

Civil Aviation Rules



**Notice of Proposed Rule Making
NPRM 18 - 18
08 November 2018**

**Part 92
Carriage of Dangerous Goods**

**Docket 18/CAR/92/05
2018 Rules Review**

Proposed Rule Applicable 8 November 2018

Background to the Civil Aviation Rules

The Civil Aviation Rules establish the minimum regulatory safety boundary for participants to gain entry into, operate within, and exit the Papua New Guinea civil aviation system. The Rules are structured in a manner similar to the Civil Aviation Rules of New Zealand and the Federal Aviation Regulations of the USA. Where practicable the Rules also align with the International Civil Aviation Organization Annexes and the regulatory code of the Civil Aviation Safety Authority of Australia.

Rules are divided into Parts and each Part contains a series of individual rules that relate to a particular aviation activity. Advisory Circulars accompany many rule Parts and contain information about standards, practices and procedures that the Director has established to be an Acceptable Means of Compliance (AMC) with the associated rule. An Advisory Circular may also contain guidance material (GM) to facilitate compliance with the rule requirements.

The objective of the Civil Aviation Rules system is to strike a balance of responsibility between, on the one hand, the State and regulatory authority (CASA) 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 while providing the maximum flexibility for the participants to develop their own means of 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, among 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; and
- (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.

Contents

1. Purpose of this NPRM	4
2. Background to the Proposal	4
General Summary	4
NPRM Development	5
Key Stakeholders.....	5
3. Issues Addressed during Development	5
Consequential Amendments	5
Exemptions	5
ICAO SARPS and Level of Risk to Papua New Guinea Aviation Safety.....	5
Compliance Costs	6
Summary of Changes.....	6
4. Legislative Analysis	6
Power to Make Rules.....	6
Matters to be taken into account.....	8
5. Submissions on the NPRM	9
Submissions are invited.....	9
Examination of Submissions	9
Disclosure.....	9
How to make a submission.....	9
Final date for submissions.....	10
Availability of the NPRM:.....	10
Further information.....	10
6. Proposed Rule Amendments	11

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 92.

2. Background to the Proposal

2.1 General Summary

Papua New Guinea Part 92 was amended in September 2017 and became effective on 1 February, 2018. This amendment is to capture amendments to align the rule with ICAO Annex 18 requirements. Not all of the amendment has been considered for inclusion as some of the provisions of the Annex 18 are already in the Papua New Guinea Part 92.

Assessment of Part 92 during the ICAO audit in March 2018, identified that certain provisions such as Entities other than operators and dangerous goods through mail by Designated postal operators have not been incorporated. To align the Rule with the ICAO standards, the following amendments are proposed:

- Entities other than operators:

The proposed amendment will transpose the provision of amendment 11 to Annex 18. The provision strengthens the oversight requirements by clarifying that all entities performing a function as prescribed in Annex 18 and the Technical Instructions for the Safe Transport of Dangerous Goods by Air (Doc 9284) are subject to CASA PNG oversight.

Each Contracting State ~~are~~ is required to establish inspection, surveillance and enforcement procedures for all entities performing any function prescribed in its regulations for air transport of dangerous goods with a view to achieving compliance to those regulations.

These procedures will include provisions for:

- *Inspecting dangerous goods consignments prepared, offered, accepted or transported by the entities referred to in Annex 18;*
- *Inspecting the practices of the entities referred to in Annex 18; and*
- *Investigating alleged violations.*

- Approval of training programmes:

Initial and recurrent dangerous goods training programmes are required to be established and maintained in accordance with the Technical Instructions.

Dangerous goods training programmes required for operators, entities other than operators and designated postal operators should be approved as determined by the appropriate national authority. For designated postal operators, the training programme shall be approved by the civil aviation authority of the state where the mail is being accepted by the designated postal operator.

Operators who are not aware of their dangerous goods training responsibilities pose considerable risks to safety. The new standards will help ensure that all operators understand that they need to establish dangerous goods training programmes regardless of whether or not they are approved to transport dangerous goods.

2.2 NPRM Development

The ICAO ICVM audit resulted in the review and development of the proposed rule amendments in this NPRM:

- The existing rule prescribing requirements for the safe transport of dangerous goods by air need amending and expansion to align with the requirements contained in ICAO Annex 18
- As a signatory to the convention on international civil aviation, Papua New Guinea is committed to aligning its regulations to ICAO SARPS, where practicable. Therefore, international operations will need to remain consistent with the requirements of ICAO Annex 18.

2.3 Key Stakeholders

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

- The Civil Aviation Safety Authority
- The Minister for Transport
- The Ministry for Transport
- The Minister for Civil Aviation
- Aircraft operators

3. Issues Addressed during Development

The only issues addressed during the development of this NPRM is to include the requirements in the amendment to give clarity in identifying the persons or persons certifying release to service following maintenance on an aircraft component which are considered necessary for the continuing airworthiness and maintenance requirements of aircraft.

3.1 Consequential Amendments

There are no other consequential amendments in other Rule Parts.

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 18 – The Safe Transport of Dangerous Goods by Air

This proposed rule amendment incorporates requirements for all air operators and other entities to maintain a standard minimum content prescribed by ICAO.

