



**Notice of Proposed
Rule Making NPRM
2414/173-44
23 August 2024**

Part 173

**Instrument Flight
Procedure Service
Organisation -
Certification and
Operation**

**Consequential
Amendments
Nil**

**Docket
24/14/CAR173/45
2024 Rules Review**

Proposed Applicable 04th November 2024



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 regulatory code of the Civil Aviation Safety Authority of Australia.

Rules are divided into Parts and each Part contains a series of individual rules which 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, the Civil Aviation Safety Authority of PNG (CASA PNG) 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 whilst 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, amongst 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:

- (a) The implementation of Papua New Guinea's obligations under the Convention
- (b) To provide for a safe, sustainable, effective and efficient aviation services
- (c) The provision of aviation meteorological services, search and rescue services and civil aviation security programmes and services
- (d) Assisting aviation safety and security, including but not limited to personal security
- (e) Assisting economic development
- (f) Improving access and mobility
- (g) Protecting and promoting public health
- (h) Ensuring environmental sustainability
- (i) Any matter related or reasonably incidental to any of the following:
 - (1) The Minister's functions and role under section 8 of the Act;
 - (2) The Authority's general objects and functions under section 11 of the Act;
 - (3) The Authority's functions in relation to safety under section 12 of the Act; and
 - (4) The Director's functions and powers under section of 17 the Act
 - (5) The Director's powers under section 52A, 53 and 54 of the Act
- (j) 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 173 and includes:

- (a) correction of grammatical and editorial errors;
- (b) updating of rule wording where it is not consistent with current rule drafting conventions;
- (c) updating of rule wording and rule references so that they are in line with applicable rule changes; and
- (d) inclusion and updating of required rule documentation.

2. Background to the Proposal

2.1. General Summary

The review of Part 173 revealed that specific provisions, including the Quality Process of Instrument Flight Procedures and the Training Programme of Instrument Flight Procedures Design Staff, have not been implemented. The following amendments are proposed to ensure that the Rule is in accordance with the ICAO standards and best practices:

2.2. NPRM Development

The proposed amendments were developed using the current rule consolidation extracts from the CASA Rules Register in combination with those of the ICAO, the Civil Aviation Authority of New Zealand, the Civil Aviation Safety Authority of Australia, and the applicable advisory circulars including acceptable means of compliance and guidance material.

2.3. Key Stakeholders

The Civil Aviation Safety Authority identifies the following as key stakeholders for the proposed rule amendments contained in this NPRM:

- (a) The Civil Aviation Safety Authority
- (b) The Ministry for Transport and Civil Aviation
- (c) Aircraft operators
- (d) Instrument Flight Procedure Design organisations
- (e) Aircraft Maintenance organisations
- (f) Foreign Air Operators

3. Issues Addressed during Development

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:

- (i) Annex 4 – Aeronautical Charts
- (j) Annex 6 – Operation of Aircraft
- (k) Annex 11 – Air Traffic Services

3.4 Compliances Costs

It is expected that there will be minimal cost to aviation industry participants as a result of this proposal.

4. Summary of changes

The following amendments are considered for inclusion in the current Part 173

- (a) DESCRIPTION – proposed inclusions
- (b) 173.7 Application for certificate – (1) deletion
- (c) 173.11 Privileges of certificate holder - (1) deletion of word
- (d) 173.13 Duration of certificate – new inclusion (e) and (f)
- (e) 173.15 Notification of termination of service - time period shorten to 60 days from 90 days
- (f) 173.51 Personnel requirements – new inclusion (2)(iv) and (b)
- (g) 173.52 Training Programme – Update and new inclusions
- (h) 173.71 Quality Management System - new inclusions (b)
- (i) 173.101 Continued compliance – Update form
- (j) 173.103 Changes to certificate holder's organization - new inclusions (b)(4)
- (k) 173.105 Cessation of maintenance of an instrument flight procedure - time period shorten to 60 days from 90 days
- (l) 173.201 Design – Update
- (m) 173.202 Aerodrome Operating Minima - new inclusions
- (n) 173.205 Validation of Instrument Flight Procedures – update
- (o) A.1 Qualified Designers - Update



