



**Notice of Proposed Rule Making
NPRM 21/09 - 44
02 November 2021**

**Part 171
Aeronautical Telecommunication
Service Organisation – Certification
and Operation**

**Consequential Amendments:
Not applicable**

**Docket 21/09/CAR171/44
2021 Rules Review**

Proposed Rule Applicable 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 International Civil Aviation Organization (ICAO) 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 72 of the Act allows the Minister to make ordinary rules for any of the following purposes:

- (a) The implementation of Papua New Guinea's obligations under the Convention
- (b) To provide for a safe, sustainable, effective and efficient aviation services
- (c) The provision of aviation meteorological services, search and rescue services and civil aviation security programmes and services
- (d) Assisting aviation safety and security, including but not limited to personal security
- (e) Assisting economic development
- (f) Improving access and mobility
- (g) Protecting and promoting public health
- (h) Ensuring environmental sustainability
- (i) Any matter related or reasonably incidental to any of the following:
 - (1) The Minister's functions and role under section 8 of the Act;
 - (2) The Authority's general objects and functions under section 11 of the Act;
 - (3) The Authority's functions in relation to safety under section 12 of the Act;and
 - (4) The Director's functions and powers under section of 17 the Act
 - (5) The Director's powers under section 52A, 53 and 54 of the Act
- (j) Any other matter contemplated by any provision of the Act.

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1. Purpose of this NPRM

The purpose of this Notice of Proposed Rulemaking (NPRM) is to put forward for consideration the proposed amendments to Civil Aviation Rule (CAR) Part 171.

2. Background to the Proposal

2.1 General Summary

The last major amendment to Part 171 was Amendment 3, dated 14 December 2020, which resolved an ICAO Protocol Question (PQ) or finding and changed the Part title include operating requirements.

This NPRM No. 9 incorporates editorial and grammatical changes only and no substantive amendments are proposed.

2.2 NPRM Development

The outcome of this Rule making activity is to continue to ensure the ICAO standards in Annex 10 Volumes V & VI are incorporated into the PNG regulations and rules, and the companion Advisory Circulars (ACs) for industry for the adopting of the latest international standards.

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
- Aircraft operators
- Aircraft maintenance organizations
- Other aviation industry stakeholders

3. Issues Addressed during Development

No major issues addressed during the development of this NPRM only editorial amendments.

3.1 Consequential Amendments

No consequential changes and updates to other Parts.

3.2 Exemptions

Exemptions are not addressed in this NPRM

3.3 ICAO SARPS and Level of Risk to Papua New Guinea Aviation Safety

The ICAO Standards and Recommended Practices (SARPS) are applicable to international operations. Nevertheless, international regulatory standards and industry best practices have also been reviewed, adapted and incorporated in Part 171 for PNG.

3.4 Compliance Costs

Costs associated with operations in compliance with the proposed amendments are expected to be unchanged

4. Summary of changes

This NPRM proposes the following amendments:

- 1) Rule 171.3 Definitions - amended
 - Facility definition formatted and numbered for clarity
- 2) Rule 171.53 Facility requirements - amended
 - Paragraph (b) amended and new paragraph (c) added for clarity.
- 3) Rule 171.55 Facility requirements - amended
 - Rule 171.55(c) – the word ‘rule’ is deleted.
- 4) Rule 171.63 Inspection measuring and test equipment - amended
 - Paragraph (d) amended and new paragraphs (1) and (2) added for clarity.
- 5) Rule 171.107 Operating and maintenance instructions - amended
 - Paragraphs (a) and (b) amended
 - New paragraphs (b)(1), (b)(2) and (b)(3) added and
 - Paragraphs (1) to (4) renumbered for clarity.

Note: Only those Rules that are proposed for amendment are included in this NPRM. Rules not listed above remain unchanged.

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 organizations:
 - (13) aircraft design, manufacture, and maintenance organizations:
 - (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 171 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 change 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 amendment is to comply with ICAO SARPS and findings.

5.2.2 Assisting Economic Development

The proposed rule amendment 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 amendment 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 amendment will have no impact on access and mobility.

5.2.5 Protecting and Promoting Public Health

The proposed rule amendment will have no impact on protecting and promoting public health.

5.2.6 Ensuring Environmental Sustainability

The proposed rule amendment 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.