3.4 Compliance Costs

The proposed amendments do not require aircraft operators and maintenance organisation to install new or additional equipment or component to the aircraft. Therefore, the proposal does not impose any compliance costs and has the potential to reduce costs in the future.

4. Summary of changes

- (1) Inclusion of New Rule 92.1 to reflect changes in respect of oversight of entities other than operators’.
- (2) Rule 92.1 is amended to provide clarity on applicability of Part 92’.
- (3) Rule 92.151 (a) (2) by deletion of “ by operators”’.
- (4) Rule 92.151 (b) is amended’.
- (5) Rule 92.153 is amended’.
- (6) Rule 92.157 is amended to auto correct numbering’.
- (7) Rule 92.155 is amended
- (8) Rule 92.203(a)(b), insertion of words ‘designated postal operators, entities other than operators’ to reflect changes in respect of designated postal operators and oversight of entities other than air operators’.
- (9) Rule 92.203(b), deletion of words ‘person, other than the’.
- (10) Rule 92.205, deletion of words ‘including designated postal operators’.
- (11) Heading of Subpart D is amended by deletion of Operator in the Title to provide clarity in the applicable of Part 92’.

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 allows the Minister to make rules for the purpose of the implementation of Papua New Guinea's obligations under the Convention:
- (b) Section 69(b) which allows the Minister to make rules for the purpose of assisting aviation safety and security, including (but not limited to) personal security:
- (c) Section 69(5) which allows the Minister to make rules that provide for matters to be determined or approved by the Authority, the Director, or any other person or empower the Authority, the Director or any other person to impose requirements, or conditions on the performance of any activity including but not limited to procedures to be followed:
- (d) Section 70(c) which allows the Minister to make rules providing for general operating rules, air traffic rules, and flight rules, including but not limited to the following:
 - (1) the conditions under which aircraft may be used or operated, or under which any act may be performed in or from an aircraft:
 - (2) the prevention of aircraft endangering persons or property.
- (e) Section 72(a) which allows the Minister to make rules for the designation, classification, and certification of all or any of the following:
 - (1) aircraft:
 - (2) aircraft pilots:
 - (3) flight crew members:
 - (4) air traffic service personnel:
 - (5) aviation security service personnel:
 - (6) aircraft maintenance personnel:
 - (7) aviation examiners or medical examiners:
 - (8) air services:
 - (9) air traffic services:
 - (10) aerodromes and aerodrome operators:
 - (11) aeronautical navigation service providers:
 - (12) aviation training organisations:
 - (13) aircraft design, manufacture, and maintenance organisations:
 - (14) aeronautical procedures:
 - (15) aviation security services:

- (16) aviation meteorological services:
 - (17) aeronautical communication services:
 - (18) any other person who provides services in the civil aviation system, and any aircraft, aeronautical products, aviation related services, facilities, and equipment operated in support of the civil aviation system, or classes of such persons, aircraft, aeronautical products, aviation related services, facilities, and equipment operated in support of the civil aviation system:
- (f) Section 70(b) which allows the Minister to make rules for the setting of standards, specifications, restrictions, and licensing requirements for all or any of those persons or things specified in paragraph 70(a) including the specifications of standards of design, construction, manufacture, processing, testing, supply, approval, and identification of aircraft and aeronautical products:
 - (g) Section 70(c) which allows the Minister to make rules setting the conditions of operation of foreign aircraft and international flights to, from, or within Papua New Guinea:
 - (h) Section 70(d) which allows the Minister to make rules for the definitions, abbreviations, and units of measurement to apply within the civil aviation system.

The proposed amendment of Part 43 complies with the requirements of the Civil Aviation Act and does not contravene the Constitution, the Aerodrome (Business Concession) Act, Civil Aviation (Aircraft 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.

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 18 – Safe Transport of Dangerous Goods by Air

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 on the CAA web site and provided to each person who submits a written submission on this NPRM. Submissions may be examined by application to the Docket Clerk at the Civil Aviation Safety Authority Headquarter Building 1, Level 1, Morea Tobo Road, Six Mile, NCD Port Moresby 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.

7. How to make a submission

Submissions may be sent by the following methods:

by Mail: Docket Clerk (NPRM 18-18)
Civil Aviation Safety Authority
PO Box 1941
BOROKO
National Capital District

delivered: Docket Clerk (NPRM 18-18)
Civil Aviation Safety Authority
Morea-Tobo Road
Six Mile, Jacksons Airport
Port Moresby NCD

by Fax: Docket Clerk (NPRM 18-18)
3251789 / 325 1919

by Email: Docket Clerk (NPRM 18-18)
rules@casapng.gov.pg

7.1 Final date for submissions

Comments must be received before 3.30pm, Friday, 28th September 2018.

