



**Notice of Proposed Rule Making
NPRM 2515/119-27
14 February 2025**

**Part 119
Air Operator - Certification**

**Consequential Amendments
Nil**

**Docket 25/15/CAR119/27
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 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.



Latest Amendment Date: 02/11/2023	Applicable Date: 21/03/2025	Page 3 of 13
-----------------------------------	-----------------------------	--------------

Table of Contents

1. Purpose of this NPRM.....	4
2. Background to the Proposal	4
2.1 General Summary	4
2.2 NPRM Development.....	5
2.3 Key Stakeholders	5
3. Issues Addressed during Development	5
3.1 Consequential Amendments	5
3.2 Exemptions	5
3.3 ICAO SARPS and Level of Risk to Papua New Guinea Aviation Safety	5
3.4 Compliance Costs	5
4. Summary of changes	5
5. Legislative Analysis	6
5.1 Power to make rules	6
5.2 Matters to be taken into account	7
5.2.1 <i>ICAO Standards and Recommended Practices</i>	7
5.2.2 <i>Assisting Economic Development</i>	7
5.2.3 <i>Assisting Safety and Personal Security</i>	7
5.2.4 <i>Improving Access and Mobility</i>	7
5.2.5 <i>Protecting and Promoting Public Health</i>	7
5.2.6 <i>Ensuring Environmental Sustainability</i>	7
6. Submissions on the NPRM.....	7
6.1 Submissions are invited	7
6.2 Examination of submissions.....	7
6.3 Disclosure.....	8
7. How to make submission	8
7.1 Final date for submissions	8
7.2 Availability of the NPRM	8
7.3 Further information.....	9
Proposed Rule Amendments.....	10

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 119.

2. Background to the Proposal

2.1 General Summary

As a signatory to the Convention on International Civil Aviation, Papua New Guinea is committed to aligning its regulations to the International Civil Aviation Organization (ICAO) Standards and Recommended Practices (SARPS), where practicable.

This Rule Part amendment intends to address the following faced within PNG's own industry experience;

- (a) Rule 119.3 – added new definition, domiciled in Papua New Guinea. amendment provides clarity on the intent for certification and continuing operations of persons domiciled in Papua New Guinea. This definition clarifies the requirement of current rule 119.1.
- (b) Rule 119.3 - added new definition “Permanent Residence in Papua New Guinea” ensuring clarity of the term when used in this Rule Part.
- (c) CAR 119.11 amended to expand text relating to the privileges of the certificate holder. Text in Subparagraph (a) amended and new subparagraph (b) inserted to provide additional clarity. All text adopted from New Zealand CAR Part 119 to ensure standardization with industry best standards.
- (d) Current rule part 119 has qualification requirements for all senior persons other than the Chief Executive. This amendment introduces the minimum qualification and experience requirement for senior person identified as Chief Executive to ensure standardization across all air operators.

The appointment criteria for Managing Director PNG ASL (NiuSky Pacific Limited) prescribed in Section 143E of the Civil Aviation Act 2000 has been used as guidance to ensure consistency in the appointment and acceptance of senior person in the capacity of Managing Director or Chief Executive.

CAR 119.51(a) (1), additional item three (iii) added to the list, new requirement referencing Appendix A for the minimum qualifications and experience required of a Chief Executive

- (e) CAR 119.53 –New Rule 119.53(c) ensures approved training for flight crew for the issuance of a license or rating under a CAR Part 119 AOC, shall demonstrate compliance with the requirements prescribed in Part 141 Appendix A. Inclusion of the new rule ensures Part 119 AOC holders compliance with ICAO Annex 1 Amendment 179 standards 1.2.8.1, 1.2.8.2 and 1.2.8.3.
- (f) CAR 119.75 (a) (19) – New rule ensuring requirements of CAR 119.53 are documented in the operator's exposition
- (g) CAR 119.75 (a) (20) – New rule ensuring requirements of CAR 119.83 are documented in the operator's exposition



- (h) CAR 119.83 -new rule. This rule establishes the Flight Authorization and control as an air operator certification requirement. This requirement is also described in Parts 121, 125, 135 and 136.
- (i) Appendix A.1 amended - new requirement Chief Executive minimum qualification and experience requirement
- (j) Subsequent renumbering of Appendix A.
- (k) Appendix A.3 - Amended Criteria for Senior person responsible for crew training & competency assessment

2.2 NPRM Development

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 Ministry for Transport and Civil Aviation
- (3) 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 no consequential amendments to other CASA PNG rule parts arising from this amendment.