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 provides for the Minister to make rules for the implementation of Papua New Guinea's obligations under the Convention;
- (b) Section 72(a) which provides for the Minister to make rule for the designation, classification and certification of-
 - (1) Air services;
 - (2) Aerodrome operators;
 - (3) Aviation security providers;
 - (4) Aviation training organizations;
 - (5) Aircraft design, manufacture, maintenance and supply organizations;
 - (6) Air traffic services;
 - (7) Aviation meteorological services;
 - (8) Aeronautical communication services; and
 - (9) Aeronautical procedures.

The proposed amendment of Part 109 complies with the requirements of the *Civil Aviation Act 2000* and does not contravene the Constitution, the Aerodrome (Business Concession) Act 2000, Civil Aviation (Air Craft Operator Liability) Act 1975, Aircraft Charges Act, Airport Departure Tax Act, Explosive Act 1952, Firearms Act 1978, Customs Act 1951, Plant, Disease and Control Act 1953, and the Environmental Act 2000.

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:

5.1.1 ICAO Standards and Recommended Practices

The proposed rule amendments comply with applicable sections of the following International Civil Aviation Organization (ICAO) Annexes:

- Annex 11 – Air Traffic Services
- Annex 6 – Operation of Aircraft
- Annex 4 – Aeronautical Charts

5.1.2 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.



5.1.3 Assisting Safety and Personal Security

The proposed rule amendments will maintain safety levels in respect to identifying the person or persons certifying release to service of an aircraft or aircraft component.

5.1.4 Improving Access and Mobility

The proposed rule amendments will have no impact on access and mobility.

5.1.5 Protecting and Promoting Public Health

The proposed rule amendments will have no impact on protecting and promoting public health.

5.1.6 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 rule amendment by submitting written data, views, or comments. All submissions will be considered before final action on the proposed rule amendment is taken. If there is a need to make any significant change to the rule requirements in the 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 with final rule.

Submissions may be examined by application to the Docket Clerk at the Civil Aviation Safety Authority 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 Civil Aviation Safety Authority offices.

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 2414/173-45) Civil
Aviation Safety Authority PO Box 1941
BOROKO
National Capital District

delivered: Docket Clerk (NPRM 2414/173-45) Civil
Aviation Safety Authority Morea-Tobo
Road
Six Mile, Jacksons Airport Port
Moresby NCD

by Email: Docket Clerk (NPRM 2414/173-45)
rules@casapng.gov.pg

7.1 Final date for submissions

Comments must be received before **COB 01st October, 2024**

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 2
Morea-Tobo Road
Six Mile,
Jacksons Airport
Port Moresby
NCD

7.3 Further information

For further information, contact:

Taras Garap (Ms.)
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Proposed Rule Amendments

Part 173

Instrument Flight Procedure Service Organisation – Certification and Operation

DESCRIPTION

Part 173 prescribes –

- rules governing the certification and operation of organisations that provide services for the design and maintenance of instrument flight procedures; and
- the technical standards for the design of instrument flight procedures.

The Part does not apply to the design of aircraft performance operating limitations or flight paths for critical engine inoperative emergency procedures.

Part 173 aims to ensure that the design, maintenance, and promulgation of instrument flight procedures intended for use by aircraft operating under Instrument Flight Rules (IFR) in the Port Moresby Flight Information Region (FIR) meet or exceed the International Civil Aviation Organisation (ICAO) standards and recommended practices for instrument flight procedures.

Part 173 aligns with Annex 11 – Air Traffic Services and other applicable ICAO Standards and Recommended Practices

- ~~Amendment 51 of Annex 11~~

173.11 Privileges of certificate holder

An instrument flight procedure service certificate -

- (2) specifies the types of ~~visual and~~ instrument flight procedure that the certificate holder is authorised to design, flight validate, certify and maintain.

