



## **CIVIL AVIATION SAFETY AUTHORITY OF PNG**

**PNG**

**Civil Aviation Rule**

**Part 12**

**Accidents, Incidents and Statistics**

Applicable 13 November 2018

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**DESCRIPTION**

Part 12 prescribes rules for the –

- notification, investigation, and reporting of accidents and incidents,
- preservation of aircraft, aircraft contents, and aircraft records following an accident or serious accident, and
- reporting of aircraft operating and statistical data.

## BULLETIN

This Part first came into force on 1 January 2004 and now incorporates the following amendments:

<b>Amendment</b>	<b>Effective Date</b>
Amendment 1	1 January 2011
Amendment 2	1 April 2015
Amendment 3	13 November 2018

### *Summary of amendments:*

**Amendment 3:**

(Docket 18/CAR/12/05)

Rule 12.101(b) is amended for consistency with s.246 of the *Civil Aviation Act 2000* (as amended).

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## Subpart A — General

### 12.1 Purpose

- (a) Subject to paragraph (b) this Part prescribes rules for the —
- (1) notification, investigation, and reporting of accidents and incidents; and
  - (2) preservation of aircraft, aircraft contents, and aircraft records following an accident or serious incidents; and
  - (3) reporting of aircraft operating and statistical data.
- (b) This Part does not apply to an incident that is associated with unmanned balloons, kites, rockets, and model aircraft operated under Part 101.

### 12.3 Definitions

In this Part—

**AIC** means the Accident Investigation Commission, which is established by section 218 of the Act:

**Fatal injury** means any injury which results in death within 30 days of the accident:

**Prosecution investigation** means an investigation carried out to establish whether an offence against the Act has been committed:

**Serious injury** means any injury that is sustained by a person in an accident and that—

- (1) requires hospitalization for more than 48 hours, commencing within seven days from the date the injury was received; or
- (2) results in a fracture of any bone, except simple fractures of fingers, toes, or nose; or
- (3) involves lacerations which cause severe haemorrhage, nerve, muscle, or tendon damage; or
- (4) involves injury to an internal organ; or
- (5) involves second or third degree burns, or any burns affecting more than 5% of the body surface; or
- (6) involves verified exposure to infectious substances or injurious radiation.

## Subpart B — Notification, Investigation, and Reporting, of Occurrences

### 12.51 Notification of accident

- (a) Each pilot-in-command of an aircraft that is involved in an accident or, if that person is fatally or seriously injured, or if the aircraft is missing, the operator, shall notify the Authority of the accident without delay and by the quickest possible means.
- (b) The notification under paragraph (a) shall be in a manner acceptable to the Authority and contain, where ascertainable, the—

- (1) date and time of the accident; and
- (2) nature of the accident; and
- (3) type, nationality, and registration marks of the aircraft; and
- (4) names of the aircraft owner and operator; and
- (5) position or last known position of the aircraft with reference to an easily defined geographical point; and
- (6) name of the pilot-in-command of the aircraft; and
- (7) type of operation; and
- (8) last point of departure of the aircraft; and
- (9) next point of intended landing of the aircraft; and
- (10) description of the sky condition, precipitation, wind velocity, and visibility; and
- (11) number of persons on board the aircraft; and
- (12) number of crew and passengers killed or seriously injured as a result of the accident; and
- (13) number of persons killed or seriously injured as a result of the accident that were not crew or passengers; and
- (14) details of damage to the aircraft.

### **12.53 Details of accident**

(a) The pilot-in-command of an aircraft that is involved in an accident or, if that person is fatally or seriously injured, the operator, shall provide the occurrence details requested on form CA005 to the Authority within 3 working days of the accident—

- (1) on form CA005; or
- (2) by a means acceptable to the Authority.

(b) The details required by paragraph (a) shall include a statement by each flight crew member who was on the aircraft at the time of the accident, detailing the facts, conditions, and circumstances relating to the accident.

(c) Where a flight crew member is incapacitated, the statement required by paragraph (b) shall be submitted as soon as the flight crew member is able.