6.4 How to make a submission

Submissions may be sent by the following methods:

- | | |
|------------|--|
| by Mail: | Docket Clerk (NPRM 21/09-44)
Civil Aviation Safety Authority
PO Box 1941
BOROKO
National Capital District |
| delivered: | Docket Clerk (NPRM 21/09-44)
Civil Aviation Safety Authority
Morea-Tobo Road
Six Mile, Jacksons Airport
Port Moresby NCD |
| by Fax: | Docket Clerk (NPRM 21/09-44)
3251789 / 325 1919 |
| by Email: | Docket Clerk (NPRM 21/09-44)
rules@casapng.gov.pg |

6.5 Final date for submissions

Comments must be received before **COB 22th September, 2021.**

6.6 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

6.7 Further information

For further information contact:

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Proposed Rule Amendments

Part 171 Aeronautical Telecommunication Service Organisation – Certification and Operation

Subpart A — General

171.3 Definitions

Facility means ~~the~~—

- (1) ~~the~~ following types of communication systems for the aeronautical broadcast service (as that service is defined in Annex 10, Volume II, Chapter 1):
 - (i) Meteorological information for aircraft in flight (VOLMET);
 - (ii) Automatic terminal information service (ATIS); and
- (2) ~~the~~ following types of communication systems for the aeronautical fixed service (as at service is defined in Annex 10, Volume II, Chapter 1):
 - (i) ATS direct speech circuits;
 - (ii) Aeronautical fixed telecommunication network (AFTN);
 - (iii) Ground-ground data interchange; and
- (3) ~~the~~ ground elements of the following types of communication systems for the aeronautical mobile service (as that service is defined in Annex 10, Volume II, Chapter 1):
 - (i) HF air-ground communication;
 - (ii) VHF air-ground communication;
 - (iii) UHF air-ground communication;
 - (iv) Selective calling system (SELCAL);
 - (v) Air-ground data interchange; and
- (4) ~~the~~ following types of radio navigation aids for the aeronautical radio navigation service (as that service is defined in Annex 10, Volume II, Chapter 1 and Volume I, Chapter 1):
 - (i) Instrument Landing System (ILS);
 - (ii) Microwave Landing System (MLS);
 - (iii) Global Navigation Satellite System GNSS);
 - (iv) VHF Omni-directional radio range VOR);
 - (v) Distance Measuring Equipment (DME);
 - (vi) Non-directional Radio Beacon (NDB);
 - (vii) Precision Approach Radar (PAR);
 - (viii) Secondary Surveillance Radar (SSR);
 - (ix) Primary Surveillance Radar (PSR); Automatic Dependent Surveillance (ADS-B);
 - (x) Automatic Dependent Surveillance Contract (ADS-C); and
- (5) ~~the~~ following types of telecommunication systems that support an air traffic service:
 - (i) Flight data processing system (FDPS);
 - (ii) Radar data processing system (RDPS);
 - (iii) Radar and flight data processing system (RFDPS).
- (6) ~~the~~ types of Communication Navigation Surveillance/Air Traffic Management (CNS/ATM) services acceptable to the Director.

Subpart B — Certification Requirements

171.53 Facility requirements

- (a) An applicant for the grant of a telecommunication service certificate must establish procedures to ensure that—
- (1) each facility listed in their exposition—
 - (i) is designed, installed and commissioned to meet the applicable operational specification; and
 - (ii) conforms with the applicable system characteristics and specification standards prescribed in Volume I, III and IV of Annex 10; and
 - (2) information on the operational status of any of the radio navigation aids listed in the applicant's exposition that are essential for the approach, landing and take-off at an aerodrome, is provided without delay—
 - (i) to the aerodrome control tower if that aerodrome has one; and
 - (ii) to the air traffic control unit providing an approach control service for that aerodrome if such a service is being provided; and
 - (3) each facility listed in their exposition is installed with suitable power supplies and means to ensure continuity of operation appropriate to the needs of the operational service being supported; and
 - (4) each facility listed in their exposition is installed in accordance with the security programme required by rule 171.55 to minimise the risk of destruction, damage or interference with the operation of the facility; and
 - (5) any critical site area of any facility listed in their exposition is—
 - (i) clearly identified on the site drawings for the facility; and
 - (ii) physically protected by suitable signposts on the site; and
 - (iii) protected by written agreements with the site owner, aerodrome operator and air traffic control unit as appropriate, to ensure that site restrictions are not infringed by buildings, fences, vehicles, machinery or aircraft.
- (b) Where an applicant intends to operate a temporary facility for the purpose of carrying out site tests, the applicant must establish a procedures for conducting those tests in accordance with paragraph (c). The procedure must ensure that there is no possible interference to any other operating facility and that appropriate information is forwarded to the Aeronautical Information Service (AIS) for the issue of a NOTAM or the publication of a Supplement to the Aeronautical Information Publication.
- (c) The procedures must ensure that there is no possible interference to any other operating facility and that appropriate information is forwarded to the Aeronautical Information Service (AIS) for the issue of a NOTAM or the publication of a Supplement to the Aeronautical Information Publication.

