

Civil Aviation Rules



Notice of Proposed Rule Making NPRM 18- 03 08 November 2018

Part 20 Transition Rules

Docket 18/CAR/20/05 2018 Rules Review

Proposed Rule Applicable 08 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 are 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 International Civil Aviation Organization Annexes and 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 that 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 (CASA) 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 while 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, among 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
 - (6) Any other matter contemplated by any provision of the Act.

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- (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 20.

2. Background to the Proposal

2.1 General Summary

The last major amendment to Part 20 was amendment 5, dated 1 February 2018, which transitioned the relevant portions of the rule parts that were reviewed by CASA in the Phase 4 batch of rule-making.

This amendment is proposed to update Part 20 to delete and reserve relevant rule parts whose transition dates have now expired.

2.2 NPRM Development

The review of rules under Phase 5 of CASA's rule-making cycle did not introduce any new consequential amendments to Part 20. The transition rule allows time for industry stakeholders to effectively plan, coordinate and implement major changes to their operation, as a direct result of complying with new Rules promulgated by CASA from time to time.

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 Ministry for Transport
- The Minister for Civil Aviation
- Aircraft operators
- Aircraft maintenance organizations
- Other aviation industry stakeholders

3. Issues Addressed during Development

There were no major issues addressed during the development of this NPRM for Part 20.

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 rule amendments are intended to align, where practicable, with the SARPs contained in the relevant ICAO Annexes captured by NPRM Phase 5 review.

3.4 Compliance Costs

The proposed amendments will have a direct impact on compliance costs on air operators, however the transition provisions will assist organisations in their budgetary planning.

4. Summary of changes

- (1) Delete and Reserve the following rules: 20.99; 20.103; and 20.135, whose transition dates have now expired.
- (2) Delete and renumber the following rules: 20.101(a); 20.101(b) and 20.115(a) whose transition dates have now expired.

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 43 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 transition rule amendments will enable air operators to comply with applicable sections of the relevant International Civil Aviation Organization (ICAO) Annexes reviewed during the CASA NPRM Phase 5 rule-making cycle.

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 safeguarding the aircraft from acts of unlawful interference, and enable the use of enhanced version of ACAS II, CVR and FDR technology.

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 rules by submitting written data, views, or comments. All submissions will be considered before final action on the proposed rulemaking is taken. If there is a need to make any significant change to the rule requirements in this proposal as a result of the submissions received, then interested persons may be invited to make further submissions.

6.2 Examination of Submissions

All submissions will be available in the rules docket for examination by interested persons both before and after the closing date for submissions. A consultation summary will be published on the CAA web site and provided to each person who submits a written submission on this NPRM. Submissions may be examined by application to the Docket Clerk at the Civil Aviation Safety Authority Headquarter

Building 1, Level 1, Morea Tobo Road, Six Mile, NCD Port Moresby between 8:30 am and 3:30 pm on weekdays, except statutory holidays.

6.3 Disclosure

Submitters should note that any information attached to submissions will become part of the docket file and will be available to the public for examination at the CASA office.

Submitters should state clearly if there is any information in their submission that is commercially sensitive or for some other reason the submitter does not want the information to be released to other interested parties.

7. How to make a submission

Submissions may be sent by the following methods:

by Mail: Docket Clerk (NPRM 18-03)
Civil Aviation Safety Authority
PO Box 1941
BOROKO
National Capital District

delivered: Docket Clerk (NPRM 18-03)
Civil Aviation Safety Authority
Morea-Tobo Road
Six Mile, Jacksons Airport
Port Moresby NCD

by Fax: Docket Clerk (NPRM 18-03)
3251789 / 325 1919

by Email: Docket Clerk (NPRM 18-03)
rules@casapng.gov.pg

7.1 Final date for submissions

Comments must be received before **3.30pm, Friday, 28th September 2018.**

7.2 Availability of the NPRM

Any person may obtain a copy of this NPRM from-

CASA web site: www.casapng.gov.pg

or at a cost from

Docket Clerk
Civil Aviation Safety Authority Headquarter
Building 1, Level 1
Morea-Tobo Road

Six Mile, Jacksons Airport
Port Moresby NCD

7.3 Further information

For further information, contact:

Amanda Nambau (Ms)
Manager – Legal Service
CASA PNG
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Subpart A — General

20.1 Purpose

This Part prescribes transition provisions for the introduction of new rules which require participants to change the manner in which they conduct an aviation activity.

