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Safety recommendation: AIC 16-R8/16-1003

Addressed to: PNG Government Department of Transport

Date issued: 14 September 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 UTC¹ and he cancelled SAR² 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'³. 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.

¹ 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.

² 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.

³ 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.

The AIC found no evidence that CASA enforced the requirement to register the aircraft in PNG. There was no evidence that Wings of Hope PNG Inc., further sought to register the aircraft in PNG. The evidence clearly points to Wings of Hope PNG Inc., actively seeking to avoid such requirement. Over many months, the owner/pilot continued to lobby DoT and CASA to allow continued operations under USA FAA provisions, citing another charity organisation Samaritan Aviation as operating under USA FAA licencing within PNG for an extended period of years.

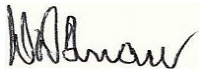
Recommendation number AIC 16-R8/16-1003

The PNG Accident Investigation Commission recommends that the PNG Government Department of Transport (DoT) ensure that all documents required under Parts XI and XII, should be entered into the registry established under Civil Aviation Act 2000 section 66. They should be:

- (a) Delivered to the Director of the Civil Aviation Safety Authority of PNG (CASA), through a reliable means agreed upon by both CASA and the DoT and which is not contrary to the Act; and
- (b) Entered and maintained in the registry in accordance with that the requirements of Section 66.

Action requested

The AIC requests that the PNG Government Department of Transport (DoT) note recommendation AIC 16-R8/16-1003 above, and provide a response to the AIC within 60 days of the issue date, and explain (including with evidence) how DOT has addressed the safety deficiency identified in the AIC investigation report AIC 16-1003.



DAVID INAU, ML
Chief Executive Officer

PNG Department of Transport response

On 14 February 2017, the PNG Department of Transport provided the following response to the AIC's Recommendation AIC 16-R8/16-1003:


Parts XI and XII of the Civil Aviation Act 2000 cover Licensing requirements encompassing the economic regulation of Domestic and International Air Services, respectively. It is a completely distinct function from Air Safety Regulation which is the jurisdiction of CASA.

The Air Transport economic licensing requirements are a mandate of Department of Transport (DoT) and these instruments authorize the use of air transportation for the purposes of monetary gain or any form of reward in exchange for services rendered.

DoT fully appreciates the requirements of Section 66, Para 2, Item (j) of the Civil Aviation Act 2000 (as amended) and is in adherence. This infers that all copies of Air Service Licences issued pursuant to parts XI and XII of the Civil Aviation Act 2000 by DoT are always being sent to CASA to be stored in the Civil Aviation Registry.

PNG Accident Investigation Commission (AIC) assessment of Department of Transport (DoT) response

On 15 February 2017 the AIC assessed the PNG Department of Transport response as satisfactorily addressing the identified safety deficiency. With respect to AIC 16-R8/16-1003 addressed to PNG Air Services Ltd; **Status of the AIC Recommendation: Closed Accepted**

A handwritten signature in black ink, appearing to read 'DAVID INAU', is written over a light yellow rectangular highlight.

DAVID INAU, ML
Chief Executive Officer

15 February 2017