



AIC Head Office,
Level 1, NAQIA Haus, Portion 81, Moera Tobo Rd, 6 Mile
PO Box 1709, Boroko 111
National Capital District
Papua New Guinea

Telephone : (675) 323 2911
Facsimile: (675) 323 2139
Email : hnamani@aic.gov.pg

Safety Recommendation: AIC 16-R05/15-2028

Addressed to PNG Air

Date first issued: 2 June 2016

Reissued: 16 February 2019

Investigation link: AIC 15-2028 Action status: Issued

Safety deficiency description

On 21 August 2015, at 02:47 (UTC)¹ a Fokker F27 Mk 050 (F50) registered P2-TAE (TAE) operated by Travel Air and a Bombardier DHC-8-102 (Dash 8) registered P2-MCW (MCW) operated by Airlines PNG (now PNG Air), were involved in a breakdown of separation about 9.5 nm (17.5 km) northwest of Lae (Morobe Province).

During the Accident Investigation Commission's (AIC) investigation, the crew of MCW reported that shortly after they had levelled off at 8,000 ft and were above cloud, they received a traffic alert and collision-avoidance system² (TCAS) Traffic Alert (TA), followed by a Resolution Advisory (RA) instruction, and observed TAE descending to within 600 ft vertical separation with MCW. They took immediate (visual) evasive manoeuvring action to avoid TAE, based on the RA instruction. ‘

The pilot in command (PIC) of MCW submitted a report to the Airlines PNG Safety and Quality Management Group on the day after the serious incident, 22 August 2015 when he returned to Port Moresby. He did not report the serious incident to the Civil Aviation Safety Authority as soon as practicable as required by the *Civil Aviation Act Section 60* and *Civil Aviation Rule 12.51*.

After processing the PIC's report and raising an “Assessment request 15/AI/339” the Airlines PNG Safety and Quality Administrator notified CASA on 25 August 2015, by submitting a form CA005 to CASA by email, with a copy to the CEO of the AIC. The notification was generated from the Airlines PNG *AQD Integrated Safety and Risk Management System*. This was sent within the timeframe required *CAR 12.53*.

However, following receipt of the CA005 from Airlines PNG, CASA did not notify the AIC of the serious incident in accordance with *Section 62* of the Act, but appears to have solely relied on the cc'd email from Airlines PNG, rather than telephoning the AIC with such important safety information.

¹ The 24-hour clock, in Coordinated Universal Time (UTC), is used 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 Specific type of Airborne Collision Avoidance System.

Due to the elapsed time between the breakdown of separation and the AIC being notified of the occurrence, the recorded TCAS data, Flight Data Recorder (FDR) and Cockpit Voice Recorder (CVR) data were overwritten, resulting in the data for the flight on 21 August 2015 no longer being available for the AIC's investigation. The AIC also sought to analyse the TCAS data to check the functionality and integrity of the TCAS system in TAE. Time and date data were not logged which further hampered the accuracy of the AIC's analysis of the TCAS data.

The AIC determined that the reporting requirements of the *Civil Aviation Act 2000 (as amended) (Act)* and the *Civil Aviation Rules (CAR)* were not met by the pilots, the operators, and subsequently CASA. The delayed notification to the AIC prevented the timely download of the recorded flight data to assist the AIC's investigation into the breakdown of separation involving the Fokker F27 Mk 050, P2-TAE, and the Bombardier DHC-8-102.

While *CAR Part 12* provides for the submission of a completed form CA005 to CASA within four working days, **the Act and Rules make no provision for an organisation to delay on-forwarding an accident or serious incident notification to CASA**, for the purpose of first conducting their own internal investigation or analysis of the notification.

If an operator has internal procedural requirements for pilots to first notify the company of an accident or serious incident as soon as practicable, such procedures should either require the PIC to also notify CASA as soon as practicable. If a pilot is incapacitated or is unable to notify CASA, as soon as practicable after being notified of an accident or serious incident the company should notify CASA by telephone.

