



CIVIL AVIATION BILL 2026

PUBLIC CONSULTATION

DECEMBER 8 – 12, 2025

OBJECTIVES

- ❑ **We are not here to defend the Bill.**

Our role is to explain its intent and support your understanding.

- ❑ **We are here to listen to your insights and recommendations.**

Your views are essential in shaping a Bill that is practical, effective, and aligned with ICAO Standards and Practices as well as international best practice.

- ❑ **Please feel free to critique, question, and challenge the provisions.**

This consultation is a collaborative effort. Together we can strengthen Fiji's civil aviation framework for the safety, growth, and sustainability of the industry.

BACKGROUND

- The development of this Bill stems from the ICAO Coordinated Validation Mission (ICVM) Audit in 2019, with its provisions designed to directly address the audit findings and unsatisfactory ICAO Protocol Questions.
- In drafting the Bill, comparative analysis was undertaken with the civil aviation laws of Singapore, New Zealand and Papua New Guinea. The most relevant and applicable provisions from these jurisdictions were incorporated and tailored to fit Fiji's legal and operational context.
- During this process, the technical and operational provisions were deliberately removed from the Bill and will be included in subsidiary legislation (e.g. regulations, rules), where they can be updated more efficiently and in line with evolving ICAO standards.

BACKGROUND

- The Bill consolidates the three existing civil aviation Acts into a single, modern, and coherent legislative framework.
- It will repeal and replace the three Acts in their entirety.



**CIVIL AVIATION
AUTHORITY OF
FIJI ACT 1979**



**CIVIL AVIATION
REFORM ACT
1999**



**CIVIL AVIATION
ACT 1976**



PART 1- PRELIMINARY



Clause 1 – Short Title and Commencement



Clause 2 - Interpretation



Clause 3 – Purpose of the Act



Clause 4 – Responsibility for Safety Oversight



Clause 5 – Act to Bind the State



Clause 6 – Application of Act



Clause 7 – Article 83 bis Agreements



Clause 8 – Interception of Civil Aircrafts

PART 1- PRELIMINARY

Interpretation

Total of 36 definitions in the Bill and they include:

83 bis agreement - SG	aviation participant - NZ	medical certificate - Annex 1
Accident – Annex 13	aviation-related service - SG	medical examiner – Annex 1
Aerodrome – Annex 14	Chicago Convention	Minister
aeronautical product – NZ, PNG	Civil Aviation Registry - NZ	Ministry
air traffic – Annex 11	controlled flight – NZ, PNG	navigation installation - NZ
air traffic control service – Annex 11	dangerous goods - Annex 18	officer
air traffic service - NZ	Director-General	operator - Annex 6
aircraft – Annex 2	Fiji registered aircraft - NZ	pilot-in-command - Annex 2
Authority	Holder – PNG, NZ	prescribed
authorised person	ICAO	SARPs
aviation document – NZ, PNG	Incident – Annex 13	subsidiary legislation
aviation examiner – Annex 1	manoeuvring area – Annex 14	

PART 1- PRELIMINARY



**CLAUSE 3 PURPOSE OF THE
ACT**



**CLAUSE 4 RESPONSIBILITY
FOR SAFETY OVERSIGHT**



**CLAUSE 5 ACT TO BIND THE
STATE**

PART 1- PRELIMINARY

CLAUSE 6 APPLIES TO:

- All persons, aircraft, aerodromes, aviation products, and services in Fiji.
- Fiji-registered aircraft (inside or outside Fiji).
- Holders of Fiji-issued aviation documents operating abroad.
- Foreign-registered aircraft operating in Fiji.



EXTENDS TO:

- Fiji-registered aircraft overseas (subject to Article 83 bis agreements).
- Foreign aircraft under Article 83 bis agreements transferring duties to Fiji.
- Crew and persons on Fiji-operated aircraft, wherever located.
- Persons on foreign aircraft committing acts before landing in Fiji.
- Any person acting in relation to Fiji-registered or Fiji-operated aircraft.



KEY PROVISIONS:

- Offences committed abroad by holders of Fiji aviation documents are deemed committed in Fiji.
- Fiji-registered aircraft must comply with ICAO Rules of the Air over high seas.
- Does not override foreign laws or affect foreign military aircraft privileges.

PART 1- PRELIMINARY

CLAUSE 7 - ARTICLE 83 BIS AGREEMENTS

Article 83 bis Agreements

Allows transfer of regulatory functions between Fiji and other ICAO Contracting States under Article 83 bis of the Chicago Convention.



