

No. 6 of 2024.

Civil Aviation (Amendment No. 1) Act 2024.

Certified on : 20/11/2024



No. of 2024

Civil Aviation (Amendment No. 1) Act 2024.

ARRANGEMENT OF SECTIONS.

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18. Charging principles (Amendment of Section 88).
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20. Recovery of cost of facilitation services at International Airports (Amendment of Section 142).
21. Amendment of heading of Part IX.

“PART IX. - NIUSKY PACIFIC LTD.”.

22. Incorporation of Papua New Guinea Air Services Ltd (Amendment of Section 143).
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No. of 2024.

AN ACT

entitled

Civil Aviation (Amendment No. 1) Act 2024,

Being an Act to amend the *Civil Aviation Act 2000*, and for related purposes,

MADE by the National Parliament.

1. INTERPRETATION (AMENDMENT OF SECTION 3).

Section 3 of the Principal Act is amended -

- (a) in the definition of “accident” by inserting between the words “operation of” and “an aircraft” the following:

“an unmanned aircraft, and”; and

- (b) by repealing the term “Papua New Guinea Air Traffic Services Ltd” and replacing it with the following:

“NiuSky Pacific Limited”; and

- (c) by repealing the acronym “PNG ASL” and replacing it with the acronym “NSPL”.

2. PROTECTION OF NAMES (AMENDMENT OF SECTION 7).

Section 7 of the Principal Act is amended in Subsection (1) Paragraph (b), by repealing the acronym “PNG ASL” and replacing it with the acronym “NSPL”.

3. FUNCTIONS AND ROLE OF MINISTER (AMENDMENT OF SECTION 8).

Section 8 of the Principal Act is amended in Subsection (1) Paragraph (g), by inserting immediately after the words “is established” the following words:

“and implemented”.

4. MINISTER MAY DIRECT AGENCIES WITH RESPECT TO SEARCH AND RESCUE OPERATIONS (AMENDMENT OF SECTION 8B).

Section 8B of the Principal Act is amended by repealing the words “Papua New Guinea ASL” and replacing them with the acronym “NSPL”.

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5. FUNCTIONS OF THE DIRECTOR IN RELATION TO AIRWORTHINESS DIRECTIVES AND GENERALLY (AMENDMENT OF SECTION 17).

Section 17 of the Principal Act is amended in Subsection (1) Paragraph (b), by repealing the words “inspection and audits” and replacing them with the following:

“audits, inspections and investigations”.

6. GENERAL REQUIREMENTS FOR PARTICIPANTS IN CIVIL AVIATION SYSTEM (AMENDMENT OF SECTION 45).

Section 45 of the Principal Act is amended -

(a) in Subsection (3) Paragraph (b), by inserting immediately after the words “prescribed safety” the words “and security”; and

(b) in Subsection (4) -

(i) Paragraph (a), by inserting immediately after the words “prescribed safety” the words “and security”; and

(ii) Paragraph (b) -

(A) by inserting immediately after the words “prescribed safety” the words “and security”; and

(B) by inserting immediately after the words “promote safety” the words “and security”; and

(iii) Paragraph (c), by inserting immediately after the words “prescribed safety” the words “and security”.

7. REQUIREMENT FOR AVIATION DOCUMENT (AMENDMENT OF SECTION 47).

Section 47 of the Principal Act is amended in Subsection (1) -

(a) in Paragraph (t) by repealing the full stop and replacing it with the following:

“; and”

(b) inserting immediately after Paragraph (t) the following new paragraph:

“(u) unmanned aircraft operators.”.

8. APPLICATION FOR AVIATION DOCUMENT (AMENDMENT OF SECTION 48).

Section 48 of the Principal Act is amended -

(a) in Subsection (2) by repealing the words “telephone and facsimile numbers” and replacing them with the following:

“telephone, facsimile numbers and email”; and

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- (b) in Subsection (4), by repealing the words “telephone and facsimile numbers” and replacing them with the following:

“telephone, facsimile numbers and email”.

9. RIGHTS OF PERSONS AFFECTED BY PROPOSED ADVERSE DECISIONS (AMENDMENT OF SECTION 51).

Section 51 of the Principal Act is amended in Subsection (1) in the term “person on the basis of whose charter the adverse decision arises” by repealing the word “charter” and replacing it with the word “character”.

10. DIRECTOR MAY REQUIRE OR CARRY OUT SAFETY AND SECURITY INSPECTIONS AND MONITORING (AMENDMENT OF SECTION 52).

Section 52 of the Principal Act is amended in Subsection (2) by inserting immediately after the words “aviation safety” the words “and security”.

11. POWER OF DIRECTOR TO REVOKE AVIATION DOCUMENT OR IMPOSE CONDITIONS (AMENDMENT OF SECTION 54).

Section 54 of the Principal Act is amended in Subsection (1) by inserting immediately after the words “aviation safety” the words “and security”.

