



**Notice of Proposed Rule Making
NPRM 2414/108-25
23 August 2024**

**Part 108
Air Operator Security Program**

Consequential Amendments

Part 109

Part 140

Part 119

Part 129

**Docket24/14/CAR108/25
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.



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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 in accordance with Amendment 18 to Annex 17 requirements to Civil Aviation Rule (CAR) Part 108. The ICAO USAP CMA Protocol Questions (PQ) Critical Elements (CEs) 02 that required rule amendment action are included in this Part 108.

2. Background to the Proposal

2.1 General Summary

Amendment 18 to ICAO Annex 17 – Aviation Security standards has meant that PNG Civil Aviation rule requires updating to keep up to the changes. It is necessary to amend Part 108 to ensure that PNG application of security standards meets the ICAO Annex 17 security measures and standards across both its domestic or international operations.

Also as per the summary of changes described in 4 (Summary of Changes) below, the proposed amendment is intended to capture definitions and abbreviations associated with aviation security to be consistent with Amendment 18 to ICAO Annex 17. The ICAO USAP CMA PQs CE 02 that required rule amendment action are included in this Part 108.

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;
- (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 109
- (b) Part 140
- (c) Part 119
- (d) Part 129



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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 108.

- (a) Editorial change to add clarity for Protocol Question requirement- 108.53(b)(9)(iii) ensure that all hold baggage must be screened in accordance with Rule 108:
 - (iii) include procedure for all persons and travelling on the specific flight in the hold baggage reconciliation procedure; and
- (b) New insertion- 108.53(b)(19) & 108.55(b)(23) stating aircraft security checks or searches of originating aircraft must be performed based upon a security risk assessment; and
- (c) Amend Rules 108.53(b)(17) and 108.55(b)(22) stating ...presence of explosives and explosive devices and include the words “carried by passengers on their persons or in carry-on baggage” or in the hold baggage..
- (d) New insertions - 108.53(b)(20) and 108.55(b)(24) stating “ensure that an aircraft subject to a security check or search is protected from unauthorised interference, from the time the aircraft security check or search has commenced, until the aircraft departs.”
- (e) New insertions- 108.53(b)(21) and 108.55(b)(25) stating “ensure that appropriate measures on the ground or operational procedures are established to mitigate possible attacks against aircrafts using MANPADS and other weapons representing a similar threat to aircraft at or near the airport in accordance with a risk assessment carried out by the air operator”.
- (f) New insertions- 108.53(c)(13) & 108.55(f)(13) for the requirements for air operators for the carriage of potentially disruptive passengers who are obliged to travel because they have been subject of judicial or administrative proceedings.

108.53(c)(13) & 108.55(f)(13) stating “air operator’s/PIC’s right to deny carriage based on the air operator’s policy concerning the number of such persons that may be



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transported on a given flight, or when reasonable concerns exist in regard to the safety and security of the flight in question”

(g) 108.53c & 108.55f- Editorial Amendments

(h) 108.53(b)(7)- missing words- “aircraft” included cargo, catering, courier, and express parcels and mail, COMAIL and COMAT, transfer cargo or mail, special categories of cargo (such as high-value cargo, diplomatic bags, live animals, perishable goods, biomedical samples and vaccines, other perishable medical items, life sustaining items, human remains, nuclear material, etc) intended for carriage on an aircraft are to be subjected to appropriate security controls including supply chain security process or screening requirement for consignment security declaration and thereafter protected from unauthorised interference, from the point of screening until departure of the aircraft; and

108.53c & 108.55f The procedures required by paragraph (b)(6) shall include procedures to ensure, in relation to the carriage of any potentially disruptive person, or those who have been subjected to judicial or administrative proceedings, on a commercial air transport operation, that—

108.53c

(4) the pilot in command and senior flight attendant, if carried, are notified of the location of, and the security arrangements, and the nature of available documents for the person; and

~~(11)~~ give at least 24 hours written notice to the aircraft operator before the intended departure of a potentially disruptive person, or those who have been subjected to judicial or administrative proceedings; and

~~(12)~~ notify the inbound aircraft operator without delay on the same day as the passenger’s arrival of the need to transport a potentially disruptive person, or those who have been subjected to judicial or administrative proceedings; and

(13) the air operator or pilot in comand’s right to deny carriage based on the air operator’s policy concerning the number of such persons that may be transported on a given flight, or when reasonable concerns exist in regard to the safety and security of the flight in question.

108.55f

(4) the pilot in command and senior flight attendant, if carried, are notified of the location of,, and the security arrangements, and the nature of available documents for the person; and

~~(11)~~ give at least 24 hours written notice to the aircraft operator before the intended departure of a potentially disruptive person, or those who have been subjected to judicial or administrative proceedings; and



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(12) notify the inbound aircraft operator without delay on the same day as the passenger's arrival of the need to transport a potentially disruptive person, or those who have been subjected to judicial or administrative proceedings; and

(13) the air operator or pilot in command's right to deny carriage based on the air operator's policy concerning the number of such persons that may be transported on a given flight, or when reasonable concerns exist in regard to the safety and security of the flight in question.