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

Part 119 contains the transposed ICAO Annex 6 Standards and Recommended Practices into the Civil Aviation Rules.

3.4 Compliance Costs

The proposed amendments do not require additional compliance costs.

4. Summary of changes

- (a) CAR 119.3 - Inserted new definition
 - (i) “Domiciled in Papua New Guinea” and
 - (ii) “Permanent Residence in Papua New Guinea”
- (b) CAR 119.11 (a) – Text amended to provide clarity;
- (c) CAR 119.11 (b) (1) – (4) – New subparagraph and text added to provide clarity;



- (d) CAR 119.51 (a) (1) (iii) – New requirement added referencing Appendix A;
- (e) CAR 119.53 (c) – new rule created, to comply with ICAO Annex 1 Amendment 179 standards 1.2.8.1, 1.2.8.2 and 1.2.8.3 for approved training conducted for flight crew for the issuance of a license or rating;
- (f) CAR 119.75 (a) (19) – new rule created
- (g) CAR 119.75 (a) (20) – new rule created
- (h) CAR 119.83 – new rule created
- (i) Appendix A.1 – Title amended to Senior Person identified as Chief Executive;
- (j) Appendix A.1 Inclusion of Chief Executive minimum qualification and experience requirements;
- (k) Appendix A, Subsequent renumbering, from A.1.-A.6
- (l) New Appendix A.3 – Amendment to Qualification requirements of Senior person responsible for crew training & competency assessment

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 1 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.

5.2.3 Assisting Safety and Personal Security

Safety impact: No security impact with the implementation of this amendment

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

Environmental impact: No environmental impact with the implementation of this amendment

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 CASA PNG Head office 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 PNG 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 2515/119-27)
Civil Aviation Safety Authority
PO Box 1941
Boroko
National Capital District

Delivered: Docket Clerk (NPRM 2515/119-27)
Civil Aviation Safety Authority
Morea-Tobo Road
Six Mile, Jacksons Airport
Port Moresby NCD

By Fax: Docket Clerk (NPRM 2515/119-27)
3251789 / 325 1919

By Email: Docket Clerk (NPRM 2515/119-27)
rules@casapng.gov.pg

7.1 Final date for submissions

Comments must be received before **COB, 14th 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

or at a cost from

Docket Clerk
Civil Aviation Safety Authority of PNG 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.)
Acting Manager - Legal Services
CASA PNG
gsikre@casapng.gov.pg

Ph.: 325 7571

Mob: 74127191



Proposed Rule Amendments

Part 119

Air Operator – Certification

Subpart A — General

119.3 Definitions

In this Part—

Domiciled in Papua New Guinea: means that all persons referenced in rule 119.51 will have permanent residence within Papua New Guinea, the organization is registered in Papua New Guinea and the principal base of operations is in Papua New Guinea.

Permanent residence within Papua New Guinea: means a person employed, contracted or otherwise engaged in Papua New Guinea for at least 183 days within a 12-month period.

119.11 Privileges of certificate holder

- (a) An air operator certificate holder may perform the scope of air operations listed on the air operator certificate. specifies the privileges that the certificate holder is authorised to perform.
- (b) An air operator certificate shall authorise the certificate holder to perform—
- (1) air operations listed in the certificate holder's air operator certificate; and
 - (2) ground or flight training appropriate to the aircraft operated or intended to be operated; and
 - (3) test or check flights to determine the competence of flight crew; and
 - (4) tests or checks to determine the competence of other persons providing the services or carrying out the operations listed in the certificate holder's exposition.

Subpart B — Certification requirements

119.51 Personnel requirements

- (a) An applicant for the grant of an air operator certificate must employ, contract, or otherwise engage—
- (1) a senior person identified as the Chief Executive who—
 - (i) has the authority within the applicant's organisation to ensure that every activity undertaken by the organisation can be financed and carried out in accordance with the requirements and standards prescribed by this Part; and
 - (ii) is responsible for ensuring that the organisation complies with the requirements of this Part; and



- (iii) hold minimum qualifications and experience listed in Appendix A; and

119.53 Personnel competency requirements

- (c) An applicant who conducts approved training for flight crew for the issuance of a licence or rating must establish procedures to ensure that:

(1) the approved training provides a level of competency at least equal to that provided by the minimum experience requirements for personnel not receiving such approved training; and

(2) the approved training demonstrates compliance with the requirements of Part 141 Appendix A.