7.2 Availability of the NPRM

Any person may obtain a copy of this NPRM from-

CASA web site: 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:

Amanda Nambau (Ms)
Manager – Legal Services
CASA PNG
anambau@casapng.gov.pg

Ph: 325 7320;

Mob: 70316205

Subpart A —General

92.1 Applicability

- (a) This Part prescribes rules governing the carriage of dangerous goods by air and shall apply to all persons, including any entity other than an operator, that performs any function described in this Part.
- (b) This Part shall not apply to—
- (1) articles or substances that are—
 - (i) carried on an aircraft to provide medical aid to a patient during flight; or
 - (ii) carried on an aircraft to provide veterinary aid or a humane killer for an animal during flight; or
 - (iii) carried on an aircraft for the purpose of an agricultural aircraft operation; or
 - (iv) required to be aboard an aircraft in accordance with the airworthiness or operational requirements of the Civil Aviation Rules; or
 - (v) approved by the Director to meet special operational requirements; or
 - (vi) part of the emergency or life-saving equipment aboard an aircraft provided by the operator; or
 - (2) aerosols, alcoholic beverages, perfumes, colognes, safety matches and liquefied gas lighters carried by the operator for use or sale aboard an aircraft that carries passengers, during the flight or a series of flights, but this Part shall apply to—
 - (i) disposable gas lighters; and
 - (ii) those lighters liable to leak when exposed to reduced pressure; or
 - (3) dry ice intended for use in food and beverage service aboard the aircraft.
- (c) Articles and substances intended as replacements for those in paragraphs (b)(1)(iv) and (v) shall be carried in accordance with this Part except that, when consigned by operators, aircraft batteries are not subject to a gross mass quantity limitation.

92.3 Definitions

In this Part—

Aerosols means any non-refillable receptacle made of metal, glass, or plastic and containing a gas compressed, liquefied or dissolved under pressure, with or without a liquid, paste, or powder, and fitted with a self-closing release device allowing the contents to be ejected as solid or liquid particles in suspension in a gas, as a foam, paste, or powder, or in a liquid or gaseous state:

Approval means an authorisation granted by the Director for:

- (a) the transport of dangerous goods forbidden on passenger and/or cargo aircraft where the Technical Instructions state that such goods may be carried with an approval; or
- (b) other purposes as provided for in the Technical Instructions.

Cargo aircraft means an aircraft, other than an aircraft that carries passengers, which is carrying goods or property:

Class 1 dangerous goods means—

- (1) explosive substances, except those where the pre-dominant hazard is one appropriate to another class; or
- (2) Explosive articles, except devices containing explosive substances in such quantity or of such a character that their inadvertent or accidental ignition or initiation during transport will not cause any manifestation external to the device by projection, fire, smoke, heat, or loud noise; or
- (3) Substances and articles not mentioned in sub paragraph (1) or (2) which are manufactured with a view to producing a practical explosive or pyrotechnic effect:

Class 2 dangerous goods means—

- (1) compressed gases; or
- (2) liquefied gases; or
- (3) gases in solution; or
- (4) refrigerated liquefied gases; or
- (5) mixtures of gases; or
- (6) mixtures of one or more gases with one or more vapours of substances of other classes; or
- (7) articles charged with a gas; or
- (8) tellurium hexafluoride; or
- (9) aerosols:

Class 3 dangerous goods means flammable liquids, but does not include liquids or mixtures of liquids or liquids containing solids in solution or suspension with a flashpoint of more than 35°Cif—

- (1) they do not sustain combustion when subjected to the method of testing for combustibility given in the Technical Instructions; or
- (2) their fire point according to ISO 2592 is greater than 100°C;or
- (3) they are miscible solutions with a water content of more than 90 % by mass:

Class 4 dangerous goods means—

- (1) solids which, under conditions encountered in transport, are readily combustible or may cause or contribute to fire through friction; or
- (2) self-reactive and related substances which are liable to undergo a strongly exothermic reaction; or
- (3) desensitized explosives which may explode if not diluted sufficiently; or

- (4) substances which are liable to spontaneous heating under normal conditions encountered in transport, or to heating up in contact with air, and being then liable to catch fire; or
- (5) substances which, by interaction with water, are liable to become spontaneously flammable or to give off flammable gases in dangerous quantities:

Class 5 dangerous goods means—

- (1) substances which, although in themselves not necessarily combustible, may generally, by yielding oxygen, cause or contribute to the combustion of other material; or
- (2) organic substances which contain the bivalent —O—O— structure and may be considered derivatives of hydrogen peroxide, where one or both of the hydrogen atoms have been replaced by organic radicals:

Class 6 dangerous goods means—

- (1) substances liable to cause death or injury or harm human health if swallowed, inhaled, or touched; or
- (2) substances containing viable micro-organisms including a bacterium, virus, rickettsia, parasite, fungus, or a recombinant, hybrid or mutant, that are known or reasonably believed to cause disease in humans or animals:

Class 7 dangerous goods mean any material with a specific activity greater than 70kBq/kg:

Class 8 dangerous goods means substances which, in the event of leakage, can—

- (1) cause severe damage by chemical action when in contact with living tissue; or
- (2) materially damage other freight or the means of transport:

Class 9 dangerous goods means articles or substances which, during carriage by air, present a danger not covered by the other classes:

Compressed gas means a gas other than in solution which when packaged under pressure for transport is entirely gaseous at 20°C:

Consignment means one or more packages of dangerous goods accepted by an operator from one shipper at one time and at one address, receipted for in one lot and moving to one consignee at one destination address:

Designated postal operator means any government or non-governmental entity officially designated by a Universal Postal Union (UPU) member country) to operate postal services and to fulfill the related obligations arising from the acts of the UPU Convention on its territory.