### **12.55 Notification of incident**

(a) A holder of a certificate issued in accordance with the following Parts must notify the authority as soon as practicable of any associated incident if the certificate holder is involved in the incident and the incident is a serious incident or an immediate hazard to the safety of aircraft operations: —

- (1) Parts 119, 129 and 137 – aircraft incident or dangerous goods incident;

- (2) Part 172 – airspace incident;
  - (3) Parts 171 and 174 – facility malfunction incident;
  - (4) Parts 47, 119, 129, 145, 146, and 148 – defect incident;
  - (5) Parts 119, 129, 139, 140, 171 and 172 — security incident;
  - (6) Part 139 – aerodrome incident;
  - (7) Parts 139, 171, 174 and 175 – promulgated information incident.
- (b) A person who is involved in an incident that is a serious incident or an immediate hazard to the safety of aircraft operations must notify the Authority of the incident as soon as practicable, if the person -
- (1) operates, maintains, services, or does any other act in respect of any aircraft, aeronautical product, or aviation related service; and
  - (2) is not employed by, or associated with, the certificate holder referred to in paragraph (a).
- (c) A pilot-in-command of an aircraft that is involved in an airspace incident or a bird incident shall notify the Authority of the incident as soon as practicable.
- (d) The notification of an incident required by paragraphs (a), (b), and (c) must be conveyed by a means acceptable to the Authority and contain, where ascertainable, information in accordance with following:
- (1) for airspace incidents, Appendix A (a); or
  - (2) for defect incidents, Appendix A(b); or
  - (3) for facility malfunction incidents, Appendix A(c); or
  - (4) for aircraft incidents, Appendix A(d); or
  - (5) for security incidents, Appendix A(e); or
  - (6) for promulgated information incidents, Appendix A(f); or
  - (7) for aerodrome incidents, Appendix A(g); or
  - (8) for dangerous goods incidents, bird incidents, or any other incident, Appendix A(h).

### **12.57 Details of incident**

- (a) Notwithstanding the notification of a serious incident or an immediate hazard to the safety of an aircraft operation under rule 12.55, the following persons who are involve in an incident must provide the Authority with the applicable details of the incident in accordance with information requested on the applicable form specified in paragraph (b) (1):
- (1) a holder of a certificate referred to in 12.55(a):
  - (2) a person referred to in rule 12.55(b):
  - (3) pilot-in-command referred to in 12.55(c).
- (b) A person who is required under paragraph (a) to provide the Authority with details of an

incident must provide those details within 3 working days of the incident—

- (1) on form CA005; or
- (2) by another means acceptable to the Authority.

### **12.59 Investigation and reporting**

(a) A holder of a certificate referred to under rule 12.55(a) who is required to provide details of an incident to the Authority under rule 12.57 must, unless otherwise notified by the Authority—

- (1) subject to section 248(3) of the Act, conduct an investigation to identify the facts relating to its involvement in the incident and establish, so far as those facts will allow, the cause or causes of the incident; and
- (2) on completion of the investigation, submit a report of the investigation to the Authority no later than 90 days after the incident—
  - (i) on form CA005; or
  - (ii) by a means acceptable to the Authority; and
- (3) advise the Authority of any actions taken to prevent recurrence of a similar incident.

(b) Notwithstanding paragraph (a) (2), a holder of an aviation document may obtain the Director's approval to submit a completed report later than 90 days where the nature and complexity of the investigation is such that a longer period is justified.

### **12.61 Confidentiality of persons submitting information**

The Authority shall, when confidentiality is requested by a person submitting information under 12.55 or 12.57—

- (1) as soon as practicable, remove any information that might reveal the identity of the source; and
- (2) not make any other record of the information removed under subparagraph (1).

### **12.63 Non-prosecution**

The Authority shall not use or make available for the purpose of prosecution investigation or for prosecution action any information submitted to it by a person under this Part unless—

- (1) the information reveals an act or omission that caused unnecessary danger to any other person or to any property; or
- (2) false information is submitted; or
- (3) the Authority is obliged to release the information pursuant to a statutory requirement or by order of a competent Court.



