



**Notice of Proposed Rule Making
NPRM 18/06-25
1 April 2019**

**Part 108
Air Operator Security Programme**

**Docket 18/06/CAR108/25
2018-2019 Rules Review**

Proposed Rule Applicable 1 April 2019

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 72 of the Act allows the Minister to make ordinary rules for any of the following purposes:

- (a) The implementation of Papua New Guinea's obligations under the Convention;
- (b) To provide for a safe, sustainable, effective and efficient aviation services;
- (c) The provision of aviation meteorological services, search and rescue services and civil aviation security programmes and services;
- (d) Assisting aviation safety and security, including but not limited to personal security;
- (e) Assisting economic development;
- (f) Improving access and mobility;
- (g) Protecting and promoting public health;
- (h) Ensuring environmental sustainability;
- (i) Any matter related or reasonably incidental to any of the following:
 - (1) The Minister's functions and role under section 8 of the Act;
 - (2) The Authority's general objects and functions under section 11 of the Act;
 - (3) The Authority's functions in relation to safety under section 12 of the Act; and
 - (4) The Director's functions and powers under section of 17 the Act
 - (5) The Director's powers under section 52A, 53 and 54 of the Act
- (j) Any other matter contemplated by any provision of the Act.

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1. Purpose of this NPRM

The purpose of this Notice of Proposed Rulemaking (NPRM) is to put forward for consideration the proposed amendments to Civil Aviation Rule (CAR) Part 108.

2. Background to the Proposal

2.1 General Summary

When Part 108 was last updated in February 2018, it did not include the air operator security components during its review. There have been changes to aviation security requirements in the recent Amendment 16 to ICAO Annex 17 and this proposal is to bring the rule up to date with the latest amendment (Amdt 16) to Annex 17.

In our review of the need for amendment to Part 108, consideration has been given to whether it is appropriate to permit the air operator to allow the baggage of a passenger who has failed to board to be carried on a flight, noting there would be little or no mitigation of the risk based on how the bag has been treated since acceptance at check-in. This is specifically not allowed for in international flights and it is proposed that this restriction be extended to domestic flight within Papua New Guinea.

It is further proposed that domestic air operators have a procedure for the relocation of a bomb or suspicious object to a least-risk location. This proposal will align with the 108.55(b)(3) requirement for international flights. It is considered that the current rule 108.53(b)(12) is an inconsistent application of ICAO Annex 17 security measures.

There is a further inconsistent application of security measures in rule 108.55(b)(9) – international flights, and CASA considers that the same requirement be inserted in the rule to require domestic operators to have a procedure for the management of baggage left on board an aircraft during transit flights to be consistent with Annex 17 security measures. New Rule 108.53(b)(13) is inserted. The proposal would not place an onerous requirement to the operator apart from an amendment to the air operator security program, to require the procedure to be included under 108.53(b) for domestic air operators.

Rule 108.53(c) and 108.55(f) are amended to include additional statement to provide added clarity to air operators when drafting their air operator security procedures relating to persons requiring escort on flights.

Rule 108.53(b)(5) and 108.55(b)(7) are amended to include an additional statement to give added clarity to air operators when drafting their air operator security procedures on measures to secure catering and other supply chain security processes. This will align the current rule to comply with A.17 (Amdt 16) standard 4.6.6 and 4.6.7.

The reference in rule 108.55(b)(13) is meant to ensure that the checked baggage of a passenger who has failed to board the flight is not carried on that flight. The additional reference to rule 108.55(b)(17) infers that the checked baggage of a ‘no show’ passenger can be authorized. That is **not** the intent. Therefore, it is proposed to amend rule 108.55(b)(13) to ensure that the checked baggage of a passenger who has failed to board the flight, is not carried on that flight unless the baggage is expedite baggage and is authorised.

Rule108.55(f) is amended to correct a typo error.

Rule 108.55(h) contravenes Annex 17 standard 4.5.4 which requires all transfer baggage to be screened unless a validation process is established for the screening at the point of origin. It is counterintuitive. In view of this contravention, it is proposed to amend Rule 108.55(h) to align the rule with the Annex 17 Standard 4.5.4 which requires all transfer baggage to be screened unless a validation process is established for the screening at the point of origin.

It is proposed to insert new rule 108.57(b) to reflect the transfer of requirements for the conduct of an aircraft search from rule 140 appendix A.3 to rule 108.57.

