



I assent.

[L.S.]

K. K. T. MARA
President

[19 March 1999]

AN ACT

RELATING TO THE REORGANIZATION UNDER THE PUBLIC ENTERPRISE ACT OF THE CIVIL AVIATION AUTHORITY OF FIJI

ENACTED by the Parliament of the Fiji Islands—

Part 1—PRELIMINARY

Short title

1. This Act may be cited as the Civil Aviation Reform Act 1999.

Commencement

2.—(1) This Act commences on a date or dates to be appointed by the Minister by notice in the *Gazette*.

(2) The Minister may appoint different dates for the commencement of different provisions of the Act.

Part 2—OPERATION OF AIRPORTS

Division 1—Interpretation

Interpretation

3. In this Part—

“aerial work” means any purpose, other than the carriage of passengers or cargo, for which an aircraft is flown if hire or reward is given or promised in respect of the flight or the purpose of the flight;

“airport” means an area of land or water designed, equipped, set apart or used for the landing and take-off of aircraft and, includes any buildings or, installations on it;

“airport operator” means a person that operates an airport;

“Airports Fiji” means Airports Fiji Limited, as that company exists from time to time (even if its name is later changed);

“air traffic services” means any of the following—

- (a) a flight information service;
- (b) an alerting service;
- (c) an air traffic advisory service;
- (d) an air traffic control service (comprising area control service, approach control service and airport control service);

“Authority” means the Civil Aviation Authority of the Fiji Islands;

“Chicago Convention” means the Convention on International Civil Aviation concluded at Chicago on 7 December 1944, as amended;

“commercial air transport” means aircraft operations involving the transport of passengers, cargo or mail for hire or reward;

“designated international agreement” means—

- (a) the Chicago Convention;
- (b) any Annex to that Convention, adopted in accordance with that Convention; or
- (c) an agreement or arrangement between the State and another country under which the carriage by air of passengers or freight, or both passengers and freight, between the Fiji Islands and the other country is permitted;

"private use" means use other than for the purpose of commercial air transport or aerial work.

Division 2—Airports Fiji

Transfer of assets and liabilities from Authority to Airports Fiji

4. Pursuant to the reorganization of the Authority under the Public Enterprise Act 1996, specified assets and liabilities of the Authority are to be transferred to Airports Fiji in accordance with, and under the provisions of, that Act.

Transfers of leases by State to Airports Fiji

(1) The State may transfer to Airports Fiji an airport, or other installation for the provision of services to aviation, or may grant to Airports Fiji a lease of an airport or an installation.

(2) The terms of a transfer or lease under subsection (1) are to be as agreed between the parties.

(3) The terms of a transfer or lease under subsection (1) may include provision for the payment by the State to Airports Fiji of amounts agreed in respect of services to be provided by Airports Fiji in the operation or management by it of the airport or installation.

(4) Any expenditure incurred by the State under this section is to be paid out of money appropriated by Parliament for the purpose.

Air navigation and other services

6.—(1) Airports Fiji is responsible for the provision of—

- (a) services and facilities for air navigation;
- (b) air traffic services; and
- (c) services associated with paragraphs (a) and (b),

in the Fiji Islands and in any area outside the Fiji Islands for which the State has, pursuant to a designated international agreement, undertaken to provide those services.

(2) Nothing in subsection (1) prevents Airports Fiji, with the approval of its shareholders, from providing services or facilities referred to in that subsection outside the Republic of the Fiji Islands

(3) The State is responsible for the provision of a search and rescue service in respect of aircraft but it may make arrangements with Airports Fiji for it to provide the service on the State's behalf.

(4) In performing its functions under this section, Airports Fiji must act in accordance with—

- (a) any written directions of the Authority; and
- (b) any manual for air navigation services or air traffic services issued by the Authority.

By-laws

7.—(1) Airports Fiji may, with the approval of the Minister, in respect of an airport owned or managed by it, make by-laws for regulating the use and operation of the airport and the conduct of persons within the airport and, in particular, by-laws—

- (a) for securing the safety of aircraft, vehicles and persons using the airport and preventing danger to the public arising from the use and operation of the airport;
- (b) for preventing obstruction within the airport;
- (c) for regulating vehicular traffic within the airport and, in particular, for imposing speed limits on vehicles and for restricting or regulating the parking of vehicles or their use in any manner specified in the by-laws;
- (d) for prohibiting waiting by taxis except at stands provided by Airports Fiji;
- (e) for prohibiting or restricting access to any part of the airport;
- (f) for preserving order and safety within the airport and preventing damage to property at the airport;
- (g) for regulating or restricting advertising within the airport.

(2) By-laws made under this section bind the State.

