



**Notice of Proposed Rule Making  
NPRM 18/06-25  
11 December 2020**

**Part 108  
Air Operator Security Programme**

**Docket 20/08/CAR108/26  
2020 Rules Review**

**Consequential amendments  
Part 109  
Part 140**

Proposed Rule Applicable 11<sup>th</sup> December 2020

## 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 (ICAO) 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;
- (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 proposed amendments to Civil Aviation Rule (CAR) Part 108.

## 2. Background to the Proposal

### 2.1 General Summary

Amendment 17 to ICAO Annex 17 – Security standards has meant that PNG Civil Aviation rule requires updating to keep up to the changes. Further the rule gaps identified in the ICAO Universal Security Audit Program (USAP)-Continuous Monitoring Approach (CMA) of June 2019 require addressing. It is necessary to amend Part 108 to ensure that PNG application of security standards meets the ICAO Annex 17 security measures and standards across both its domestic or international operations. In this regard, it is proposed that the following amendments are considered for inclusion in the current Part 108 to reflect amendment 17;

#### Definitions: Rule 108.3

The definition for both domestic air operator and international air operator have been amended replacing regular with commercial to provide clarity in respect to commercial operations.

#### Measures to address insider threat: Rule 108.51

A new amendment is also proposed requiring the holder of air operator certificate to ensure that external service providers comply with the aviation security regulations, in order to address the insider threat which may stem from external service providers.

#### Carriage of firearms: Domestic and International Commercial air transport operations: Rules 108:53 & 108:55

Part 108 establishes a requirement and instructions to ensure the carriage of weapons on board aircraft law enforcement officers and other authorized persons acting in the performance of their duties are provided with special authorization. The rule however, does not go as far as requiring aircraft operators to implement procedures to ensure armed personnel, prior to boarding an aircraft, are fully briefed and are aware of the rules and regulations pertaining to the carriage, the risk and use of weapons on board an aircraft. It is therefore proposed to amend and include for both domestic and international commercial air transport operations in respect to further clarification on carriage of firearms on board an aircraft. Furthermore, a requirement is included in the proposal that prior to boarding of an aircraft, that all armed personnel must undergo full briefing and awareness on rules and regulations regarding the carriage, the risk and use of weapons on board the aircraft.

#### Access to Security areas or security enhanced areas: Rules 108:53 & 108:55

Amend to include the requirement regarding additional access control measures at airside areas and security restricted areas through the air operator's facilities or any other access used by an Air Operator Certificate (AOC) holder for passengers, personnel, baggage, cargo including special categories of cargo, transfer cargo or mail if controlled by the air operator including establishing and implementation of identification systems in respect of persons and vehicles to prevent unauthorized access.

Access to the airside and security restricted areas (SRAs) must be limited only to those with operational need or other legitimate reason to be there. Identification and authorization must be verified at designated checkpoints before access is allowed, and further requirement to ensure that persons other than passengers, together with items carried, must be screened by the airport operator prior to entry into airport security restricted areas.

### Unauthorised interference from point of screening: Rules 08:53 & 108:55

During the USAP audit, the protection of hold baggage from the time it is screened or checked-in, and until it is loaded onto the aircraft was incomplete, and does not encompass the protection of baggage loading until departure of the aircraft. It was further noted that the NCASP does not establish the measures to be applied in the event that hold baggage is left unattended, or there is evidence that its integrity has been compromised.

A review of the airport-level procedures (ASP, Airline AOSPs) revealed that the following details were missing:

- (a) establishment of measures to protect hold baggage, which could include the use of restricted access and specific pass zones for hold baggage make up areas;
- (b) procedures to ensure that hold baggage is not interfered with between screening and check-in, if hold baggage screening is conducted prior to check-in; and
- (c) special arrangements for hold baggage if left unattended.

It was noted that access to hold baggage make-up areas both at the domestic and international terminals was not controlled, and that there is no specific pass zone for hold make up areas, no personnel supervising the security of the area and ground handling staff did not keep screened hold baggage under effective control to prevent unauthorized interference.

