



**Notice of Proposed Rule Making
NPRM 16 - 49
1 December 2016**

**Part 183
Authorized Representatives**

**Docket CAR/16/183/01
2016-2017 Rules Review**

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

1. Purpose of this NPRM

The purpose of this Notice of Proposed Rulemaking (NPRM) is to put forward for consideration the proposed amendments to Part 183 of the Civil Aviation Rules (CAR).

2. Background to the Proposal

Consequential changes to the rule to reflect removal of the Aviation Medical Examiner (AME) authorisation requirements from CAR Part 183 and its transfer to CAR Part 67.

Experience requirements for Authorised Engineering Representatives (AER) amended to clarify that the required experience is specific to aircraft design.

Subpart G -Authorised Airworthiness Representatives (AAR) including “Schedule of Rules” is amended to include the issue of aircraft certificates of registration and renumbered to improve the flow of the subpart.

3. Costs associated with this NPRM

There is no cost associated with this amendment.

4. Summary of changes

Rule 183.17 (d) (3) is deleted following the removal of medical examinations for Aircraft Maintenance Engineers.

Rule 183.57 amended to clarify AER experience specific to aircraft design.

Subpart G -AAR “Schedule of Rules” renumbered to improve the flow of the subpart.

Renumbered Subpart G Rule 183.403 amended to include delegation for AAR to also issue aircraft registration certificates.

5. Legislative Analysis

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 on International Civil Aviation, 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 183 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, Civil Aviation (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.

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.

6.4 How to make submission

Submissions may be sent by the following methods:

By Mail: Docket Clerk (NPRM 16-49)
Civil Aviation Safety Authority
PO Box 1941
BOROKO

National Capital District

Delivered: Docket Clerk (NPRM 16-49)
Civil Aviation Safety Authority
Morea-Tobo Road
Six Mile, Jacksons Airport
Port Moresby NCD

By Fax: Docket Clerk (NPRM 16-49)
3251789 / 325 1919

By Email: Docket Clerk (NPRM 16-49)
rules@casapng.gov.pg

6.5 Final date for submissions

Comments must be received before **4:00pm, Friday 31st of March 2017.**

6.6 Further information

For further information contact:

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Subpart A — General**183.1 Purpose**

This Part prescribes standards and requirements for the authorisation by the Director of persons who are not employees of the CAA Authority to carry out particular functions as authorised representatives. The functions are prescribed in applicable Parts.

183.3 Definitions

In this Part—

Aviation organisation means an organisation that holds an approval under Part 119, 141, 145, 146, 171, 172, 173, 174 and 175.

Carry out a function includes the exercise of a power.

Power means a legal authority to act for the Director

183.5 Classes of authorised representative

The classes of authorised representative are:

- (1) AER - authorised engineering representative;
- (2) APA - authorised personnel assessor;
- (3) AFE - authorised flight examiner;
- (4) AATSE - authorised air traffic service examiner;
- (5) AAR – authorised airworthiness representative.

183.7 Application for authorisation

(a) An applicant for an authorisation must complete form CAA 183/01 and submit it to the Director with a payment of the appropriate application fee prescribed by regulations made under the Act, together with—

- (1) two written references from aviation organisations or persons professionally involved in the applicable industry sector attesting to the applicants character, reputation and integrity; and
- (2) if the applicant is employed by an aviation organisation, a written statement from the organisation supporting the application and confirming that reference material, tools, and equipment belonging to the organisation are available for use of the applicant if he or she becomes an authorised representative; and
- (3) any documents required by the applicable Subpart to be submitted with the application; and
- (4) such further particulars relating to the applicant as may be required by the Director.

(b) An application is unacceptable if—

- (1) the applicant is an employee of the CAA Authority; and
- (2) the application is purportedly made by two or more persons; and
- (3) the applicant is not an individual person.

183.9 Grant of authorisation

- (a) Except as provided for in paragraph (c), an applicant will be granted an authorisation if the Director is satisfied that—
- (1) the applicant meets the requirements of the Subpart applicable to the class of authorisation sought; and
 - (2) the applicant is a fit and proper person.
- (b) The Director may impose conditions and limitations on an authorization including:
- (1) a condition that the authorisation lapses if the authorised representative ceases to be employed by a particular organisation; and
 - (2) a limitation on the functions which may be performed within a particular class of authorisation; and
 - (3) a limitation that the authorisation is restricted to any definable part of the subject-matter of a function according to the representative's knowledge and experience.
- (c) The Director may decline to grant an authorisation if in his view there is no need for the authorisation.
- (d) Where the Director declines to grant an authorisation under paragraph (c), the application fee will be refunded. Where the Director declines to grant an authorisation for other reasons, no refund will be made.