(3) A person who contravenes a by-law commits an offence and is liable on conviction to a fine of \$2,000 and to 6 months imprisonment.

Regulations giving effect to designated international agreements

8.—(1) The Minister may make regulations to require Airports Fiji to act in a manner consistent with the State's obligations under—

- (a) a designated international agreement; or
- (b) an amendment of such an agreement,

insofar as the agreement, or any part of the agreement, is intended to affect the operation of airports that are open to access by international air transport.

(2) Regulations made for the purposes of this section must not come into operation before the agreement or amendment, as the case may be, enters into force, or comes into effect, for the Republic of the Fiji Islands.

Compliance by Airports Fiji with regulations

9. If—

(a) in relation to an international airport, Airports Fiji knowingly or recklessly contravenes a provision of any regulations made for the purposes of section 8; and

(b) the regulations declare that this section applies to that provision,

Airports Fiji commits an offence and is liable on conviction to a fine of \$200,000.

Division 3—Licensing etc.

Licensing, etc of airports

10.—(1) A person who operates an airport except under a licence, permit or approval issued by the Authority under this section commits an offence and is liable on conviction to a fine of \$20,000.

(2) The Authority must not issue a licence, permit or approval to a person in respect of an airport unless the Authority is satisfied that—

(a) the person is competent to ensure the safe operation of the airport in accordance with—

(i) the requirements of the Air Navigation Regulations;

(ii) standards established by the Authority; and

(iii) a manual for the airport approved by the Authority; and

(b) the grant of the licence, permit or approval is in the public interest and not detrimental to aviation safety.

(3) Subject to subsection (2), the Authority must, upon application duly made to it, issue a licence to a person authorising the person to operate an airport if it is satisfied that—

(a) in the case of an airport for use by international commercial air transport—the airport is designed and operated in accordance with the Standards of the International Civil Aviation Organisation (Annex 14- Aerodromes);

(b) in the case of an airport for use by national commercial air transport but not international commercial air transport — the airport is designed and operated in accordance with the standards published by the Authority in the Minimum Requirements Document (MRD) on national airport standards; and

(c) in the case for an airport for private use — the airport is designed and operated in accordance with standards established from time to time by the Authority for such an airport.

(4) Subject to subsection (2), the Authority must, upon application duly made to it, issue a permit to a person authorising the use of a place as an airport if the Authority is satisfied that—

- (a) the landing area is of adequate dimensions for the type of aircraft in respect of which remit is required, having regard to the elevation of the ground and the nature of any surrounding obstructions; and
- (b) the landing area is sufficiently level and smooth to present no danger to aircraft landing and taking off and is sufficiently firm, in the conditions in which it is to be used, to withstand the weight of the aircraft to be used.

(5) Subject to subsection (2), the Authority may issue an approval to a person authorising the use of a place as an airport on such conditions as the Authority thinks fit.

(6) A person may be granted a licence, permit or approval in respect of an airport for one or more of the following purposes—

- (a) commercial air transport;
- (b) aerial work; or
- (c) private use .

and a licence, permit or approval may be so granted authorising the airport to be used by all types of aircraft or specified types of aircraft.

(7) Unless previously revoked by the Authority for breach of a condition, a licence, permit or approval remains in force for such period, not exceeding 12 months, as is specified in the licence, permit or approval.

(8) Regulations made under section 29 of the Civil Aviation Authority of Fiji Act (Cap. 174A) may prescribe fees for the issue of a licence, permit or approval.

Use of airport

11.—(1) Except in an emergency, the pilot of an aircraft must not cause the aircraft to take off or land at a place in the Fiji Islands other than an airport which has been—

- (a) licensed;

- (b) granted a permit; or
- (c) approved,

section 10, and in accordance with the terms and conditions under which any licence, permit or approval has been issued or granted.

(2) The terms and conditions referred to in subsection (1) include any terms or conditions relating to—

- (a) the type of aircraft which may take off and land at the airport; or
- (b) the use of the airport, whether for commercial air transport, aerial work or private use,

which are included in or attached to the licence, permit or approval.

Division 4—Airport operators generally

Charges for services in connection with aircraft

12.—(1) The operator of an airport may from time to time determine charges for services performed and facilities provided at the airport in connection with aircraft.

(2) Charges under subsection (1) may be set by—

- (a) fixing the amounts;
- (b) fixing maximum amounts; or
- (c) setting a method of calculation.

(3) Notice of a determination under subsection (1) must be given to the Authority and be published in the *Gazette*.

(4) This section does not apply in relation to a charge, fee or rent set under a contract, licence, lease or other agreement between the airport operator and a third person under which the airport operator provides premises, facilities or services at the airport to enable the third party to provide goods or services to passengers or the public at the airport.