119.75 Air operator exposition

- a. An applicant for the grant of an air operator certificate must provide the Director with an exposition that contains the following—

(19) details of the personnel competency requirements required by rule 119.53.

(20) details of the flight authorisation and control required by rule 119.83.

119.83 Flight Authorisation and control

An applicant for the grant of an airline air operator certificate shall establish procedures to ensure that the initiation, continuation, and termination of a flight or series of flights is authorised by the person required by 119.51(b)(1)(i).



Latest Amendment Date: 02/11/2023	Applicable Date: 21/03/2025	Page 12 of 13
-----------------------------------	-----------------------------	---------------

Appendix A – Minimum Qualifications and Experience of Senior Persons

This Appendix prescribes the qualifications and experience for the senior persons responsible under rule 119.51(a)(1) and (b)(1).

A1. Senior Person identified as Chief Executive

<u>Part 121 Operation</u>	
<u>Document required</u>	<u>An academic degree in a field, considered by the Director to be related to the position, from an accredited university that is recognised by the department responsible for higher education.</u>
<u>Managerial experience</u>	<u>Has at least ten (10) years' practical experience in a field considered by the Director to be related to the position, with at least five (5) of which were in an executive managerial capacity equivalent to head or deputy head level of a reputable organisation.</u>
<u>Fit and Proper</u>	<u>Be a fit and proper person, which includes:</u> <u>(i) passing the fit and proper person test prescribed under Section 50 of the Act;</u> <u>and</u> <u>(ii) medical clearance from a certified medical practitioner; and</u> <u>(iii) police clearance</u>

<u>Part 125/135/136 Operation</u>	
<u>Document required</u>	<u>An academic degree in a field, considered by the Director to be related to the position, from an accredited university that is recognised by the department responsible for higher education or an equivalent qualification acceptable to the Director.</u>
<u>Managerial experience</u>	<u>Has at least five (5) years' practical experience in a field considered by the Director to be related to the position, with at least three (3) years functioning at an executive managerial or operational control capacity.</u>
<u>Fit and Proper</u>	<u>Be a fit and proper person, which includes:</u> <u>(i) passing the fit and proper person test prescribed under Section 50 of the Act;</u> <u>and</u> <u>(ii) medical clearance from a certified medical practitioner; and</u> <u>(iii) police clearance</u>

- (a) The Chief Executive shall be appointed in accordance with established procedures and is eligible for re-appointment subject to his performance in accordance with the contract of employment.
- (b) The terms and conditions of the Chief Executive shall be as determined by the air operator and contained in a written contract of employment which shall be signed by the Chairman of the Board of Directors and the Chief Executive.
- (c) The Chief Executive shall be terminated if he—
 - (1) fails one of the requirements under A.1.; or
 - (2) becomes incapable of performing his duties; or



Latest Amendment Date: 02/11/2023	Applicable Date: 21/03/2025	Page 13 of 13
-----------------------------------	-----------------------------	---------------

- (3) becomes bankrupt, applies for the relief of the law for bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his salary for their benefit; or
- (4) is convicted of an offence that is punishable by law with a sentence for imprisonment; or
- (5) ceases to be ordinarily resident in the country; or
- (6) commits an offence against the Civil Aviation Act 2000.

A.1.2. Senior person responsible for air operations

A.2.3. Senior person responsible for crew training & competency assessment

Part 121 Operation	
Document required	Airline Transport Pilot License <u>with ratings</u>
Pilot in command Currency	3 years <u>Current to act as pilot-in-command under Part 121 operations of one type of operator's aircraft</u>
Managerial e Experience	3 years in an operational control position as pilot-in-command under Part 121, <u>Part 125, or Part 135 operations and 2 years' experience in the check and training role</u>

A.3.4. Senior person responsible for ground operations

A.4.5. Senior person responsible for aircraft airworthiness and maintenance operation

A.5.6. Senior person responsible for safety management system and / or quality management system