



**Notice of Proposed Rule Making
NPRM 21/09-01
2 November 2021**

**Part 1
Definitions, Abbreviations
and Units of Measurements**

**Consequential Amendments
Part 101
Part 102**

**Docket 21/09/CAR1/01
2021 Rules Review**

Proposed Effective 02 November 2021

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 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:

- The implementation of Papua New Guinea's obligations under the Convention
- To provide for safe, sustainable, effective and efficient aviation services
- To provision of aviation metrological services, search and rescue services and civil aviation security programs and services
- Assisting aviation safety and security, including but not limited to personal security
- Assisting economic development
- Ensuring environmental sustainability

Table of Contents

1. Purpose of this NPRM	4
2. Background to the Proposal	4
2.1 General Summary.....	4
2.2 NPRM Development.....	4
2.3 Key Stakeholders.....	4
3. Issues Addressed during Development.....	4
3.1 Consequential Amendments.....	4
3.2 Exemptions.....	4
3.3 ICAO SARPS and Level of Risk to Papua New Guinea Aviation Safety.....	4
3.4 Compliance Costs.....	4
4. Summary of Changes.....	5
5. Legislative Analysis.....	5
5.1 Power to Make Rules	5
5.2 Matters to be taken into account.....	5
6. Submissions on the NPRM.....	6
6.1 Submissions are invited.....	6
6.2 Examination of Submissions.....	6
6.3 Disclosure.....	6
7. How to make a submission.....	6
7.1 Final date for submissions.....	7
7.2 Availability of the NPRM:.....	7
7.3 Further information.....	7
Proposed Rule Amendments.....	8

Note: Page numbers may not coincide with the Table of Contents and are subject to change.

1. Purpose of this NPRM

The purpose of this Notice of Proposed Rulemaking (NPRM) is to put forward for consideration proposed amendments to Civil Aviation Rule (CAR) Part 1.

2. Background to the Proposal

2.1 General Summary

In this NPRM, it is proposed to amend Part 1 following a review of various remotely piloted aircraft systems (RPAS) and competency-based training amendments to ICAO Annexes and documents applicable to Part 101, 102 and 121. Based on the above review, it is proposed to add new RPAS definitions to Part 1 that relate to remote pilots and RPAS operations. Other amendments are also included.

As a signatory to the Convention on International Civil Aviation, Papua New Guinea is committed to aligning its regulations to ICAO SARPS, where practicable.

2.2 NPRM Development

Part 1 contains the definitions and abbreviations used in the Civil Aviation Rules to facilitate the interpretation of those rules, and includes as a general policy, definitions of specific terms and abbreviations used in more than one Rule Part.

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 Ministry for Transport
- (4) The Minister for Civil Aviation
- (5) Aircraft operators

3. Issues Addressed during Development

There were no significant issues identified during the development of this NPRM

3.1 Consequential Amendments

There are consequential amendments in the following Parts:

- (1) Part 101
- (2) Part 102

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 comply, where practicable, with the SARPs contained in ICAO Annexes and are written in consultation with Annex 6 – Operation of Aircraft and other ICAO publications relating to unmanned aircraft operations including the ICAO Model UAS Regulations Part 101 and Part 102, and Doc 10019 Manual on Remotely Piloted Aircraft Systems.

3.4 Compliance Costs

The proposed amendments do not require additional compliance costs.

4. Summary of changes

Existing definitions in Part 101 are added to Part 1 in accordance with NPRM policy and new definitions added to incorporate ICAO standards and requirements as follows:

- 1) ‘Authority’ – definition amended to align with the Civil Aviation Act.
- 2) ‘Aerodrome reference point’ – new definition added.
- 3) ‘Competency based training and assessment’ – New definition added.
- 4) ‘Competency Standard’ – New definition added.
- 5) ‘Conditions’ – New definition added.
- 6) ‘ICAO competency framework’ – New definition added.
- 7) ‘Monitoring’ – New definition added.
- 8) ‘Observable Behaviour’ – New definition added.
- 9) ‘Pilot Flying’ – New definition added.
- 10) ‘Pilot Monitoring’ – New definition added.
- 11) ‘Remote pilot’ – new definition added.
- 12) ‘Remote pilot-in-command’ – new definition added.
- 13) ‘Remote pilot station’ – new definition added.
- 14) ‘Remotely piloted aircraft’ – added from Part 101 as this term is used in several Rule Parts.
- 15) ‘Shielded operation’ – added from Part 101 as this term is used in several Rule Parts.