Detention and sale of aircraft

13.—(1) If default is made in the payment of charges determined under section 12 in respect of any aircraft, the airport operator may, subject to this section—

- (a) detain, pending payment, either—
 - (i) the aircraft in respect of which the charges were incurred (whether or not they were incurred by the person who is the operator of the aircraft at the time the detention begins); or

(ii) any aircraft of which the person in default is the operator at the time the detention begins; and

(b) if the charges are not paid within 56 days of the date when the detention begins, sell the aircraft in order to satisfy the charges.

(2) An airport operator must not detain, or continue to detain, an aircraft under this section by reason of default in the payment of charges if the operator of the aircraft or any person claiming an interest in it—

(a) disputes that the charges, or any of them, are due or, if the aircraft is detained under paragraph (a)(i) of subsection (1) that the charges in question were incurred in respect of that aircraft; and

(b) gives to the airport operator, pending the determination of the dispute, sufficient security for the payment of the charges that are alleged to be due.

(3) An airport operator must not sell an aircraft under this section without the leave of the High Court, and the court must not give leave except on proof that—

(a) a sum is due to the airport operator for charges under section 12;

(b) default has been made in the payment of the charges; and

(c) the aircraft that the airport operator seeks leave to sell is liable to sale under this section by reason of the default.

(d) reasonable steps have been taken to bring the application to the notice of all persons whose interests may be affected by a sale; and

(e) reasonable opportunity has been given to all such persons to become a party to the proceedings on the application.

(4) In a sale under this section, the airport operator may—

(a) execute all documents necessary to effect the sale; and

(b) give effective title to the aircraft free of all encumbrances, leases and contracts of hire.

(5) The proceeds of any sale under this section must be applied as follows—

(a) first, in payment of any tax or duty owing to the Government;

- (b) secondly, in payment of the expenses incurred by the airport operator in detaining, keeping and selling the aircraft, including its expenses in connection with the application to the High Court;
- (c) thirdly, in payment of the charges that the High Court has found to be due, and the surplus, if any, must be paid to, or amongst, the person or persons whose interests in the aircraft have been affected by reason of the sale.

(6) Subject to this section, a sale under this section may be on such terms as the airport operator thinks fit and nothing in this section requires the airport operator to sell the aircraft outside the Fiji Islands.

(7) The power of detention and sale conferred by this section in respect of an aircraft extends to the equipment of the aircraft and any stores for use in connection with its operations (being equipment and stores carried in the aircraft), whether or not such equipment or stores are the property of the person who is its operator, and references to the aircraft in this section include references to any such equipment and stores.

(8) The power of detention and sale conferred by this section in respect of an aircraft extends to any aircraft document.

(9) The power conferred by this section to detain an aircraft in respect of which charges have been incurred may be exercised on the occasion on which the charges have been incurred or on any subsequent occasion when the aircraft is at the airport at which those charges were incurred or at any other airport operated by the airport operator concerned.

(10) Nothing in this section prejudices any right of the airport operator to recover any charges by civil process.

(11) No action lies against an airport operator, or against an employee or agent of an airport operator acting in the course of the employment or agency for or in respect of—

- (a) loss or damage caused in detaining an aircraft in accordance with this section;
- (b) loss of, or damage to, an aircraft so detained while it is in the custody, possession or control of the airport operator or of an employee or agent of the airport operator;
- (c) any economic loss suffered by a person as a result of the detention or sale of the aircraft.

(12) Subsection (11) does not cover loss or damage that is wilfully or negligently caused by an airport operator or an employee or agent of an airport operator.

(13) In this section, "employee", in relation to an airport operator, includes a director of the airport operator.

Division 5—Miscellaneous

Regulations

14.—(1) The Minister may make regulations prescribing all matters -

- (a) required or permitted by this Part to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Part.

(2) Regulations under subsection (1) may prescribe penalties for breach of the regulations, not exceeding a fine of \$5,000.

Part 3—AMENDMENTS OF CIVIL AVIATION ACT

Principal Act

15. The Civil Aviation Act (Cap. 174) is in this Part referred to as the 'principal Act'.

Interpretation

16. Section 2 of the principal Act is amended—

- (a) by inserting the following definition after the definition of "airport"—
"airport operator" means a person that operates an airport; and
- (b) by deleting the definition of "Government airport".

Power to give effect to Chicago Convention and regulate air navigation

17. Section 3 of the principal Act is amended—

- (a) by deleting paragraph (c) of subsection (2) and substituting the following paragraph—
(c) for the control and use of airports, for access to airports and places where aircraft have landed and for access to factories for the purpose of inspecting work carried on in them in relation to aircraft, aircraft parts or aircraft equipment; ;

- (b) by deleting paragraphs (p) and (q) of subsection (2).
- (c) by deleting from subsection (4) 'one thousand dollars' and substituting '\$2,000'.