Rule 108.165 is a straight adoption from the New Zealand Rule Part and relates specifically to the different treatment of Australian and New Zealand Air Operator Certificate holders due to the ANZAS Treaty. It has not relevance to PNG's operating environment and it is proposed that this rule is deleted.

It is proposed to insert a new appendix A.1 - Aircraft search. This is transferred from rule part 140 appendix A.3.

The proposed amendment to Part 108 will ensure that PNG applies the ICAO Annex 17 security measures and standards consistently across both its domestic or international flights.

Some minor corrections are also included in this amendment.

2.2 NPRM Development

As a signatory to the convention on international civil aviation, Papua New Guinea is committed to aligning its regulations to ICAO SARPS, where practicable. NPRM development are therefore triggered by the amendments of various Annexes to the Convention on international aviation and in PNG's effort to ensure compliance rules are developed and proposed to ensure that international operations is consistent with the international requirements of ICAO Annexes. The development of this NPRM is a result of amendment 16 to Annex 17.

2.3 Key Stakeholders

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

- (1) The Civil Aviation Safety Authority
- (2) The Minister for Transport
- (3) The Minister for Civil Aviation
- (4) Aviation Document holders
- (5) Other stakeholders

3. Issues Addressed during Development

The were no major issues addressed during the development of this NPRM.

3.1 Consequential Amendments

The rule change will have consequential amendments to Part 140.

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 Annex and guidance material:

- Annex 17 – Security
- ICAO GM Doc 8973.

3.4 Compliance Costs

The proposed amendments do not impose any direct compliance costs on air operators.

4. Summary of changes

Amendment to not allow the baggage of a passenger on a domestic flight who has failed to board to be carried, require air operators operating domestic flights to have a procedure for the relocation of a bomb or suspicious object to a least-risk location, require domestic operators to have a procedure for the management of baggage left on board an aircraft during transit flights.

Additional inclusions of Annex. 17 standards. Changes to ensure that the checked baggage of a passenger, who has failed to board the flight, is not carried on that flight and the transfer of requirements for the conduct of an aircraft search from rule 140.

Minor amendments to correct a typo.

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, Environmental Act and the Cybercrime Code 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 17 – Security

5.2.2 Assisting Economic Development

The proposed rule amendments will have no detrimental impact on economic development, and in some cases will reduce costs incurred by the aviation industry.

5.2.3 Assisting Safety and Personal Security

The proposed rule amendments will maintain safety levels in respect to clarifying and maintaining common standards of definitions, abbreviations and units of measurements used throughout the industry.

5.2.4 Improving Access and Mobility

The proposed rule amendments will have no impact on access and mobility.

5.2.5 Protecting and Promoting Public Health

The proposed rule amendments will have no impact on protecting and promoting public health.

5.2.6 Ensuring Environmental Sustainability

The proposed rule amendments will have no impact on environmental sustainability.

6. Submissions on the NPRM

6.1 Submissions are invited

Interested persons are invited to participate in the making of the proposed 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 CA 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 18/06-25)
Civil Aviation Safety Authority
PO Box 1941
BOROKO
National Capital District

delivered: Docket Clerk (NPRM 18/06-25)
Civil Aviation Safety Authority
Morea-Tobo Road
Six Mile, Jacksons Airport
Port Moresby NCD

by Fax: Docket Clerk (NPRM 18/06-25)
3251789 / 325 1919

by Email: Docket Clerk (NPRM 18/06-25)
rules@casapng.gov.pg

7.1 Final date for submission

Comments must be received before **15:00 local time on 15 March 2019.**

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
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Ph: 325 7320

Mob: 70316205

The 2018 Part 108 is repealed and replaced by amendments made to certain provisions within the Rule as proposed in the NPRM

Subpart A — General

108.1 Purpose

This Part prescribes rules governing the air operator security programme required by Part 119 and Part 129.

108.3 Definitions

In this Part, unless the context otherwise requires—

Domestic air operator means an air operator who conducts regular air operations within Papua New Guinea.

International air operator means an air operator who conducts regular air operations to or from Papua New Guinea.