173.15 Notification of termination of service

The holder of an instrument flight procedure service certificate that terminates its service shall notify the Director of termination in writing not less than ~~90~~ 60 days prior to the date of the termination.

173.17 Renewal of certificate

(a) ...

(b) The application required by paragraph (a) shall be submitted to the Director before the application renewal date specified on the certificate or, if no such date is specified, not less than ~~90~~ 60 days before the certificate expires.

Subpart B — Certification Requirements

173.51 Personnel requirements



- (a) An applicant for the grant of an instrument flight procedure service certificate must ~~shall~~ employ, contract, or otherwise engage—
- (2) a senior person or persons who are, responsible to the Chief Executive for —
- (i) ensuring that the applicant’s organisation complies with its exposition; and
 - (ii) the certification of every instrument flight procedures in accordance with the procedures required by rule 173.57; and
 - (iii) ensuring the system for safety management required under rule 173.69; and
 - (iv) ensuring the system for quality management required under rule 173.71.
- (b) An applicant for the grant of an instrument flight procedure service certificate shall establish procedures required by rule 173.52 for training and checking programme for initially assessing, training, and for maintaining, the competence of—

173.52 Training Programme

- (a) An applicant for the grant of an instrument flight procedure service certificate must ensure ~~that~~ —
- (1) to establish an overall training policy and training programme to ensure that each assigned designer or person is trained and competent to perform their assigned duties; and
 - (2) ~~(1) that prior to assignment to duty, each person required to receive training in accordance with this Subpart, must, whether employed on a full or part time basis, receives such training as appropriate to his or her duties; and~~
 - (3) the training programme contains segments for -
 - (i) initial training; and
 - (ii) advanced training; and
 - (iii) on-job-training; and
 - (iv) recurrent training; and
 - (v) refresher training; and
 - (4) that each segment required by paragraph (3) includes a syllabus acceptable to the Director.
 - (5) that the training program is appropriately implemented in accordance with periodic training plans; and
 - (6) to establish procedures required by rule 173.73 acceptable to the Director for keeping training record for all technical staff and maintained up to date; and
 - (7) ~~(2) that~~ the training facilities, equipment and personnel are acceptable to the Director and, in the case of training checking personnel.
- (b) The training programme required under paragraph (a), must be approved by the Director.

173.71 Quality Management System

- (a) An applicant for the grant of an instrument flight procedure service certificate must establish, implement, and maintain a system for quality ~~safety~~ management in accordance



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with Part 100.

(b) An applicant for the grant of an instrument flight procedure service certificate shall establish and implement a ~~Quality management system (QMS)~~ for flight procedure design in accordance with:

- (1) ICAO PANS-OPS DOC 8168 Volume II, Chapter 4, Quality Assurance; and
- (2) ICAO Document 9906, Volume 1, Quality Assurance Manual for Flight Procedure Design.

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173.73 Organisation exposition requirements

(a) An applicant for the grant of an air navigation service certificate shall provide the Director with an exposition that shall contain—

...

(10) details of the applicant's procedures as required by—

- i. rule 173.51(b) regarding assessment and competence of personnel; and
- ii. rule 173.52 (b) regarding Training Programme; and
- iii. ~~(ii)~~ rule 173.53(b)(1) regarding access to data; and
- iv. ~~(iii)~~ rule 173.53(b)(2) regarding currency and accuracy of data; and
- v. ~~(iv)~~ rule 173.53(c) regarding control of documentation; and
- vi. ~~(v)~~ rule 173.55(a) regarding design, verification and flight validation of instrument flight procedures; and
- vii. ~~(vi)~~ rule 173.55(c) regarding flight validation of instrument flight procedures; and
- viii. ~~(vii)~~ rule 173.55(e) regarding the justification for instrument flight procedures not requiring flight validation; and
- ix. ~~(viii)~~ rule 173.55(f) or (g) regarding the compliance with standards; and
- x. ~~(ix)~~ rule 173.56 regarding authorisation of senior persons; and
- xi. ~~(x)~~ rule 173.57 regarding certification of instrument flight procedures; and
- xii. ~~(xi)~~ rule 173.59 regarding promulgation of instrument flight procedures and the means to provide details of each procedure to the Director; and
- xiii. ~~(xii)~~ rule 173.61 regarding maintenance of instrument flight procedures; and
- xiv. ~~(xiii)~~ rule 173.63 regarding errors in published instrument flight procedures; and
- xv. ~~(xiv)~~ rule 173.67 regarding management of records; and

173.101 Continued compliance

The holder of an instrument flight procedure service certificate shall—

...

