



**Notice of Proposed Rule Making
NPRM 21/09-41
Date 02-11-2021**

**Part 145
Aircraft Maintenance Organisations -
Certification**

**Consequential Rules:
Nil**

**Docket 21/CAR61/10
2021-09 Rules Review**

Proposed Effective 02 November 2021

Background to the Civil Aviation Rules

The Civil Aviation Rules establish the minimum regulatory safety boundary for participants to gain entry into, operate within, and exit the Papua New Guinea civil aviation system. The Rules are structured in a manner similar to the Civil Aviation Rules of New Zealand and the Federal Aviation Regulations of the USA. Where practicable the Rules also align with the International Civil Aviation Organization Annexes and the regulatory code of the Civil Aviation Safety Authority of Australia.

Rules are divided into Parts and each Part contains a series of individual rules that relate to a particular aviation activity. Advisory Circulars accompany many rule Parts and contain information about standards, practices and procedures that the Director has established to be an Acceptable Means of Compliance (AMC) with the associated rule. An Advisory Circular may also contain guidance material (GM) to facilitate compliance with the rule requirements.

The objective of the Civil Aviation Rules system is to strike a balance of responsibility between, on the one hand, the State and regulatory authority (CASA) and, on the other hand, those who provide services and exercise privileges in the civil aviation system. This balance must enable the State and regulatory authority to set standards for, and monitor performance of, aviation participants while providing the maximum flexibility for the participants to develop their own means of compliance within the safety boundary.

Section 45 of the Civil Aviation Act 2000 prescribes general requirements for participants in the civil aviation system and requires, among other things, participants to carry out their activities safely and in accordance with the relevant prescribed safety standards and practices.

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

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

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1. Purpose of this NPRM

The purpose of this Notice of Proposed Rulemaking (NPRM) is to put forward for consideration the proposed amendments to Civil Aviation Rule (CAR) Part 145.

2. Background to the Proposal

2.1 General Summary

ICAO Annex 6, Part I, 8.1.2 and Part III, Section II, 6.1.2, prohibits operator from operating any of their aircrafts unless maintenance on the aircraft and any associated part of the aircraft is carried out by:

- a) An AMO that is either approved in accordance with Annex 8, Part II, Chapter 6, by the State of Registry of the aircraft or another Contracting State and is acceptable to the State of Registry; or
- b) By persons or organizations in accordance with procedures authorized by the State of Registry.

A review of ICAO Annex 8, - Airworthiness of Aircraft, Part II Chapter 6 contains Standards which are applicable to the organisations involved in the maintenance of aircraft and associated parts of the aircraft.

Further, Annex 8, Part II, Chapter 4, requires PNG as the State of Registry of an aircraft to establish requirements to ensure the continuing airworthiness of the aircraft during its service life, including requirements to ensure the aircraft is maintained in an airworthiness condition. PNG therefore has an obligation to either approve maintenance organisations or accept approval of maintenance organisations that have been approved by a foreign State to facilitate the ongoing maintenance of the aircraft and associated parts of the aircraft.

2.2 NPRM Development

The review of rules under Phase 9 of CASA's rule-making cycle has resulted in consequential amendments to Part 145, due to updates in the ICAO Annex 8 requirements.

As a signatory to the convention on international civil aviation, Papua New Guinea is committed to aligning its regulations to ICAO SARPS, where practicable. Therefore, international operations will need to remain consistent with the standards set by ICAO Annex 8.

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 Ministry for Transport

- The Minister for Civil Aviation
- Aircraft operators
- Aircraft maintenance organizations
- Other aviation industry stakeholders

3. Issues Addressed during Development

The issues that are addressed during the development of this NPRM CAR Part 145 result from reviews of amendments to the ICAO Annex 8.

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 align, where practicable, with the SARPs contained in ICAO Annexes and are written in consultation with the following Annexes:

- Annex 8 – Airworthiness of Aircraft

This proposed rule amendment incorporates requirements for all maintenance organisations to maintain a standard minimum content prescribed by ICAO.

3.4 Compliance Costs

The proposed amendments will not incur any cost.