Applied Provision: Fiji law applies to foreign-registered aircraft if functions are transferred to Fiji under an agreement.



Disapplied Provision: Fiji law does **not** apply to Fiji-registered aircraft if functions are transferred to another State.



References to State of Registry include any State that assumes functions under an 83 bis agreement.



Authority Duties: Must publish notices for:

- New agreements or amendments (details of State, date, aircraft, transferred functions, related provisions).
- Cessation of agreements.

PART 1- PRELIMINARY

CLAUSE 8 - INTERCEPTION OF CIVIL AIRCRAFT

Prohibition

- Weapons must never be used against civil aircraft in flight; safety of passengers and aircraft must be protected.

Subsidiary Legislation Required

- Minister/DG must create detailed rules for how interceptions are handled.
- Identify which State authority or agency is responsible for authorising and controlling interceptions.
- Ensure rules strictly forbid using weapons against civil aircraft.

Pilot Responsibilities (Fiji-registered aircraft)

- Follow instructions from intercepting aircraft.
- Respond to visual signals & radio procedures per ICAO Annexes.
- Notify air traffic services if possible.

State Sovereignty

- Bill does not limit Fiji's right to protect territorial integrity.

PART 2 - CIVIL AVIATION AUTHORITY OF FIJI

There are 3 divisions under Part 2:

DIVISION 1

- ***Establishment and Governance***

DIVISION 2

- ***Director-General and Administration***

DIVISION 3

- ***Finance and Accountability***

PART 2 – CIVIL AVIATION AUTHORITY OF FIJI (*Division 1*)

Clause
9

- Establishment of CAAF

Clause
10

- Composition of the Authority

Clause
11

- Meetings

Clause
12

- Allowances

Clause
13

- Disclosure of Interests

Clause
14

- Regulation of Procedure

PART 2 – CIVIL AVIATION AUTHORITY OF FIJI (*Division 1*)

Clause 15

- Objective of the Authority

Clause 16

- Functions of the Authority

Clause 17

- Powers of the Authority

Clause 18

- Power to require information

PART 2 – CIVIL AVIATION AUTHORITY OF FIJI (*Division 1*)

Clause 19

- **Protection from personal liability for members, officers and employees of the Authority.**

Clause 20

- **Protection of information specifically (safety information and safety investigation).**

Clause 21

- **Confidentiality**

PART 2 – CIVIL AVIATION AUTHORITY OF FIJI (*Division 2*)

Clause 22 – Establishment of
Director General

Clause 25 – Authorised Persons

Clause 23 – Functions and
Powers of the Director General

Clause 26 - Delegation

Clause 24 – Officers and
Employees

Clause 27 - Directions

PART 2 – CIVIL AVIATION AUTHORITY OF FIJI (*Division 3*)

Clause 28

- Funds and resources of the Authority such as property, investment, fees, charges and other sums or property vested in the Authority.

Clause 29

- The Authority may determine fees and charges with the Minister's approval.
- Fees and charges for issue of aviation documents, conduct of exams, inspections and operational services.

Clause 30

- Reserve Fund to be established and maintained by the Authority to meet future or unexpected financial obligations.
- This is new in the Bill.

PART 2 – CIVIL AVIATION AUTHORITY OF FIJI (*Division 3*)

Clause
31

- **Borrowing powers**

Clause
32

- **Security for Borrowing**

Clause
33

- **Investments**

Clause
34

- **Powers of expenditure**

Clause
35

- **Financial year**

Clause
36

- **Estimate of expenditure**

Clause
37

- **Accounts and Audit**

Clause
38

- **Annual Report**



PART 3 – RULE MAKING POWERS

Clause 39

- **Power of The Minister To Make Regulations**
- To make regulations and give effect to the Chicago Convention and its Annexes to the extent adopted by Fiji.

Clause 40

- **Power of the Director-General to make emergency regulations**
- This provision empowers the DG to make emergency regulations where necessary to alleviate or minimise risk of death, serious injury, or property damage, with immediate effect but a limited duration.

Clause 41

- **Power of Director-General to make instruments**
- This provision empowers the DG to issue instruments in the form of binding rules, standards, and directives, as well as non-binding advisory and guidance material.