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 2414/108-25)
Civil Aviation Safety Authority of Papua
New Guinea
PO Box 1941
Boroko
National Capital District

Delivered: Docket Clerk (NPRM 2414/108-25)
Civil Aviation Safety Authority of Papua
New Guinea
Morea-Tobo Road
Six Mile, Jacksons Airport
Port Moresby NCD

By Fax: Docket Clerk (NPRM 2414/108-25)
3251789 / 325 1919

By Email: Docket Clerk (NPRM 2414/108-25)
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 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:

Taras Garap (Ms.)
Manager Legal Services and acting General Counsel
CASA PNG
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Proposed Rule Amendments

Part 108

Air Operator Security Programme

108.53 Security requirements – domestic air operator

(b) The security procedures required under (a), must detail the means by which—

(5) cargo, catering, courier, and express parcels and mail, COMAIL and COMAT, transfer cargo or mail, special categories of cargo (such as high-value cargo, diplomatic bags, live animals, perishable goods, biomedical samples and vaccines, other perishable medical items, life sustaining items, human remains, nuclear material, etc) intended for carriage on an aircraft are to be subjected to appropriate security controls including supply chain security process or screening requirement for consignment security declaration and thereafter protected from unauthorised interference, from the point of screening until departure of the aircraft; and

(9) ensure that all hold baggage must be screened in accordance with rule 108: ...

(iii) include procedure for all persons and travelling on the specific flight in the hold baggage reconciliation procedure; and

~~shall~~ ensure the use of appropriate screening methods that are capable of detecting the presence of explosives and explosive devices carried by passengers on their persons, in carry-on baggage, or in the hold baggage; and

(18)pre-flight checks of all originating aircraft are undertaken including the discovery of any suspicious objects or anomaly that can conceal a weapon, explosive, or any other dangerous article or substance that may be used to commit an act of unlawful interference; and

(19)an aircraft subject to an aircraft security check or aircraft security search is protected from unauthorised interference, from the time the aircraft security check or aircraft security search has commenced, until the aircraft departs; and

(20) ensure that an aircraft subject to a security check or search is protected from unauthorised interference, from the time the aircraft security check or search has commenced, until the aircraft departs; and

(21)ensure appropriate measures on the ground, or operational procedures are established to mitigate possible attacks against aircraft using MANPADS and other weapons representing a similar threat to aircraft at or near the airport in accordance with a risk assessment carried out by the air operator; and

(c)The procedures required by paragraph (b)(6) shall include procedures to ensure, in relation to the carriage of any potentially disruptive persons, or those who have been subjected to judicial or administrative proceedings, on a commercial air transport operation, that—



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(4) the pilot in command and senior flight attendant, if carried, are notified of the location of, and the security arrangements ~~for~~, and the nature of available documents, for the person; and

~~(1211) give at least 24 hours~~ written notice to the aircraft operator is provided at least 24 hours before the intended departure of a potentially disruptive person, or those who have been subjected to judicial or administrative proceedings; and

~~(1312) notify~~ the inbound aircraft operator is notified without delay on the same day as the passenger's arrival of the need to transport a potentially disruptive person, or those who have been subjected to judicial or administrative proceedings; and

(13) the air operators or pilot in command's have the right to deny carriage based on the air operator's policy concerning the number of such persons that may be transported on a given flight, or when reasonable concerns exist in regard to the safety and security of the flight in question.

108.55 Security requirements – international air operator

(b) The security procedures required under (a), ~~must~~ shall detail the means by which—

(14) pre-flight checks of all originating aircraft are undertaken including the discovery of any suspicious objects or anomaly that can conceal a weapon, explosive, or any other dangerous article or substance that may be used to commit an act of unlawful interference; and

(16) ensure that all hold baggage must be screened in accordance with rule 108: ...

~~(iii) include procedure for all persons~~ and travelling on the specific flight in the hold baggage reconciliation procedure; and

(22) ~~shall~~ ensure the use of appropriate screening methods that are capable of detecting the presence of explosives and explosive devices carried by passengers on their persons, in carry-on baggage, or in the hold baggage; and

(23) aircraft security checks or searches of originating aircraft must be performed based upon a security risk assessment; and

(24) ensure that an aircraft subject to a security check or search is protected from unauthorised interference, from the time the aircraft security check or search has commenced, until the aircraft departs; and

(25) ensure that appropriate measures on the ground or operational procedures are established to mitigate possible attacks against aircrafts using MANPADS, and other weapons representing a similar threat to aircraft at or near the airport in accordance with a risk assessment carried out by the air operator.

(f) The procedures required by paragraph (b)(~~6~~) (8) shall include procedures to ensure that, in relation to the carriage of any potentially disruptive persons, or those who have been subjected to judicial or administrative proceedings, on a regular air transport operation, that—

(4) the pilot in command and senior flight attendant are notified of the location of, and the security arrangements, and the nature of available documents for the person; and

~~(1211) written notice to the air operator~~ is provided at least 24 hours ~~written notice to the aircraft operator~~ before the intended departure of a potentially disruptive person, or those who have been subjected to judicial or administrative proceedings; and



(1312) ~~notify~~ the inbound aircraft operator is notified without delay on the same day as the passenger's arrival of the need to transport a potentially disruptive person, or those who have been subjected to judicial or administrative proceedings; and

(13) the air operators or pilot in command's have the right to deny carriage based on the air operator's policy concerning the number of such persons that may be transported on a given flight, or when reasonable concerns exist in regard to the safety and security of the flight in question.