Subpart B — Air Operator Security Programme Requirements

108.51 Air operator security programme

Each air operator security programme shall contain—

- (1) where any work relating to compliance with this Part is intended to be contracted out to any other organisation, the contractual provisions by which the applicant for an air operator certificate or a foreign air operator certificate ensures that any such contractor or other agent complies with the requirements of the applicant's air operator security programme; and
- (2) details of the person responsible for training personnel in accordance with the procedures required by 108.59; and
- (3) details of the procedures required by—
 - (i) 108.53 regarding domestic security requirements; and
 - (ii) 108.55 regarding international security requirements; and
 - (iii) 108.57 regarding the clearance of aircraft flights; and
 - (iv) 108.59 regarding the training of personnel; and
 - (v) 108.61 regarding incident notification and reporting.

108.53 Security requirements – domestic air operator

(a) Each air operator security programme for a domestic air operator shall have security procedures for flights within PNG to safeguard passengers, crew, ground personnel, aircraft, and facilities, against acts of unlawful interference.

(b) The security procedures required under (a), shall detail the means by which—

- (1) the requirements of 91.9 are complied with, regarding the carriage of firearms on board an aircraft; and

- (2) danger to the air operator's passengers, crew, and ground personnel in the event of a hijacking, bomb threat, or any other threat of unlawful interference is minimised; and
- (3) access to unattended aircraft is controlled at all times to prevent unlawful interference with such aircraft; and
- (4) access to security areas or security enhanced areas of security designated aerodromes and operational areas at other aerodromes within PNG, through the air operator's facilities or any other access used by the air operator for passengers, personnel, baggage, cargo, freight, or aircraft supplies is controlled; and
- (5) cargo, catering, courier, and express parcels and mail intended for carriage on an aircraft are to be subjected to appropriate security controls including supply chain security process or screening and thereafter protected until loaded on to the aircraft in order to prevent the introduction of any weapon, substance, or other device which may be used to commit an act of unlawful interference; and
- (6) the safe conduct of any flight is to be achieved and the pilot-in-command notified, where one or more persons on board are potentially disruptive passengers required to travel on that aircraft because they are in legal custody, or subject to other judicial or administrative proceedings, whether or not they are required to be escorted; and
- (7) the air operator and the pilot-in-command ~~are to assess the risk and decide whether~~ shall off-load a passenger's baggage that is on board an aircraft is to be carried on the flight if the passenger has failed to board the aircraft; and
- (8) before boarding an air operator's aircraft, every passenger, crew member, and the carry-on baggage of the passengers and crew members is screened in accordance with rule 108.63 if the Director requires screening in order to prevent a weapon, explosive, or other dangerous device, article or substance that may be used to commit an act of unlawful interference being taken onto the air operator's aircraft; and
- (9) before being loaded onto an air operator's aircraft, all baggage that is not carry-on baggage is screened in accordance with rule 108.63 if the Director requires screening in order to prevent a weapon, explosive, or other dangerous device, article or substance that may be used to commit an act of unlawful interference being loaded onto the air operator's aircraft; and
- (10) temporary security measures will be implemented to upgrade the security of the air operator's services if the Director finds or suspects an increased level of security risk to a person on an aircraft, or to an aircraft or an aerodrome and requires the additional security measures for a domestic operation; and
- (11) an unauthorised person is prevented from entering the flight crew compartment of the air operator's aircraft during flight; and
- (12) ensure appropriate steps are taken to minimise the threat to civil aviation operations, including measures to prevent, respond to and rectify cyber-attacks and corruption of information technology systems
- (13) action to be taken to relocate the bomb or suspicious object to the least-risk bomb location specific to the aircraft following an in-flight search; and
- (14) carry on items left in the cabin by a passenger disembarking from a transit flight are removed from the aircraft or otherwise dealt with in an appropriate manner before the flight departs unless-

- the passenger screening process of the flight's originating airport is acceptable to the Director; or
- the flight is making an unscheduled stop.

(c) The procedures required by paragraph (b)(6) shall include procedures to ensure, in relation to the carriage of any person in legal custody or subject to other judicial or administrative proceedings, whether or not they are required to be escorted on a regular air transport passenger service, that—

- (1) the person is escorted; and
- (2) the escort confirms that the person is not carrying any item that may be used as a weapon; and
- (3) the escort is equipped with adequate devices for restraining the person; and
- (4) the pilot-in-command and senior flight attendant, if carried, are notified of the location of, and the security arrangements for, the person; and
- (5) alcoholic beverages are not served to the person or their escort; and
- (6) metal utensils are not provided for the person's use; and
- (7) the person is not seated in a seat or seat row next to an emergency exit; and
- (8) the person is seated appropriately to ensure safe conduct of the flight is achieved; and
- (9) no more than one person in custody is carried on an aircraft with a certificated seating capacity of less than 20 seats and no more than one additional person in custody is carried for every additional 25 seats of certificated seating capacity.