## Subpart C — Preservation of Aircraft, its Contents, and Records

### 12.101 Access to aircraft involved in an accident

- (a) Except as provided in the Section 246 of the Act, and paragraphs (b) and (c), no person shall access, interfere with, or remove, an aircraft or its contents that is involved in an accident unless authorised to do so by the Commission.
- (b) Subject to the limitations contained Section 246 of the Act, the Commission may, for the purpose of its investigation, access, inspect, secure, or remove, an aircraft or its contents that is involved in an accident.
- (c) A person may, subject to paragraph (d)—
- (1) remove persons or livestock from the aircraft or wreckage; or
  - (2) protect the aircraft, wreckage, or contents, including mail or cargo, from further damage; or
  - (3) disconnect or deactivate any cockpit voice recorder, flight data recorder, or emergency location transmitter; or
  - (4) prevent obstruction to the public or to air navigation where no practical alternative is available.
- (d) Any aircraft wreckage, mail, or cargo removed under paragraph (c) shall—
- (1) be moved only so far as necessary to ensure its safety; and
  - (2) be kept in separate distinct areas to indicate from which part in the aircraft it has been taken; and
  - (3) where possible, have sketches, descriptive notes, and photographs made of their original position and any significant impact marks.

### 12.103 Preservation of records

- (a) Each holder of a certificate of registration of an aircraft that is involved in a serious incident or accident shall preserve all records, including all recording media maintained for the operation and maintenance of the aircraft, for at least 30 days after the serious incident or accident unless otherwise notified by the Authority.
- (b) Each holder of a certificate issued under—
- (1) Part 171 that is involved in a facility malfunction incident or an accident; or
  - (2) Part 172 that is involved in an airspace incident or an accident—

shall preserve all records, including log entries, electronic recordings, technical and other relevant data relating to the incident or accident for at least 30 days after the incident or accident unless otherwise notified by the Authority.

### 12.105 Retention of defective products and components

A holder of a certificate of registration for an aircraft, and a holder of a certificate issued in accordance with Part 144, Part 145, Part 146 or Part 148 who is required to submit a defect incident report to the Authority under rule 12.59(2) must retain the defective products or component that is associated with the defect incident for at least 30 days after submitting the report unless otherwise notified by the Authority.

## Subpart D — Statistics

### 12.151 Aircraft operating statistics

- (a) Each operator of a Papua New Guinea registered aircraft issued with a standard or restricted category airworthiness certificate shall submit aircraft operating and statistical data in accordance with the frequency and due dates listed in Table 1 for aircraft performing hire or reward operations and Table 2 for aircraft performing operations not for hire or reward:
- (1) the registration marks;
  - (2) for aircraft used on international air transport operations, the hours flown and the number of flights carrying passengers and cargo only flights;
  - (3) for aircraft used on domestic air operations, the hours flown and the number of flights:
    - (i) carrying passengers between two different aerodromes;
    - (i) originating and ending at the same aerodrome without an intermediate landing;
    - (ii) carrying cargo only.
  - (4) for aircraft used on other operations, the hours flown.
- (b) The reports required by paragraph (a) shall be submitted—
- (1) on form CAA605; or
  - (2) by a means acceptable to the Director.

**Table 1** Reporting periods for aircraft performing hire or reward operations:

Report	Period Covered	Due Date
1st Quarter	1 Jan through 31 Mar	1 May
2nd Quarter	1 Apr through 30 Jun	1 Aug
3rd Quarter	1 Jul through 30 Sep	1 Nov
4th Quarter	1 Oct through 31 Dec	1 Feb

**Table 2** Reporting periods for aircraft performing operations not for hire or reward:

Report	Period Covered	Due Date
Annual	1 Jan through 31 Dec	15 Feb

### 12.153 Confidentiality of statistical reports

- (a) The Authority or any person employed by the Authority shall not communicate to any person outside the Authority any information provided in statistical reports that identifies any individual aircraft operator except—
- (1) with the consent of the aircraft operator; or
  - (2) in accordance with Article 67 of the Convention; or
  - (3) pursuant to a statutory requirement.
- (b) The Authority may provide to the Council of the International Civil Aviation Organization statistics that relate to international air transport operations.

