



**Notice of Proposed Rule Making
NPRM 20/08-02
11 December 2020**

**Part 12
Accidents, Incidents and Statistics**

**Docket 20/08/CAR12/02
2020 Rules Review**

Proposed Rule Applicable 11th 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 as 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 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 proposed amendments to Civil Aviation Rule (CAR) Part 12.

2. Background to the Proposal

2.1 General Summary

In response to ICAO's policy changing towards precautionary safety management from post-accident measures, PNG is implementing State Safety Program (SSP). SSP offers a tool to comprehensively control nationwide aviation safety activities including safety report, accident investigation, and safety supervision in accordance with national goals for aviation safety.

Continuing towards full implementation, partnership with service providers to address safety performance, conducting internal training, communication and dissemination of safety information and further conduct external training, communication and dissemination of safety information.

Implementation of the State Safety Programme (SSP) is included in the priorities of the Global Aviation Safety Plan, in particular of States with an EI above 60%. Papua New Guinea is now above 60%. ICAO tracks the implementation of SSPs via the SSP Gap Analysis tool on iSTARS. PNG is now using this tool to perform its GAP analysis, define action plans and benchmark our progress.

Going forward PNG requires a safety plan called National Aviation Safety Plan (NASP) and when implemented will show how SSP in PNG is developed as a fully integrated Plan.

The SSP in PNG will be developed into an NASP that implements the programme. CASA PNG as the SSP accountable agency will have a Corporate Plan to guide and dictate the Civil Aviation Safety Plan whilst industry SMS is governed by Part 100 that provide data for and into the SSP.

For SSP to be effective, PNG is required to adopt a data-driven and performance-based approach in safety regulation, identify safety trends within the aviation industry, and adopt a risk-based approach to tackle areas of greater safety concern. This cannot be done without the provision of data.

The CASA PNG Safety Policy Statement encapsulates the commitments of the regulator and support from other agencies to achieve the highest practicable level of safety, and captures commitment to industry and to the international community on how to approach the management of safety.

Data collection will assist CASA PNG in forward looking identification of hazards in the system and management of safety risks. This component requires PNG to describe how safety risks management is carried out, which will also include the establishment of Acceptable Level of Safety (ALoS), the monitoring of service providers' performance indicators and prioritization of safety oversight towards areas of higher risks or greater needs; and implementation of SMS by the service providers, including the setting of safety performance, and performing hazard identification and risk assessment.

Safety data collection

Part 12 explains the mandatory reporting system in use in PNG. This mandatory system includes the reporting of bird strikes, reporting and investigation of aircraft proximity incidents and reporting and investigation of defects in aircraft and aircraft components.

Using safety data to target areas for enhance oversight

Given the relatively small size of the industry in PNG, the use of data analysis is limited in value. However, the use of the European Coordination Centre on Aviation Incident Reporting System (ECCAIRS) as the common reporting system brings together more data from similar aircraft systems operating in a similar environment to enable a large enough pool to make data analysis worthwhile, and to show areas that should be targeted for enhanced safety oversight.

It is proposed that Part 12 Subpart D – Statistics be amended to ensure aircraft operating hours are submitted by operators on a monthly basis to support the data collection process towards SSP implementation.

It is also proposed to delete all reference relating to Rule Part 148 - Aircraft Manufacturing Organisation – Certification within Part 12 as PNG is not an aircraft manufacturer.

Some minor formatting and correction to renumbering of Incident Reporting Form have also been undertaken under this amendment process.

2.2 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) Aircraft operators

3. Issues Addressed during Development

There were no major issues.

3.1 Consequential Amendments

There are no other consequential amendments in other Rule Parts.

3.2 Exemptions

There are no current Exemptions against this Rule Part.

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

The proposed rule amendments are intended to support ICAO's definition of safety and the implementation of State Safety Program (SSP) concepts.

3.4 Compliance Costs

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

4. Summary of changes

- (1) Deletion of references to Part 148
- (2) Renumbering of Incident Reporting Form
- (3) Amended the reporting intervals of “Table 1; Aircraft Operating Statistics” from quarterly to monthly intervals to align with the requirements of the State Safety Program (SSP).

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

The proposed rule amendments comply with applicable sections of International Civil Aviation Organization (ICAO) Annexes 1, 2, 4, 6, 7, 8, 11, 12,15, 17 and 18.

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.

6.4 How to make submission

Submissions may be sent by the following methods:

- By Mail: Docket Clerk (NPRM 20/08-02)
Civil Aviation Safety Authority
PO Box 1941
BOROKO
National Capital District
- Delivered: Docket Clerk (NPRM 20/08-02)
Civil Aviation Safety Authority
Morea-Tobo Road
Six Mile, Jacksons Airport
Port Moresby NCD
- By Fax: Docket Clerk (NPRM 20/08-02)
3251789 / 325 1919
- By Email: Docket Clerk (NPRM 20/08-02)
rules@casapng.gov.pg

6.5 Final date for submissions

Comments must be received before **COB 20th 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
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) Manager
Legal Services CASAPNG
Email: cjaran@casapng.gov.pg

Phone: 325 7320
Mobile: 71000867

Proposed Rule Amendments

Part 12 - Accidents, Incidents and Statistics

Subpart A — General

12.1 Purpose

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

12.3 Definitions

In this Part—

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

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

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

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

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

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

12.51 Notification of accident

- (a) Each pilot-in-command of an aircraft that is involved in an accident or, if that person is fatally or seriously injured, or if the aircraft is missing, the operator, shall notify the Authority of the accident without delay and by the quickest possible means.