Exception means a provision in the ICAO Annex 1 which excludes a specific item of dangerous goods from the requirements normally applicable to that item.

Exemption in regard to this Part, means an authorization, other than an approval, granted by an appropriate national authority providing relief from the provisions of the Technical Instructions

Flammable liquids means—

- (1) liquids or mixtures of liquids or liquids containing solids in solution or suspension, which give off a flammable vapour at temperatures of not more than 60.5°C closed-cup test or not more than 65.6°C open-cup test, normally referred to as the flash point; or
- (2) liquids offered for transport at temperatures at or above their flashpoint:

Gas means a substance which—

- (1) at 50° C has a vapour pressure greater than 300 kPa; or
- (2) is completely gaseous at 20° C at a standard pressure of 101.3kPa:

Gas in solution means compressed gas which when packaged for transport is dissolved in a solvent:

Handling agent means an agency which performs on behalf of the operator some or all of the operator's functions including receiving, loading, unloading, transferring, or other processing of passengers or cargo:

Liquefied gas means a gas which when packaged for transport is partially liquid at 20°C:

Operator means a person engaged in or offering to engage in an aircraft operation:

Overpack means an enclosure used by a single shipper to contain one or more packages and to form one handling unit for convenience of handling and stowage:

Package means the complete product for the packing operation consisting of the packaging and its contents prepared for transport:

Packaging means the receptacle and any other components necessary for the receptacle to perform its containment function and to ensure compliance with the packing requirements of Annex 18 to the Convention:

Packing means the art and operation by which articles or substances are enveloped in wrappings, enclosed in packagings or otherwise secured:

Passenger Aircraft means an aircraft that carries any person other than a crew member, an operator's employee in an official capacity, an authorized representative of an appropriate national authority or a person accompanying a consignment or other cargo.

Postal article has the same meaning as in the Postal Services Act No. 56 of 1996 as amended from time to time:

Proper shipping name means the name—

- (1) used to describe a particular article or substance in all shipping documents and notifications and, where appropriate, on packagings; and
- (2) indicated in Table 2-14 of the Technical Instructions:

Pyrophoric liquid means a liquid which may ignite spontaneously when exposed to air the temperature of which is 55° C or below:

Receptacle means a containment vessel for receiving and holding substances or articles, including any means of closing:

Refrigerated liquefied gas means a gas which when packaged for transport is partially liquid because of its low temperature:

Regular shipper means any person who—

- (1) manufactures or supplies dangerous goods and offers those dangerous goods for carriage by air; or
- (2) provides a service to the public to arrange the offer of dangerous goods for carriage by air:

State of Destination means the state in the territory of which the consignment is finally to be unloaded from an aircraft.

State of Origin means the State in the territory of which the consignment is first to be loaded on an aircraft.

Technical Instructions is the Technical Instructions for the Safe Transport of Dangerous Goods by air (Doc 9284), approved and issued periodically in accordance with the procedure established by the ICAO Council.

UN number means the 4-digit number assigned by the United Nations Committee of Experts on the Transport of Dangerous Goods to identify a substance or a particular group of substances:

Unit load device means any type of freight container, aircraft container, aircraft pallet with a net, or aircraft t pallet with a net over an igloo.

92.5 Classification

Each person who offers a dangerous good for carriage by air shall ensure it has been classified in accordance with the Technical Instructions.

92.7 General carriage requirements

- (a) A person shall not offer or accept dangerous goods for carriage by air unless those goods are classified, documented, certificated, described, packaged, marked, and labelled in accordance with the Technical Instructions, and in the condition for shipment prescribed by the Technical Instructions.
- (b) A person shall not carry dangerous goods by air unless those goods are accepted, handled, and carried in accordance with the Technical Instructions.

92.9 Forbidden dangerous goods

- (a) Except as provided in paragraph (b), a person shall not offer or accept dangerous goods for carriage by air if the dangerous goods are forbidden for carriage by air under the Technical Instructions.
- (b) A person may offer or accept the following forbidden dangerous goods for carriage by air if approved by the Director:

- (1) Articles or substances identified in columns 9 and 10, or 11 and 12, of the Dangerous Goods List in the Technical Instructions as being forbidden, including those articles or substances described as not otherwise specified:
- (2) Substances offered for carriage in a liquid state at temperatures equal to or exceeding 100° C, or in a solid state at temperatures equal to or exceeding 240°C:
- (3) radioactive material contained in—
 - (i) vented Type B(M) packages as defined in the Technical Instructions; or
 - (ii) packages which require external cooling by an ancillary cooling system; or
 - (iii) packages subject to operational controls during carriage:
- (4) packages containing radioactive liquid pyrophoric material:
- (5) packages containing radioactive material which is also explosive:
- (6) infected live animals:
- (7) mercury subject to safety controls during carriage.

