



**Notice of Proposed Rule Making
NPRM 19/07-38
8 November 2019**

Part 141

**Aviation Training Organisations-
Certification and Operation**

**Docket 19/07CAR141/38
2019 Rules Review**

Proposed Rule Applicable 8th November 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 regulatory code of the Civil Aviation Safety Authority of Australia.

Rules are divided into Parts and each Part contains a series of individual rules which relate to a particular aviation activity. Advisory Circulars accompany many rule Parts and contain information about standards, practices and procedures that the Director has 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, the Civil Aviation Safety Authority of PNG (CASA PNG) and, on the other hand those who provide services and exercise privileges in the civil aviation system. This balance must enable the State and regulatory authority to set standards for, and monitor performance of aviation participants whilst providing the maximum flexibility for the participants to develop 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, amongst other things, participants to carry out their activities safely and in accordance with the relevant prescribed safety standards and practices.

Section 69 of the Act allows the Minister to make ordinary rules for any of the following purposes:

- (a) The implementation of Papua New Guinea's obligations under the Convention;
- (b) To provide for a safe, sustainable, effective and efficient aviation services;
- (c) The provision of aviation meteorological services, search and rescue services and civil aviation security programmes and services;
- (d) Assisting aviation safety and security, including but not limited to personal security;
- (e) Assisting economic development;
- (f) Improving access and mobility;
- (g) Protecting and promoting public health;
- (h) Ensuring environmental sustainability; 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 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 Rules (CAR) Part 141.

2. Background to the Proposal

2.1 General Summary

The 'Description' paragraph of the current Part 141 effective 01 May 2016 states:

*“Part 141 does not in itself prescribe which training courses and assessments require the holder of a Part 141 certificate to have.
It is other CAR Parts which will require the holding of a Part 141 certificate in order to meet the requirements of those other Parts.”*

Rule 141.1(a) is therefore amended to ensure this is stated clearly in the 'Purpose' rule.

2.2 NPRM Development

Costs associated with this NPRM have not been assessed.

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 Minister for Civil Aviation
- PNG Air Services Limited
- Aviation Search and Rescue Organisations

3. Issues Addressed during Development

The NPRM development addresses the legislative gaps against Annex 12 and will contain the standards and requirements for oversight of the service provider as well as meeting the intent of the CA Act.

3.1 Consequential Amendments

There are no consequential amendments this NPRM will have on other Civil Aviation Rules.

3.2 Exemptions

There will be no filing of difference to ICAO as a result of this NPRM.

3.3 ICAO SARPS and Level of Risk to Papua New Guinea Aviation Safety

The proposed rule amendments will increase the level of safety.

3.4 Compliance Costs

The proposed amendment coming into force will not impose additional requirements. Therefore, no additional cost is foreseen resulting from this NPRM.

4. Summary of changes

Rule 141.1(a) Amended to clarify that other Parts will specify the requirement for a Part 141 certificate.

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 1 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

No ICAO, standards were required in the proposed rule amendment.

5.2.2 Assisting Economic Development

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

5.2.3 Assisting Safety and Personal Security

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

5.2.4 Improving Access and Mobility

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

5.2.5 Protecting and Promoting Public Health

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

5.2.6 Ensuring Environmental Sustainability

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

6. Submissions on the NPRM

6.1 Submissions are invited

Interested persons are invited to participate in the making of the proposed rule amendment by submitting written data, views, or comments. All submissions will be considered before final action on the proposed rule amendment is taken. If there is a need to make any significant change to the rule requirements in the proposal as a result of the submissions received, then interested persons may be invited to make further submissions.

6.2 Examination of submissions

All submissions will be available in the rules docket for examination by interested persons both before and after the closing date for submissions. A consultation summary will be published with final rule.

Submissions may be examined by application to the Docket Clerk at the Civil Aviation Safety Authority between 8:30 am and 3:30 pm, on weekdays, except statutory holidays.

6.3 Disclosure

Submitters should note that any information attached to submissions will become part of the docket file and will be available to the public for examination at the Civil Aviation Safety Authority offices.