Clause 42

- **Criteria for making regulations and instruments**
- This provision provides criteria for making regulations and instruments, requiring the Minister or Director-General to have regard to the safety and security of civil aviation, ICAO standards, international obligations, risks and costs.

PART 3 – RULE MAKING POWERS

Clause 43

- **Incorporation of material by reference**
- This provision provides the incorporation of material by reference into regulation or instrument the ICAO standards and material that is too large or impractical to publish in full.

Clause 44

- **Consistency with international obligations**
- This provision ensures that CAAF is consistent with Fiji's obligations under the Chicago Convention, its Annexes and other international obligations relating to civil aviation.

PART 4 – AVIATION PARTICIPANTS

Clause 45

- **General Requirements for aviation participants**
- This provision ensures that aviation participants comply with the Act, subsidiary legislation and all conditions attached to any aviation document.

Clause 46

- **Duties of pilot-in-command**
- This provision provides the responsibilities of a pilot in command.

Clause 47

- **Identification of Pilot in Command**
- This provision allows the Authority to obtain information from the operator or aviation document holder of identifying a pilot in command who is alleged to have committed an offence.

Clause 48

- **Failure to provide identifying information**
- Failing to provide information required in Clause 47 above commits an offence. For individuals to a fine not exceeding \$10,000 and for Body corporation to a fine not exceeding \$50,000.



PART 5 – PERSONNEL LICENSING AND MEDICAL CERTIFICATION

CLAUSE 49

This provision provides for personnel licensing, prohibiting a person from acting in a prescribed capacity without a valid licence or rating issued or validated by the Authority.

CLAUSE 50

This provision provides for medical certification, requiring a person to hold a valid medical certificate of the appropriate class to exercise the privileges of a licence.

PART 6 – AIRWORTHINESS AND AIRCRAFT REGISTRATION

Clause 51- Certificate of airworthiness

Provides for certificate of airworthiness, prohibiting an aircraft from flying in Fiji without a valid certificate of airworthiness issued or validated by the Authority, and requiring continued airworthiness maintenance.

Clause 52 – Fiji Register of Aircrafts

Provides for the Fiji Register of Aircraft, requiring the Authority to establish and maintain it and prohibiting the registration of any aircraft that is already registered in another State

Clause 53 – Requirement to register aircraft

Provides for the requirement to register aircraft, mandating that an aircraft flying to, from, within, or over Fiji must be registered and have a valid certificate of registration from an appropriate authority.

Clause 54 – Civil Aviation Registry

Provides for the Civil Aviation Registry, requiring the Authority to establish and maintain it for aviation documents and other prescribed records, which must be made available for inspection subject to conditions.

PART 7 – AIR NAVIGATION SERVICES AND AERODROMES

Clause 55

- Aeronautical Information Services

Clause 56

- Air Navigation Services

Clause 57

- Compliance

Clause 58

- Aerodrome Certification and registration

Clause 59

- Use of aerodromes



PART 7 – AIR NAVIGATION SERVICES AND AERODROMES

Clause 60

- provides for airport charges, allowing an airport operator to determine charges for services and facilities, provided notice is given to the Authority and published as prescribed.

Clause 61

- provides for detention and sale of aircraft if default is made in the payment of airport charges, allowing the operator to detain and, with court leave, sell the aircraft to recover the charges.

Clause 62

- provides for wildlife hazard management. It empowers the Minister or Director-General to make regulations or instruments for the control and mitigation of bird and wildlife strikes to aircraft, consistent with Annex 14 to the Chicago Convention.



PART 8 – AIR SERVICES LICENSING

Clause 63 – Licensing of Air Transport Services



Licence requirement:
No aircraft may operate commercially or for hire/reward in Fiji without a valid licence or permit.



Minister's powers:
Make licensing regulations (conditions, appeals, required info).
Stop an aircraft from taking off if operating without a licence.



Penalties:
First offence: Fine ≤ \$10,000 or ≤ 6 months imprisonment, or both.
Repeat offence: Fine ≤ \$20,000 or ≤ 2 years imprisonment, or both.

PART 9 - OCCURRENCE REPORTING AND ACCIDENT INVESTIGATION

Clause 64 Reporting Duty: Pilot-in-command, operator, or any prescribed person must notify the Authority of any accident, serious incident, or occurrence.



State Obligation: Investigations must comply with Annex 13 of the Chicago Convention.



Authority's Role: The Authority cannot conduct investigations where independence is required, but must facilitate and cooperate with the designated investigation agency.