4. Summary of changes

CAR Part 145 is being amended to reflect the requirements of Annex 8. Also included in the amendment are corrections where required. Amendments and corrections are as follows;

- (1) Rule 145.10 amended to align numbering format with Annex 8 Chapt. 6.2.3, The requirements in Annex 8 Chapt. 6.2.3 details the contents of the Maintenance Organisation Certificate (MOC) that must be captured by Maintenance Organisations in all ICAO contracting states.
- (2) Rule 145.13(b)(2)(iv) repealed and reserved because this requirement is already captured in Rule 145.10
- (3) Technical Experience for Chief Engineers required by Appendix A1 is amended. Guidance for this change has been taken from NZ CAA Part 145 AC
- (4) The term “MOC” has been removed from the table in Appendix A2.

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:
 - (i) the conditions under which aircraft may be used or operated, or under which any act may be performed in or from an aircraft:
 - (ii) 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:
 - (i) aircraft:
 - (ii) aircraft pilots:
 - (iii) flight crew members:
 - (iv) air traffic service personnel:
 - (v) aviation security service personnel:
 - (vi) aircraft maintenance personnel:
 - (vii) aviation examiners or medical examiners:
 - (viii) air services:
 - (ix) air traffic services:
 - (x) aerodromes and aerodrome operators:
 - (xi) aeronautical navigation service providers:

- (xii) aviation training organizations:
 - (xiii) aircraft design, manufacture, and maintenance organizations:
 - (xiv) aeronautical procedures:
 - (xv) aviation security services:
 - (xvi) aviation meteorological services:
 - (xvii) aeronautical communication services:
 - (xviii) any other person who provides services in the civil aviation system, and any aircraft, aeronautical products, aviation related services, facilities, and equipment operated in support of the civil aviation system, or classes of such persons, aircraft, aeronautical products, aviation related services, facilities, and equipment operated in support of the civil aviation system:
- (f) Section 70(b) which allows the Minister to make rules for the setting of standards, specifications, restrictions, and licensing requirements for all or any of those persons or things specified in paragraph 70(a) including the specifications of standards of design, construction, manufacture, processing, testing, supply, approval, and identification of aircraft and aeronautical products:
- (g) Section 70(c) which allows the Minister to make rules setting the conditions of operation of foreign aircraft and international flights to, from, or within Papua New Guinea:
- (h) Section 70(d) which allows the Minister to make rules for the definitions, abbreviations, and units of measurement to apply within the civil aviation system.

The proposed amendment of Part 43 complies with the requirements of the Civil Aviation Act and does not contravene the Constitution, the Aerodrome (Business Concession) Act, Civil Aviation (Aircraft Operator Liability) Act, Aircraft Charges Act, Airport Departure Tax Act, the Explosive Act, Firearms Act, Customs Act, Plant and Disease Control Act 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 International Civil Aviation Organization (ICAO) Annexes listed in 3.3 above.

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 CAA web site and provided to each person who submits a written submission on this NPRM. Submissions may be examined by application to the Docket Clerk at the Civil Aviation Safety Authority Headquarter Building 1, Level 1, Morea Tobo Road, Six Mile, NCD Port Moresby between 8:30 am and 3:30 pm on weekdays, except statutory holidays.

6.3 Disclosure

Submitters should note that any information attached to submissions will become part of the docket file and will be available to the public for examination at the CASA office.

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

7. How to make a submission

Submissions may be sent by the following methods:

- by Mail: Docket Clerk (NPRM 21-09)
Civil Aviation Safety Authority
PO Box 1941
BOROKO
National Capital District
- delivered: Docket Clerk (NPRM 21-09)
Civil Aviation Safety Authority
Morea-Tobo Road
Six Mile, Jacksons Airport
Port Moresby NCD
- by Fax: Docket Clerk (NPRM 21-09)
3251789 / 325 1919
- by Email: Docket Clerk (NPRM 21-09)
rules@casapng.gov.pg

7.1 Final date for submissions

Comments must be received before 20th December 2021.