183.11 Instrument of authorisation

- (a) The instrument of authorisation granted to an authorised representative is deemed to be an instrument of delegation issued by the Director in accordance with Section 44(2) of the Civil Aviation Act.
- (b) Nothing in this Part shall be construed as limiting the power of the Director to issue delegations under Section 44 of the Civil Aviation Act.

183.13 Duration of authorisation

An authorisation may be granted or renewed for a period of up to three years unless cancelled, suspended or revoked by the Director.

183.15 Renewal of authorisation

- (a) An application for the renewal of an authorisation must be made by the authorised representative on form CAA 183/021.
- (b) The application must be submitted to the Director not less than 30 days before the certificate expires.
- (c) To be eligible for renewal of an authorisation, an authorised representative must
- (i) undergo recurrency training acceptable to the Director; and
 - (ii) provide evidence of activity during the previous period of appointment.

183.17 Cancellation, suspension and revocation of authorisation

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- (a) The Director shall cancel a person's authorisation upon receipt of a request in writing to that effect from that authorisation holder.
- (b) The Director may suspend or impose conditions and limitations on an authorization. The holder of an authorisation that is suspended must immediately present his or her instrument of authorisation to the Director.
- (c) The holder of an authorisation that is suspended must comply with any requirements or conditions specified by the Director for the re-validation of that authorisation.
- (d) The Director shall revoke a person's authorisation if that person—
- (1) contravenes a condition specified in the instrument of authorisation; or
 - (2) ceases to be a fit and proper person in accordance with the Act; ~~or~~
 - ~~(3) for an AME:~~
 - ~~(i) fails to meet the reporting requirements of 67.23165;~~
 - ~~or~~
 - ~~(ii) ceases to be a registered medical practitioner.~~
- (e) The holder of an authorisation that is revoked must immediately return his or her instrument of authorisation to the Director.

Subpart B — Authorised Engineering Representatives

183.51 Purpose

This Subpart prescribes the rules for authorisation as an authorised engineering representative (AER).

183.53 Functions and specialities

- (a) An AER may be authorised for one or more of the following functions:
- (1) approval of design changes in accordance with Part 21;
 - (2) determination of compliance with design standards for restricted category type acceptance certificates in accordance with Part 21;
 - (3) assessment of applicants for authorisation under this Subpart.
- (b) An AER may be authorised for one or more of the following specialities:
- (1) structural;
 - (2) powerplant;
 - (3) propeller;
 - (4) mechanical system and equipment;
 - (5) avionics systems and equipment

183.55 Documents to be submitted with application

A person applying to become an AER must submit with his or her application, a written statement of

the types of aircraft, aircraft components, aircraft systems or processes in relation to which he or she intends to carry out the functions of an AER.

183.57 Criteria for authorisation as AER

(a) Except as provided for in paragraph (b), a person is eligible to become an AER if he or she has—

- (1) a Bachelor of Engineering degree or equivalent tertiary qualifications sufficient to admit that person to graduate membership of a professional institute of engineers; and
- (2) a minimum of eight years experience in aircraft design appropriate to the functions and specialities proposed, of which a maximum of four years may be university engineering training; and
- (3) successfully completed a tertiary level airworthiness course or demonstrates knowledge and experience of airworthiness to a level acceptable to the Director; and
- (4) any other qualifications and experience considered necessary by the Director to carry out the particular function proposed in the application; and
- (5) successfully completed training acceptable to the Director on the functions and responsibilities of an authorised person; and
- (6) is familiar with the ~~CAA~~ Authority's engineering approval procedures.

(b) The Director may accept lesser qualifications and experience than that prescribed in paragraphs (a)(1), (2) or (3) if the applicant demonstrates sufficient knowledge and experience to enable that person to carry out the particular function proposed in the application.

Subpart C — Authorised Personnel Assessor

183.101 Purpose

This Subpart prescribes the rules for authorisation as an authorised personnel assessor (APA).

183.103 Functions and specialities

(a) An APA may be authorised for one or both of the following functions:

- (1) conduct of assessments of knowledge, skill and competency required by Part 61, Part 66 or this Part;
- (2) conduct of written examinations required by Part 61, Part 66 or this Part.

(b) An APA may be authorised for one or more of the following specialities:

- (1) maintenance engineer licences;
- (2) maintenance engineer ratings
- (3) maintenance engineer certificates;
- (4) flight crew licences;
- (5) flight crew ratings;
- (6) regulatory systems and processes.

183.105 Documents to be submitted with application

A person applying to become an APA must submit with his or her application, a written summary of the technical skills and knowledge that person has in relation to the functions and specialities he or she intends to carry out as an APA.

