



**Notice of Proposed Rule Making
NPRM 2414/95-20
28 August 2024**

**Part 95
Visual and Instrument Procedures for
IFR Flight**

**Docket24/14/CAR95/20
2024 Rules Review**

Proposed Applicable 04th November 2024



Background to the Civil Aviation Rules

The Papua New Guinea (PNG) Civil Aviation Rules (CARs) establish the *minimum* regulatory safety standards and boundary for participants to gain entry into, operate within, and exit the PNG civil aviation system. The PNG 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 been established to be an ‘*Acceptable Means of Compliance*’ (AMC) for the associated rule. An Advisory Circular may also contain Guidance Material (GMs) and Explanatory Material (EMs) to facilitate compliance with the rule requirements.

The objective of the Civil Aviation Rules system is to obtain 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 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 17 of 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 95

2. Background to the Proposal

2.1 General Summary

Addition of a requirement to link to CAR 173 for design criteria and minor refinements to rule text.

As it has already been documented in CAR 1, the duplicate definition entry has been corrected and will be removed from this rule.

2.2 NPRM Development

As a signatory to the convention on international civil aviation, Papua New Guinea is committed to aligning its regulations to ICAO SARPS, where practicable. Therefore, international operations will need to remain consistent with the definitions and abbreviations of ICAO Annexes 1 to 19.

The last amendment to Part 95 was amendment 2, dated 1 May 2017. This amendment is proposed to align with new and amended standards introduced into ICAO Annex 6 Part I.

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) Aircraft maintenance organizations
- (e) Other aviation industry stakeholders

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 Annex:

- Annex 6, Part I – Operation of Aircraft, Amendment 44



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3.4 Compliance Costs

The proposed amendments will not incur any cost.

4. Summary of changes

The proposed amendments include the following:

Rule 95.3 Definitions and Abbreviations

- Visual manoeuvring (circling) area definition deleted as is already captured in Part 1

Rule 95.51 Designing visual and instrument flight procedures

- Addition of new requirement to be referenced to Part 173 Subpart D – Design Criteria—
Instrument Flight Procedure

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 95 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.



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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:

5.2.1. ICAO Standards and Recommended Practices

The proposed rule amendments comply with applicable sections of International Civil Aviation Organization (ICAO) Annex 8, Amendment 106.

5.2.2. 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.

5.2.3. Assisting Safety and Personal Security

The proposed rule amendments will maintain safety levels in respect to clarifying and maintaining common standards of definitions, abbreviations and units of measurements used throughout the industry.

5.2.4. Improving Access and Mobility

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

5.2.5. Protecting and Promoting Public Health

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

5.2.6. 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.



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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 submission

Submissions may be sent by the following methods:

By Mail: Docket Clerk (NPRM 2414/95-20)
Civil Aviation Safety Authority of Papua
New Guinea
PO Box 1941
Boroko
National Capital District

Delivered: Docket Clerk (NPRM 2414/95-20)
Civil Aviation Safety Authority of Papua
New Guinea
Morea-Tobo Road
Six Mile, Jacksons Airport
Port Moresby NCD

By Email: Docket Clerk (NPRM 2414/95-20)
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 PNG web site: www.casapng.gov.pg

or at a cost from

Docket Clerk
Civil Aviation Safety Authority of Papua New Guinea Headquarter
Building 1, Level 1
Morea-Tobo Road
Six Mile, Jacksons Airport
Port Moresby NCD

7.3 Further information

For further information, contact:

Taras Garap (Ms.)
Manager Legal Services
CASA PNG
tgarap@casapng.gov.pg

Ph.: 325 7320 Mob: 70319368



Proposed Rule Amendments

Part 95 Visual and Instrument Procedures for IFR Flight

95.3 Definitions and Abbreviations

~~Visual manoeuvring (circling) area means a defined area within which obstacle clearance is provided during the visual phase of flight after completing an instrument approach, to bring the aircraft into position for landing on a runway:~~

Subpart B — Visual and Instrument Flight Procedures

95.51 Designing visual and instrument flight procedures

- (a) A person designing or amending a visual and instrument flight procedure shall—
- (1) construct the procedures in accordance with—
 - (i) the guidelines contained in ICAO Doc 8168, Volume II, construction of visual and instrument flight procedures; and
 - (ii) the guidelines contained in ICAO Doc 9365, Manual of All-Weather Operations; and
 - (iii) ICAO Annex 6, Operation of Aircraft; and
 - (iv) ICAO Annex 11, Air Traffic Services; and
 - (v) Part 173 Subpart D – Design Criteria—Instrument Flight Procedure
 - (vi) other guidelines and criteria acceptable to the Director; and