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**Appendix A — Information Required for Initial Notification of Incidents Preservation of Aircraft, its Contents, and Records**

- (a) **Airspace incident** – The following information is required for notification under 12.55(d)(1):
- (1) date and time of the incident;
  - (2) brief description of events;
  - (3) aircraft nationality, registration, radio call sign, flight number, and type;
  - (4) name of the aircraft operator;
  - (5) aircraft position and altitude;
  - (6) name of the pilot-in-command;
  - (7) phase of flight;
  - (8) effect on flight;
  - (9) flight rules under which the aircraft was operating;
  - (10) aircraft point of departure and destination;
  - (11) location, type, and class of airspace, and the ATS unit involved;
  - (12) any other relevant information submitted by the pilot concerned.
- (b) **Defect incident** – The following information is required for notification under 12.55(d)(2):
- (1) date and time the incident was detected;
  - (2) brief description of events;
  - (3) aircraft nationality, registration, and type;
  - (4) name of the aircraft operator;
  - (5) location of the aircraft, part, or equipment at the time of the incident;
  - (6) phase of flight;
  - (7) effect on flight;
  - (8) aircraft point of departure and destination;
  - (9) name of the manufacturer of the aircraft, part, or equipment, and where appropriate, the part number, its modification standard, and its location on the aircraft;
  - (10) description of the incident, its effects, and any other relevant information;
  - (11) whether the person or organisation making the notification has instituted an investigation into the defect and expected time of completion;
  - (12) name, organisation, and contact details of the person notifying the incident.

- (c) **Facility malfunction incident** – The following information is required for notification under 12.55(d)(3):
- (1) date and time of the incident;
  - (2) brief description of events;
  - (3) aircraft nationality, registration, radio call sign, flight number, and type;
  - (4) name of the aircraft operator;
  - (5) aircraft position and altitude;
  - (6) name of aerodrome and runway used;
  - (7) name of the pilot-in-command;
  - (8) phase of flight;
  - (9) effect on the flight;
  - (10) identification, type, name, frequency, and provider of the aeronautical telecommunication facility involved;
  - (11) whether the person or organisation making the notification has instituted an investigation into the incident and, if so, expected time of completion;
  - (12) name, organisation, and contact details of the person notifying the incident.
- (d) **Aircraft incident** – The following information is required for notification under 12.55(d)(4):
- (1) date and time of the incident;
  - (2) brief description of events;
  - (3) aircraft nationality, registration, radio call sign, flight number, and type;
  - (4) name of the aircraft operator;
  - (5) aircraft position and altitude;
  - (6) phase of flight;
  - (7) if applicable, name of aerodrome and runway used;
  - (8) effect on the flight;
  - (9) name of the pilot-in-command;
  - (10) type of operation being conducted;
  - (11) number of persons on board the aircraft;
  - (12) name, organisation, and contact details of the person notifying the incident.

- (e) **Security incident** – The following information is required for notification under 12.55(d)(5):
- (1) date and time of the incident;
  - (2) brief description of events;
  - (3) aircraft nationality, registration, radio call sign, flight number, and type;
  - (4) name of the aircraft operator;
  - (5) aircraft position and altitude or place of incident;
  - (6) name of the aerodrome or aeronautical telecommunication facility if applicable;
  - (7) name of the pilot-in-command;
  - (8) phase of flight;
  - (9) effect on the flight;
  - (10) type of operation being conducted;
  - (11) name, organisation, and contact details of the person notifying the incident.
- (f) **Promulgated information incident** – The following information is required for notification under 12.55(d)(6):
- (1) date and time the incident was discovered;
  - (2) brief description of events;
  - (3) name of the publication, map, or chart;
  - (4) information that gave rise to the incident;
  - (5) name, organisation, and contact details of the person notifying the incident.
- (g) **Aerodrome incident** – The following information is required for notification under 12.55(d)(7):
- (1) date and time of the incident;
  - (2) brief description of events;
  - (3) name of the aerodrome;
  - (4) description and the location of the reported defect or obstruction;
  - (5) name, organisation, and contact details of the person notifying the incident.
- (h) **Dangerous goods, bird or other incidents** – The following information is required for notification under 12.55(d)(8):
- (1) date and time of the incident;
  - (2) brief description of events;
  - (3) name, organisation, and contract details of the person notifying the incident.