To ensure that security controls are in place and that these controls are consistently and effectively implement, it is proposed to include requirements to address the above findings to ensure the protection of various cargoes and their appropriate security controls from unauthorized interference from the point of screening until departure of the aircraft. This include emphasis on requirements for enhanced protection of hold baggage (including its integrity and the person/baggage reconciliation) until departure of the aircraft on which it is to be carried.

### Background Checks: Rules 108:53 & 108:55

It is proposed that the requirement for background check be inserted to clearly state who should be subjected to background checks, when background checks should be applied, and what should occur if an individual has been found unsuitable by any background check. In particular, Annex 17 prescribes the need for recurrent background checks and the actions required when a person is found to be unsuitable for the relevant functions as a result of the background check.

### Measures relating to special categories of passengers - Potentially disruptive passengers: Rules 108:53 & 108:55

A requirement exists in Part 108.55 for the carriage of potentially disruptive passengers who are obliged to travel because they have been the subject of judicial or administrative proceedings. Aircraft have been designated as responsible for implementing the corresponding measures. However, these requirements, as observed by the ICAO audit team do not contain sufficient detail to allow for their effective implementation such as an evaluation and/or risk assessment of potentially disruptive passengers to be conducted, the operator's/PIC right to deny carriage based on the aircraft operator's policy concerning the number of such persons that may be transported on a given flight, or when reasonable concerns exist in regard to safety and security of flight in question.

It is therefore propose that this rule for both domestic and international operations be amended to include risk assessment to be carried out to assess the risk exposures to the security of flight when carrying potentially disruptive passengers by relevant authorities and the air operator and the need to include provisions to give prior written notice to the aircraft operator and the PIC that includes information about the nature and the number of potentially disruptive passengers, as well as other details.

### Transfer Cargo and Mail: Rule 108:55

In regard to transfer cargo and mail, the audit found that rule 108.55(h)(1)(ii) exempts such consignments from screening or security controls. Furthermore, PNG has not established guidelines for the acceptance of security controls applied to transfer cargo and mail at point of origin in a foreign State. There is no identification of which entity is responsible to apply security controls to transfer cargo and mail including screening. This is a deficiency. The absence of any form of active security control or screening and transfer cargo constitutes an immediate risk to international civil aviation. It is therefore proposed that this rule is deleted and to address the deficiencies through amendments of various other rule within this section.

### Acceptance of cargo or mail from a person who is not a regulated air cargo agent: Rule 108:55

During the USAP audit, one of the findings noted throughout the course of the audit, it was demonstrated that aircraft operators and regulated agents were accepting cargo and mail from known consignors implementing security controls but not approved by CASA. To address this deficiency, it is proposed that amendments be made to the existing rule for additional security control measures requiring an air operator to comply with under Part 109 where they decide to accept cargo or mail from a person who is not a regulated air cargo agent under Part 109.

### Training of Personnel

- It is proposed to amend rule 108.59(a)(5) on periodic recurrent training to every 2years rather than the current 3years which is considered sufficient interval time and to meet the NCASTP requirements.
- It is also proposed to include new requirement to require a procedure for personnel involved with or responsible the implementation of various aspects of NCASP and those authorised to have unauthorised access to airside areas receive initial and recurrent security awareness training.
- It is further proposed to include a new rule requirement stressing the importance on establishing selection procedures. It requires a procedure for personnel implementing security control must possess all competencies to perform their duties, and are appropriately selected and trained as per NCASP requirements, and appropriate records are maintained up-to-date.
- A new requirement is also proposed to be added requiring the establishment of performance standards including introduction of initial and periodic assessments to maintain those standards.

