



**Notice of Proposed Rule Making  
NPRM 2414/121-28  
28 August 2024**

**Part 121  
Air Operations – Large  
Aeroplanes**

**Consequential Amendments  
Nil**

**Docket24/14/CAR121/28  
2024 Rules Review**

Proposed Applicable 04<sup>th</sup> 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 to Civil Aviation Rule (CAR) Part 121.81

## 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 ICAO Standard and Recommended Practices (SARPS) and industry best practice where practicable.

Current CASA PNG Rule 121.81 specifies regulations for admission to the flight deck. This proposal adds an additional requirement sub-paragraph, (b) (4), for any other personnel who intends to occupy a jump seat in the flight deck during passenger operations to receive an approval from the Director.

The adopted legislation is refined into CASA PNG legislation context for standardization.

### 2.2 NPRM Development

This rule amendment intends to align with industry best practice in regards to additional safety measures and consideration for admission to the flight deck.

The legislation is adopted from the Federal Aviation Administration (FAA) Code of Federal Regulations § 121.547(a) (4) – *Admission to Flight Deck*, which states "No person may admit any person to the flight deck of an aircraft unless the person being admitted is, any person who has the permission of the pilot in command, an appropriate management official of the part 119 certificate holder and the Administrator.

The administrator in FAA context is equivalent to the CASA PNG Director, hence the proposal to adopt the legislation into CAR Part 121.81 to fully complement the current CASA PNG legislation for admission to a flight deck.

### 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 rule parts with this new standard



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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

Proposed amendment in this NRPM have no significant deviations from the ICAO SARPS and increases the level of safety within PNG Aviation Safety.

### 3.4 Compliance Costs

Negligible financial impact from this amendment.

## 4. Summary of changes

Additional Subpart added as Rule 121.81 (b) (4) is a holder of a jump seat approval issued by the Director.

## 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:
  - (9) Aeronautical procedures.

The proposed amendment of Part 121 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, 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.



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## 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

Current Rules are aligned with ICAO SARPS.

### 5.2.2 Assisting Economic Development

Efficiency impact: No efficiency implications from this amendment.

### 5.2.3 Assisting Safety and Personal Security

Safety impact: Positive benefit. Safety to the flight deck is enhanced with the introduction of this rule, restricting non-essential and operational personnel to the flight during passenger operation.

### 5.2.4 Improving Access and Mobility

The proposed rule amendments impact on access and mobility have not been assessed.

### 5.2.5 Protecting and Promoting Public Health

The proposed rule amendments impact on protecting and promoting public health have not been assessed.

### 5.2.6 Ensuring Environmental Sustainability

The proposed rule amendments impact on ensuring environmental sustainability have not been assessed.

## 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.



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### 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.

## 7. How to make submission

Submissions may be sent by the following methods:

- By Mail: Docket Clerk (NPRM 2414/121-28)  
Civil Aviation Safety Authority  
PO Box 1941  
Boroko  
National Capital District
- Delivered: Docket Clerk (NPRM 2414/121-28)  
Civil Aviation Safety Authority  
Morea-Tobo Road  
Six Mile, Jacksons Airport  
Port Moresby NCD
- By Email: Docket Clerk (NPRM 2414/121-28)  
[rules@casapng.gov.pg](mailto:rules@casapng.gov.pg)

### 7.1 Final date for submissions

Comments must be received before **COB, 01<sup>st</sup> October 2024.**

### 7.2 Availability of the NPRM

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

**or at a cost from**

Docket Clerk  
Civil Aviation Safety Authority 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  
CASA PNG  
[tgarap@casapng.gov.pg](mailto:tgarap@casapng.gov.pg)  
Ph.: 325 7320      Mob: 70319368



## Proposed Rule Amendments

### Part 121

### Air Operations – Large Aeroplanes

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#### 121.81 Flight compartment admission

- (a) The certificate holder shall ensure at least one forward-facing observer's seat is available in the flight compartment, on each aeroplane performing air operations, that is suitable for the carriage of those persons listed in paragraph (b).
- (b) The certificate holder shall ensure that no person, other than the flight crew members assigned to the flight, is admitted to, or carried in, the flight compartment, or occupies a pilot seat, unless that person is permitted by the pilot-in-command, and is—
  - (1) a crew member; or
  - (2) an authorised representative of the Director; or
  - (3) permitted by the holder of the air operator certificate in accordance with procedures specified in the certificate holder's exposition; and
  - (4) a holder of a jump seat approval issued by the Director.
- (c) The certificate holder shall ensure that all persons admitted to the flight compartment or occupying a pilot seat are familiarised with the appropriate safety procedures specified in the certificate holder's exposition.