Regulations relating to control of airports

18. Section 8 of the principal Act is amended—

- (a) by deleting subsection (1); and
- (b) by deleting paragraphs (d) and (e) of subsection (2).

Power to remove dangerous obstructions

19. Section 9 of the principal Act is amended by deleting subsection (4) and substituting the following subsection—

'(4) The compensation shall be paid by the airport operator.'

Power to restrict use of land

20. Section 10 of the principal Act is amended—

- (a) by deleting from subsection (2) 'in respect of a Government airport, or to the owner in the case of any other airport,'; and
- (b) by adding at the end the following subsection—

'(4) The compensation shall be paid by the airport operator.'

Repeal of section 12

21. Section 12 of the principal Act is repealed.

Acquisition of land

22. Section 13 of the principal Act is amended—

- (a) by deleting 'the purposes of this Part' and substituting 'any purpose connected with the establishment or operation of an airport,'; and
- (b) by adding at the end the following subsections—

'(2) The power of the Minister to grant an authorization under subsection (1) extends to granting an authorization in favour of an airport operator.

(3) If the Minister grants an authorization under subsection (1), the provisions of the State Acquisition of Lands Act apply as if the land concerned were to be acquired for a public purpose within the meaning of that Act.'

Nuisance caused by aircraft at airports

23. Section 18 of the principal Act is amended by deleting from subsection (2) all the words after 'airport'.

Part 4—AMENDMENTS OF CIVIL AVIATION AUTHORITY OF FIJI ACT

Principal Act

24. The Civil Aviation Authority of Fiji Act (Cap. 174A) is in this Part referred to as the 'principal Act.'

Long title

25. The long title of the principal Act is amended—

- (a) deleting "of Fiji" and substituting "of the Fiji Islands"; and
- (b) deleting 'including the maintenance of civil aviation safety services, the management of airports and their associated facilities' and substituting 'relating to civil aviation, in particular the safety of civil aviation'.

Short title

26. Section 1 of the principal Act is amended by deleting "of Fiji" and substituting "of the Fiji Islands".

Interpretation

27. Section 2 of the principal Act is amended —

- (a) by inserting the following definition—

"aviation safety standards" means standards relating to the following—

- (a) the crew engaged in operations of aircraft;
- (b) the personnel engaged in the maintenance of aircraft and related equipment;
- (c) the personnel engaged in the provision of air navigation, air traffic control and associated services;
- (d) the design, construction, maintenance, operation and use of aircraft and related equipment;
- (e) the planning, construction, establishment, operation and use of airports;
- (f) the establishment and use of airspace;
- (g) the provision of air navigation, air traffic control and associated services;

- (h) the provision of aviation security services and rescue and fire fighting services,

and includes any such standards contained in the Annexes to the Chicago Convention which the State is required to implement;

- (b) in the definition of "Authority" by deleting "of Fiji" and substituting "of the Fiji Islands".

Establishment of Authority

28. Section 3 of the principal Act is amended in subsection (1) by deleting "of Fiji" and substituting "of the Fiji Islands".

Powers of Chief Executive

29. Section 11 of the principal Act is amended by deleting from paragraph (b)(ii) of subsection (1) 'the operation of airports, airport services, air traffic control, or aircraft or the safety of persons therein', and substituting 'regulating the safety of civil aviation operations,'.

Repeal of sections 14, 15 and 16 and substitution of new section

30. Sections 14, 15 and 16 of the principal Act are repealed and the following section is substituted—

"Functions of the Authority

14.—(1) The Authority has the following functions—

- (a) any functions conferred on it by or under this Act or the Civil Aviation Act or the Civil Aviation Reform Act 1998; and
- (b) carrying out such obligations of the State arising from the State's membership of the International Civil Aviation Organization as the Minister directs.

(2) The Authority also has the following safety-related functions—

- (a) encouraging a greater acceptance by the aviation industry of the industry's obligation to maintain high standards of aviation safety, through—
- (i) comprehensive safety education and training programmes;
 - (ii) accurate and timely aviation safety advice; and
 - (iii) fostering an awareness in industry management, and within the community generally, of the importance of aviation safety and compliance with relevant legislation;

- (b) promoting full and effective consultation and communication with all interested parties on aviation safety issues.
- (3) The Authority also has the function of regulating the safety of civil aviation operations in the Fiji Islands by, among other things—
- (a) issuing certificates, licences, approvals, registrations and permits after appropriate inspection, audit and examination;
 - (b) developing and promulgating appropriate, clear and concise aviation safety standards;
 - (c) developing effective enforcement strategies to secure compliance with aviation safety standards;
 - (d) assessing decisions taken by industry management at all levels for their impact on aviation safety;
 - (e) conducting regular reviews of the system of civil aviation safety in order to monitor the safety performance of the aviation industry, to identify safety related trends and risk factors and to promote the development and improvement of the system;
 - (f) conducting regular and timely assessment of international safety developments;
 - (g) conducting regular reviews of aviation security programmes and activities.

