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*Our Ref: AIC 16-R07/16-1003*

**Safety recommendation: AIC 16-R7/16-1003**

**Addressed to: Civil Aviation Safety Authority of PNG**

**Date issued: 16 November 2016**

**Investigation link: AIC 16-1003**

**Action status: Issued**

### **Safety deficiency description**

On 24 June 2016 the pilot of a Cessna 182 aircraft, registered N8841X, was conducting a 'private flight' from Yapsie to Tumolbil carrying medical supplies and a bottle of compressed propane gas. The air traffic services (ATS) flight strip showed that the pilot advised ATS that he was in the circuit area at 01:05 UTC<sup>1</sup> and he cancelled SAR<sup>2</sup> on the ground at 01:06.

During his interview with the AIC, the pilot stated that his final approach into the Tumolbil airstrip seemed straight forward, but as the aircraft flared, the nose-wheel heavily impacted the strip surface. The aircraft bounced, causing it to pivot about its lateral axis and strike the fuselage tail on the ground. The pilot, the sole occupant was uninjured. The aircraft could not be flown out from Tumolbil due to the damage sustained during the heavy landing.

The aircraft was registered in the USA in accordance with FAR 47 and had a valid airworthiness certificate, issued by the FAA. The owner of the aircraft was issued with a 'Permission to Import' certificate by the PNG Department of Transport (DoT), on 27 May 2014. It stated that permission to import was granted pursuant to Section 3 of the Customs (Prohibited Imports) Regulations Chapter 101 and in accordance with Schedule 2 of that Regulation. Schedule 2, item No.5 shows that the import of an aircraft is prohibited unless prior permission is granted by the 'Controller of Civil Aviation'<sup>3</sup>. There was no evidence that such permission was obtained.

Between April 2014 and December 2015, the PNG DoT and CASA PNG had been corresponding with Wings of Hope PNG Inc., personnel (specifically the aircraft owner/pilot) with respect to the importation of the Cessna 182 aircraft, and the licencing and registration requirements.

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<sup>1</sup> The 24-hour clock, in Coordinated Universal Time (UTC), is used in this report to describe the local time as specific events occurred. Local time in the area of the accident, Papua New Guinea Time (Pacific/Port Moresby Time) is UTC + 10 hours.

<sup>2</sup> SAR: Search and Rescue comprises the search for and provision of aid to, persons, and aircraft which are feared to be, in distress or imminent danger.

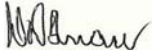
<sup>3</sup> CAA 336 (2): Every reference to the Director of Civil Aviation or Controller of Civil Aviation in any Act, regulation, rule, order, other enactment, agreement, deed, instrument, application, notice or other document whatsoever in force at the commencement, shall, unless the context otherwise requires, be read as a reference to the Director under this Civil Aviation Act.

### **Recommendation number AIC 16-R7/16-1003**

The PNG Accident Investigation Commission recommends that the Civil Aviation Safety Authority of PNG ensure that, subject to Civil Aviation Act 2000 Parts XI and XII, the Director retains the authority to issue, amend, or revoke aircraft operation licences as set out in the Civil Aviation Act 2000 section 47.

### **Action requested**

The AIC requests that the Civil Aviation Safety Authority of PNG (CASA) note recommendation AIC 16-R7/16-1003 above, and provide a response to the AIC within 90 days of the issue date, and explain (including with evidence) how CASA has addressed the safety deficiency identified in the AIC investigation report AIC 16-1003.



**DAVID INAU, ML**

*Chief Executive Officer*

### **Civil Aviation Safety Authority of PNG (CASA) response**

On 2 December 2016, the Director of CASA PNG informed the AIC that:

CASA PNG considers the recommendation as legal issues in respect to economic regulation and not safety regulation. CASA PNG further suggest that the recommendation be given to the Department of Transport and the Customs Authority for their consideration and comments to ensure a full stakeholder consultation and views on this very important matter.

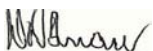
Nevertheless CASA PNG considers that the current provision stated under Section 3 of the Customs (Prohibited Imports) Regulations Chapter 101 and in accordance with Schedule 2 of that Regulation whereby item No.5 showing that the import of an aircraft is PROHIBITED unless prior permission is granted by the 'Controller of Civil Aviation' making reference to the Director of Civil Aviation is sufficient. Administrative process for effective coordination and implementation of the provision of this Regulation between the Department of Transport and CASA is therefore necessary and this is under discussion.

The Authority has proposed legislation for the Director to approve non-schedule flights by foreign registered aircraft which Parliament has passed in March 2016. Section 201A refers. This is yet to be certified by the Speaker before Gazettal takes place.

Internal directive issued by this Office on the operation of foreign aircraft in Papua New Guinea has also been issued and are currently being implemented. Also approvals of other non-PNG registered aircraft have included strict safety provisions and others refused for safety reasons. Foreign aircraft who have been operating in PNG using foreign registered aircraft have been directed to apply to have their aircraft registered within 3 months to enable CASA to have responsibility for safety oversight. This will Refer attached as evidences.

### **PNG Accident Investigation Commission (AIC) assessment of Civil Aviation Safety Authority of PNG (CASA) response**

The AIC has reviewed the CASA PNG response addressing the recommendation AIC 16-R07/16-1002 addressed to CASA. The AIC assigned this response a **satisfactory** rating, and records the **Status of the AIC Recommendation: Closed.**



**David Inau, ML**

**Chief Executive Officer**

**7 December 2016**