(5) notify the Director of any change of the certificate holder's postal address, address for service, telephone number, or facsimile number on form CA 173/~~04~~ 03 within 28 days of the change.

173.103 Changes to certificate holder's organisation

(b) Where the holder of an instrument flight procedure service certificate proposes to make a change to:



...

(4) the system for safety management.

(c) An application to make any of the changes specified in paragraph (b) shall be made by the holder of an instrument flight procedure service certificate on form CA173/0+ 03.

(e) The holder of an instrument flight procedure service certificate shall comply with any conditions prescribed by the Director under paragraph ~~(e)~~ (c).

173.105 Cessation of maintenance of an instrument flight procedure

If the holder of an instrument flight procedure service certificate proposes to discontinue the maintenance of an instrument flight procedure as required by rule 173.61, the certificate holder must notify the Director in writing of the proposal to discontinue the maintenance at least ~~90~~ 60 days before the maintenance ceases.

173.201 Design

(a) Every instrument flight procedure must be designed in accordance with the requirements of this Part and in accordance with the appropriate design processes, standards, guidelines, and aeronautical data quality requirements contained in the following:

(1) ICAO Documents—

(i) Doc 8168, Procedures for Air Navigation Services – Aircraft Operations — Volume I Flight Procedures, and Volume II, Construction of Visual and Instrument Flight Procedures:

(ii) Doc 8697, Aeronautical Chart Manual:

(iii) Doc 9365, Manual of All-Weather Operations:

(iv) Doc 9613 Performance Based Navigation Manual — Volume I Concept and Implementation Guidance, and Volume II Implementing RNAV and RNP:

(v) Doc 9881, Guidelines for Electronic Terrain, Obstacle and Aerodrome Mapping Information:

(vi) Doc 9905, Required Navigation Performance Authorization Required (RNP AR) Procedure Design Manual

(vii) Doc 9906, The Quality Assurance Manual for Flight Procedure Design.

173.202 Aerodrome Operating Minima

(a) The holder of an instrument flight procedure service certificate must establish Aerodrome Operating Minima to be published in the Papua New Guinea AIP for each instrument flight approach procedure and circling procedure designed, or maintained, or both under the authority of their certificate for aerodromes and heliports in accordance with the state's criteria and design criteria referred to in rule 173.201.

~~(b) The certificate holder required by paragraph (a) is approved by the Director.~~

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- (c) The holder of an instrument flight procedure service certificate must establish Aerodrome Operating Minima to be published in the Papua New Guinea AIP for each instrument flight procedure designed, or maintained, in accordance with the state's criteria and design criteria referred to in rule 173.201 and is acceptable to the Director.

173.205 Validation of Instrument Flight Procedures

- (b) all elements of the validation and must document their proposed validation activities in a plan and submit as early as possible to ~~CASA PNG~~ the Director for acceptance.
- (h) Where a ground and/or flight and navigation database validation has been conducted, a report must be completed by each of the following where applicable and shall be forwarded to ~~CASA PNG~~ the Director:

A.1 Qualified Designers.

- (a) The minimum standard for the qualifications and experience of a qualified designer is:
- (1) satisfactory completion of an approved ICAO PANS-OPS procedures design course; or
 - (2) a training course acceptable to the Director as an equivalent;
 - (3) satisfactory completion of a course of in-service training in procedures design as detailed in the designer's operations manual;
 - (4) required minimum design experience in accordance with paragraph (c) of this section; and
 - (5) a written approval by the ~~chief designer~~ senior persons in accordance with paragraph (d) of this section.