Powers of the Authority

31. Section 17 of the principal Act is amended by deleting paragraphs (d), (e) (f), (g) and (h) of subsection (1) and substituting the following paragraphs—

- '(d) to control dangerous obstacles in and around airports;
- (e) to dispose of assets no longer required by the Authority for the performance of its functions;'

Repeal of section 18

32. Section 18 of the principal Act is repealed.

Fees and charges payable

33. Section 29 of the principal Act is amended by deleting paragraphs (a), (b) and (d).

Repeal of section 30

34. Section 30 of the principal Act is repealed.

Repeal of section 32

35. Section 32 of the principal Act is repealed.

Repeal of section 34

36.—(1) Section 34 of the principal Act is repealed.

(2) Notwithstanding the repeal effected by subsection (1), by-laws in force at an airport the ownership or the operation and management of which is transferred to Airports Fiji in accordance with this Act continue in force as if made by Airports Fiji under section 34 of the principal Act.

Repeal of Schedule

37. The Schedule to the principal Act is repealed.

Part 5—AMENDMENTS OF CIVIL AVIATION (SECURITY) ACT

Principal Act

38. The Civil Aviation (Security) Act 1994 is in this Part referred to as the 'principal Act.'

Interpretation

39. Section 2 of the principal Act is amended—

(a) by inserting in subsection (1) the following definition—

“‘Airports Fiji’ means Airports Fiji Limited, as that company exists from time to time (even if its name is later changed);”

(b) in the definition of “Authority” in subsection (1) by deleting “of Fiji” and substituting “of the Fiji Islands”;

Directions of the Minister

40. Section 18 of the principal Act is amended—

(a) by deleting from subsection (1) ‘any general or special directions in writing and the Authority’ and substituting ‘or Airports Fiji any general or special directions in writing and the Authority or Airports Fiji, as the case may be,’; and

(b) by inserting in subsection (2) ‘or Airports Fiji, as the case may be,’ after ‘Authority’.

Application of Part

41. Section 19 of the principal Act is amended by deleting ‘Authority’ and substituting ‘Airports Fiji’.

New section 22

42. Section 22 of the principal Act is repealed and the following section is substituted—

'Airport Security Service

22. Airports Fiji must establish a service to be known as the Airport Security Service comprising personnel appointed by Airports Fiji for the purpose as employees or under contract.'

Functions and duties of Airport Security Service

43. Section 23 of the principal Act is amended by deleting 'Authority' from paragraph (a) and substituting 'Airports Fiji'.

Security areas

44. Section 27 of the principal Act is amended by deleting 'Authority' (wherever occurring) and substituting 'Airports Fiji'.

Part 6—AMENDMENTS OF AIR NAVIGATION REGULATIONS

Interpretation

45. Regulation 2 of the Air Navigation Regulations is amended—

- (a) by inserting the following definitions in subregulation (1) in their appropriate alphabetical positions-

"airport operator" means a person that operates an airport;

"Airports Fiji" means Airports Fiji Limited, as that company exists from time to time (even if its name is later changed);

"commercial air transport" means aircraft operations involving the transport of passengers, cargo or mail for hire or reward;

- (b) in the definition of "Authority" by deleting "of Fiji" where it twice appears and substituting "of the Fiji Islands";

- (c) by deleting from subregulation (1) the definition of "Government airport";

- (d) by deleting 'these Regulations' from the definition of "licensed airport" in subregulation (1) and substituting 'the Civil Aviation Reform Act 1998'.

Definition of 'aircraft'

46. Regulation 24 of the Air Navigation Regulations is amended by inserting the following definition in subregulation (1)—

“aircraft” means an aircraft in column 4 of the following table—

Column 1	Column 2	Column 3	Column 4
Aircraft	Lighter than air aircraft	Non-power driven	Free Balloon Captive Balloon Glider (Fixed lifting surfaces)
	Heavier than air aircraft	Power driven Power driven (flying machines)	Glider (Non fixed lifting surfaces) Kite Airship Aeroplane (Landplane) Aeroplane (Seaplane) Aeroplane (Amphibian) Aeroplane (Self-launching Motor Glider) Powered Lift (Tilt rotor) Rotorcraft (Helicopter) Rotorcraft (Gyroplane);

Operation of aircraft

47. Regulation 25 of the Air Navigation Regulations is amended by adding at the end ‘and in the case of international commercial air transport, in accordance with relevant provisions of Annex 6 to the Convention on International Civil Aviation (Chicago 1944)’.