### Focus on Security Outcome: Rule 108:59

- It is proposed to include requirement intended to focus on the security outcome to be achieved and the method of achieving this security outcome. It recognizes that focus should be on the 'results' of the subject matter experts who possess the knowledge and ability to instruct, and knowledge of the subject matter being taught. The certification, or other alternative applied focus on both elements required. Some minor corrections and reformatting are also proposed in the 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 are consistent with the international requirements of ICAO Annexes. The development of this NPRM is a result of amendment 16 and 17 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**

There 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**

- Definitions are amended
- Measures to address insider threat stemming from, external service providers
- Further clarification on carriage of firearms on board an aircraft with requirement for armed personnel to undergo full briefing and awareness on rules relating to carriage, risk and use of weapons on board an aircraft; and additional control measures at airside and SRA.
- Security controls on various cargos from unauthorized interference
- Protection of Hold baggage until departure of aircraft
- Requirements for Background checks and when to apply checks
- Additional security measures to take by air operators on carriage of potentially disruptive persons who is subject to judicial and administrative proceedings.
- Cargo security control measures

- Application of security control measures for transfer cargo and mail
- Requirement for initial and recurrent security awareness training and recurrent training to be conducted every 2 years as per NCASTP
- Requirement for proper selection procedures for personnel to undergo training and to achieve appropriate level of personnel competencies to perform duties relating to implementation of security control measures required under NCASP, and up to date records are maintained.
- Establishment of Performance standards for initial and periodic assessments to ensure standards of performance are maintained.
- Focus on Security Outcome on ‘result’ to be achieved and not on a single method of achieving this security and training delivered by qualified subject matter expert with in-depth knowledge and ability to impart the subject being taught

## 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 108 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 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.

### **6.4 How to make a submission**

Submissions may be sent by the following methods:

by Mail: Docket Clerk (NPRM 20/08-26)  
Civil Aviation Safety Authority  
PO Box 1941  
**BOROKO**  
National Capital District

delivered: Docket Clerk (NPRM 20/08-26)  
Civil Aviation Safety Authority  
Morea-Tobo Road  
Six Mile, Jacksons Airport  
Port Moresby NCD

by Fax: Docket Clerk (NPRM 20/08-26)  
3251789 / 325 1919

by Email: Docket Clerk (NPRM 20/08-26)  
[rules@casapng.gov.pg](mailto:rules@casapng.gov.pg)

### 6.5 Final date for submissions

Comments must be received before **COB on 20<sup>th</sup> November, 2020.**

### 6.6 Availability of the NPRM

Any person may obtain a copy of this NPRM from -  
CASA web site: [www.casapng.gov.pg](http://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

### 6.7 Further information

For further information, contact:

Carol Jaran (Ms)  
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**Mobile:** 70306848

## Proposed Rule Amendments

### Part 108 Air Operator Security Programme

#### 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~~ commercial air transport operations within Papua New Guinea.

**International air operator** means an air operator who conducts ~~regular~~ commercial air transport 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) details of the procedures required 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; and
- (4) procedures to ensure that the implementation of relevant elements of the National Civil Aviation Security Programme (NCASP) is periodically verified at intervals of not more than 12 months and that the implementation of security measures outsourced to external service providers are being complied with.

