditions along the runway for departing aircraft and to conditions at the touchdown zone for arriving aircraft. A template for the local meteorological report, including the corresponding ranges and resolutions of each element, are in Appendix 3 to Annex 3. Additional criteria for the local meteorological report are contained in Chapter 4 of, and in Attachment D to, Annex 3.

A.2 ATIS for arriving and departing aircraft

ATIS messages for arriving and departing aircraft must contain the following elements in the order listed:

- a) name of aerodrome;
- b) designator;
- c) time of observation, if appropriate;
- d) type of approach(es) to be expected;
- e) the runway(s) in use; status of arresting system constituting a potential hazard, if any;
- f) significant runway surface conditions and, if appropriate, braking action;
- g) holding delay, if appropriate;
- h) transition level, if applicable;

i) other essential operational information;

j) surface wind direction (in degrees magnetic) and speed, including significant variations and, if surface wind sensors related specifically to the sections of runway(s) in use are available and the information is required by operators, the indication of the runway and the section of the runway to which the information refers;

*k) visibility and, when applicable, RVR and, if visibility/RVR sensors related specifically to the sections of runway(s) in use are available and the information is required by operators, the indication of the runway and the section of the runway to which the information refers;

*l) present weather;

*m) cloud below 5 000 ft. or below the highest minimum sector altitude, whichever is greater; cumulonimbus; if the sky is obscured, vertical visibility when available;

n) air temperature;

o) dew point temperature;

p) altimeter setting(s);

q) any available information on significant meteorological phenomena in the approach and climb out areas including wind shear, and information on recent weather of operational significance;

r) trend forecast, when available; and

s) specific ATIS instructions.

*Note: Replaced by the term “CAVOK” and the term is defined in CAR Part 1.

A.3 Examples of weather significant to aviation:

a) Precipitation

- Drizzle
- Rain
- Snow
- Ice pellets
- Hail

b) Obscurations (hydrometeors)

- Fog
- Mist

c) Obscurations (lithometeors)

- Sand
- Dust (widespread)
- Haze
- Smoke
- Volcanic ash

d) Other phenomena

- Dust/sand whirls (dust devils)

- Squall
- Funnel cloud (tornado or waterspout)
- Duststorm
- Sandstorm
- Thunderstorm