



**Notice of Proposed Rule Making
NPRM 2414/109-31
28 August 2024**

**Part 129
Foreign Air Operator - Certification**

**Consequential Amendments
Nil**

**Docket24/14CAR129/31
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 to CAR Part 129, specifically part 129.60 to address an outstanding ICAO Protocol Question (PQ) related to Air Operator Security program.

2. Background to the Proposal

2.1 General Summary

The current CASA PNG Foreign Air Operator Certification (FAOC) rule part 129.60 is partially consistent with current ICAO Annex 17 and National Civil Aviation Security Program (NCASP) requirement for air operators to develop security procedures.

ICAO Annex 17, section 3.3.2 states, each contracting state shall require foreign commercial air transport operators providing service to and from that State to establish, implement and maintain written supplementary station procedures that meet the requirements of the national civil aviation security programme of that State.

This proposed amendment includes rewording the current Part 129.60 rule to specifically include the words **“implement and maintain a written”** between the words shall establish and air operator security programme.

The proposed rule should now read as;

*Each applicant for the grant of a foreign air operator certificate that proposes to conduct an operation to which this Part applies, that is carrying ten or more fare paying passengers shall establish, **implement and maintain a written** air operator security programme that meets the requirements of Part 108.*

2.2 NPRM Development

The above requirement clarifies the rule requirements for Foreign Air Operators Security Programme and additionally addresses an Aviation Security ICAO PQ.

An editorial amendment is also proposed herein, amending the rule 129.60 rule to 129.61 for rule numbering standardization.

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;

3. Issues Addressed during Development

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

3.1 Consequential Amendments

There are nil consequential amendments in this Rule Part:



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3.2 Exemptions

There are no current Exemptions against this Rule Part.

3.3 Compliance Cost

There is minimal or no cost associated with this amendment as most FAOC holders already have established written Foreign Air Operators Security programme.

4. Summary of changes

- (a) Rule 129.60 amended to include words, “, implement and maintain a written” between the words “establish and air operator”-
- (b) Editorial change, amending in the Rule 129.60 to 129.61

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 of Papua New Guinea 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 2414/129-31)
Civil Aviation Safety Authority of Papua New Guinea
PO Box 1941
Boroko
National Capital District

Delivered: Docket Clerk (NPRM 2414/129-31)
Civil Aviation Safety Authority of Papua New Guinea
Morea-Tobo Road
Six Mile, Jacksons Airport
Port Moresby NCD

By Fax: Docket Clerk (NPRM 2414/129-31)
3251789 / 325 1919

By Email: Docket Clerk (NPRM 2414/129-31)
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:

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Subpart B— Foreign Air Transport Operator — Certification Requirements

129.601 Air operator security programme

Each applicant for the grant of a foreign air operator certificate that proposes to conduct an operation to which this Part applies, that is carrying ten or more fare paying passengers shall establish, implement and maintain ~~an~~ written air operator security programme that meets the requirements of Part 108.