108.55 Security requirements – international air operator

(a) Each air operator security programme for an international air operator shall have security procedures for flights within, to, or from Papua New Guinea to safeguard passengers, crew, ground personnel, aircraft, and facilities, against acts of unlawful interference.

(b) The security procedures required under (a), shall detail the means by which—

- (1) the requirements of 91.9 are complied with, regarding the carriage of firearms on board an aircraft; and
- (2) danger to the air operator's passengers, crew, and ground personnel in the event of a hijacking, bomb threat, or any other threat of unlawful interference is minimised; and
- (3) action to be taken to relocate the bomb or suspicious object to the least-risk bomb location specific to the aircraft following an in-flight search; and
- (4) access to unattended aircraft is controlled at all times to prevent unlawful interference with such aircraft; and
- (5) access to security areas or security enhanced area of designated aerodromes and operational areas at other aerodromes within PNG, through the air operator's facilities or any other access used by the air operator for passengers, personnel, baggage, cargo, freight, or aircraft supplies is controlled; and
- (6) temporary security measures are implemented to upgrade the security of the air operator's services within and from Papua New Guinea if the Director finds or suspects an increased level of security risk to any person on an aircraft, or to an aircraft or aerodrome and requires additional security measures; and

- (7) subject to paragraph (c), appropriate security controls including supply chain security process or screening and thereafter protected until loaded on to the aircraft in order are applied to baggage, cargo, catering, courier parcels and mail intended for carriage on the air operator's aircraft; and
- (8) the safe conduct of a flight is to achieved and the pilot-in-command notified, if one or more persons on board are potentially disruptive passengers who are required to travel on that aircraft because they are in lawful custody, or subject to other judicial or administrative proceedings, whether or not they are required to be escorted; and
- (9) carry on items left in the cabin by a passenger disembarking from a transit flight are removed from the aircraft or otherwise dealt with in an appropriate manner before the flight departs unless-
 - (i) the passenger screening process of the flight's originating State is acceptable to the Director; or
 - (ii) the flight is making an unscheduled stop; and
- (10) appropriate security controls are applied to cargo, baggage, mail, aircraft supplies, catering supplies, stores, and other air operator's supplies which are moved within an aerodrome for carriage on the air operator's aircraft; and
- (11) every consignment of a package that is not cargo or mail but is intended for carriage on an air operator's aircraft, (whether unaccompanied or using commercial courier services) is screened; and
- (12) before boarding an air operator's aircraft, every passenger, crew member, and the carry-on baggage of the passengers and crew members is screened in accordance with rule 108.63 in order to prevent a weapon, explosive, or other dangerous article or substance that may be used to commit an act of unlawful interference being taken onto the air operator's aircraft; and
- (13) baggage from a passenger who is not on the aircraft is prevented from being carried unless the baggage is expedite baggage and is authorised as required under paragraph (17); and
- (14) pre-flight checks of originating aircraft are undertaken, including procedures for discovering any suspicious object or anomaly that can conceal a weapon, explosive, or any other dangerous article or substance that may be used to commit an act of unlawful interference; and
- (15) security control is provided for baggage from the point where it is checked in until it is placed on board the air operator's aircraft, if the baggage is for carriage on a passenger flight and has originated from a place other than an airport check-in counter; and
- (16) before being loaded onto an air operator's aircraft, every item of baggage that is not carry-on baggage is screened in accordance with rule 108.63 in order to prevent a weapon, explosive, or other dangerous article or substance that may be used to commit an act of unlawful interference being loaded onto the air operator's aircraft; and
- (17) only baggage that is authorised by the air operator is carried; and
- (18) an unauthorised person is prevented from entering the flight crew compartment of the air operator's aircraft during flight; and
- (19) ensure appropriate steps are taken to minimise the threat to civil aviation operations, including measures to prevent, respond to and rectify cyber-attacks and corruption of information technology systems