Submitters should state clearly if there is any information in their submission that is commercially sensitive or for some other reason the submitter does not want the information to be released to other interested parties.

7. How to make submission

Submissions may be sent by the following methods:

By Mail: Docket Clerk (NPRM 19/07-38)
Civil Aviation Safety Authority
PO Box 1941
BOROKO
National Capital District

Delivered: Docket Clerk (NPRM 19/07-38)
Civil Aviation Safety Authority
Morea-Tobo Road
Six Mile, Jacksons Airport
Port Moresby NCD

By Fax: Docket Clerk (NPRM 19/07-38)
3251789 / 325 1919

By Email: Docket Clerk (NPRM 19/07-38)
rules@casapng.gov.pg

7.1 Final date for submissions

Comments must be received before **COB on 27th September, 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:

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The following rule Part repeals the 2016 rules.

Subpart A — General

141.1 Purpose

(a) This Part prescribes rules governing the certification and operation of organisations conducting aviation training and assessments that are required by Civil Aviation Rules to be conducted by an organisation certificated under this Part.

(b) The following certificates are issued under this part:

- (1) Standard Aviation Training Organisation Certificate:
- (2) Restricted Aviation Training Organisation Certificate.

141.3 Application for certificate

An applicant for the grant of an aviation training organisation certificate shall complete form CAA 141/01 and submit it to the Director with payment of the appropriate application fee prescribed by regulations made under the Act, together with—

- (1) for a standard aviation training organisation certificate, the exposition required by 141.63; or
- (2) for a restricted aviation training organisation certificate, the information required by 141.151(b).

141.5 Issue of certificate

(a) An applicant is entitled to a standard aviation training organisation certificate if the Director is satisfied that—

- (1) the applicant, and any senior person or persons required by 141.51(a)(1) and (2), are fit and proper persons; and
- (2) the applicant meets the requirements of Subpart B; and
- (3) the granting of the certificate is not contrary to the interests of aviation safety.

(b) An applicant is entitled to a restricted aviation training organisation certificate if the Director is satisfied that—

- (1) the applicant is a fit and proper person; and
- (2) the applicant meets the requirements of 141.151; and
- (3) the granting of the certificate is not contrary to the interests of aviation safety.

141.7 Privileges of certificate

The aviation training organisation certificate specifies the training courses and assessments that the holder is authorised to conduct.

141.9 Duration of certificate

(a) A standard aviation training organisation certificate may be granted or renewed for a period of up to 5 years.

(b) A restricted aviation training organisation certificate may be granted for the period required to conduct a one-off training course.

- (c) An aviation training organisation certificate remains in force until it expires or is suspended or revoked.
- (d) The holder of an aviation training organisation certificate that is revoked must immediately surrender the certificate to the Director.
- (e) The holder of an aviation training organisation certificate that is suspended must immediately produce the certificate to the Director for appropriate endorsement.

141.11 Renewal of certificate

- (a) An application for the renewal of a standard aviation training organisation certificate shall be made on form CAA 141/01.
- (b) The application shall be submitted to the Director before the application renewal date specified in the certificate or, if no such date is specified, not less than 30 days before the certificate expires.

141.13 Specification for Approval

The specification for an aviation training organization certificate shall contain at least-

- (1) details of the physical location of the certificate holder's principal base of operations; and
- (2) the certificate holder's address for service in Papua New Guinea; and
- (3) date of issue and period of validity; and
- (4) terms of the approval.