Penalty for Non-Reporting: Failure to notify is an offence, punishable by a fine up to \$10,000, imprisonment up to 3 years, or both.

PART 10 – ACCIDENT INVESTIGATION COMMISSION

There are four (4) Divisions under Part 10.

Division 1

- *Accident Investigation Commission*

Division 2

- *Resources of the Commission*

Division 3

- *Powers and Procedures relating to Accident Investigations*

Division 4

- *Use of voice recording*

PART 10 – ACCIDENT INVESTIGATION COMMISSION

(Division 1)

Clause 65

- *Establishment of the Accident Investigation Commission.*
- *Consists of 3 Commissioners and can be removed by the Minister at any time for any reasons.*

Clause 66

- *Purpose of the Commission is to determine the causes of accidents and serious incidents.*

Clause 67

- *The Principal function of the Commission is to investigate aviation accidents and serious incidents.*
- *The Commission is responsible for investigating of accident and serious incident. The Authority is responsible for investigating incidents and other aviation occurrences.*

Clause 68

- *The Commission is responsible to the Minister for administration of this Part.*
- *The Commission reports directly to the Minister.*

PART 10 – ACCIDENT INVESTIGATION COMMISSION

(Division 1)

Division 1 – Accident Investigation Commission

Clause 69

- *The Commission have the rights, powers and privileges of a natural person.*
- *The power to do anything the Commission is authorised under this Bill, or other enactment or any rule of law.*

Clause 70

- *The meetings of the Commission must be held at such time and places as the Chairperson appoints.*

*Clause
71*

- *Disclosure of any interest by a Commissioner who may have a direct, pecuniary or material interest. The Commissioner must disclose the nature of the interest.*

Clause 72

- *Service of documents to the Commission is addressed to the Chairperson of the Commission and delivered at the office of the Commission.*

PART 10 – ACCIDENT INVESTIGATION COMMISSION

(Division 1)

Clause 73

- *Protection of the Commission that no action taken under this Bill shall be questioned on the grounds of vacancy or defect.*
- *No suit or action shall be taken against Chief Commission or Commissioner for acts done in good faith.*

Clause 74

- *The Commission must prepare annual report before June 30th of each year.*

Clause 75

- *The Commission may delegate in writing any of its functions or powers to any Commissioner, employee, consultant or any persons of the Commission.*
- *The Minister must consent in writing to any delegation.*

PART 10 – ACCIDENT INVESTIGATION COMMISSION

(Division 2)

Clause 76

- *The funding of the Commission from monies appropriated in the Appropriation Act.*

Clause 77

- *The Commission with approval of the Minister to second staff from the Ministry of Civil Aviation to assist with administrative functions.*

Clause 78

- *The Commission may appoint any suitable qualified person as an expert for the purposes of any investigation under this Act.*
- *The appointment is on such terms agreed by the Minister and appointee.*

PART 10 – ACCIDENT INVESTIGATION COMMISSION

(Division 3)

Clause 79

- *The Commission must notify the Authority of every accident or incident that is reported to the Commission.*
- *Including every accident or incident that is outside the scope of the Commission's jurisdiction or if the Commission decides not to investigate.*

Clause 80

- *Investigative powers of the Commission, including deeming the aircraft in an accident to be in its custody, power to enter and inspect relevant places, inspect and retain detain document, and seize or test items for the purpose of investigation.*

Clause 81

- *Conduct of investigation of an accident or serious incident that is reported to the Commission.*
- *A preliminary report is issued by the Commission before issuing a final report.*
- *Before a final report is issued the Commission gives an opportunity to the person to respond either in writing or at a hearing.*

Clause 82

- *The investigator-in-charge has exclusive authority to direct the organisation, conduct, and control of that investigation.*
- *This authority is designated by the Commission for a specific investigation.*
- *This clause is consistent with the provisions of Annex 13 to the Chicago Convention.*

PART 10 – ACCIDENT INVESTIGATION COMMISSION

(Division 4)

Clause 83

- *Voice recordings made during the flight of an aircraft operator by a Fiji operator or in the course of providing an air traffic service to an aircraft is not admissible in any criminal proceedings in Fiji.*

Clause 84

- *Similar to Clause 83, voice recordings are not admissible in civil court proceedings, however a party to may apply to the court for an order that voice recording be admitted.*
- *The court shall examine the voice recordings and if satisfied may order that the voice recording be admissible.*