183.107 Criteria for authorisation as APA

(a) Except as provided for in paragraph (b), a person is eligible to become an APA if he or she has—

- (1) for maintenance specialities, been in the aviation industry for 15 years or more, and has at least 10 years experience in aircraft maintenance and maintenance training of a kind appropriate to the functions and specialities proposed; and
- (2) for maintenance specialties successfully completed a tertiary level airworthiness course or demonstrates knowledge and experience of airworthiness to a level acceptable to the Director; and
- (3) for flight crew specialties, been in the aviation industry or equivalent Armed Forces area for 15 years or more, and has at least 10 years experience in flight operations in an area appropriate to the functions and specialities proposed; and
- (4) for flight crew specialties, hold or have held a licence or rating equivalent or equivalent qualification relating to the examinations or assessments proposed, and have instructional training or experience including written and oral examinations or assessments or instructional techniques training, acceptable to the Director; and
- (5) experience of ~~CAA~~ Authority requirements and procedures ; and
- (6) any other qualifications and experience, such as written and oral communication skills and interpersonal skills, considered necessary by the Director to carry out the particular function proposed in the application; and
- (7) successfully completed training acceptable to the Director on—
 - (i) the functions and responsibilities of an authorised person; and
 - (ii) human factors; and
 - (iii) if applicable, examination writing, moderating, conducting, marking and analysis; and
- (8) is familiar with applicable ~~CAA~~ Authority approval procedures. (b) The Director may accept lesser qualifications and experience than that prescribed in paragraphs (a)(1), (2), (3) or (4) if the applicant demonstrates sufficient knowledge and experience to enable that person to carry out the particular function proposed in the application.

Subpart D — Authorised Flight Examiner

183.201 Purpose

This Subpart prescribes the rules for authorisation as an authorised flight examiner (AFE).

183.203 Criteria for authorisation as an AFE

To be eligible for the grant of an authorisation as an AFE a person shall—

- (1) hold at least a current commercial pilot licence and the licence must be appropriate to the proposed flight examinations; and
- (2) hold an appropriate current flight instructor rating; or
- (3) have flight experience acceptable to the Director; and
- (4) have demonstrated to the Director the ability to perform the duties of an authorised flight examiner relevant to the flight examinations to be carried out.

183.205 Documents to be submitted with application

A person applying to become an AFE must submit with his or her application, a written summary of the technical skills and knowledge that person has in relation to the functions and specialities he or she intends to carry out as an AFE.

183.207 Functions

An AFE may be authorised for one or more of the following functions:

- (1) conducting flight tests for the issue of pilot licences required by Part 61;
- (2) conducting flight tests for the issue or renewal of ratings required by Part 61;
- (3) conducting operational competency assessments, within an organisation operating under—
 - (i) an aviation training organisation certificate issued under Part 141, where the certificate authorises the holder to conduct those flight tests for a Part 119 organisation; or
 - (ii) an air operator certificate issued under Part 119, where the certificate authorises the holder to conduct those flight tests.

183.209 Conditions of authorisation

- (a) To exercise the functions of an authorisation, an AFE shall—
 - (1) hold an appropriate current flight instructor rating with a type or class rating for the aircraft in use; and
 - (2) have met the requirements of paragraph 183.203(1) or (2) as applicable to the operations for which the flight test is performed.
- (b) Where an AFE is not carrying out the duties of a required crew member while exercising the functions of that authorisation in flight, that person is not required to hold a current medical certificate.

183.211 Recency requirements

- (a) Except as provided in paragraph (c), an AFE shall not exercise the functions of that authorisation unless, within the immediately preceding 24 months, they have demonstrated to the Director competence to exercise those functions.
- (b) The demonstration required by paragraph (a) shall include a simulator segment or flight segment, or both if required by the Director—
 - (1) on the heaviest aircraft type (MCTOW) on which the AFE will examine, or on such other

aircraft as the Director may require; and

- (2) under the requirements in the Part appropriate to the privileges being sought.
- (c) A person who satisfies the requirements of paragraph (a) within three calendar months before the date on which it is required is deemed to have completed the requirements on the required date.

Subpart E — Authorised Air Traffic Services Examiner

183.301 Purpose

This Subpart prescribes the rules for authorisation as an authorised air traffic services examiner (AATSE).

183.303 Functions and specialties

- (a) An AATSE may be authorised for one or more of the following functions:
 - (1) conduct of assessments of knowledge, skill and competency required by Part 65 or this Part;
 - (2) conduct of written, oral or practical examinations required by Part 65, or this Part.
- (b) An AATSE may be authorised for one or more of the following specialties:
 - (1) air traffic controller licences;
 - (2) aeronautical station operator licences;
 - (3) air traffic controller ratings;
 - (4) air traffic service instructor ratings;

183.305 Documents to be submitted with application

A person applying to become an AATSE must submit with his or her application, a written summary of the technical skills and knowledge that person has in relation to the functions and specialties he or she intends to carry out as an AATSE.