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

12.53 Details of accident

- (a) The pilot-in-command of an aircraft that is involved in an accident or, if that person is fatally or seriously injured, the operator, shall provide the occurrence details requested on form CA005 to the Authority within 3 working days of the accident—
- (1) on form CA005; or
 - (2) by a means acceptable to the Authority.
- (b) The details required by paragraph (a) shall include a statement by each flight crew member who was on the aircraft at the time of the accident, detailing the facts, conditions, and circumstances relating to the accident.
- (c) Where a flight crew member is incapacitated, the statement required by paragraph (b) shall be submitted as soon as the flight crew member is able.

12.55 Notification of incident

- (a) A holder of a certificate issued in accordance with the following Parts must notify the authority as soon as practicable of any associated incident if the certificate holder is involved in the incident and the incident is a serious incident or an immediate hazard to the safety of aircraft operations: —
- (1) Parts 119, 129 and 137 – aircraft incident or dangerous goods incident;
 - (2) Part 172 – airspace incident;

- (3) Parts 171 and 174 – facility malfunction incident;
 - (4) Parts 47, 119, 129, 145 and 146, ~~and~~ 148 – defect incident;
 - (5) Parts 107, 108, 109, 119, 129, 139, 140, 171 and 172 — security incident;
 - (6) Part 139 – aerodrome incident;
 - (7) Parts 139, 171, 174 and 175 – promulgated information incident.
- (b) A person who is involved in an incident that is a serious incident or an immediate hazard to the safety of aircraft operations must notify the Authority of the incident as soon as practicable, if the person -
- (1) operates, maintains, services, or does any other act in respect of any aircraft, aeronautical product, or aviation related service; and
 - (2) is not employed by, or associated with, the certificate holder referred to in paragraph (a).
- (c) A pilot-in-command of an aircraft that is involved in an airspace incident or a bird incident shall notify the Authority of the incident as soon as practicable.
- (d) The notification of an incident required by paragraphs (a), (b), and (c) must be conveyed by a means acceptable to the Authority and contain, where ascertainable, information in accordance with following:
- (1) for airspace incidents, Appendix A (a); or
 - (2) for defect incidents, Appendix A(b); or
 - (3) for facility malfunction incidents, Appendix A(c); or
 - (4) for aircraft incidents, Appendix A(d); or
 - (5) for security incidents, Appendix A(e); or
 - (6) for promulgated information incidents, Appendix A(f); or
 - (7) for aerodrome incidents, Appendix A(g); or
 - (8) for dangerous goods incidents, bird incidents, or any other incident, Appendix A(h).

12.57 Details of incident

- (a) Notwithstanding the notification of a serious incident or an immediate hazard to the safety of an aircraft operation under rule 12.55, the following persons who are involved in an incident must provide the Authority with the applicable details of the incident in accordance with information requested on the applicable form specified in paragraph (b) (1):
- (1) a holder of a certificate referred to in 12.55(a):
 - (2) a person referred to in rule 12.55(b):
 - (3) pilot-in-command referred to in 12.55(c).
- (b) A person who is required under paragraph (a) to provide the Authority with details of an incident must provide those details within 3 working days of the incident—
- (1) on form CA005; or
 - (2) by another means acceptable to the Authority.

12.59 Investigation and reporting

- (a) A holder of a certificate referred to under rule 12.55(a) who is required to provide details of an incident to the Authority under rule 12.57 must, unless otherwise notified by the Authority—
- (1) subject to section 248(3) of the Act, conduct an investigation to identify the facts relating to its involvement in the incident and establish, so far as those facts will allow, the cause or causes of the incident; and
 - (2) on completion of the investigation, submit a report of the investigation to the Authority no later than 90 days after the incident—
 - (i) on form CA005; or
 - (ii) by a means acceptable to the Authority; and
 - (3) advise the Authority of any actions taken to prevent recurrence of a similar incident.
- (b) Notwithstanding paragraph (a) (2), a holder of an aviation document may obtain the Director's approval to submit a completed report later than 90 days where the nature and complexity of the investigation is such that a longer period is justified.

12.61 Confidentiality of persons submitting information

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

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

12.63 Non-prosecution

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

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

Subpart C — Preservation of Aircraft, its Contents, and Records**12.101 Access to aircraft involved in an accident**

- (a) Except as provided in the Section 246 of the Act, and paragraphs (b) and (c), no person shall access, interfere with, or remove, an aircraft or its contents that is involved in an accident unless authorised to do so by the Commission.
- (b) Subject to the limitations contained Section 246 of the Act, the Commission may, for the purpose of its investigation, access, inspect, secure, or remove, an aircraft or its contents that is involved in an accident.