##### 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~~ must detail the means by which—

- (1) the requirements of rule 91.9:
  - (i) are complied with, regarding the carriage of firearms on board an aircraft; and
  - (ii) ensure that armed personnel, prior to boarding an aircraft, are fully briefed and aware of the rules and regulations pertaining to the carriage, risk and use of weapons on board an aircraft; and
  - (iii) ensure that each armed person is notified of the seat allocation of the other armed person(s), if more than one armed officer is on board the aircraft; and
  - (iv) records related to such notification are maintained.
- (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 including special categories of cargoes, freight, transfer cargo or mail, or aircraft supplies is controlled including:
  - (i) establishing and implementing identification systems in respect of persons and vehicles in order to prevent unauthorized access to airside areas and security restricted areas; and
  - (ii) access must be granted only to those with operational need or other legitimate reason to be there; and
  - (iii) verify the identity and authorisation at designated checkpoints before access is allowed to airside areas and security restricted areas; and
  - (iv) ensuring that persons other than passengers, together with items carried, are screened by the airport operator prior to entry into airport security restricted areas; and
- (5) cargo, catering, courier, and express parcels and mail, COMAIL and COMAT, transfer cargo or mail, special categories of cargo (such as high-value cargo, diplomatic bags, live animals, perishable goods, biomedical samples and vaccines, other perishable medical items, life sustaining items, human remains, nuclear material, etc) intended for carriage on an aircraft are to be subjected to appropriate security controls including supply chain security process or screening and thereafter protected from unauthorised interference, from the point of screening until departure of the 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 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, ensure that all hold baggage must be~~ 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:~~
- (i) be protected from unauthorised interference, from the point it is screened or accepted into the care of the aircraft operator until departure of the aircraft on which it is to be carried; and
  - (ii) include the actions to be taken in the event that the integrity of hold baggage has been jeopardised such as re-screening before being placed on board an aircraft; and
  - (iii) include procedure for person and baggage reconciliation.
- (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-
- (i) the passenger screening process of the flight's originating airport is acceptable to the Director; or
  - (ii) the flight is making an unscheduled stop.
- (15) ensuring background checks are completed:-
- (i) in respect of persons implementing security controls, persons with unescorted access to security restricted areas, and persons with access to sensitive aviation security information prior to taking up these duties or accessing such areas or information; and
  - (ii) the recurrent background checks are applied to such persons at an interval of not more than 2 years; and
  - (iii) persons found unsuitable by any background check are immediately denied the ability to implement security controls, unescorted access to security restricted areas, and access to sensitive aviation security information; and
  - (iv) document the details of the disqualification criteria; and
  - (v) records for disqualifications are maintained.

- (c) The procedures required by paragraph (b)(6) shall include procedures to ensure, in relation to the carriage of any potentially disruptive person, or those who have been subjected to judicial or administrative proceedings, ~~in legal custody~~ on a ~~regular~~ commercial air transport operation 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; and
  - (10) a risk assessment is completed and any other pertinent information provided, including the reason for assigning or not assigning an escort; and
  - (11) the nature of available documents; and
  - (12) provide at least 24 hours written notice to the aircraft operator before the intended departure of a potentially disruptive person, or those who have been subjected to judicial or administrative proceedings; and
  - (13) notify the inbound aircraft operator without delay on the same day as the passenger's arrival of the need to transport a potentially disruptive person, or those who have been subjected to judicial or administrative proceedings

### **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 rule 91.9:
    - (i) are complied with, regarding the carriage of firearms on board an aircraft; and
    - (ii) ensure that armed personnel, prior to boarding an aircraft, are fully briefed and aware of the rules and regulations pertaining to the carriage, risk and use of weapons on board an aircraft; and
    - (iii) ensure that each armed person is notified of the seat allocation of the other armed person(s), if more than one armed officer is on board the aircraft; and
    - (iv) records related to such notification are maintained.
  - (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 including special categories of cargo, freight, transfer cargo or mail, or aircraft supplies is controlled including:
  - (i) establishing and implementing identification system in respect of persons and vehicles to prevent unauthorized access to airside areas and security restricted areas; and
  - (ii) access must be granted only to those with operational need or other legitimate reason to be there, and
  - (iii) verify identity and authorization at designated checkpoints before access is allowed to airside areas and security restricted areas; and
  - (iv) ensuring that persons other than passengers, together with items carried, must be screened prior to entry into airport security restricted areas; 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), cargo, catering, courier, and express parcels and mail, COMAIL and COMAT, transfer cargo or mail, special categories of cargo (such as high-value cargo, diplomatic bags, live animals, perishable goods, biomedical samples and vaccines, other perishable medical items, life sustaining items, human remains, nuclear material, etc) intended for carriage on an aircraft are to be subjected to appropriate security controls including supply chain security process or screening and thereafter protected from unauthorised interference, from the point of screening until departure of the 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
- (8) the safe conduct of a flight is to be 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,~~ ensure that all hold baggage are screened in accordance with rule 108.63, in order to protect them from unauthorised interference from; 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
  - (i) the point it is screened or accepted into the care of the aircraft operator until departure of the aircraft on which it is to be carried; and
  - (ii) include, the actions to be taken in the event that the integrity of hold baggage has been jeopardised such as re-screening before being placed on board an 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
- (20) ensuring background checks are conducted and completed:-
  - (i) in respect of persons implementing security controls, persons with unescorted access to security restricted areas, and persons with access to sensitive aviation security information prior to their taking up these duties or accessing such areas or information; and
  - (ii) the recurrent background checks are applied to such persons at an interval of not more than 2 years; and
  - (iii) persons found unsuitable by any background check are immediately denied the ability to implement security controls, unescorted access to security restricted areas, and access to sensitive aviation security information; and
  - (iv) document the details of the disqualification criteria; and