12. POWERS OF ENTRY OF THE AUTHORITY, NAC AND PNG ASL (AMENDMENT OF SECTION 59).

Section 59 of the Principal Act is amended -

- (a) in the title heading of this section by repealing the acronym “PNG ASL” and replacing it with “NSPL”; and
- (b) in Subsection (1) Paragraph (a), by repealing the acronym “PNG ASL” appearing twice and replacing it with “NSPL”; and
- (c) in Subsection (2) Paragraph (a), by repealing the acronym “PNG ASL” and replacing it with “NSPL”; and
- (d) in Subsection (3), by repealing the acronym “PNG ASL” whenever appearing and replacing it with “NSPL”.

13. INFORMATION SERVICES (AMENDMENT OF SECTION 68).

Section 68 of the Principal Act is amended -

- (a) in Subsection (1), by repealing the acronym “PNG ASL” and replacing it with “NSPL”; and
- (b) in Subsection (2), by repealing the acronyms “PNG ASL” appearing twice and replacing them with “NSPL”.

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14. RULES RELATING TO GENERAL MATTERS (AMENDMENT OF SECTION 72).

Section 72 of the Principal Act is amended in Subsection (1) Paragraph (a) -

- (a) in Subparagraph (xvii) by adding after the semi-colon the word “and”; and
- (b) inserting immediately after Subparagraph (xvii) the following new subparagraph:

“(xviii) unmanned aircraft operators; and”.

15. INCORPORATION BY REFERENCE (AMENDMENT OF SECTION 78).

Section 78 of the Principal Act is amended in Subsection (1) Paragraph (b), by inserting after the words “of ICAO” the words “or WMO”.

16. EXEMPTION POWER OF DIRECTOR (AMENDMENT OF SECTION 79).

Section 79 of the Principal Act is amended in Subsection (2) Paragraphs (a), (b), (c) and (d), by repealing the word “and” at the end of each paragraph and replacing it with the word “or”.

17. INTERPRETATION (AMENDMENT OF SECTION 80).

Section 80 of the Principal Act is amended in the definition of “aviation service provider” by repealing the acronym “PNG ASL” and replacing it with “NSPL”.

18. CHARGING PRINCIPLES (AMENDMENT OF SECTION 88).

Section 88 of the Principal Act is amended in Subsection (4) by repealing the words “specified in the aircraft manufacturer’s certificate of airworthiness or in a document referred to in that certificate” and replacing them with the following:

“specified in the aircraft flight manual, or in the document referred to in that manual”.

19. POWERS OF MINISTER IN RESPECT OF AERODROMES AND AIRPORTS (AMENDMENT OF SECTION 129).

Section 129 of the Principal Act is amended by inserting immediately after Subsection (6), the following new subsections:

“(7) The Minister may subject any person intending to construct, alter, activate or deactivate an aerodrome to an aeronautical study on the effects that the proposed action would have on the safe and efficient use of airspace by aircraft, and on the safety of persons and property on the ground, and may impose restrictions on the proposed actions.

(8) The Minister may subject any person intending to carry out any of the following actions, to an aeronautical study on the effects that the proposed action would have on the safe and efficient use of airspace by aircraft, and may impose restrictions on the -

- (a) construction of a new or alteration of an existing structure; and
- (b) use of a structure discharging efflux, a light or a laser; and
- (c) use of weapons or stage pyrotechnics display that involves the firing or launching of a projectile that has a trajectory.

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(9) The Minister may, in consultation with the Minister responsible for lands and physical planning matters, or the Minister responsible for environment and conservation matters, subject any land use development plan in the vicinity of an aerodrome, to an aeronautical study on the effects that the plan would have on the safe and efficient use of airspace by aircraft, and may impose restrictions on the plan relating to -

- (a) construction of structures protruding through the obstacle limitation surfaces; and
- (b) obstruction of radio navigational aid signals; and
- (c) obstruction of visual aids for navigation; and
- (d) man-made causes of low visibility; and
- (e) sources of attraction of wildlife hazards; and
- (f) construction on areas reserved for the installation of approach and landing aids; and
- (g) construction on areas reserved for future expansion of the aerodrome.”.

20. RECOVERY OF COST OF FACILITATION SERVICES AT INTERNATIONAL AIRPORTS (AMENDMENT OF SECTION 142).

Section 142 of the Principal Act is amended -

- (a) in Subsection (2), by repealing the acronym “PNG ASL” and replacing it with “NSPL”; and
- (b) in Subsection (4), by repealing the acronym “PNG ASL” and replacing it with “NSPL”.

21. AMENDMENT OF HEADING OF PART IX.

The Principal Act is amended by repealing the title of Part IX and replacing it with the following:

“PART IX. - NIUSKY PACIFIC LTD.”.