183.307 Criteria for authorisation as AATSE

- (a) To be eligible for the grant of an authorisation as an AATSE a person shall—
 - (1) for air traffic service specialties, have been in the aviation industry ~~or equivalent Armed Forces area~~ for 15 years or more, and have at least 10 years experience in air traffic services in an area appropriate to the functions and specialties proposed; and
 - (2) for air traffic service specialties, hold a licence or rating equivalent or equivalent qualification relating to the examinations or assessments proposed, and have instructional training or experience including written and oral examinations or assessments or instructional techniques training, acceptable to the Director; and
 - (3) experience of ~~CAA~~ Authority requirements and procedures ; and
 - (4) any other qualifications and experience, such as written and oral communication skills and interpersonal skills, considered necessary by the Director to carry out the particular function proposed in the application; and
 - (5) successfully completed training acceptable to the Director on—

- (i) the functions and responsibilities of an authorised person; and
 - (ii) human factors; and
 - (iii) if applicable, examination writing, moderating, conducting, marking and analysis; and
- (6) is familiar with applicable ~~CAA~~ Authority approval procedures.
- (b) The Director may accept lesser qualifications and experience than that prescribed in paragraphs (a)(1), (2), (3) or (4) if the applicant demonstrates sufficient knowledge and experience to enable that person to carry out the particular function proposed in the application.

183.309 Conditions of authorisation

- (a) To exercise the functions of an authorisation, an AATSE shall—
- (1) hold a current air traffic service licence with a rating relevant to the specialties authorised; and
 - (2) conduct the examining within an organisation operating under—
 - (i) an air traffic service certificate issued under Part 172, where the certificate authorises the holder to conduct that examining; or
 - (ii) an aviation training organisation certificate issued under Part 141, where the certificate authorises the holder to conduct that examining; and
 - (3) within the immediately preceding 13 months, have demonstrated to the Director competence to perform those functions.
- (b) Where an AATSE is not providing an air traffic service while exercising the functions of that authorisation, that person is not required to hold a current medical certificate.

Subpart F — Reserved

Subpart G — Authorised Airworthiness Representatives

183.51 Purpose

This Subpart prescribes the rules for authorisation as an authorised airworthiness representative (AAR).

183.53 Functions and specialties

- (a) An AAR may be authorised for one or more of the following functions:
- (1) issue of an airworthiness certificate in accordance with Part 21;
 - (2) issue of an export certificate of airworthiness in accordance with Part 21;
 - (3) issue of a special flight permit in accordance with Part 21;
 - (4) issue of an aircraft certificate of registration in accordance with Part 47;
 - (5) approval of a minimum equipment list in accordance with Part 91;
 - (6) approval of a flight manual;
 - (7) issue a radio station approval;

- (b) An AAR may be authorised in one or more of the following categories:
- (1) aeroplanes below 5700 kg MCTOW;
 - (2) aeroplanes above 5700 kg MCTOW;
 - (3) helicopters;
 - (4) production of non-certificated aircraft.

183.55 Documents to be submitted with application

A person applying to become an AAR must submit with his or her application, a written statement proposing the types of aircraft for which he or she intends to carry out the functions of an AAR.

183.57 Criteria for authorisation as AAR

- (a) Except as provided for in paragraph (b), a person is eligible to become an AAR if he or she has-
- (1) an aircraft maintenance engineers licence; and
 - (2) at least 10 years experience certifying aircraft release to service; and
 - (3) successfully completed a tertiary level airworthiness course or demonstrates knowledge and experience of airworthiness certification to a level acceptable to the Director; and
 - (4) any other qualifications and experience considered necessary by the Director to carry out the particular function proposed in the application; and
 - (5) successfully completed training acceptable to the Director on the functions and responsibilities of an authorised person; and
 - (6) is familiar with the airworthiness certification procedures of the ~~National Aviation~~ Authority.
- (d) In lieu of the requirement in paragraph (a)(1), the Director may accept a diploma or tertiary qualification in aircraft design, maintenance or airworthiness.

Subpart H Performance of Functions

183.501 Purpose

This Subpart prescribes the conditions to be met by an authorised representative for the continuing validity of an authorisation.

183.503 Responsibilities of authorised representative

An authorised representative is personally responsible to the Director for his or her conduct as an authorised representative, even if he or she carries out a function of an authorised representative while he or she is an employee or member of an organisation.

183.505 Conditions for continuing validity

An authorised representative's appointment is subject to that person—

- (1) acting with standards of probity and skill consistent with those that apply to a delegate of the Director; and
- (2) continuing to meet the fit and proper person requirements of the Act.