



**Notice of Proposed Rule Making  
NPRM 2414/21-04  
28 August 2024**

**Part 21  
Certification of Products and Parts**

**Consequential Amendments  
None**

**Docket24/14/CAR21/04  
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 programmers 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: 13/11/2018	Applicable Date: 02/11/2023	Page 3 of 10
-----------------------------------	-----------------------------	--------------

## Table of Contents

Background to the Civil Aviation Rules .....	2
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.....	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.....	6
6. Submissions on the NPRM.....	7
6.1 Submissions are invited.....	7
6.2 Examination of Submissions .....	7
6.3 Disclosure .....	7
7. How to make a submission.....	8
7.1 Final date for submissions .....	8
7.2 Availability of the NPRM.....	8
7.3 Further information.....	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 proposed amendments to Civil Aviation Rule (CAR) Part 21 to include the requirements for the issue of a Permit to Fly to cater for specialised and short-term aerial work operations within PNG.

## 2. Background to the Proposal

### 2.1 General Summary

The last major amendment to Part 21 was amendment 3, dated 03 November 2023.

This amendment is to make provision in our rules for a Permit to Fly approval system to be introduced to cater for specialised, non-public transport, short-term, aerial work operations within PNG.

### 2.2 NPRM Development

Although “aerial work” is clearly defined in Rule Part 1, and operational rules for ‘aerial work operations’ are prescribed in Part 91 Subpart H -Special Flight Operations, there is no provision in the certification rules that allows CASA to issue an approval for aerial work operations.

Aerial work operations are currently approved through either a Part 119 AOC or a Part 129 FAOC certification. Rules 119 and 129 prescribe safety requirements that may be considered excessive, when considering the purpose and scope of aerial work operations which do not involve the carriage of passengers and is only granted for a short period which may vary from a few days up to 3 months at a time. The Permit to Fly approval would be at a level of safety requirements that is proportional to the level of aerial activity and duration being proposed and under conditions or restrictions considered acceptable to the Director.

The ‘Permit to Fly’ approval would be for aerial work operations in PNG for a short-term period of up to 3 months at any one time and within certain conditions/restrictions prescribed by the Director on the Permit. Furthermore, Aerial work operations may be conducted using both PNG-registered or non-PNG registered aircraft.

A literature review of best practices from other national aviation authorities are doing in the aerial work or similar space found the following:

- CASA Australia grants an Aerial Work Certificate (AWC) under Part 138.
- UK CAA grants a ‘Permit to Fly’ to certain aircraft under CAP 733.
- CAA NZ grants a ‘Adventure Aviation Operator Certificate’ under Part 115 Subpart O - Special Aircraft Operations.

PNG has opted to customize a ‘Permit to Fly’ approval system, that meets our needs and adapts best practices from the UK CAA Permit to Fly framework, to suit our context.

As a signatory to the convention on international civil aviation, Papua New Guinea is committed to aligning its regulations to ICAO SARPS, where practicable.

This amendment does not impose any additional cost on operators.



## 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
- (d) Aircraft maintenance organisations

## 3. Issues Addressed during Development

There were no other issues addressed during this development.

### 3.1 Consequential Amendments

There are no consequential amendments to any other Rule Parts as a result of the amendment to Part 21.

### 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 Annexes:

- Annex 8 – Airworthiness of Aircraft

This proposed rule amendment incorporates requirements for all stake holders to understand and updated information to maintain a standard minimum content prescribed by ICAO.

### 3.4 Compliance Costs

This amendment does not impose any additional cost on operators.

## 4. Summary of changes

The following amendments were proposed:

- (a) New Rule 21.35 (a)(4) added to include a new category of airworthiness certificate for 'Permit to 'Fly'.
- (b) Amend Rule 21.37 to add a missing "(a)".
- (c) Amend Rule 21.37(a)(2) to delete obsolete statement.
- (d) New Rule 21.37(a)(3) added to include a new application form CA 21/07 to enable an applicant to make application for a Permit to Fly.
- (e) Amendment to Rule 21.39(d) to insert the missing word "Flight".
- (f) New Rule 21.39( e) added to prescribe the requirements to be satisfied when applying for a 'Permit to Fly'.
- (g) Delete Rule 21.45(a)(1)(iv) as it is a duplication of Rule 21.45(2).
- (h) New Rule 21.47 that prescribes the Permit to Fly requirements.



Latest Amendment Date: 03/11/2023	Applicable Date: 04/11/2024	Page 6 of 10
-----------------------------------	-----------------------------	--------------

- (i) Delete rule 21.49(d) due to replacement by a newly proposed rule 21.49(d).
- (j) New rules 21.49(d) and 21.49(e) added to facilitate the addition of new Permit to Fly requirements

## 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 21 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 following International Civil Aviation Organization (ICAO) Annexes:

- Annex 8 – Airworthiness of Aircraft



Latest Amendment Date: 03/11/2023	Applicable Date: 04/11/2024	Page 7 of 10
-----------------------------------	-----------------------------	--------------

### **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 identifying the person or persons certifying release to service of an aircraft or aircraft component.