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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Proposed Rule Amendments

Part 145 Aircraft Maintenance Organisation

145.10 Specification for certificate

The aircraft maintenance organization certificate must ~~at least~~ contain at least the following as described in Appendix B—

- ~~(1) the issuing authority and the name, title and signature of the person issuing the certificate;~~
- ~~(2) the maintenance organisation's name and registered address;~~
- ~~(3) the maintenance organisation certificate number;~~
- ~~(4) date of current issue;~~
- ~~(5) in the case of certificates of limited duration, the expiry date;~~
- ~~(6) the scope of approval, in relation to aircraft, component and/or specialized maintenance, and to the type of aircraft and components covered by the approval; and~~
- ~~(7) the location of the maintenance facilities, unless the information is included in a separate document referred to in the approval certificate;~~

- (1) the name of the issuing authority;
- (2) the approval reference number as described in Appendix B;
- (3) the organisation name, business address, telephone & E-mail address;
- (4) the expiration date;
- (5) the scope of approval using the classes as follows:
 - (a) aircraft;
 - (b) engine;
 - (c) component; or
 - (d) specialised maintenance
- (6) the scope of approval using the ratings;
- (7) the limitations in the scope of approval;
- (8) the name of organisation authorised to perform maintenance;
- (9) the reference to relevant state regulations;
- (10) the location of the maintenance facilities, unless the information is included in a separate document referred to in the approval certificate;
- (11) the name of authorised representative signing the maintenance organisation certificate;
- (12) the date of original issue, if not, use NA;
- (13) the title of the authority representative signing the maintenance organization certificate;
- (14) the signature of authority representative;
- (15) the date of current issue.

145.13 Operating specifications

- (a) An aircraft maintenance organisation certificate issued in accordance with this Part must be accompanied by the operating specifications specified in paragraph (b).
- (b) The operating specifications must contain—
 - (1) details of any external service provider contracted to provide subcontracted

maintenance, training or competency assessment or supply; and

- (2) the exposition reference (manual, section, procedure or page as applicable), including revision status and issue date, for the following:
 - (i) the senior persons required by rule 145.101:
 - (ii) the certificate holder's safety management system:
 - (iii) the certificate holder's quality management system:
 - ~~(iv) the certificate holder's capability list: reserved~~
 - (v) the certificate holder's duty time scheme:
 - (vi) the certificate holder's procedures for granting authorisations; and
- (3) any exemption granted from any requirement of this or any other Part; and
- (4) any other item the Director determines is necessary to cover a particular situation.

Appendix A – Qualifications and Experience of Senior Persons

A1 Senior person responsible for provision maintenance

Aircraft Maintenance Organisation	
Chief Engineer/Engineering Manager	
Document required	Holder of an aircraft maintenance engineer license or equivalent, acceptable to the Director.
Technical experience	<p>Minimum 8 years' experience in the maintenance of aircraft of a similar size and type or bigger to the one maintained by the organisation; and Has 5 years or more of release to service experience.</p> <p><u>Technical managers will be expected to have certifying experience on aircraft or equipment similar to that for which the organisation seeks certification.</u></p> <p><u>In addition, a person may be assessed as meeting the qualification requirements for this senior person position if they have equivalent experience acceptable to the Director</u></p>
Managerial experience	Minimum 5 years' experience in a supervisory position which have been undertaken during the 8 years' of technical experience required above.
Knowledge	Have a clear knowledge and understanding of the organisation's expositions and the applicable Rule Parts and the Civil Aviation Act.
Competency	Undertake any examination or test that the Director may require to determine the applicant's competency to perform the functions required.

A2. Senior Person Responsible for Safety and Quality Management Systems

	MOC Operations Specifications RATING A1 & A2	MOC Operations Specifications Rating A3, A4 & A5
Document required (Responsibility for SMS and QMS, or SMS or QMS only)	Certified Lead Auditor AND Have successfully completed a formal course of training in safety management systems acceptable to the Director	Certified Lead Auditor AND Have successfully completed a formal course of training in safety management systems acceptable to the Director
Experience	More than 5 years' experience in quality management and integrated safety systems; and More than 5 years' experience in aviation with aircraft repair and maintenance background. 2 years supervisory experience.	More than 5 years' experience in the aviation industry. 2 years supervisory experience.
Knowledge	Have a clear knowledge and understanding of the organisation's expositions and the applicable Rule Parts and the Civil Aviation Act.	

In addition, a person may be assessed as meeting the qualification requirements for this senior person position if they have equivalent experience in quality assurance management acceptable to the Director