Clause 85

- *Where the court examines a voice recording under section 84, the only person that may be present at the examination are legal representatives to the parties, person of the court or such other persons as the court directs.*

PART 10 – ACCIDENT INVESTIGATION COMMISSION

(Division 4)

Clause 86

- *Voice recordings cannot be used as evidence to decide whether a pilot, crew member, or air traffic controller (ATC) is liable in court.*
- *However, if there are multiple defendants, and some are crew/ATC, the voice recording may be used to determine whether the non-crew / non-ATC defendants are liable.*

Clause 87

- *A person is not entitled to take disciplinary action against any employee based on information from a voice recording.*

Clause 88

- *The Commission, investigator-in-charge, or other person acting under the Commission's authority is not compellable to appear as a witness in any proceedings relating to the apportioning of blame or liability for an accident or serious incident.*
- *However, if the disclosure of information is in the public interest, the Commission may permit by notice in writing a person to appear as a witness.*

PART 10 – ACCIDENT INVESTIGATION COMMISSION

(Division 4)

Clause 90

- You can still use evidence about what someone said on the flight deck or in an air traffic services facility but only if the evidence comes from a source other than the actual voice recording or its transcript.

Clause 91

- In notice by Gazette, the Minister may re-open closed investigations if new and significant evidence has been discovered, there was a miscarriage of justice or because of financial constraints and weather conditions.

Clause 92

- It is an offence to obstruct the Commission, an inspector, or other authorised person in exercise of their investigation powers.
- Failing to comply with a summons without reasonable cause to appear before the Commission is also an offence.
- A person who contravenes is liable on conviction to a fine not exceeding \$20,000 or imprisonment not exceeding 5 years or to both.

PART 11 – DANGEROUS GOODS



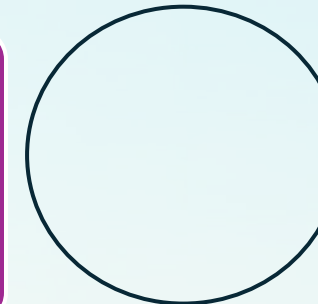
CLAUSE 93: Carriage of Dangerous Goods:
Dangerous goods are NOT to be transported by air except in accordance with law



Authority has the power to make laws governing acceptance, handling, storage, and carriage of dangerous goods.



Offence & Penalties: Breach of this section is an offence. Penalties include a fine up to \$20,000, imprisonment up to 5 years, or both.



PART 12 – UNMANNED AIRCRAFT SYSTEMS



CLAUSE 94



Regulation: All Unmanned Aircraft Systems, including Remotely Piloted Aircraft Systems in Fiji is regulated by the Authority.

Requirements: Regulations made under Part 3 governs registration, certification, licensing, operation, risk-based measures, and enforcement.

Operator Responsibility: Operators must ensure safe operation and compliance with all requirements.

PART 13 – ENFORCEMENT AND APPEALS

There are two (2) Divisions under Part 13.