### **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 rules by submitting written data, views, or comments. All submissions will be considered before final action on the proposed rulemaking is taken. If there is a need to make any significant change to the rule requirements in this 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 CASA office.

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.



Latest Amendment Date: 03/11/2023	Applicable Date: 04/11/2024	Page 8 of 10
-----------------------------------	-----------------------------	--------------

## 7. How to make a submission

Submissions may be sent by the following methods:

by Mail: Docket Clerk (NPRM 2414/21-04)  
Civil Aviation Safety Authority  
PO Box 1941  
**BOROKO**  
National Capital District

delivered: Docket Clerk (NPRM 2414/21-04)  
Civil Aviation Safety Authority  
Morea-Tobo Road  
Six Mile, Jacksons Airport  
Port Moresby NCD

by Email: Docket Clerk (NPRM 2312/21-04)  
[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 PNG web site: [www.casapng.gov.pg](http://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:

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

Ph.: 325 7529 Mob: 70319368





## Proposed Rule Amendments

### Part 21

### Certification of Products and Parts

#### Subpart D — Airworthiness Certificates

##### 21.35 Certificate Categories

- (a) The following certificates for an aircraft are granted by the Director under Section 49 of the Act in accordance with the applicable requirements of this Subpart:
- (1) Standard category airworthiness certificate:
  - (2) Restricted category airworthiness certificate:
  - (3) Special Flight Permit:
  - (4) Permit to Fly.

##### 21.37 Application for Certificate

An applicant for the grant of an airworthiness certificate must complete one of the following forms and submit it to the Director with the appropriate application fee prescribed by regulations made under the Act:

- (1) Form CA 21/02 for a standard or restricted category airworthiness certificate:
- (2) Form CA 21/04 ~~or an equivalent acceptable to the Director~~ for a special flight permit:
- (3) Form CA 21/07 for a Permit to Fly.

##### 21.39 Issue of Certificates

- (d) An applicant is entitled to a Special Flight Permit for an aircraft, if the Director is satisfied that -
- (1) the applicable certification requirements under this Subpart are met; and
  - (2) despite any failure of the aircraft to meet applicable airworthiness and maintenance requirements, the level of safety is adequate for one of the following purposes as appropriate:
- (e) flying the aircraft to a base where maintenance is to be performed, or to a place of storage;  
or
- (i) evacuating an aircraft from an area of impending danger; or
  - (ii) demonstrating the eligibility of an aircraft for the issue of an airworthiness certificate.
- (f) An applicant is entitled to a Permit to Fly for an aircraft, if the Director is satisfied that-
- (1) The applicable certification requirements under this Subpart are met; and
  - (2) the level of safety is acceptable to the Director for one of the following aerial work operations as appropriate:
    - (i) aerial survey; or



Latest Amendment Date: 03/11/2023	Applicable Date: 04/11/2024	Page 10 of 10
-----------------------------------	-----------------------------	---------------

- (ii) aerial photography; or
  - (iii) aerial advertisement; or
  - (iv) parachute drop operations; or
  - (v) other aerial work operations acceptable to the Director; and
- (3) the grant of the Permit to Fly is not contrary to the interests of aviation safety.

#### 21.47 **Reserved Permit to Fly requirements**

An applicant for the grant of a Permit to Fly for an aircraft must provide the Director with:

- (1) details of –
  - (i) the purpose of the flight; and
  - (ii) the proposed aerial work flying programme; and the flight crew required to operate the aircraft and its equipment; and
  - (iii) the person to perform pre-flight inspections and the person who will certify the aircraft for release to service in accordance with Part 43; and
  - (iv) the structure of the organisation, including persons who are responsible for supervising the aerial work operations; and
  - (v) the standard operating procedures to be used during the aerial work operations; and
  - (vi) any restrictions the applicant determines necessary for the safety of the aircraft; and
  - (vii) any other information considered necessary by the Director for the purpose of prescribing operating limitations; and
- (2) evidence that the aircraft is –
  - (i) a Papua New Guinea registered aircraft, and in accordance with Part 47 displays an identification plate, nationality and registration marks; or
  - (ii) a non-Papua New Guinea registered aircraft acceptable to the Director; and
- (3) for each aircraft used –
  - (i) the certificate of registration; and
  - (ii) the certificate of airworthiness; and
  - (iii) the certificate of noise compliance; and
  - (iv) the Radio Station Licence; and
  - (vi) the lease arrangement and the names of parties to the lease arrangement; and
- (4) a completed form CA 21/07 with payment of the appropriate fee.

#### 21.49 **Duration of the Certificate**

~~(d) the holder of an airworthiness certificate that has expired under paragraphs (b) or (c) must surrender the certificate to the Director.~~

...

- (d) a Permit to Fly remains in force for the period specified on the Permit, unless the Permit is suspended or revoked.
- (e) the holder of an airworthiness certificate that has expired under paragraph (b) must surrender the certificate to the Director.