Licences and ratings

48. Regulation 53 of the Air Navigation Regulations is amended—
- (a) by adding ‘aeronautical facility technicians’ after ‘maintenance engineers’ in subregulation (2);
 - (b) by adding the following at the end of subregulation (2)—
 - (p) Air Traffic Controller’s Licence
 - (q) Airport Flight Information Service Officer’s Licence
 - (r) Aeronautical Station Operator’s Licence
 - (s) Aerodrome Control Rating

- (t) Approach Control Rating
- (u) Approach Satellite Based System (SBS) Control Rating
- (v) Approach Radar Control Rating
- (w) Approach Precision Radar Control Rating
- (x) Area Control Rating
- (y) Area Satellite Based System (SBS) Control Rating;
- (z) Area Radar Control Rating,
- (aa) Aeronautical Facility Technician's Licence
- (bb) Commercial Pilot's Licence (Balloons)'

Classes of licences, validity and privileges

49. Regulation 61 of the Air Navigation Regulations is amended by adding at the end—

'Air Traffic Controller's Licence

Minimum Age - 21 years.

Maximum period of validity—12 months from the date of issue or renewal of the licence.

Privileges—Subject to the validity of the endorsements included in the licence, the holder of an air traffic controller's licence may, in accordance with these regulations, Annex 11 to the Convention on International Civil Aviation and the Manual of Air Traffic Services, provide or supervise air traffic control services at a place and in the capacity to which the ratings relate and the ratings shall be deemed to form part of the licence.

Airport Flight Information Service Officer's Licence

Minimum Age—21 years.

Maximum period of validity—12 months from the date of issue or renewal of the licence.

Privileges—Subject to the validity of the endorsements included in the licence, the holder of an airport flight information service officer's licence may, in accordance with these regulations, ICAO Circular 211 and the Manual of Air Traffic Services, at a place specified in the licence by the Authority, provide advice and information for the safe and efficient conduct of flight.

Aeronautical Station Operator's Licence

Minimum Age—21 years.

Maximum period of validity—12 months from the date of issue or renewal of the licence.

Privileges—Subject to the validity of the endorsements included in the licence, the holder of an aeronautical station operator's licence may, in accordance with these regulations, and as notified by the Authority, act as an operator in an aeronautical station.

Aeronautical Facility Technicians Licence

Minimum Age—21 years.

Maximum period of validity—12 months from the date of issue or renewal of the licence.

Privileges—Subject to the validity of the endorsements included in the licence, the holder of an aeronautical facility technician's licence may, in respect of aeronautical facilities, in accordance with these regulations and as notified by the Authority, certify fitness for use with respect to aeronautical facilities.

Commercial Pilot's Licence (Balloons)

Minimum Age—18 years.

Maximum period of validity—12 months from the date of issue or renewal of the licence.

Privileges—Subject to the validity of the endorsements and ratings included in the licence, the holder shall be entitled to fly, when the balloon is flying for any purpose whatsoever, as pilot-in-command or co-pilot of any type of balloon specified in the aircraft rating included in the licence. The holder shall not act as pilot-in-command on a flight for the purpose of the public transport of passengers unless the holder has within the immediately preceding 90 days carried out as pilot-in-command in a free balloon 3 flights each of not less than 5 minutes' duration.'

Ratings

50. Regulation 64 of the Air Navigation Regulation is amended by adding the following subregulations—

- (2) The following ratings may be included in an air traffic controller's licence granted under regulations 53 and 61, and, subject to the provisions of these regulations, the inclusion of a rating in a licence gives rise to the following entitlements-

Aerodrome Control Rating

If an aerodrome control rating is included in an air traffic control licence, the holder of the licence is entitled to provide or to supervise the provision of aerodrome control services for the aerodrome for which the licence holder is rated.

Approach Control Rating

If an approach control rating is included in an air traffic control licence, the holder of the licence is entitled to provide or to supervise the provision of approach control service for the aerodrome or aerodromes for which the licence holder is rated, within the airspace or portion of airspace under the jurisdiction of the unit providing approach control service.

Approach Satellite Based Systems (SBS) Control Rating

If an approach satellite based systems (SBS) control rating is included in an air traffic control licence, the holder of the licence is entitled to provide and/or supervise the provision of approach control service with the use of satellite based systems for the aerodrome or aerodromes for which the licence holder is rated, within the airspace or portion of airspace under the jurisdiction of the unit providing approach control services.