5. Legislative Analysis

5.1 Power to make rules

The Minister may make ordinary rules under sections 69, 70, 71 and 72 of the Civil Aviation Act 2000, for various purposes including implementing Papua New Guinea’s obligations under the Convention, assisting aviation safety and security, and any matter contemplated under the Act.

These proposed rules are made pursuant to:

- (a) Section 69(1)(a) which provides for the Minister to make rules for the implementation of Papua New Guinea’s obligations under the Convention;
- (b) Section 72(a) which provides for the Minister to make rule for the designation, classification and certification of-
 - (1) Air services;
 - (2) Aerodrome operators;
 - (3) Aviation security providers;
 - (4) Aviation training organizations”
 - (5) Aircraft design, manufacture, maintenance and supply organizations;
 - (6) Air traffic services;
 - (7) Aviation meteorological services;
 - (8) Aeronautical communication services;
 - (9) Aeronautical procedures.

The proposed amendment of Part 1 complies with the requirements of the Civil Aviation Act and does not contravene the Constitution, the Aerodrome (Business Concession) Act, Civil Aviation (Air Craft Operator Liability) Act, Aircraft Charges Act, Airport Departure Tax Act, the Explosive Act, Firearms Act, Customs Act, Plant and Disease Control Act and the Environmental Act.

The proposed Rule has been checked for language and compliance with the legal conventions

of Papua New Guinea.

5.2 Matters to be taken into account

The development of this NPRM and the proposed rule changes take into account the matters under section 75 of the Act that the Minister must take into account when making ordinary rules including the following:

5.2.1 ICAO Standards and Recommended Practices

The proposed rule amendments comply with applicable sections of the International Civil Aviation Organization (ICAO) Annexes listed in 3.3 above.

5.2.2 Assisting Economic Development

The proposed rule amendments will have no detrimental impact on economic development, and in some cases will reduce costs incurred by the aviation industry.

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 21/09-01)
Civil Aviation Safety Authority
PO Box 1941
Boroko
National Capital District
- Delivered: Docket Clerk (NPRM 21/09-01)
Civil Aviation Safety Authority
Morea-Tobo Road
Six Mile, Jacksons Airport
Port Moresby NCD
- By Fax: Docket Clerk (NPRM 21/09-01)
3251789 / 325 1919
- By Email: Docket Clerk (NPRM 21/09-01)
rules@casapng.gov.pg

7.1 Final date for submissions

Comments must be received before **COB, 24 September 2021.**

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:

Carol Jaran (Ms.)
Manager - Legal Services
CASA PNG
cjaran@casapng.gov.pg

Ph.: 325 7320

Mob: 70306848

Proposed Rule Amendments

Part 1

Definitions, Abbreviations and Units of Measurements

1.1 General definitions

Aerodrome reference point means the designated geographical location of the aerodrome:

Authority ~~has the same meaning as in~~ means the Civil Aviation Safety Authority of Papua New Guinea established by Section 18 of the Act:

Competency-based training and assessment means training and assessment that are characterised by a performance orientation, emphasis on standards of performance and their measurement, and the development of training to the specified performance standards.

Competency Standard means a level of performance that is defined as acceptable when assessing whether or not competency has been achieved.

Conditions means anything that may qualify a specific environment in which performance will be demonstrated.

ICAO competency framework means a competency framework, developed by ICAO, is a selected group of competencies for a given aviation discipline. Each competency has an associated description and observable behaviours.

Monitoring means a cognitive process to compare an actual to an expected state.

Observable Behaviour means a single role-related behaviour that can be observed and may or may not be measurable.

Pilot Flying (PF) means the pilot whose primary task is to control and manage the flight path. The secondary tasks of the PF are to perform non-flight path related actions (radio communications, aircraft systems, other operational activities, etc.) and to monitor other crew members.

Pilot Monitoring (PM) means the pilot whose primary task is to monitor the flight path and its management by the PF. The secondary tasks of the PM are to perform non-flight path related actions (radio communications, aircraft systems, other operational activities, etc.) and to monitor other crew members.

Remote pilot means a person charged by the operator with duties essential to the operation of a remotely piloted aircraft and who manipulates the flight controls, as appropriate, during flight time.

Remotely piloted aircraft means an unmanned aircraft that is piloted from a remote station and-

- (1) includes a radio controlled model aircraft and autonomous aircraft; but
- (2) does not include a control line model aircraft or a free flight model aircraft:

Remote pilot-in-command means the remote pilot designated by the operator as being in command and charged with the safe conduct of a flight.

Remote pilot station means the component of the remotely piloted aircraft system containing the equipment used to pilot the remotely piloted aircraft.

Shielded operation means an operation within 100 m of, and below the top of, a natural or man-made object.