- (c) An air operator must not allow cargo or mail to be loaded onto an aircraft carrying passengers unless—
- (1) the cargo or mail is received from a regulated air cargo agent and the consignment of cargo or mail is—
 - (i) accompanied by a declaration of security issued by the regulated air cargo agent; and
 - (ii) checked by the air operator to ensure that the consignment has not been tampered with; or
 - (2) if the air operator accepts the cargo or mail from a person who is not a regulated air cargo agent, the cargo or mail is subjected to appropriate security controls, in accordance with paragraph (d); or
 - (3) Notwithstanding paragraphs (1) and (2), if the Minister or the Director requires the cargo or mail to be screened, the cargo or mail must be screened in accordance with the requirement and has been maintained in a secure state.
- (d) If the air operator is to accept cargo or mail from a person who is not a regulated air cargo agent, the air operator must establish appropriate facilities and procedures that are equivalent to those required under the following rules to ensure that the security controls required in paragraph (c)(2) meet the requirements of Part 109:
- (1) rule 109.53 (Facility requirements):
 - (2) rule 109.55 (Cargo and mail security control procedures):
 - (3) rule 109.57 (Screening procedures):
 - (4) rule 109.59 (Authorisation procedures):
 - (5) rule 109.61 (Procedures and register for a known customer):
 - (6) rule 109.63 (Training of personnel):
 - (7) rule 109.65 (Cargo security incidents):
 - (8) rule 109.67 (Records).
- (e) Details of the facilities and procedures required under paragraph (d) must be included in the air operator's security programme required under rule 108.65, Part 119 or Part 129.
- (f) The procedures required by paragraph (b)(78) must include procedures to ensure that, in relation to the carriage of a person in lawful custody or subject to other judicial or administrative proceedings, whether or not they are required to be escorted on a regular air transport passenger service,—
- (1) the person is escorted, if so required; and
 - (2) the escort confirms that the person is not carrying any item that may be used as a weapon; and

- (3) the escort is equipped with adequate devices for restraining the person; and
- (4) the pilot-in-command and senior flight attendant are notified of the location of, and the security arrangements for, the person; and
- (5) alcoholic beverages are not served to the person or the person's escort; and
- (6) metal utensils are not provided for the person's use; and
- (7) the person is not seated in a seat or seat row next to an emergency exit; and
- (8) the person is seated appropriately to ensure safe conduct of the flight is achieved; and
- (9) no more than one person in custody is carried on an aircraft with a certificated passenger seating capacity of 20 seats or less and no more than one additional person in custody is carried for each additional 25 seats of certificated passenger seating capacity.

(g) If a domestic air operator undertakes passenger or baggage check-in on behalf of an international air operator, or for transshipment onto an international regular air transport passenger service, the international air operator must ensure that the domestic air operator complies with the international air operator's security programme.

(h) Paragraph (b)(16) does not apply to international transfer and transit baggage, unless ~~the Minister or Director requires such baggage to be screened~~ the Director has established a validation process and continuously implements procedures, in collaboration with other Contracting State where appropriate, to ensure that such hold baggage has been screened at the point of origin and subsequently protected from unauthorized interference from the originating airport to the departing aircraft at the transfer airport.

- (1) The requirements of paragraph (c)(1) and (2) do not apply to—
 - (i) diplomatic mail that is carried in a diplomatic bag that is externally marked to identify its character and is accompanied by signed documentation from an official of the dispatching diplomatic agency; or
 - (ii) international transfer and transit cargo or mail.

108.57 Security clearance of flights

(a) Each air operator security programme shall have a procedure to ensure that the security programme applicable to the flight is complied with before an aircraft is permitted to depart on that flight.

(b) The holder of an air operator certificate shall carry out aircraft search in accordance with Appendix A.1.

108.59 Training of personnel

- (a) Each air operator security programme shall have a procedure to ensure that—
 - (1) crew members act in the most appropriate manner to minimise the consequences of acts of unlawful interference; and must include the following elements:
 - (i) crew determination of the seriousness of any occurrence; and