Subpart B — Standard Certification Requirements

141.51 Personnel requirements

- (a) An applicant for the grant of a standard aviation training organisation certificate shall engage, employ or contract:
 - (1) a senior person identified as the Chief Executive who has the authority within the applicant's organisation to ensure that all training courses and assessments conducted by the organisation can be financed and carried out in accordance with the requirements prescribed by this Part; and
 - (2) a senior person or group of senior persons who are responsible for ensuring that the applicant's organisation complies with the requirements of this Part. Such nominated person or persons shall be ultimately responsible to the Chief Executive; and
 - (3) sufficient personnel to plan, conduct, and supervise the training courses and assessments listed in the applicant's exposition:
- (b) The allocation of senior person responsibilities shall be appropriate to the structure of the applicant's organisation and acceptable to the Director.
- (c) An applicant shall ensure that each person conducting aviation training or assessments, that are required by Civil Aviation Rules to be conducted by an organisation certificated under this Part, has a combination of qualifications and experience greater than the level of qualification being taught or assessed.

(d) The applicant shall establish a procedure for initially assessing, and a procedure for maintaining, the competence of those personnel conducting the training courses and assessments listed in the applicant's exposition.

141.53 Facility requirements

An applicant for the grant of a standard aviation training organisation certificate shall provide facilities and resources appropriate to the training courses and assessments listed in the applicant's exposition.

141.55 Documentation

(a) An applicant for the grant of a standard aviation training organisation certificate shall hold current copies of all relevant technical standards and practices and any other documentation that is necessary for the provision of the training courses and assessments listed in the applicant's exposition.

(b) The applicant shall establish procedures to control the documentation required by paragraph (a). The procedures shall ensure—

- (1) all documentation is reviewed and authorised by appropriate personnel before issue; and
- (2) current issues of relevant documentation are available to personnel for the provision of training courses and assessments listed in their exposition; and
- (3) all obsolete documentation is promptly removed from all points of issue or use; and
- (4) changes to documentation are reviewed and approved by appropriate personnel.

141.57 Training courses and assessments

(a) An applicant for the grant of a standard aviation training organisation certificate shall establish procedures for conducting the training courses and assessments listed in the applicant's exposition.

(b) The procedures shall ensure that—

- (1) training courses meet the applicable syllabus requirements of the Civil Aviation Rules; and
- (2) assessments meet the applicable syllabus requirements of the Civil Aviation Rules, and are conducted without any compromise of the integrity of the assessments.

141.59 Records

(a) An applicant for the grant of a standard aviation training organisation certificate must establish procedures to identify, collect, index, maintain, store and dispose of the records relevant to the training courses and assessments listed in the applicant's exposition.

(b) The procedures shall ensure that—

- (1) there is a record for each person who conducts training courses or assessments. The record shall include details of their experience, qualifications, training, and competence assessments; and
- (2) there is a record for each person being trained or assessed by the applicant's organisation. The record shall include: name, date of birth, details of aviation documents held, details of enrolment, attendance, subjects, instructor comments, any flight or similar practical sessions, and any assessments; and

- (3) there is a record of each management review audit and corrective and preventative action carried out or raised under the procedures required by 141.61; and
- (4) all records are legible; and
- (5) all records shall be retained for a period of at least ~~3~~ 2 years from the date of the last entry made on that record.

141.6 Safety Management System

An applicant for the grant of an aviation training organization certificate must establish and implement a safety management system which meets the requirements of CAR Part 100.

141.63 Quality Management System

An applicant for the grant of an aviation training organization certificate must establish and implement a quality management system which meets the requirements of CAR Part 100.

141.65 Organisation exposition

(a) An applicant for the grant of a standard aviation training organisation certificate shall provide the Director with an exposition which shall contain—

- (1) a statement signed by the Chief Executive on behalf of the applicant's organisation confirming that the exposition and any included manuals—
 - (i) define the organisation and demonstrate its means and methods for ensuring ongoing compliance with this Part; and
 - (ii) are required to be complied with at all times; and
- (2) the titles and names of the senior person or persons required by 141.51 (a)(1) and (2); and
- (3) the duties and responsibilities of the senior person or persons specified in paragraph (a)(2), including matters for which they have responsibility to deal directly with the Director on behalf of the organisation; and
- (4) an organisation chart showing lines of responsibility of the senior persons specified in paragraph (a)(2); and
- (5) a list of the training courses and assessments to be covered by the certificate; and
- (6) the locations at which each training course or assessment will be conducted; and
- (7) the course outline and the curriculum for each of the training courses and assessments to be conducted by the organisation; and
- (8) details of the applicant's procedures required by—
 - (i) 141.51(c) regarding the competence of personnel; and
 - (ii) 141.55(b) regarding the control of documentation; and
 - (iii) 141.57(b) regarding training courses and assessments; and
 - (iv) 141.59(b) regarding records; and
 - (v) 141.61(~~b~~) regarding ~~internal-quality assurance~~ management system; and

(9) procedures to control, amend and distribute the exposition.