92.11 Exceptions

- (a) A member of the Police may carry dangerous goods in an aircraft in the course of that person's duties without complying with this Part if the aircraft is performing an operation solely for Police purposes.
- (b) A person may offer or accept Class 1 or other Class of dangerous goods for carriage by air without complying with this Part if—
 - (1) approval is obtained from the Director; and
 - (2) safety and emergency procedures are established for the carriage of the goods; and
 - (3) the goods are—
 - (i) in a proper condition for carriage by air; and
 - (ii) stowed and secured for safe carriage.
- (c) A person may offer or accept dangerous goods for carriage by air without complying with this Part if—
 - (1) the dangerous goods are carried in an unpressurised aircraft that—
 - (i) has a MCTOW of 5700 kg or less; and
 - (ii) is on a domestic VFR flight; and
 - (2) the dangerous goods are not forbidden under the Technical Instructions for carriage by air in an aircraft that carries passengers; and
 - (3) safety and emergency procedures for the carriage of the dangerous goods are established; and

- (4) each item of dangerous goods is identified; and
- (5) the pilot-in-command is informed of the hazardous nature of the goods; and
- (6) the dangerous goods are—
 - (i) in a proper condition for carriage by air; and
 - (ii) segregated if they are likely to react dangerously together; and
 - (iii) stowed, secured, and, if necessary, packed, to prevent leakage or damage inflight.

92.13 Carriage by passenger or crewmember

A person shall not carry dangerous goods or cause dangerous goods to be carried aboard an aircraft in checked or carry-on baggage or on their person unless permitted by the Technical Instructions.

92.15 Offer of goods

- (a) Each person who offers an article or substance for carriage by air shall—
 - (1) If the article or substance is not a dangerous good, provide the operator with a signed document that—
 - (i) accurately describes the article or substance; or
 - (ii) states that the article or substance is not a dangerous good; or
 - (2) if the article or substance is a dangerous good, comply with Subpart C.
- (b) Paragraph (a)(1) shall not apply to check or carry-on baggage.

92.17 Custody of dangerous goods

- (a) Any dangerous goods offered or accepted for carriage by air that are associated with an accident or incident reported under Part 12 shall be deemed to be in the custody of the Director.
- (b) The Director may—
 - (1) inspect and open any of those goods specified in paragraph (a); and
 - (2) retain samples of the contents for testing and analysis and for evidential purposes.

92.19 Dangerous goods by mail

A person must not permit the introduction of dangerous goods into air transport through the postal services except—

- (1) as provided for in the technical instructions; and
- (2) the designated postal operator's procedures for controlling the introduction of dangerous

goods in mail into air transport must be approved by the Director.

92.21 Entities other than operators

A person including any entity, other than an operator, performing any function prescribed in this Part for the air transport of dangerous goods, shall-

- (1) ensure documented procedures are established in accordance with and meet the requirements of this Part and the Technical Instructions; and
- (2) be acceptable to the Director;

Subpart B—Packaging, Packing, Marking, and Labelling

92.51 Packaging requirements

A person shall not mark, label, certify, or offer a packaging as meeting the requirements of this Part unless the packaging is—

- (1) manufactured, fabricated, marked, maintained, reconditioned, and repaired, as applicable, in accordance with the Technical Instructions; and
- (2) tested in accordance with the Technical Instructions.

92.53 Packing requirements

(a) Each person who packs dangerous goods for carriage by air shall—

- (1) pack the goods in accordance with the Technical Instructions; and
- (2) except where the Technical Instructions otherwise provides, ensure that the packaging—
 - (i) is used as specified in the applicable test; and
 - (ii) conforms in all respects with the design type, including the method of packing and size and type of any inner packagings, which was tested.

(b) Each person who reuses packagings to pack dangerous goods for carriage by air shall ensure that-

- (1) no packaging is reused until it has been inspected and found free from corrosion or other damage; and
- (2) where a packaging is reused, all necessary measures shall be taken to prevent contamination of subsequent contents; and

(c) A person shall ensure that, if, because of the nature of their former contents, uncleaned empty packagings may present a hazard, they shall be tightly closed and treated according to the hazard they constitute; and

(d) A person shall ensure that no harmful quantity of a dangerous substance must adhere to the outside of

packages

92.55 Marking requirements

Each person who marks a package or overpack containing dangerous goods for carriage by air shall mark the package or overpack—

- (1) in accordance with the Technical Instructions; and
- (2) with the following:
 - (i) the proper shipping name of the dangerous goods, and, if appropriate, supplemented with the technical name;
 - (ii) when assigned, the corresponding UN number, preceded by the letters UN;
 - (iii) the name and address of the person who offers the dangerous goods for carriage by air and the consignee;
 - (iv) such other markings as are specified in the Technical Instructions.

92.57 Labelling requirements

Each person who labels a package or overpack containing dangerous goods for carriage by air shall—

- (1) Label each package and overpack in accordance with the Technical Instructions; and
- (2) ensure each hazard label indicates the nature of the hazard—
 - (i) prominently in English, on the lower half of each label; and
 - (ii) in accordance with the Technical Instructions.

Subpart C—Offer of Dangerous Goods

92.101 Applicability

- (a) This Subpart prescribes rules governing the offer of dangerous goods for carriage by air.
- (b) Each person who performs a function required by this Subpart on behalf of the person who offers the dangerous goods for carriage by air, shall perform that function in accordance with this Subpart.