22. INCORPORATION OF PAPUA NEW GUINEA AIR SERVICES LTD (AMENDMENT OF SECTION 143).

Section 143 of the Principal Act is amended -

- (a) by repealing the title heading of the section and replacing it with the following new heading:

“143. INCORPORATION OF NIUSKY PACIFIC LTD”; and
- (b) in Subsection (2), by repealing the acronym “PNG ASL” and replacing it with “NSPL”; and
- (c) in Subsection (3), by repealing “Papua New Guinea Air Services Ltd (PNG ASL)” and replacing with “NiuSky Pacific Ltd (NSPL)”; and
- (d) in Subsection (4), by repealing the acronym “PNG ASL” and replacing it with “NSPL”; and
- (e) in Subsection (5), by repealing the acronym “PNG ASL” appearing twice and replacing it with “NSPL”; and

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- (f) in Subsection (6), by repealing the acronym “PNG ASL” appearing twice and replacing them with “NSPL”; and
- (g) in Subsection (7), by repealing the acronym “PNG ASL” whenever appearing and replacing them with “NSPL”; and
- (h) in Subsection (8), by repealing the acronym “PNG ASL” whenever appearing and replacing them with “NSPL”.

23. SOLE PROVIDER (AMENDMENT OF SECTION 144).

Section 144 of the Principal Act is amended -

- (a) in Subsection (1), by repealing “PNG ASL” and replacing it with “NSPL”; and
- (b) in Subsection (3), by repealing “PNG ASL” and replacing it with “NSPL”; and
- (c) in Subsection (4), by repealing “PNG ASL” appearing twice and replacing them with “NSPL”.

24. POWER TO EXEMPT CERTAIN FLIGHTS FROM FEES (AMENDMENT OF SECTION 145).

Section 145 of the Principal Act is amended –

- (a) in Subsection (1), by repealing “PNG ASL” and replacing it with “NSPL”; and
- (b) in Subsection (2), by repealing “PNG ASL” appearing twice and replacing them with “NSPL”.

25. TELECOMMUNICATIONS (AMENDMENT OF SECTION 146).

Section 146 of the Principal Act is amended -

- (a) in Subsection (1), by repealing “PNG ASL” and replacing it with “NSPL”; and
- (b) in Subsection (2), by repealing “PNG ASL” and replacing them with “NSPL”.

26. ANNUAL REPORT (AMENDMENT OF SECTION 147).

Section 147 of the Principal Act is amended -

- (a) in Subsection (1), by repealing “PNG ASL” and replacing it with “NSPL”; and
- (b) in Subsection (2), by repealing “PNG ASL” and replacing it with “NSPL”.

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27. POWERS OF AIRCRAFT PILOT-IN-COMMAND (AMENDMENT OF SECTION 271).

Section 271 of the Principal Act is amended -

- (a) in Subsection (1) -
 - (i) Paragraph (b) Subparagraph (i), by inserting after the words “the safety” the words “and security”; and
 - (ii) Paragraph (c), by inserting after the words “the safety” the words “and security”; and
- (b) in Subsection (3), by inserting after the words “the safety” the words “and security” and
- (c) in Subsection (5) -
 - (i) Paragraph (a), by inserting after the words “the safety” the words “and security”; and
 - (ii) after Paragraph (b), in the sandwich clause by inserting after the words “the safety” the words “and security”.

28. REPEAL OF ACTS AND REGULATIONS (AMENDMENT OF SECTION 324A).

Section 324(a) of the Principal Act is amended -

- (a) in the title heading of the section by repealing the acronym “PNG ASL” and replacing it with “NSPL”; and
- (b) in Subsection (1), by repealing the acronym “PNG ASL” appearing twice and replacing them with “NSPL”; and
- (c) in Subsection (2) Paragraphs (a) to (e) (inclusive), by repealing the acronym “PNG ASL” whenever appearing in each of the paragraphs and replacing them with “NSPL”.

29. INTERPRETATION RELATING TO TRANSFER OF ASSETS AND LIABILITIES (AMENDMENT OF SECTION 326).

Section 326 of the Principal Act is amended in the term “State Aviation Enterprise” by repealing the acronym “PNG ASL” and replacing it with “NSPL”.

30. ACCOUNTS (AMENDMENT OF SECTION 328).

Section 328 of the Principal Act is amended by repealing the acronym “PNG ASL” appearing twice and replacing them with “NSPL”.

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31. EXEMPTION FROM TRANSFER TAXES, DUTIES AND FEES (AMENDMENT OF SECTION 331).

Section 331 of the Principal Act is amended by repealing the acronym “PNG ASL” and replacing it with “NSPL”.

I hereby certify that the above is a fair print of the *Civil Aviation (Amendment No. 1) Act 2024* which has been made by the National Parliament.

Clerk of the National Parliament.

I hereby certify that the *Civil Aviation (Amendment No. 1) Act 2024* was made by the National Parliament on 4 September 2024.

Speaker of the National Parliament.