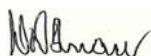
Recommendation number AIC 16-R05/15-2028 to Airlines PNG issued on 2 June 2016

The Accident Investigation Commission recommends that Airlines PNG, as a matter of urgent safety concern should promulgate an operational requirement:

1. for a pilot in command who is involved in an accident or incident to notify CASA as soon as practicable by telephone;
2. for a pilot in command who is involved in an accident or incident to notify the company as soon as practicable by telephone or company radio; or
3. if a pilot is incapacitated or is unable to notify CASA, as soon as practicable after being notified of an accident or serious incident the company should notify CASA by telephone.

Action requested

The AIC requests that Airlines PNG note recommendation AIC 16-R05/15-2028 above, and provide a response to the AIC within 60 days of the issue date, and explain (including with evidence) how Airlines PNG has addressed the safety deficiency identified in the AIC investigation report AIC 15-2028.



DAVID INAU, ML

Chief Executive Officer

2 June 2016

PNG Accident Investigation Commission comment 16 February 2019

The PNG Accident Investigation Commission notes the change of company name from Airlines PNG to PNG Air.

On 16 February 2019, the PNG Accident Investigation Commission noted with concern that no response has been received from PNG Air to this *Safety Recommendation AIC 16-R05/15-2028*, and the recommendation, now **2.75 years old**, remains **ACTIVE**.

PNG Civil Aviation Rule Part 1 “Definitions” was amended and promulgated on 13 November 2018.

On page 14, the term “as soon as practicable” is defined as “**with a minimum of delay and by the most suitable and quickest means possible**”³

The PNG AIC therefore reissues this recommendation to PNG Air in a strengthened form and reiterates the safety deficiency.

Reissued *Recommendation* number *AIC 16-R05/15-2028* to PNG Air 16 February 2019

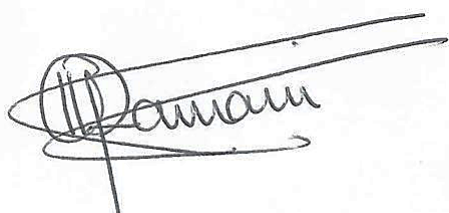
The Accident Investigation Commission recommends that PNG Air, as a matter of urgency, should ensure that its *Exposition* and other relevant documents and manuals are amended to comply with the *Civil Aviation Rule* requirement to notify the Authority of an accident or incident “**with a minimum of delay and by the most suitable and quickest means possible**”⁴. Specifically:

1. for a pilot in command who is involved in an accident or incident to notify CASA **with a minimum of delay and by the most suitable and quickest means possible**.
2. for a pilot in command who is involved in an accident or incident to notify the company **with a minimum of delay and by the most suitable and quickest means possible, which may include** by telephone or company radio; or
3. if a pilot is incapacitated or is unable to notify CASA, the company, after being notified of an accident or serious incident should notify CASA **with a minimum of delay and by the most suitable and quickest means possible**.

Action requested

The AIC requests that PNG Air note the reissued *Safety Recommendation AIC 16-R05/15-2028* above, and provide a response to the AIC within 60 days of the issue date, (no later than 17 April 2019), and explain (including with evidence) how PNG Air has addressed the safety deficiency identified in the *Recommendation AIC 16-R05/15-2028*.

The AIC has rated this lack of response by PNG Air as *Unsatisfactory and Not Accepted*. The status of the recommendation is **ACTIVE**.



HUBERT NAMANI, LLB
Chief Commissioner

16 February 2019

³ Refer to PNG CAR Part 1 Definitions page 14, promulgated 13 November 2018.

PNG Air Limited (formerly Airlines PNG) Response

The AIC did not receive a response from PNG Air within the provided 90 days period.

After a courtesy follow up by AIC, PNG Air Limited provided a response on 25 November 2020 informing AIC that they had implemented many changes to ensure ongoing compliance with Civil Aviation Rule (CAR) Part 12.57 to ensure that the pilot in command, as an authorized persons operating under the company AOC 119/013 is provided the necessary support through the company safety management system to provide appropriate notification. The recipient also provided evidence of changes to AIC.

AIC Assessment

The AIC has assessed the response provided by PNG Air and noted that was the safety recommendation was accepted by PNG Air. The AIC also assess the evidence of changes provided by PNG Air.

The AIC assigns PNG Air's response and its evidence as *satisfactory*.

The AIC has recorded the **Status of the Recommendation: CLOSED**.



Hubert Namani, LLB

Chief Commissioner

23 August 2021