92.103 Offer of dangerous goods

Each person who offers a package or overpack containing dangerous goods for carriage by air shall ensure that—

- (1) the dangerous goods are not forbidden under the Technical Instructions for carriage by air; and
- (2) the dangerous goods are certified in accordance with this Subpart; and
- (3) the dangerous goods are packaged, packed, marked, and labelled in the manner described in Subpart B; and

- (4) when required by the Technical Instructions, the dangerous goods are accompanied by a dangerous goods transport document that has been executed and signed in accordance with rule 92.105; and
- (5) they have otherwise complied with the Technical Instructions.

92.105 Dangerous goods transport document

(a) Each person who offers dangerous goods for carriage by air shall, subject to rule 92.103(4), provide the operator with 2 copies of a completed and signed dangerous goods transport document that—

- (1) accurately describes the dangerous goods in the following order by their—
 - (i) proper shipping name; and
 - (ii) class or, when assigned, division, including for Class 1, compatibility group; and
 - (iii) UN number, if any, preceded by the letters UN; and
 - (iv) where assigned, the appropriate packing group; and
- (2) bears the following declaration signed by the person who offered the dangerous goods for carriage by air:

“I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked, and labelled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations”; and

- (3) complies with any additional requirements prescribed by the Technical Instructions.

(b) The declaration required by paragraph (a)(2) may omit the reference to placarded, where appropriate.

Subpart D —Operator Acceptance, Handling, Storage and Inspection of Dangerous Goods

92.151 Applicability

- (a) This Subpart prescribes rules governing the—
 - (1) acceptance, handling, storage, loading, and inspection of dangerous goods ~~by operators~~; and
 - (2) provision of information ~~by operators~~ concerning dangerous goods.
- (b) ~~Where~~ An operator, or a person who performs a function required by this Subpart on behalf of the operator, ~~that person~~ shall perform the function in accordance with this Subpart.
- (c) Nothing in this Subpart should be interpreted as requiring an operator to carry a particular article or substance or as preventing an operator from imposing special requirements on the carriage of a particular

article or substance.

92.153 Acceptance of dangerous goods

~~An operator~~ person shall not accept for carriage by air a package, overpack, or, where permitted by the Technical Instructions, a unit load device, containing dangerous goods, unless—

- (1) it is accompanied by 2 copies of the dangerous goods transport document prescribed in rule 92.105, except where the Technical Instructions state that such a document is not required; and
- (2) the package, overpack, or unit load device has been—
 - (i) inspected in accordance with rule 92.163; and
 - (ii) marked and labelled in accordance with rule 92.55 and rule 92.57.

92.155 Acceptance check

Each ~~operator~~ person who accepts dangerous goods for carriage by air shall—

- (1) use an acceptance check-list to ensure that—
 - (i) the requirements in rule 92.153 are performed; and
 - (ii) the dangerous goods transport document meets the requirements in rule 92.105; and
- (2) maintain a record of the results of the acceptance check; and
- (3) retain the record required in sub paragraph (2) for a minimum period of 6 months.

92.157 Aircraft loading restrictions

(a) Except as provided in paragraph(b), an operator shall not carry dangerous goods in an aircraft cabin occupied by passengers or on the flight deck of an aircraft.

(b) An operator may—

- (1) permit a passenger or crew member to carry dangerous goods in checked or carryon baggage or on their person if permitted to do so under the Technical Instructions; and
- (2) permit carriage of radioactive material in an aircraft cabin occupied by passengers or on the flight deck of an aircraft if permitted to do so as an excepted package under the Technical Instructions; and
- (3) if performing a domestic operation, carry the following dangerous goods in the cargo compartment of a passenger cabin, where the aircraft is not equipped with a class B cargo compartment:
 - (i) Class 1, Division 1.4 Compatibility Group S explosives:
 - (ii) Class 2, Division 2.2, non-flammable, non-toxic gas:
 - (iii) Class 3, flammable liquids, Packing Group III:
 - (iv) Class 4, Division 4.1, flammable solids, Packing Group III:
 - (v) Class 5, Division 5.1, oxidising substances, Packing Group III:
 - (vi) Class 6, Division 6.1, poisonous substances, Packing Group III:

- (vii) Class 7, radioactive materials loaded in compliance with the minimum separation distances:
- (viii) Class 8, Packing Group III substances:
- (ix) Class 9, miscellaneous goods.

~~(b)~~(c) An operator may carry dangerous goods in a main deck cargo compartment of an aircraft that carries passengers if the compartment meets all certification requirements for a class B cargo or baggage compartment.

~~(e)~~(d) Each operator who accepts dangerous goods for carriage by air shall load packages of dangerous goods bearing the Cargo Aircraft Only label on cargo aircraft.

92.159 Incompatible dangerous goods

An operator who accepts dangerous goods for carriage by air shall not stow packages containing dangerous goods which might react dangerously together, next to each other or in a position that would allow interaction between them in the event of leakage.

92.161 Separation, segregation, and security

Each operator who accepts dangerous goods for carriage by air shall—

- (1) stow packages of poisons and infectious substances in accordance with the Technical Instructions; and
- (2) stow radioactive materials separate from persons, live animals, and undeveloped film in accordance with the Technical Instructions; and
- (3) protect the dangerous goods loaded on an aircraft from being damaged; and
- (4) secure such goods in the aircraft in a manner that will prevent any movement in flight which would change the orientation of the packages.