171.55 Security programme

- (a) An applicant for the grant of a telecommunication service certificate must establish a security programme for the facilities listed in their exposition.
- (b) The security programme required by paragraph (a) must specify the physical security requirements, practices and procedures that may be necessary—
 - (1) to minimise the risk of destruction, damage, or interference, to the certificate holder's facilities if such an act to a facility is likely to endanger the safety of air navigation; and
 - (2) to prevent unauthorised access to a facility; and
 - (3) for personnel to follow in the event of a bomb threat or other threat of violence at a facility; and
 - (4) to monitor unattended facilities to detect unauthorised intrusion or interference at a facility.
 - (5) To protect critical information and communications technology systems from interference that may jeopardise the safety of air navigation services.
- (c) The security programme required under paragraph (a) must include procedures to notify, investigate and report security incidents to the Director in accordance with rule Part 12.

171.63 Inspection measuring and test equipment

- (a) An applicant for the grant of a telecommunication service certificate must ensure that appropriate inspection, measuring and test equipment is available for their personnel to maintain the safe operation of each facility listed in their exposition.
- (b) An applicant must establish a procedure to control, calibrate and maintain all of the applicant's inspection, measuring and test equipment to ensure that each item of equipment has the precision and accuracy that is necessary for the measurements and tests to be performed.
- (c) The procedure must ensure that each item of test equipment required for the measurement of critical performance parameters is—
 - (1) calibrated before use and at prescribed intervals against certified equipment having a known valid relationship to nationally recognised standards. Where no such standards exist, the basis used for the calibration must be documented. Records of such calibrations and the standards used must be maintained in accordance with the procedures required by rule 171.71; and
 - (2) identified with a suitable indicator to show its calibration status; and
 - (3) controlled to—
 - (i) safeguard against adjustments that would invalidate the calibration setting; and
 - (ii) ensure that the handling, preservation and storage is such that the accuracy and fitness for use is maintained.

- (d) Where hardware and software systems are used as an alternative form of facility performance testing, the functions of the systems must be checked— ~~before being released for use in order to establish that they are capable of verifying the performance of the facility. These functions must be checked at prescribed intervals. Records of these checks must be maintained as evidence and verification of adequate performance of the test system.~~
- (1) before being released for use in order to establish that they are capable of verifying the performance of the facility; and
- (2) at prescribed intervals; and
- records of these checks must be maintained as evidence and verification of adequate performance of the test system.

Subpart C — Operating Requirements

171.107 Operating and maintenance instructions

- (a) The holder of a telecommunication service certificate must provide, for the use and guidance of their personnel, operating and maintenance instructions for each facility listed in their exposition. ~~The instructions must be controlled by the documentation control procedures required by rule 171.57 and must set out the requirements for operating and maintaining each facility. The instructions must include a list of—~~
- (b) The instructions required by paragraph (a) must—
- (1) be controlled by the documentation control procedures required by rule 171.57; and
- (2) set out the requirements for operating and maintaining each facility; and
- (3) include a list of the—
- (1)(i) critical performance parameters; and
- (2)(ii) associated minimum performance levels for those parameters; and
- (3)(iii) test equipment required for the measurement of those parameters; and
- (4)(iv) mandatory check procedures for placing the facility into operational service; and
- (5)(v) mandatory inspection and test procedures for the operation and maintenance of the facility.