- (v) records for disqualifications are maintained.
- (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 including transfer cargo and mail security control procedures):
  - (3) rule 109.57 (Screening procedures of Cargo and mail including transfer cargo and mail):
  - (4) rule 109.59 (Authorisation procedures of Cargo and mail including transfer cargo and mail):
  - (5) rule 109.61 (Procedures and register for a known customer):
  - (6) rule 109.63 (Procedures for High risk cargo or mail):
  - (7) rule 109.65 (Training of personnel):
  - ~~(8)~~ rule 109.65~~7~~ (Cargo security incidents):
  - ~~(9)~~ rule 109.67~~9~~ (Records).
  - (10) rule 109 Appendix A (Declaration of Security for Cargo and mail including transfer cargo and mail)
  - (11) rule 109 Appendix B (Screening Standards for Cargo and mail including transfer cargo and mail)
  - (12) rule 109 Appendix C (Training Standards for Cargo and mail including transfer cargo and mail)
- (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)(8) shall include procedures to ensure that, in relation to the carriage of any person in legal custody on a regular air transport passenger service, that —
- (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; and
  - (10) a risk assessment is completed and any other pertinent information provided, including the reason for assigning or not assigning an escort is provided; and;
  - (11) nature of available documents to the pilot-in-command; and
  - (12) give at least 24 hours written notice to the aircraft operator before the intended departure of a potentially disruptive person, and those who have been subjected to judicial or administrative proceedings; and
  - (13) notify the inbound aircraft operator without delay on the same day as the passenger's arrival of the need to transport a potentially disruptive person, and those who have been subjected to judicial or administrative proceedings.
- (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 where 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.
- (i)(+) The requirements of paragraph (c)(1) and (2) do not apply to— 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.
- ~~(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 behaviour of terrorists so as to facilitate their own ability to cope with hijacker behaviour 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; and
  - (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  $3 \frac{1}{2}$  years; and
  - (6) personnel involved with or responsible for the implementation of various aspects of the National Civil Aviation Security Programme (NCASP) and those authorized to have unauthorized access to airside areas undertakes initial and recurrent security awareness training; and
  - (7) each person implementing security controls must possess all competencies required to perform their duties and are appropriately selected and trained according to the requirements of the National Civil Aviation Security Programme (NCASP) and that appropriate records are maintained up-to-date; and
  - (8) relevant standards of performance must be established and initial and periodic assessments must be introduced to maintain those standards.

- (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; and
  - (4) the development and implementation of a certification system that ensures instructors are qualified in the applicable subject matters in accordance with the National Civil Aviation Security Programme (NCASP).

### **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 108.55 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 Reserved**

## **Subpart C – Transition Provisions**

### **108.101 Reserved**

## Appendix A – Security Operational Standards

### A.1 Aircraft search

- (a) The holder of an air operator certificate shall ensure that, when suitably trained and authorised persons 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 suitably trained and authorised persons; 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 persons 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 the thoroughness of any search and the proficiency of each person authorised to conduct an aircraft search, at least annually.