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Safety recommendation: AIC 24-R04/23-1004

Addressed to: Department of Transport, Papua New Guinea

Date issued: 11 June 2024

Investigation link: AIC 23-1004

Action status: Issued

Introduction

On 7 June 2023, at about 15:10 local (05:10 UTC), a Cessna 206 aircraft, registered VH-MZL owned and operated by Strickland Bosavi Foundation Limited (SBFL), was conducting a private VFR flight from Dodomona Airstrip to Mougulu Airstrip, Western Province, Papua New Guinea, when during take-off, the aircraft ran off the edge of the runway, overturned and came to rest inverted.

There were 4 persons on board the aircraft: one pilot and three passengers. There were no injuries reported.

The aircraft was substantially damaged.

Safety deficiency description

The Operator, SBFL, requested on 12 May 2023 for permission to enter and operate in PNG. The Department of Transport under Section 201 of the Act issued a permit to SBFL permitting entry and operation in PNG. enter and operate in PNG under Section DoT under Section 201 of the Act, to a foreign registered aircraft, to operate in the territory of PNG.

According to Section 201A (1) of the Civil Aviation Act 2000 (as amended) (CA Act), it states that:

(1) Notwithstanding anything in Section 201¹, if CASA considers that a foreign registered aircraft possessing the nationality of a Contracting State intends, in the course of a non-scheduled flight over Papua New Guinea territory, to proceed over regions that are inaccessible or without adequate air navigation facilities, CASA may direct –

(a) that the aircraft follow an established air route; or

(b) that the flight be conducted in accordance with conditions specified by CASA.

The AIC notes that Section 201A implies that CASA PNG is supposed to be made aware of the non-scheduled flights conducted by foreign registered aircraft referred to in that Section, in order to consider whether it may or may not give directions to the concerned aircraft or flight.

In this instance, DoT had issued a permit to the foreign operator, SBFL, to conduct a non-scheduled international flight to and from the territory of PNG under *Section 201* of the CA Act, however, CASA PNG was not notified of the permit grant, and therefore, could not exercise its legal power outlined in *Section 201A*.

Additionally, *Section 66* of the CA Act, which outlines the legal provisions of the *Civil Aviation Registry*, states that:

- (1) *The Authority shall establish a Civil Aviation Registry.*
- (2) *Copies or appropriate evidence of the following shall be recorded and maintained at the Registry:-*
 - ...
 - (b) *every current aviation document;*
 - ...
 - (h) *every delegation, authorization, and exemption granted in writing under this Act;*
 - ...

As interpreted by the CA Act, under *Section 3*, “aviation document” means:

“a licence, permit, certificate, or other document issued under this Act to or in respect of any person, aircraft, aerodrome, aeronautical procedure, aeronautical product or aviation related service;”

Furthermore, *Section 66* specifies that authorizations granted under the CA Act shall be recorded and maintained in the *Civil Aviation Registry*. Therefore, the permit that was issued to SBFL by DoT as an authorisation in accordance with *Section 201* of the CA Act, is also required under *Section 66 (b)* and (h) to be forwarded to CASA PNG to be recorded and maintained in the *Civil Aviation Registry*.

The AIC identified that it is implied in the CA Act through *Section 201A* that CASA PNG shall become aware of non-scheduled international flights to and from PNG, and any authorisations or permits issued thereunder, to enable CASA PNG to effect its mandated obligation under *Section 66*. However, in this instance, CASA PNG was not aware of the permit that was granted to SBFL by DoT.

**Recommendation number AIC 24-R04/23-1004 to Department of Transport,
Papua New Guinea**

The PNG Accident Investigation Commission (AIC) recommends that the Department of Transport should ensure that the Civil Aviation Safety Authority is notified of authorisations granted by way of issued permits for non-scheduled foreign aircraft flights into and around PNG as soon as practicable.

Action requested

The AIC requests that the Department of Transport note recommendation *AIC 24-R04/23-1004* and provide a response to the AIC within 90 days of the issue date, but no later than 8 September 2024 and explain including with evidence how DoT has addressed the safety deficiency identified in the safety recommendation.



Maryanne J Wal
Chief Commissioner

Department of Transport response to Safety Recommendation AIC 24-R04/23-1004

The AIC did not receive a response from Department of Transport (DoT) within the provided 90 days period.

Courtesy follow-up emails were sent by AIC to DoT with the latest been on 9 March 2025.

On 10 March 2025, the Secretary of the DoT acknowledged *Safety Recommendation AIC 24-R04/23-1004* and outlined that the DoT has identified policy and regulatory gaps concerning foreign-registered aircraft operations—particularly private, charitable, and mission flights—and intends to revisit and address these gaps, and to strengthen coordination with CASA PNG to ensure timely safety-oversight clearances.

An email was sent to DoT on 12 May 2025 for DoT to provide a corrective action plan on how they intend to address the identified policy and regulatory gaps.

DoT responded on the same day stating that these breakdown in policy and regulatory oversights were due to lack of policy direction. They indicated that the soon to be commissioned *Civil Aviation Policy* is addressing these issues and is expected to be commissioned around September or October 2025.

The DoT also mentioned that a formal letter consolidating its position would be issued to the AIC.

On 20 May 2025, the AIC received the formal letter from DoT dated 12 May 2025. The letter reiterates the breakdown in existing *Civil Aviation Policy* hence the lack of policy direction leading to regulatory and safety oversight for this category of aircraft operations. Furthermore, the letter provides a timeframe for *Civil Aviation Policy* commissioning and *Civil Aviation Legislation* as follows.

- A new *Civil Aviation Policy* is currently under formulation and is expected to be commissioned by September or October 2025.
- Following its completion, a review of the *Civil Aviation Legislation* will commence, scheduled for November 2025 or alternatively February 2026, depending on the *Civil Aviation Policy's* finalisation.

The letter also stated that the legislative review will specifically revisit *Section 201* of the *Civil Aviation Act 2000*, aiming to strengthen provisions related to the use of foreign-registered aircraft under various flight categories.

AIC assessment of Department of Transport response

AIC reviewed the Department of Transport's response to address *Safety Recommendation AIC 24-R04/23-1004* and notes that DoT has acknowledged the deficiency identified in the safety recommendation. The AIC also notes that DoT's corrective action plan to review, formulate and commission the *Civil Aviation Policy* and the review of *Section 201* of the *Civil Aviation Act 2000* (as amended) will address the safety deficiencies identified in *Safety Recommendation AIC 24-R04/23-1004*.

The AIC has assigned this response a *Satisfactory Intent* rating.

The AIC recorded the status of the Safety Recommendation: **MONITOR.**



Maryanne J Wal
Chief Commissioner
28 May 2025