92.163 Loading inspection

An operator shall not load—

- (1) A package or over pack containing dangerous goods onto an aircraft or into a unit load device unless it has been—
 - (i) inspected immediately prior to loading; and
 - (ii) found free from evidence of leakage or damage; and
- (2) a unit load device onto an aircraft until the device has been—
 - (i) inspected immediately prior to loading; and
 - (ii) found free of any evidence of leakage from, or damage to, any dangerous goods contained within.

92.165 Unloading inspection

Each operator who carries a package or overpack containing dangerous goods by air shall inspect the package or over pack for signs of damage or leakage when unloading from the aircraft or unit load device.

92.167 Removal of damage or leakage

Where evidence of damage or leakage is found when unloading an aircraft, the operator shall—

- (1) Inspect the area of the aircraft where the dangerous goods or unit load device was stowed for damage or contamination; and
- (2) remove any hazardous contamination.

92.169 Infectious substances

Where any package containing infectious substances loaded on an aircraft appears to be damaged or leaking, the operator shall—

- (1) avoid handling the package or keep handling to a minimum; and
- (2) inspect adjacent packages for contamination and put aside any that may be contaminated; and
- (3) inform the appropriate public health authority or veterinary authority and provide information on any other countries of transit where any persons may have been exposed to danger; and
- (4) notify the consignor or the consignee.

92.171 Radioactive material

Each operator who carries dangerous goods by air shall, where the aircraft has been contaminated by radioactive materials—

- (1) immediately take the aircraft out of service; and
- (2) not return the aircraft into service until the radiation level at any accessible surface and the remaining contamination does not exceed the values specified in the Technical Instructions.

92.173 Information to pilot-in-command

(a) Each operator of an aircraft in which dangerous goods are to be carried shall, before the departure of the aircraft, provide the pilot-in-command of the aircraft with written information concerning those goods in accordance with the Technical Instructions.

(b) The operator shall ensure that the information in paragraph (a) is—

- (1) readily available to the pilot-in-command during the flight; and
- (2) presented on a form designed for, and only used for, this purpose.

(c) Each operator of an aircraft in which dangerous goods are being carried that require a dangerous goods transport document to be completed under rule 92.105 shall, before the departure of the aircraft, provide the pilot-in-command of the aircraft with information for use in emergency response to accidents

and incidents involving the dangerous goods being carried.

(d) The operator shall ensure that the information required in paragraph (c) is readily available to the pilot-in-command during the flight.

(e) The operator shall ensure that the information required in paragraph (c) is that provided by—

- (1) The current ICAO Doc 9481 Emergency Response Guidance for Aircraft Incidents Involving Dangerous Goods; or
- (2) any other document which provides similar information concerning the dangerous goods being carried.

92.174 Information from pilot-in-command to aerodrome authorities

A pilot-in-command involved in an in-flight emergency must, as soon as the situation permits, inform the appropriate air traffic services unit, for the information of aerodrome authorities, of any dangerous goods on board the aircraft, as provided for in the Technical Instructions.

92.175 Information to employees

Each operator shall provide such information to their employees and, where applicable, their handling agent, as will enable them to carry out their responsibilities with regard to the carriage of dangerous goods including—

- (1) instructions on action to be taken in emergencies arising involving the dangerous goods; and
- (2) such other information as specified in the Technical Instructions.

92.177 Information in cargo acceptance areas

(a) Each operator shall display notices to the public at cargo acceptance areas providing information about the carriage of dangerous goods.

(b) The notices in paragraph (a) shall be—

- (1) sufficient in number; and
- (2) prominently displayed.

92.179 Information to passengers

(a) Each operator shall inform passengers of the type of goods that they are prohibited from carrying aboard an aircraft.

(b) The information required by paragraph (a) shall, where practical, be provided—

- (1) by notices sufficient in number and prominently displayed—
 - (i) at each location where tickets are issued and baggage checked; and
 - (ii) in each aircraft boarding and baggage claim area; and

- (2) with the passenger ticket.

92.180 Information in the event of aircraft accident or incident

- (a) Each operator in the event of an aircraft accident or a serious incident where dangerous goods are carried as cargo may be involved, shall:
 - (1) provide information, without delay, to emergency services responding to the accident or serious incident about the dangerous goods on board, as shown on the written information to the pilot-in-command; and
 - (2) provide this information, as soon as possible, to the appropriate authorities of the State of the Operator and the State in which the accident or serious incident occurred; and
- (b) Each operator in the event of an aircraft incident, where dangerous goods are carried as cargo may be involved shall, if requested to do so;
 - (1) provide information, without delay, to emergency services responding to the incident; and
 - (2) to the appropriate authority of the State in which the incident occurred, about the dangerous goods on board, as shown on the written information to the pilot-in-command

92.181 Custody by operator

Where the operator is in possession of dangerous goods that are deemed to be in the custody of the Director under rule 92.17, the operator—

- (1) shall take all reasonable precautions to secure the goods until they are in the possession of the Director; and
- (2) may release the goods taken into custody when the Director states that they are no longer needed for inspection, testing, analysis, or evidential purposes.

