

# Civil Aviation Rules



## **Notice of Proposed Rule Making NPRM 19/07- 03 8 November 2019**

### **Part 20**

### **Transition Rules**

### **Docket 19/07CAR20/03 2019 Rules Review**

Proposed Rule Applicable 8<sup>th</sup> November 2019

## 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
- (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) 71 transitional provisions.

## 2. Background to the Proposal

### 2.1 General Summary

Aircraft fitment of ADS-B OUT equipment throughout PNG operators' fleets is gradually increasing and aircraft capable of flight above FL245 are already equipped. It is also noted that aircraft operating to/from Australian airspace are also ADS-B equipped. The new PNGASL CNS/ATM "NiuSky" programme is progressing well with the deployment of ADS-B ground stations throughout PNG which will enhance coverage and complement the current radar surveillance capability.

### 2.2 NPRM Development

The review of rules under this rulemaking transitional cycle is to designate ADS B mandatory airspace in the Port Moresby FIR for Class A, C, and F airspace with mandated timelines for applicability.

### 2.3 Key Stakeholders

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

- (1) The Civil Aviation Safety Authority
- (2) The Minister for Transport
- (3) The Minister for Civil Aviation
- (4) Aviation Document Holders
- (5) Other Interested Stakeholders

## 3. Issues Addressed during Development

The issues addressed during the development of this NPRM is the mandating of ADS-B OUT requirements in compliance with ICAO Annex Amendment 10 and 11.

### 3.1 Consequential Adjustments

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 ICAO SARPs contained in the following Annexes:

- Annex 10 – Air Traffic Services.
- Annex 11 – Aeronautical Telecommunications.

### **3.4 Compliance Costs**

Some costs will be incurred by air operators and service providers in terms of aircraft equipment and training of personnel.

## **4. Summary of changes**

Insertion of ADS-B mandatory airspace in CAR Part 71 Appendix A – Transitional Provisions reflected in this CAR Part

## **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 174 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 transitional provisions in CAR Part 71 are intended to align with ICAO Annexes 10 and

11 SARPs in relation to ADS B implementation in Port Moresby Flight Information Region (FIR.)

### **5.2.2      *Assisting Economic Development***

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

### **5.2.3      *Assisting Safety and Personal Security***

The proposed transitional rule amendments will enhance air navigation safety.

### **5.2.4      *Improving Access and Mobility***

The proposed transitional 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 19/07-03)  
Civil Aviation Safety Authority  
PO Box 1941  
**BOROKO**  
National Capital District
- delivered: Docket Clerk (NPRM 19/07-03)  
Civil Aviation Safety Authority  
Morea-Tobo Road  
Six Mile, Jacksons Airport  
Port Moresby NCD
- by Fax: Docket Clerk (NPRM 19/07-03)  
3251789 / 325 1919
- by Email: Docket Clerk (NPRM 19/07-03)  
[rules@casapng.gov.pg](mailto:rules@casapng.gov.pg)

### 7.1 Final date for submissions

Comments must be received before **COB 27<sup>th</sup> September, 2019**

### 7.2 Availability of the NPRM

Any person may obtain a copy of this NPRM from-

CASA web site: [www.casapng.gov.pg](http://www.casapng.gov.pg)

*or at a cost from*

Docket Clerk  
Civil Aviation Safety Authority Headquarter  
Building 1, Level 1  
Morea-Tobo Road  
Six Mile, Jacksons Airport  
Port Moresby NCD

### 7.3 Further information

For further information, contact:

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Manager – Legal Services  
CASA PNG  
[cjaran@casapng.gov.pg](mailto:cjaran@casapng.gov.pg)

**Ph: 302 7511**

**Mob: 7030 6848**

## 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 Part 71

A pilot-in-command of an aircraft must operate ADS-B OUT transmitting equipment in accordance with acceptable procedures, on or before the date specified for each airspace volume as shown in the following below:

<u>Airspace Volume</u>	<u>Class</u>	<u>Applicability Date</u>
<u>Port Moresby Flight Information Region at and above FL245</u>	<u>A</u>	<u>05/12/2019</u>
<u>Control Area steps surrounding AYPY and AYNZ including Control Zones</u>	<u>C</u>	<u>18/06/2020</u>
<u>Aerodrome Traffic Zones</u>	<u>C</u>	
<u>Aerodrome Traffic Zones</u>	<u>F</u>	<u>02/12/2020</u>
<u>All remaining airspace</u>	<u>F</u>	<u>17/06/2021</u>

### 20.61 Reserved

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### 20.81 Reserved

**20.83 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.

(e) A holder of an air operator certificate issued under Part 119 must ensure that an aeroplane performing a regular air transport or charter operations under that certificate to, from or outside Papua New Guinea complies with the applicable aeroplane carbon dioxide (CO<sup>2</sup>) emissions in accordance with rule 91.905 no later than 1 January 2019.

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**20.99 Reserved**

**20.101 Reserved**

**20.103 Part 121**

(a) 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.

(b) Holder of an air operator certificate must ensure that for each aeroplane that it operates on 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.

(c) 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.

(d) 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.

(e) 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.

(f) 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.

### **20.105 Reserved**

### **20.107 Reserved**

### **20.109 Reserved**

### **20.111 Reserved**

### **20.113 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.

### **20.115 Part 136**

(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.

### **20.117 Reserved**

### **20.119 Part 139**

(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.

### **20.121 Reserved**

**20.123 Reserved**

**20.125 Reserved**

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