- (ii) crew communication and coordination; and
 - (iii) appropriate self-defense responses by the crew; and
 - (iv) use of non-lethal protective devices by crew members; and
 - (v) crew understanding of behavior of terrorists so as to facilitate their own ability to cope with hijacker behavior and passenger responses; and
 - (vi) live situational training exercises regarding various threat conditions; and
 - (vii) flight crew compartment procedures to protect the aeroplane; and
 - (viii) aeroplane search procedures and guidance on least bomb-risk locations where practicable; and
- (2) personnel tasked with security procedures detailed in the security programme are sufficiently trained to competently apply preventative measures and techniques in relation to passengers, baggage, cargo, mail, equipment, stores and supplies intended for carriage on an aircraft, so that they contribute to the prevention of unlawful interference; and
 - (3) all other personnel employed in the maintenance and servicing of the aircraft have a basic awareness of air operator and aviation security.
 - (4) the training is conducted in a structured and coordinated manner by a person authorised by the air operator; and
 - (5) every person who is required to be trained undertakes the recurrent training segment of the training programme at an interval of not more than 3 years.
- (b) The procedures required by paragraph (a) must contain-
- (1) applicable segments for initial training and recurrent training; and
 - (2) knowledge testing or competency assessment as appropriate for the training conducted; and
 - (3) syllabi for each applicable security control function.

108.60 Records

An air operator security programme must have procedures for identifying, collecting, indexing, storing, maintaining and disposing of the records that are necessary to provide an accurate record for every person who is required to be trained under rule 108.59, including details of:

- (1) each segment of training that is undertaken; and
- (2) knowledge testing or competency assessment as appropriate for the training conducted.

108.61 Incident notification

Each air operator security programme shall have a procedure for notification of, and providing details about, any security incident involving the air operator's aircraft to the Director in accordance with Part 12.

108.63 Screening

The screening of passengers, crew members, and baggage as required by rules 108.53 and 1208.55 must be conducted –

- (1) in the case of aircraft operating from or within Papua New Guinea, or under the direct supervision of , the Aviation Security Service, or the holder an aviation security service certificate issued in accordance with Part 140; and
- (2) in the case of a Papua New Guinea registered aircraft operating from aerodromes outside Papua New Guinea, by an organisation authorised by the appropriate authority of the state of departure to conduct screening.

108.65 ~~Air operator security programme~~ Reserved

~~(a) A holder of a air operator certificate issued under Part 119 and required to established a security programme under rule 119.69 must establish, implement and maintain a written air operator security programme that meets the relevant requirements of this Part.~~

~~(b) The security programme required by paragraph (a) must—~~

- ~~(1) identify the person or persons in Papua New Guinea who are responsible for compliance with this Part; and~~
- ~~(2) specify responsibilities of the person or persons referred to in paragraph (1), including the matters for which that person or persons would deal directly with the Director on behalf of the air operator certificate holder.~~

~~(c) A holder of an air operator certificate under paragraph (a) must—~~

- ~~(1) ensure that the security programme is amended so as to remain a current description of the holder's operations to, from, or within Papua New Guinea; and~~
- ~~(2) ensure that each amendment made to the holder's security programme meets the applicable requirements of this Part and complies with the amendment procedures contained in the security programme.~~

~~(d) A holder of an air operator certificate under paragraph (a) must notify the Director in writing within 7 days of a change to any of the following:~~

- ~~(1) The holders security programme;~~
- ~~(2) The person or persons referred to in paragraph (b);~~
- ~~(3) The responsibilities of the person or persons referred to in paragraph (b).~~

Subpart C – Transition Provisions

108.101 Transition

Transition provisions detailed in Part 20 apply to this Part.

Appendix A – Security Operational Standards

A.1 Aircraft search

- (a) The holder of an air operator certificate shall ensure that, when its aviation security officers carry out an aircraft search, the search—
- (1) includes passenger seating, overhead lockers, floor areas, toilets, and other areas to which passengers on previous services could have had ready access; and
 - (2) is of sufficient intensity to discover any restricted article that has been concealed or otherwise introduced on board.
- (b) The certificate holder shall ensure that, when a flight that is assessed to be a high risk flight—
- (1) the aircraft is subjected to a complete search by its aviation security officers; and
 - (2) the search is carried out in a planned manner using the operator’s search check-list for that aircraft; and
 - (3) the search is of sufficient intensity to discover any restricted article that has been concealed or otherwise introduced on board.
- (c) The certificate holder shall—
- (1) ensure that a record is made of each search carried out under paragraph (a) or (b), that includes details of—
 - (i) the names of the officers carrying out the search; and
 - (ii) any restricted articles found; and
 - (iii) any disposal action taken; and
 - (2) carry out tests or checks, to confirm—
 - (i) the thoroughness of any search of an aircraft required to be searched, within each 28 day cycle; and
 - (ii) the proficiency of each aviation security officer carrying out unscreened or high risk aircraft searches, within each 150 day cycle, in accordance with the recurrent testing provisions of A.25.