(b) The applicant's exposition must be acceptable to the Director.

Subpart C — Standard Operating Requirements

141.101 Continued compliance

A holder of a standard aviation training organisation certificate shall—

- (1) hold at least one complete and current copy of their exposition at each major location specified in their exposition; and
- (2) comply with all procedures detailed in their exposition; and
- (3) make each applicable part of their exposition available to personnel who require those parts to carry out their duties; and
- (4) continue to meet the standards and comply with the requirements of Subpart B prescribed for certification under this Part; and
- (5) notify the Director of any change of address for service, telephone number or facsimile number required by form CAA 141/01.

141.103 Changes to certificate holder's organisation

(a) A holder of a standard aviation training organisation certificate shall ensure that their exposition is amended so as to remain a current description of the holder's organisation.

(b) The certificate holder shall ensure that any amendments made to the holder's exposition meet the applicable requirements of this Part and comply with the amendment procedures contained in the holder's exposition.

(c) The certificate holder shall provide the Director with a copy of each amendment to the holder's exposition as soon as practicable after its incorporation into the exposition.

(d) Where a certificate holder proposes to make a change to any of the following, prior notification to and acceptance by the Director is required:

- (1) the Chief Executive;
- (2) the listed senior persons;
- (3) the locations at which training courses or assessments may be carried out;
- (4) the training courses or assessments for which the certificate is granted.

(e) The Director may prescribe conditions under which a certificate holder may operate during or following any of the changes specified in paragraph (d).

(f) A certificate holder shall comply with any conditions prescribed under paragraph (e).

(g) Where any of the changes referred to in this rule require an amendment to the certificate, the certificate holder shall forward the certificate to the Director as soon as practicable.

(h) The certificate holder shall make such amendments to the holder's exposition as the Director may consider necessary in the interests of aviation safety.

Subpart D — Restricted Aviation Training Organisation Certificate

141.151 Certification requirements

- (a) An applicant for the grant of a restricted aviation training organisation certificate shall—
- (1) engage, employ, or contract sufficient personnel to plan, conduct, and supervise the training course listed in the application; and
 - (2) ensure that the personnel who are conducting the training course have a combination of qualifications and experience greater than the level of qualification being taught; and
 - (3) have facilities and resources appropriate to the training course listed in the application; and
 - (4) hold current copies of relevant technical standards and practices and any other documentation that is necessary for the provision of the training course listed in the application; and
 - (5) have documented procedures for conducting the training course listed in the application, including arrangements for examination or assessment.
- (b) An applicant shall provide the Director with the details of their compliance with each of the requirements of paragraph (a) for the period the certificate remains in force.

141.153 Continued compliance

A holder of a restricted aviation training organisation certificate shall continue to comply with the certification requirements in 141.151(a).

141.155 Records

- (a) A holder of a restricted aviation training organisation certificate shall identify, collect, index, store, and maintain records that are relevant to the training course listed in the application for the certificate.
- (b) The certificate holder shall ensure that—
- (1) there is a record for each person who conducts the training course including details of their experience, qualifications, and training; and
 - (2) there is a record for each person enrolled on the course. The record shall include: name, date of birth, details of aviation documents held, details of enrolment, attendance, subjects and any flight operations or practical exercises covered in their training and instruction, any flight times, instructor comments, and the results of any assessments; and
 - (3) all records are legible; and
 - (4) all records are to be retained for a period of at least ~~3~~ 2 years from the date of the last entry made on that record.