Subpart E —Training

92.201 Applicability

This Subpart prescribes rules governing the dangerous goods training requirements for—

- (1) regular shippers of dangerous goods and their agents; and
- (2) operators who accept dangerous goods for carriage by air; and
- (3) handling agents who accept dangerous goods for carriage by air; and
- (4) agencies, organisations and persons, other than operators, involved in processing or carrying by air either passengers or cargo; and
- (5) agencies engaged in the security screening of passengers and their baggage.

92.203 Dangerous goods training programmes

- (a) Each holder of an air operator certificate issued under Part 119, designated postal operators, entities

other than operators or the certificate holder's handling agent shall ensure that personnel assigned duties involving dangerous goods have satisfactorily completed a dangerous goods training programme, including recurrent training under rule 92.205 where applicable, in accordance with Appendix A conducted by—

- (1) the certificate holder where the holder is authorised to provide training for those personnel; or
- (2) the holder of an aviation training certificate issued under Part 141.

(b) Each ~~person, other than the~~ holder of an air operator certificate, designated postal operators, entities other than operators or the certificate holder's handling agent, shall ensure that personnel assigned duties involving dangerous goods have satisfactorily completed a dangerous goods training programme, including recurrent training under rule 92.205 where applicable, in accordance with Appendix A conducted by the holder of—

- (1) an aviation training certificate issued under Part 141; or
- (2) a current International Air Transport Association dangerous goods training programme Certificate of Accreditation.

(c) The operator of a Papua New Guinea registered aircraft in a foreign State is not required to comply with paragraph (a) where the loading and unloading of aircraft is performed by personnel of that State who—

- (1) are supervised by a person who has completed the training requirements under rule 92.203; or
- (2) have satisfactorily completed a dangerous goods training programme required by that State; or
- (3) have satisfactorily completed a dangerous goods training programme conducted by—
 - (i) another operator that is a member airline of the International Air Transport Association; or
 - (ii) the holder of a current International Air Transport Association dangerous goods training programme Certificate of Accreditation.

(d) The operator or handling agent of a foreign registered aircraft in Papua New Guinea is not required to comply with paragraph (a) if the personnel who are assigned dangerous goods duties have satisfactorily completed a dangerous goods training programme required by the State of the aircraft's registry.

(e) The dangerous goods training programme including recurrent training under rule 92.205 shall be approved by the Director.

92.205 Recurrent training

Each person who is required under rule 92.203 to have completed a dangerous goods training programme

~~including designated postal operators, shall—~~

- (1) Within 2 years of completing the programme, undertake a recurrent dangerous goods training programme; and
- (2) Repeat the recurrent dangerous goods training programme at intervals not exceeding 2 years; and
- (3) For dangerous goods instructors, undertake dangerous goods acceptance recurrency at intervals not exceeding 2 years.

92.207 Personnel records

- (a) Each person to whom this Subpart applies shall retain a record, for every person assigned duties involving dangerous goods, for the duration of the person's employment.
- (b) The record required to be retained under paragraph (a) shall identify for each person—
 - (1) the initial training programme and last recurrent training undertaken; and
 - (2) when it was undertaken; and
 - (3) the identity of the person and organisation that conducted the training; and
 - (4) the result and competence achieved.

92.209 Dangerous Goods Instructor requirements

- (a) A person performing the functions of a Dangerous Goods Training Instructor must:
 - (1) satisfactorily complete a dangerous-goods acceptance training course; and
 - (2) satisfactorily complete a course in instructional techniques; and
 - (3) have experience in the function to which the training relates.
- (b) A person holding a current IATA dangerous goods training accreditation is not required to meet the requirements of paragraph (a).

Appendix A—Dangerous Goods Training Programme

Each dangerous goods training programme undertaken by a person shall be commensurate with the duties involving dangerous goods assigned to that person and include—

- (1) general familiarisation training, aimed at providing familiarity with the general provisions; and
- (2) function-specific training, providing detailed training in the requirements applicable to the

function for which the person is responsible; and

- (3) safety training, covering the hazards presented by dangerous goods, safe handling and emergency response procedures; and
- (4) the following applicable subject matter:

Category of Personnel	Subject Matter
Operator acceptance personnel	Papua New Guinea legislation; classification of dangerous goods; prohibitions; packing instructions; labelling and marking; dangerous goods transport document(s) operator responsibilities; shipper responsibilities; emergency procedures
Personnel engaged in the ground handling storage and loading of dangerous goods	General philosophy; labelling and markings; handling and loading procedures; compatibility; emergency procedures
Passenger handling personnel and security staff who screen passengers and baggage	General philosophy; Papua New Guinea legislation; dangerous goods prohibited; exceptions for passengers; general label identification
Flight crew members	General philosophy; Papua New Guinea legislation; labelling and marking; pilots notification; emergency procedures; compatibility; loading procedures
Crew members other than flight crew members	General philosophy; Papua New Guinea legislation; dangerous goods prohibited; exceptions for passengers; general label identification; emergency procedures
Packers	Classes of dangerous goods; list of dangerous goods; general packing requirements; equivalents; specific packing instructions; labelling and marking
Regular shippers and their agents	Classification of dangerous goods; list of dangerous goods' prohibitions; packing instructions; labelling and marking; shippers responsibilities; dangerous goods transport document