Approach Radar Control Rating

If an approach radar control rating is included in an air traffic control licence, the holder of the licence is entitled to provide and/or supervise the provision of approach control service with the use of radar or other surveillance systems for the aerodrome or aerodromes for which the licence holder is rated, within the airspace or portion of airspace under the jurisdiction of the unit providing approach control service.

Approach Precision Radar Control Rating

If an approach precision radar control rating is included in an air traffic control licence, the holder of the licence is entitled to provide and/or supervise the provision of precision approach radar service at the aerodrome for which the licence holder is rated.

Area Control Rating

If an area control rating is included in an air traffic control licence, the holder of the licence is entitled to provide and/or supervise the provision

of area control service within the control area or portion of a control area for which the licence holder is rated.

Area Satellite Based Systems (SBS) Control Rating

If an area satellite based systems (SBS) control rating is included in an air traffic control licence, the holder of the licence is entitled to provide and/or supervise the provision of area control services with the use of satellite based systems within the control area or portion of a control area for which the licence holder is rated.

Area Radar Control Rating

If an area radar control rating is included in an air traffic control licence, the holder of the licence is entitled to provide and/or supervise the provision of area control service with the use of radar within the control area or portion of a control area for which the licence holder is rated.

(3) In this regulation —

“aerodrome” means a defined area on land or water (including any buildings or installations intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft.’

Flying Training Permit (aeroplanes, balloons and helicopters).

51. Regulation 66 of the Air Navigation Regulations is amended adding the following regulation—

‘(2) If a flight engineer or a trainee flight engineer is undertaking training on an aeroplane in flight the holder of the permit is not required to comply with paragraphs (a),(b),(c) and (d) so long as he or she flies at all times under the authority and supervision of a person holding a Flight Engineer’s licence issued under these Regulations.’

Mandatory reporting of accidents, incidents and occurrences

52. Regulation 71 of the Air Navigation Regulations is amended by deleting from paragraph (e) of subregulation (1) ‘or manager of a Government airport or’ and substituting ‘of a’.

Minimum altitudes

53. Regulation 114 of the Air Navigation Regulations is amended by deleting from subregulation (1) ‘,a Government airport or an airport managed by the Authority’.

Application and interpretation

54. Regulation 129 of the Air Navigation Regulations is amended by deleting ‘not apply to airports operated or managed by the Authority under the Civil Aviation Authority Act and airports used by seaplanes whose maximum authorised weight is less than 700 kilograms, but shall apply to all other’ and substituting ‘apply to all’.

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55. Regulation 130 of the Air Navigation Regulations is amended—

- (a) by deleting from subregulation (1) 'Authority' (wherever occurring) and substituting 'airport operator';
- (b) by repealing subregulation (2); and
- (c) by deleting from subregulation (3) '(not being an airport operated or managed by the Authority)'.

Repeal of regulation 131 and substitution of new regulation

56. Regulation 131 of the Air Navigation Regulations is repealed and the following regulation substituted —

'Right of access

131. The Authority, or any person authorized by the Authority, has at all times a right of access to any aircraft, airport, building, installation, facility or place to which access is necessary for the purpose of carrying out the powers and duties of the Authority under the Civil Aviation Reform Act 1998 or these Regulations.'

Repeal of regulations 132 to 135

57. Regulation 132 to 135 of the Air Navigation Regulations are repealed.

Restriction of certain activities at airports

58. Regulation 140 of the Air Navigation Regulations is amended—

- (a) by deleting from subregulation (1) 'managed or operated by the Authority shall be governed by the provisions of these Regulations relating to such an airport and by any orders and instructions of the Authority' and substituting 'shall be governed by the provisions of these Regulations relating to the airport and by any orders and instructions of the airport operator';
- (b) by deleting from subregulation (2) 'managed or operated by the Authority'; and
- (c) by deleting from subregulation (3) 'managed or operated by the Authority, except with the permission in writing of the Authority' and substituting, 'except with the permission in writing of the airport operator'.

Entry to designated areas

59. Regulation 141 of the Air Navigation Regulations is amended—

- (a) by deleting from subregulation (1) 'managed or operated by the Authority'; and

- (b) by deleting from subregulations (2), (3), (4) and (5) 'Authority' and substituting 'airport operator'.

New regulations 142 and 143

60. Regulations 142 and 143 of the Air Navigation Regulations are repealed and the following regulations are substituted—

'Refuelling of aircraft

142. Any person vending fuel and any person refuelling aircraft at an airport must do so in a safe and proper manner and must comply with any directions of the airport operator.

Stray livestock and animals

143. If the airport operator or an authorised person considers it necessary to do so, to ensure the safety of aircraft, the airport operator or the authorised person may shoot, destroy or trap any livestock or animal found straying on the airport or airport installation.'

