



**Notice of Proposed Rule Making
NPRM 2414/100-12
28 August 2024**

**Part 100
Safety and Quality Management
Systems**

**Consequential Amendments
None**

**Docket24/14/CAR100/21
2024 Rules Review**

Proposed Applicable 04th November 2024



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: 01/05/2017	Applicable Date: 04/11/2024	Page 3 of 9
-----------------------------------	-----------------------------	-------------

Table of Contents

Background to the Civil Aviation Rules	2
Table of Contents	3
1. Purpose of this NPRM	4
2. Background to the Proposal	4
2.1 General Summary.....	4
2.2 NPRM Development.....	4
2.3 Key Stakeholders.....	4
3. Issues Addressed during Development.....	4
3.1 Consequential Amendments.....	4
3.2 Exemptions	4
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	5
5.1 Power to make rules.....	5
5.2 Matters to be taken into account	6
6. Submissions on the NPRM	6
6.1 Submissions are invited.....	6
6.2 Examination of submissions.....	6
6.3 Disclosure	7
7. How to make submission.....	7
7.1 Final date for submissions.....	7
7.2 Availability of the NPRM	7
7.3 Further information	8
8. Proposed Rule Amendments.....	9

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 the inclusion of Safety Management Systems and Quality Management Systems for Part 176 – Search and Rescue Service Organisation – Certification and Operation.

2. Background to the Proposal

2.1 General Summary

All service providers within the PNG Civil Aviation system will have a safety management system (SMS) within their business management system by the end of February 2025. International best practice requires at acceptable level of safety performance and hence the changes proposed herein are to align CAR Part 100 within this framework. The industry has been engaged in a number of safety and security conferences, workshops and specific training in SMS has been completed to establish the context of an acceptable level of safety performance. This NPRM formalises the concept within the CAR and establishes the required and supporting definition.

2.2 NPRM Development

Part 100 contains the inclusion of SMS and QMS requirements for an applicant to establish and implement under Part 176 Search and Rescue Service Organisation as a certification requirement.

2.3 Key Stakeholders

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

- (a) The Civil Aviation Safety Authority
- (b) The Ministry for Transport and Civil Aviation
- (c) Aircraft operators

3. Issues Addressed during Development

There were no significant issues identified during the development of this NPRM

3.1 Consequential Amendments

The proposed amendment of Pule Part 100 will impose no consequential amendments to any Rule Part.

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

An applicant for the grant of a Search and Rescue Service Organisation Certificate will comply in accordance with Part 100 which will promote a culture of Safety within the PNG aviation community and encourage high quality services.

3.4 Compliance Costs

Additional compliance costs to the proposed amendments have not been assessed.

4. Summary of changes

CAR Part 100 is being amended to align definitions with industry best practice and to include detailed safety objectives in so far as it relates to an acceptable level of safety performance in each aviation sector. A hazard log requirement is included in risk management. Finally, minor cross-referencing and editorial errors corrected.

100.1 Purpose –

- (a) Addition of 100.1 (a) (15)
- (b) Added Part 137 (a) (3)
- (c) Removed Part 148 (a) (10)

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 100 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,



Latest Amendment Date: 01/05/2017	Applicable Date: 04/11/2024	Page 6 of 9
-----------------------------------	-----------------------------	-------------

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) Document 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 and enhance 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.



Latest Amendment Date: 01/05/2017	Applicable Date: 04/11/2024	Page 7 of 9
-----------------------------------	-----------------------------	-------------

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 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 2414/100-21)
Civil Aviation Safety Authority
PO Box 1941
Boroko
National Capital District

Delivered: Docket Clerk (NPRM 2414/100-21)
Civil Aviation Safety Authority
Morea-Tobo Road
Six Mile, Jacksons Airport
Port Moresby NCD

By Fax: Docket Clerk (NPRM 2414/100-21)
3251789 / 325 1919

By Email: Docket Clerk (NPRM 2414/100-21)
rules@casapng.gov.pg

7.1 Final date for submissions

Comments must be received before **COB, 01st October 2024.**

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



Latest Amendment Date: 01/05/2017

Applicable Date: 04/11/2024

Page 8 of 9

Port Moresby NCD.

7.3 Further information

For further information, contact:

Taras Garap (Ms)
Manager – Legal Services
CASA PNG
tgarap@casapng.gov.pg

Ph.: 325 7529 Mob: 70319368



Proposed Rule Amendments

Part 100

Safety and Quality Management Systems

Subpart A — General

100.1 Purpose

(a) This Part prescribes rules for the safety management system and the quality management required to be established by applicants for certificates issued under the following Parts:

- (1) Part 109 - Regulated Air Cargo Agents – Certification
- (2) Part 119 – Air Operator Certification:
- (3) Part 137 – Agriculture Aircraft Operations
- (4) Part 139 – Aerodrome – Certification and Operation:
- (5) Part 140 – Aviation Security Service Organisations – Certification:
- (6) Part 141 – Aviation Training Organisations – Certification and Operation:
- (7) Part 144 – Supply Organisations – Certification:
- (8) Part 145 – Aircraft Maintenance Organisations – Certification:
- (9) Part 146 – Aircraft Design Organisations – Certification:
- ~~(10) Part 148 – Aircraft Manufacturing Organisations – Certification:~~
- (11) Part 171 – Aeronautical Telecommunication Service Organisations – Certification:
- (12) Part 172 – Air Traffic Service Organisations - – Certification:
- (13) Part 173 – Air Navigation Service Organisations – Certification:
- (14) Part 174 – Aviation Meteorological Service Organisations – Certification:
- (15) Part 175 – Aeronautical Information Service Organisations – Certification.
- (16) Part 176 – Search and Rescue Service Organisation - Certification