20.3 Definitions

For the purpose of applying this Part, **transition** means a move from one state of compliance to another state of compliance.

20.5 Applicability

A Part will only be listed in Subpart B if there are transition rules in effect for that Part.

Subpart B — Transition Rules

20.51 Reserved

20.53 Reserved

20.55 Reserved

20.57 Reserved

20.59 Reserved

20.61 Reserved

20.63 Reserved

20.65 Reserved

20.67 Reserved

20.69 Reserved

20.71 Reserved

20.73 Reserved

20.75 Reserved

20.77 Reserved

20.79 Reserved

20.81 Part 91

(a) A holder of an air operator certificate issued under Part 119 for operation of large aeroplanes in accordance with Part 121 and operating within ADS-B airspace must ensure that each aircraft is equipped with ADS-B OUT capability in accordance with A.27 of Appendix A no later than 1 January 2020.

(b) A holder of an air operator certificate issued under Part 119 for operation of medium aeroplanes in accordance with Part 125 and operating within ADS-B airspace must ensure that each aircraft is equipped with ADS-B OUT capability in accordance with A.27 of Appendix A no later than 1 January 2020.

(c) A holder of an air operator certificate issued under Part 119 for operation of small aeroplanes in accordance with Part 135 and operating within ADS-B airspace must ensure that each aircraft is equipped with ADS-B OUT capability in accordance with A.27 of Appendix A no later than 1 January

2020.

(d) A holder of an air operator certificate issued under Part 119 for operation of helicopters in accordance with Part 136 and operating within ADS-B airspace must ensure that each aircraft is equipped with ADS-B OUT capability in accordance with A.27 of Appendix A no later than 1 January 2020.

20.83 Reserved

20.85 Reserved

20.87 Reserved

20.89 Reserved

20.91 Reserved

20.93 Reserved

20.95 Reserved

20.97 Reserved

20.99 ~~Part 119~~ Reserved

~~(a) A holder of an air operator certificate issued under Part 119 must ensure the certificate holder's exposition is amended to reflect the revised requirements of the following as applicable no later than 31 December 2017:~~

~~(1) Part 121 Amendment 3:~~

~~(2) Part 125 Amendment 3:~~

~~(3) Part 135 Amendment 3:~~

~~(4) Part 136 Amendment 2:~~

~~(b) A holder of an air operator certificate issued under Part 119 must ensure that it provides a maintenance control manual for the guidance of maintenance and operational personnel no later than 1 August 2018.~~

20.101 Part 121

~~(a) A holder of an air operator certificate must ensure that an aeroplane performing a regular air transport operation under that certificate to, from or outside Papua New Guinea does not use an aerodrome for landing or take off unless each runway at an aerodrome within Papua New Guinea has a RESA at each end of the runway in accordance with rule 121.69(a)(2) no later than 1 January 2018.~~

~~(b) A holder of an air operator certificate must ensure that an aeroplane performing a regular air transport operation for the carriage of passengers using an ICAO Code 4 category aircraft within Papua New Guinea does not use an aerodrome for landing or take off unless each aerodrome within Papua New Guinea has a RESA at each end of the runway in accordance with rule 121.69(a)(2) no later than 1 January 2018.~~

(c) A holder of an air operator certificate must ensure that an aeroplane performing a regular air transport operations complies with the monitoring requirements of the area outside the flight crew compartment door in accordance with rule 121.99 no later than 1 January 2019.

(d) A holder of an air operator certificate must ensure that for each aeroplane that it operates on an international air transport operation carrying more than 60 passengers and having a maximum certificated

take-off weight of 45, 500kg or more be fitted with an approved flight crew compartment door in accordance with rule 121.97 no later than 1 January 2019.

(e) A holder of an air operator certificate must ensure that for each aeroplane that it operates on an international air transport operation having a maximum certificated take-off weight of 27,000kg or more, be provided with an alternative power source that powers the cockpit voice recorder in accordance with rule 121.369 no later than 1 January 2020.

(f) A holder of an air operator certificate must ensure that for each aeroplane performing a regular air transport operations is equipped with ACAS II version 7.1 in accordance with rule 121.381 no later than 1 January 2019.

(g) A holder of an air operator certificate must ensure that for each aeroplane fitted with a cockpit voice recorder, is equipped with a 90-day underwater locating device in accordance with Appendix A.5 no later than 1 January 2020.