Starting engines

61. Regulation 144 of the Air Navigation Regulations is amended by deleting from paragraph (a) 'managed or operated by the Authority'.

New regulation 145

62. Regulation 145 of the Air Navigation Regulations is repealed and the following regulation is substituted—

'Vehicles

145. (1) A person must not take a motor vehicle on to the area of an airport used by aircraft unless there is displayed on the vehicle a permit issued by the airport operator.
- (2) A person must only operate a motor vehicle or mechanically propelled equipment on a taxiway, runway, strip or parking apron at an airport in the course of his or her lawful duties and in accordance with any instructions of the airport operator or air traffic control unit, where appropriate.'

Inspection

63. Regulation 148 of the Air Navigation Regulations is amended by deleting 'The Authority and any' and substituting 'An'.

Civil Air Ensign

64. Regulation 152 of the Air Navigation Regulations is amended—

- (a) by adding at the end of paragraph (a) of subregulation (2) 'or Airports Fiji'; and
- (b) by deleting paragraph (b) of subregulation (2).

Delegation of powers

65. Regulation 153 of the Air Navigation Regulations is amended by adding the following subregulation—

'(3) Any power or duty conferred or imposed by these Regulations on Airports Fiji may be exercised or discharged by any person authorised by it in writing for the purpose.'

Enforcement of directions and conditions

66. Regulation 156 of the Air Navigation Regulations is amended by inserting in subparagraph (ii) 'or Airports Fiji' after 'Authority'.

Contraventions and penalties

67. Regulation 157 of the Air Navigation Regulations is amended—

(a) by deleting 'Regulation 133' from the regulations listed at the foot of subregulation (3); and

(b) by repealing subregulation (4) and substituting the following subregulation—

'(4) A person who contravenes any provision of these Regulations, not being a provision specified in subregulation (3) commits an offence and is liable on conviction to a fine of \$2,000 and to imprisonment for 12 months.'

Other amendments

68. The following regulations of the Air Navigation Regulations are amended by omitting 'the Authority' (wherever occurring) and substituting 'Airports Fiji'—

Regulations 2(1) (definitions of 'Aeronautical Information Publication', 'airport reference point', 'airport traffic zone', 'air traffic service reporting office', 'airway', 'air traffic service route', 'control area', 'control zone', 'danger area', 'prohibited area', 'reporting point', 'restricted area', 'terminal control area' and 'transfer of control point'), 86, 96(3), 97(1), 99(1) and (2), 100(1), 101(1), 102, 104(1), 105, 107(1), 110(1), 111(2), 112, 113, 114, 118, 121, 138 and 139.

Transitional

69.—(1) This Part does not prevent the amendment or repeal of the Air Navigation Regulations by regulations made under the Civil Aviation Act.

(2) Notwithstanding the amendments of the Air Navigation Regulations made by this Part, the Aeronautical Information Publications, Notices to Airmen, Information Circulars and other publications relating to air navigation issued by the Authority before the commencement of this Part continue in force and if after the commencement of this Part

any of those publications becomes the responsibility of Airports Fiji, it is deemed to have been issued by Airports Fiji.

Part 7—MISCELLANEOUS

Airport Departure Tax

70.—(1) Section 3 of the Airport Departure Tax Act 1986 (No. 5 of 1986) is amended by deleting “\$12.50” and substituting “\$20.00”.

(2) The Airport Departure Tax Regulations 1986 are amended—

- (a) in regulation 3(a) by deleting “the Authority” and substituting “Airports Fiji Limited”;
- (b) in the Schedule by deleting “\$10.00” and substituting “\$20.00”.

Consequential provisions on change of name to Civil Aviation Authority of the Fiji Islands

71.—(1) A reference (express or implied) to the Civil Aviation Authority of Fiji in any written law, in any contract, instrument or register, in any other public or private document, or in any court proceedings is, unless the context otherwise requires, to be read and construed as a reference to the Civil Aviation Authority of the Fiji Islands.

(2) No registrar or other person charged with the keeping of any books or registers is obliged solely by reason of the change of the name of the Authority to change the name of, or references to, the Authority in those books or registers or in any document.

(3) The presentation to any registrar or other person of any instrument by the Authority—

- (a) executed or purporting to be executed by the Authority;
- (b) relating to any property held immediately before the appointed day by the Authority; and
- (c) containing a recital that the name of the Authority has been changed to the Civil Aviation Authority of the Fiji Islands in accordance with the laws of the State,

is, in the absence of evidence to the contrary, sufficient to empower and require the Registrar or other person to change the name of the Authority in any book, register or document to which the instrument refers.

Passed by the House of Representatives this 18th day of February 1999.

Passed by the Senate this 10th day of March 1999.