



**Notice of Proposed Rule Making  
NPRM 2515/109-26  
14 February 2025**

**Part 109  
Regulated Air Cargo Agent -  
Certification**

**Consequential Amendments  
Part 108  
Part 140**

**Docket25/15/CAR109/26  
2025 Rules Review**

Proposed Applicable 21 March 2025



## Background to the Civil Aviation Rules

The Papua New Guinea (PNG) Civil Aviation Rules (CARs) establish the *minimum* regulatory safety standards and boundary for participants to gain entry into, operate within, and exit the PNG civil aviation system. The PNG 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 been established to be an ‘*Acceptable Means of Compliance*’ (AMC) for the associated rule. An Advisory Circular may also contain Guidance Material (GMs) and Explanatory Material (EMs) to facilitate compliance with the rule requirements.

The objective of the Civil Aviation Rules system is to obtain 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 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:

- (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 programs 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;
  - (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; and
- (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 as per Annex 17 requirements to Civil Aviation Rule (CAR) Part 109.

## 2. Background to the Proposal

### 2.1 General Summary

The proposed amendment is intended to capture definitions and abbreviations associated with aviation security to be consistent with Amendment 18 to ICAO Annex 17 – Aviation Security and to also address the ICAO USAP CMA Protocol Question (PQ) relating to Cybersecurity Measures and the contingency plans related air cargo and mail Acts of Unlawful interference.

These proposed amendments include the following:

#### 109.3 Definitions

**Air cargo secure supply chain:** A set of interconnected security procedures that are applied to a cargo consignment to maintain the integrity of such a consignment from the point where screening or other security controls are applied until it arrives at its last airport of arrival, including through transit and/or transfer points.

#### **New insertion- 109.64 Measures and Procedures relating to cyber threats**

- (a) New insertion- 109.64 An applicant for the grant of a regulated air cargo agent certificate who intends to accept cargo or mail for carriage by air must establish measures and procedures for ensuring—
- (i) to identify critical information and communications technology systems and data used for civil aviation purposes; and
  - (ii) develop and implement appropriate measures to protect itself from unlawful interference in accordance with a risk assessment described in the national civil aviation security programme.

### 2.2 NPRM Development

As a signatory to the convention on international civil aviation, Papua New Guinea is committed to aligning its regulations to ICAO SARPS, where practicable. NPRM development are therefore triggered by the amendments of various Annexes to the Convention on international aviation and in PNG's effort to ensure compliance rules are developed and proposed to ensure that international operations are consistent with the international requirements of ICAO Annexes. The development of this NPRM is a result of amendment 18 to Annex 17.

### 2.3 Key Stakeholders

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

- (a) The Civil Aviation Safety Authority of Papua New Guinea;
- (b) The Ministry for Transport and Civil Aviation;



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- (c) Aircraft operators;
- (d) Regulated Air Cargo Agents (RACA); and
- (e) Aviation Security Service Organisation (i.e. Part 140 Certificate Holder).

### 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:

- (a) Part 108
- (b) Part 140

#### 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 SARPs contained in ICAO Annexes and are written in consultation with the following Annex and guidance material:

- (a) Annex 17 – Security
- (b) ICAO GM Doc 8973.

#### 3.4 Compliance Costs

The proposed amendments do not require additional compliance costs.

## 4. Summary of changes

The following amendments are considered for inclusion in the current Part 109 to reflect amendments 18 to Annex 17 and also to address the ICAO USAP CMA Protocol Question (PQ) relating to Measures and Procedures relating to cyber threats.

These proposed amendments include the following:

New Inclusions:

#### (a) 109.3 Definitions

New Insertion on 109.3 Air cargo secure supply chain. This definition is included to add clarity in understanding the meaning of secure supply chain.

#### (b) New insertion- 109.64 Measures and Procedures to cyber threats

109.64(a) (1&2) are new insertions.



## 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; and
  - (9) Aeronautical procedures.

The proposed amendment of Part 109 complies with the requirements of the *Civil Aviation Act 2000* and does not contravene the Constitution, the Aerodrome (Business Concession) Act 2000, Civil Aviation (Air Craft Operator Liability) Act 1975, Aircraft Charges Act, Airport Departure Tax Act, Explosive Act 1952, Firearms Act 1978, Customs Act 1951, Plant, Disease and Control Act 1953, and the Environmental Act 2000.

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 of Papua New Guinea Headquarter.

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 2515/109-26)  
Civil Aviation Safety Authority of  
Papua New Guinea  
PO Box 1941  
Boroko  
National Capital District
- Delivered: Docket Clerk (NPRM 2515/109-26)  
Civil Aviation Safety Authority of  
Papua New Guinea  
Morea-Tobo Road  
Six Mile, Jacksons Airport  
Port Moresby NCD
- By Fax: Docket Clerk (NPRM 2515/109-26)  
3251789 / 325 1919
- By Email: Docket Clerk (NPRM 2515/109-26)  
[rules@casapng.gov.pg](mailto:rules@casapng.gov.pg)

### 7.1 Final date for submissions

Comments must be received before **COB, 14<sup>th</sup> March 2025.**

### 7.2 Availability of the NPRM

Any person may obtain a copy of this NPRM from-  
CASA PNG web site: [www.casapng.gov.pg](http://www.casapng.gov.pg)

*or at a cost from*

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

### 7.3 Further information

For further information, contact:

Gloria Sikre (Ms.)  
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## Proposed Rule Amendments

### Part 109

### Regulated Air Cargo Agent

#### 109.3 Definitions

**Air cargo secure supply chain:** A set of interconnected security procedures that are applied to a cargo consignment to maintain the integrity of such a consignment from the point where screening or other security controls are applied until it arrives at its last airport of arrival, including through transit and/or transfer points.

#### Subpart B — Certification requirements

##### 109.64 Measures and Procedures to cyber threats

- (a) An applicant for the grant of a regulated air cargo agent certificate who intends to accept cargo or mail for carriage by air must establish measures and procedures for ensuring—
  - (i) to identify critical information and communications technology systems and data used for civil aviation purposes; and
  - (ii) develop and implement appropriate measures to protect itself from unlawful interference in accordance with a risk assessment described in the national civil aviation security programme.