(h) A holder of an air operator certificate must ensure that for each aeroplane fitted with a flight data recorder, is equipped with a 90-day underwater locating device in accordance with Appendix A.6 no later than 1 January 2020.

~~(i) A holder of an air operator certificate must ensure that it establishes and maintains and approves security training program which ensures that crew members act in the appropriate manner to minimise the consequences of acts of unlawful interference no later than 1 August 2018.~~

20.103 Part 122 Reserved

~~(a) A holder of an air operator certificate under Part 119 who intends to implement a Fatigue Risk Management System must comply with the requirements of Subpart I no later than 1 October 2017.~~

20.105 Part 125 Reserved

~~a) A holder of an air operator certificate must ensure that each turbine powered aeroplane for which the individual certificate of airworthiness is issued on or after 1 January 2003 complies with the cockpit voice recorder minimum capacity requirement in accordance with A.3(3) of Appendix A no later than 1 October 2018.~~

~~(b) A holder of an air operator certificate must ensure that each multi engine turbine powered aeroplane being operated under that certificate is equipped with a flight data recorder in accordance with rule 125.369(a) no later than 1 October 2018.~~

20.107 Part 135

(a) A holder of an air operator certificate must ensure that each turbine-engine aeroplane of a maximum certificated take-off mass of over 2250 kg, up to and including 5700 kg complies with the cockpit voice recorder requirements in accordance with rule 135.363 no later than 1 January 2020.

(b) A holder of an air operator certificate must ensure that each turbine-engine aeroplane of a maximum certificated take-off mass of 5700 kg or less complies with the flight data recorder requirements in accordance with rule 135.365 no later than 1 January 2020.

20.109 Reserved

20.111 Part136

(a) A holder of an air operator certificate must ensure that all helicopters it operates are equipped with the cockpit voice recorder minimum capacity requirement in accordance with A.1(3) of Appendix A no later than 1 January 2020.

(b) A holder of an air operator certificate must ensure that all helicopters with a MCTOW of greater than 3175 kg being operated under that certificate is equipped with a flight data recorder in accordance with 136.515(a) and shall meet the parameter requirements of A.2(4) of Appendix A no later than 1 January 2020.

~~(c) A holder of an air operator certificate must ensure that all helicopters with a MCTOW of greater than 7000kg or a certificated passenger seating of more than 19 being operated under that certificate is equipped with a flight data recorder in accordance with 136.515(b) and shall meet the parameter requirements of A.2(4) of Appendix A no later than 1 January 2018.~~

20.113 Reserved**20.115 Part 139**

~~(a) A holder of an aerodrome certificate issued under Part 139 must ensure that a runway end safety area (RESA) at each end of the runway is provided in accordance with Appendix A no later than 1 October 2018 for:~~

- ~~(1) regular air transport operations for carriage of passengers to and from Papua New Guinea;~~
- ~~(2) regular domestic air transport operations for the carriage of passengers by aircraft that have an ICAO Code 4 category.~~

(a) The holder of an aerodrome operating certificate issued under Part 139 must ensure that the requirements for aerodrome physical characteristics resulting from the delinking of the outer main gear wheel span (OMGWS) parameter from the methodology for determining aerodrome reference codes, are compiled with by 5th November 2020.

(b) For the purpose of (a), new requirements for aerodrome physical characteristics include;

- (1) Determination of aerodrome reference code in accordance with Part 139, Appendix A, Table A-1.
- (2) Runway turning pad clearance distances in accordance with Appendix C.3.
- (3) Runway strip widths in accordance with Appendix C.4.
- (4) Taxiway edge clearance distances in accordance with Appendix C.
- (5) Lengths of inner edge in accordance with Appendix 4, Table 4-1.
- (6) Length of inner edge for code letter F aerodromes in accordance with Table 4-1 note e.

20.117 Reserved**20.119 Reserved****20.121 Reserved**

20.123 Reserved

20.125 Reserved

20.127 Reserved

20.129 Reserved

20.131 Reserved

20.133 Reserved

20.135 ~~Part 173~~ Reserved

~~A holder of an instrument flight procedure service organisation certificate issued under Part 173 must ensure the certificate holder's exposition is amended to reflect the revised requirements no later than 01 June 2018:~~

20.137 Reserved

20.139 Reserved

20.141 Reserved