

Civil Aviation Rules



**Notice of Proposed Rule Making
NPRM 21/09-08
02 November 2021**

**Part 47
Aircraft Registration and Marking**

**Consequential amendments
Nil**

**Docket 21/09/CAR47/08
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 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 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 proposed amendments to Civil Aviation Rule (CAR) Part 47.

2. Background to the Proposal

2.1 General Summary

RPAS/Drone registration in PNG

Remotely piloted aircraft (RPA) operations in Papua New Guinea are conducted under the Civil Aviation Act 2000 (as amended) ('the Act') and Civil Aviation Rules Part 101 or Part 102.

Section 46 of the Act requires the registration of aircraft by the legal owner in possession of the aircraft by 28 days or longer, and this is accomplished under Rule 47.51 for all manned aircraft and certain remotely piloted aircraft systems (RPAS) or drones.

Registration is required for RPAS with an all-up weight on takeoff of 250gm or more, or engaged in operations that require a Part 102 authorisation or certificate.

2.2 NPRM Development

Global progress in Rules relating to remotely piloted aircraft has increased the original scope of the RPAS rules and created the need for more detailed regulatory compliance in the areas of remotely piloted aircraft registration, remote pilot licensing, certification and operation.

This proposed amended of Part 47 is of an editorial nature only and clarifies the current requirements for RPAS registration.

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

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

3.1 Consequential Amendments

There were no consequential amendment to other Parts as a result of amendments in this NPRM.

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. Since RPAS operations are conducted wholly within PNG, the ICAO SARPS are incorporated at the discretion of the Director subject to aviation safety considerations and assessments in the PNG aviation context and environment.

Nevertheless, international regulatory standards and industry best practices have been reviewed, adapted and incorporated in Part 47

3.4 Compliance Costs

Costs associated with operations in compliance with the amended Part 47 may be expected.

4. Summary of changes

Rule 47.51(c) is amended to clarify the registration requirements for remotely piloted aircraft apply if the aircraft is flown, and weight and operational requirements.

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 rule amendments take account of ICAO SARPs.

5.2.2 Assisting Economic Development

The proposed rule amendments is not expected to have any adverse impact on economic development.

5.2.3 Assisting Safety and Personal Security

The proposed rule amendments will help improve safety levels and may improve personal security.

5.2.4 Improving Access and Mobility

The proposed rule amendments will not adversely affect access and mobility.

5.2.5 Protecting and Promoting Public Health

The proposed rule amendments can positively impact the protection and promotion of public health.

5.2.6 Ensuring Environmental Sustainability

The proposed rule amendments is not expected to have any adverse 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 CA 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 to CASA PNG by the following methods:

by Mail:	Docket Clerk (NPRM 21/09-08) Civil Aviation Safety Authority PO Box 1941 Boroko, Port Moresby. National Capital District
delivered:	Docket Clerk (NPRM 21/09-08) Civil Aviation Safety Authority Morea-Tobo Road Six Mile, Jacksons Airport Port Moresby NCD
by Fax:	Docket Clerk (NPRM 21/09-08) 3251789 / 325 1919
by Email:	Docket Clerk (NPRM 21/09-08) 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 the CASA PNG web site: www.casapng.gov.pg

or at a cost from

The 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)
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Email: cjaran@casapng.gov.pg
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Proposed Rule Amendments

Part 47 Aircraft registration and marking

Subpart B — Aircraft Registration and Certificate of Registration

47.51 Requirement for aircraft registration and certificate

- (a) Except as provided in Part 91, paragraph (c) and rule 47.53(a)(3), the person lawfully entitled to the possession of an aircraft for 28 days or longer must if the aircraft flies to, from, within, or over Papua New Guinea territory, register that aircraft and hold a valid certificate of registration for that aircraft from—
- (1) the Director; or
 - (2) the appropriate aeronautical authorities of a Contracting State; or
 - (3) the appropriate aeronautical authorities of another State that is party to an agreement with the Government of Papua New Guinea or the Civil Aviation Authority of Papua New Guinea which provides for the acceptance of each other's registrations.
- (b) No aircraft shall be registered in or remain registered in Papua New Guinea if it is registered in any other country.
- (c) In the case of ~~Remotely~~ remotely piloted aircraft, the requirements of paragraph (a) apply ~~must be registered unless~~ if the aircraft:
- (1) all up weight on takeoff is ~~less than~~ 250 grams or more; ~~and~~ or
 - (2) is engaged in operations that ~~do not~~ require a Part 102 authorisation or certificate.