

Civil Aviation Bill 2010

Second Reading Speech
Hon. Riddell Akua MP, Minister for Transport
21 December 2010

Mr Deputy Speaker,

I have introduced to this House today a Bill for an Act to regulate civil aviation in Nauru.

The *Civil Aviation Act 2010* will repeal and replace the *Air Navigation Act 1971*. The *Air Navigation Act* commenced when Nauru began to operate air services under the Air Nauru name. The Act and supporting regulations are based upon the Australian civil aviation practices of the era that are no longer supported internationally. They have been replaced in Australia as part of a significant revision of practice. Although Our Airline's aircraft are currently registered and maintained under Australian law, the future of Nauru's civil aviation and Nauru's relationship with other countries demand that Nauru's basic civil aviation legislation becomes more attuned to the international regime.

Mr Deputy Speaker, the new Civil Aviation Act will enable Nauru to better meet its obligations as a member of ICAO - the International Civil Aviation Organisation. As a party to the Chicago Convention on International Civil Aviation, Nauru has been a member of the ICAO since 1975. ICAO was established to ensure the safe and orderly development of international civil aviation. It is managed by a Council, whose work is to adopt International Standards and Recommended Practices, which are incorporated as Annexes to the Chicago Convention. In addition to the Annexes, ICAO has developed and adopted extensive guidance material for States on all aviation subjects. This system allows Nauru to have confidence in the operating standards of the international aircraft of other parties to the Convention that fly into or over Nauru. Nauru can also be confident in the standards of the airports, air navigation systems and air traffic management systems of other parties to the Convention on which Nauru aircraft rely.

ICAO regularly conducts mandatory audits of Nauru's civil aviation system to determine whether Nauru is meeting its obligations under the Convention, including obligations under the Annexes to the Convention. The Civil Aviation Act will respond to the recommendations of ICAO expressed in two audit reports:

- the Final Report on the Safety Oversight Audit of the Civil Aviation System of the Republic Of Nauru, conducted under the ICAO Universal Safety Oversight Audit Programme in March 2008;
- the Report on the ICAO Aviation Security Audit of the Republic of Nauru, conducted under the ICAO Universal Security Audit Programme in August 2007.

The reports made a number of recommendations that need to be implemented by legislation. To ensure that Nauru meets its international obligations as a member of ICAO, which is vital to ensuring the continuation of air services to and from Nauru, Nauru's civil aviation legislation must meet the requirements of both audits. The Act will meet these requirements, but it will also be workable in practice – the recommendations of ICAO have been analysed to ensure Nauru can implement the recommendations in a way that is suitable for a small developing state with very limited participation in the international civil aviation system.

In addition to meeting current requirements, the Act will provide a regulatory foundation to ensure Nauru can meet future ICAO requirements. Most ICAO requirements are implemented using civil aviation rules. In the Pacific, most jurisdictions have adopted the New Zealand rules. It is proposed that Nauru also adopts the New Zealand rules, with appropriate modifications to suit the capacity of Nauru's civil aviation system. This accords with a regional move towards harmonisation of rules. The Bill provides a workable mechanism for adopting foreign rules, including provisions about the interpretation and modification of those rules. If the system is managed and implemented properly, Nauru should be able to keep pace with the vast majority of international regulatory developments without amending its principal civil aviation legislation.

The Act will also create a comprehensive civil aviation security framework. In recent years there has been an increase in serious aviation security incidents and ICAO is urging members to tighten aviation security. The Act will provide for the formal establishment of the aviation security service, and clearly specify its powers and functions to ensure there is no legislative impediment to the efficient, effective operation of the service. The Act will also update penalties for aviation security offences to reflect the seriousness of these offences, and introduce a raft of new aviation offences to reflect the worldwide aviation security upgrades following the terrorist attacks of 11 September 2001.

Mr Deputy Speaker, a strong civil aviation system is vital to advancing the national interest. The passage of the *Civil Aviation Bill 2010* will bring Nauru into line with modern standards and requirements for international civil aviation safety and security to enable our civil aviation system to support and enhance the development of our nation.

I commend the Bill to the House.

Thank you, Mr Deputy Speaker.