- (c) A person may, subject to paragraph (d)—
 - (1) remove persons or livestock from the aircraft or wreckage; or
 - (2) protect the aircraft, wreckage, or contents, including mail or cargo, from further damage; or
 - (3) disconnect or deactivate any cockpit voice recorder, flight data recorder, or emergency location transmitter; or
 - (4) prevent obstruction to the public or to air navigation where no practical alternative is available.
- (d) Any aircraft wreckage, mail, or cargo removed under paragraph (c) shall—
 - (1) be moved only so far as necessary to ensure its safety; and
 - (2) be kept in separate distinct areas to indicate from which part in the aircraft it has been taken; and
 - (3) where possible, have sketches, descriptive notes, and photographs made of their original position and any significant impact marks.

12.103 Preservation of records

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

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

12.105 Retention of defective products and components

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

Subpart D — Statistics

12.151 Aircraft operating statistics

- (a) Each operator of a Papua New Guinea registered aircraft issued with a standard or restricted category airworthiness certificate shall submit aircraft operating and statistical data in accordance with the frequency and due dates listed in Table 1 for aircraft performing hire or reward operations and Table 2 for aircraft performing operations not for hire or reward:
 - (1) the registration marks;
 - (2) for aircraft used on international air transport operations, the hours flown and the number of flights carrying passengers and cargo only flights;

- (3) for aircraft used on domestic air operations, the hours flown and the number of flights:
- (i) carrying passengers between two different aerodromes;
 - (i) originating and ending at the same aerodrome without an intermediate landing;
 - (ii) carrying cargo only.
- (4) for aircraft used on other operations, the hours flown.
- (b) The reports required by paragraph (a) shall be submitted—
- (1) on form CAA605; or
 - (2) by a means acceptable to the Director.

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

Report No	Period—Covered Month	Due Date
1st Quarter <u>1</u>	1 Jan through 31 Mar <u>1 Jan through 31 Jan</u>	1 May <u>10 Feb</u>
2nd Quarter <u>2</u>	1 Apr through 30 Jun 1 <u>Feb through 28/29 Feb</u>	1 Aug <u>10 Mar</u>
3rd Quarter <u>3</u>	1 Jul through 30 Sep <u>1 Mar through 31 Mar</u>	1 Nov <u>10 Apr</u>
4th Quarter <u>4</u>	1 Oct through 31 Dec <u>1 Apr through 30 Apr</u>	1 Feb <u>10 May</u>
<u>5</u>	<u>1 May through 31 May</u>	<u>10 Jun</u>
<u>6</u>	<u>1 Jun through 30 Jun</u>	<u>10 Jul</u>
<u>7</u>	<u>1 Jul through 31 Jul</u>	<u>10 Aug</u>
<u>8</u>	<u>1 Aug through 31 Aug</u>	<u>10 Sep</u>
<u>9</u>	<u>1 Sep through 30 Sep</u>	<u>10 Oct</u>
<u>10</u>	<u>1 Oct through 31 Oct</u>	<u>10 Nov</u>
<u>11</u>	<u>1 Nov through 30 Nov</u>	<u>10 Dec</u>
<u>12</u>	<u>1 Dec through 31 Dec</u>	<u>10 Jan</u>

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

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

12.153 Confidentiality of statistical reports

- (a) The Authority or any person employed by the Authority shall not communicate to any person outside the Authority any information provided in statistical reports that identifies any individual aircraft operator except—
- (1) with the consent of the aircraft operator; or

- (2) in accordance with Article 67 of the Convention; or
 - (3) pursuant to a statutory requirement.
- (b) The Authority may provide to the Council of the International Civil Aviation Organization statistics that relate to international air transport operations.

Appendix A — Information Required for Initial Notification of Incidents

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

(c) **Facility malfunction incident** – The following information is required for notification under 12.55(d)(3):

- (1) date and time of the incident;
- (2) brief description of events;
- (3) aircraft nationality, registration, radio call sign, flight number, and type;
- (4) name of the aircraft operator;
- (5) aircraft position and altitude;
- (6) name of aerodrome and runway used;
- (7) name of the pilot-in-command;
- (8) phase of flight;
- (9) effect on the flight;
- (10) identification, type, name, frequency, and provider of the aeronautical telecommunication facility involved;
- (11) whether the person or organisation making the notification has instituted an investigation into the incident and, if so, expected time of completion;
- (12) name, organisation, and contact details of the person notifying the incident.

(d) **Aircraft incident** – The following information is required for notification under 12.55(d)(4):

- (1) date and time of the incident;
- (2) brief description of events;
- (3) aircraft nationality, registration, radio call sign, flight number, and type;
- (4) name of the aircraft operator;
- (5) aircraft position and altitude;
- (6) phase of flight;
- (7) if applicable, name of aerodrome and runway used;
- (8) effect on the flight;
- (9) name of the pilot-in-command;
- (10) type of operation being conducted;
- (11) number of persons on board the aircraft;
- (12) name, organisation, and contact details of the person notifying the incident.

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