Division 1

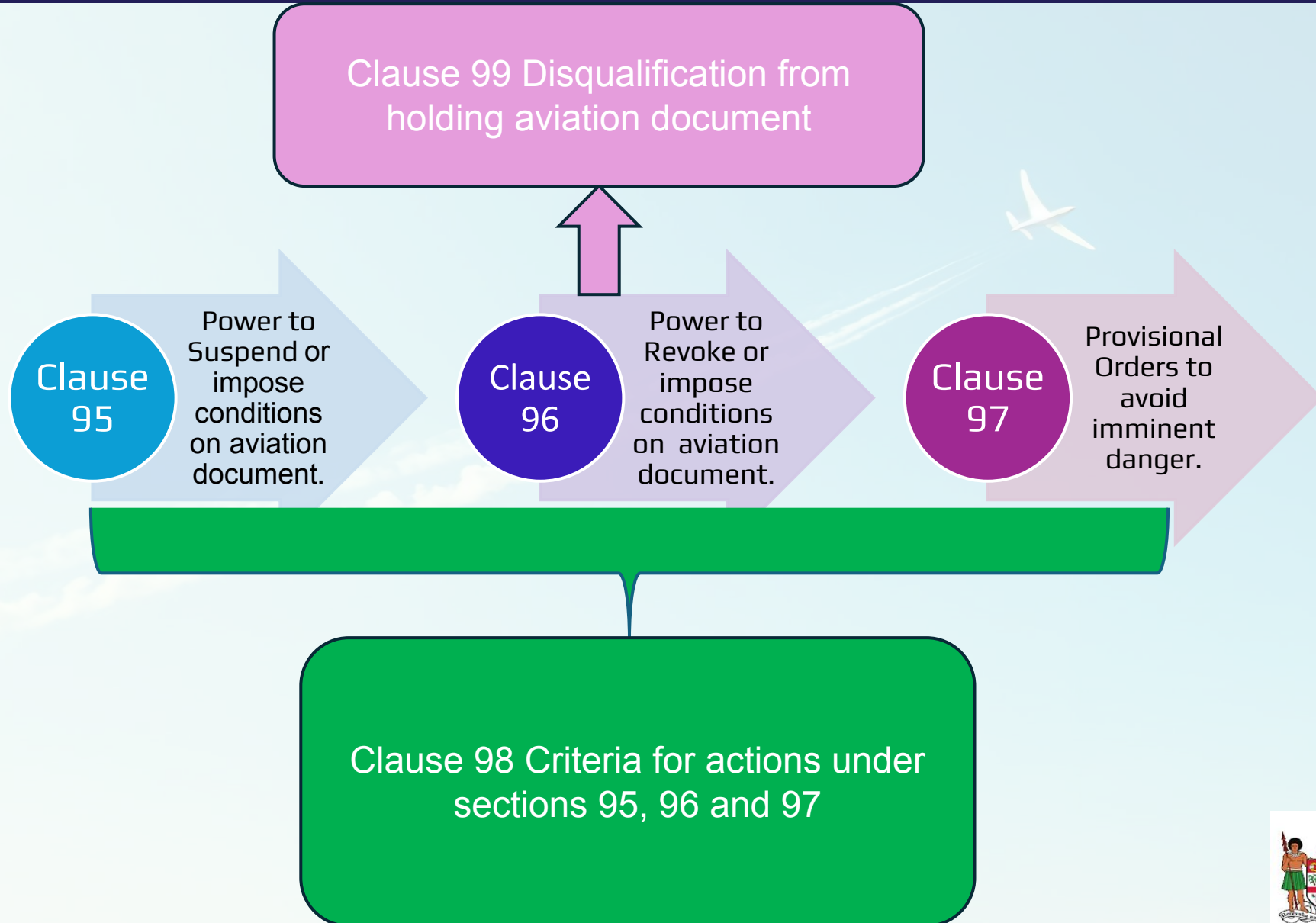
- *Enforcement*

Division 2

- *Appeals*



PART 13 – ENFORCEMENT AND APPEALS (*Division 1*)



PART 13 – ENFORCEMENT AND APPEALS (*Division 1*)



PART 13 – ENFORCEMENT AND APPEALS (*Division 2*)

Clause 104 - Appeals

- *Any person who is aggrieved by any decision of the Authority may appeal to the Minister.*
- *The appeal to the Minister must be within 14 days after being notified of the decision by the Authority.*

Clause 105 – Appeals Advisory Panel

- *The Appeals Advisory Panel where the Minister establishes a panel of persons with technical or specialised knowledge to provide advice on complex appeals.*

PART 14 – MISCELLANEOUS

Clause 106

- empowers the Authority, with the Minister's approval, to exempt any person or development from all or part of the provisions of the Act.

Clause 107

- provides for the general penalty for offence under the Act; or subsidiary legislation for which no specific penalty is provided.

Clause 108

- provides for repeals, specifically repealing the Civil Aviation Act 1976, the Civil Aviation Authority of Fiji Act 1979, and the Civil Aviation Reform Act 1999.

Clause 109

- provides for transitional and savings provisions.

Clause 110

- provides for consequential amendments to other Acts and written laws through the Schedule.

CONCLUSION

KEY FEATURES

- ▣ *Resolution of unsatisfactory LEG PQs*
- ▣ *Regulatory independence*
- ▣ *Change of title*
- ▣ *Independent regulatory powers*
- ▣ *Accident investigation independence*
- ▣ *Just Culture and Safety information protection*
- ▣ *Hierarchy of rule-making authority*
- ▣ *Provisional Orders:*
 - ▣ *Enforcement*
 - ▣ *Exemptions*
 - ▣ *Appeals*
 - ▣ *Transfer of safety oversight functions*
 - ▣ *Modern technology regulation*
 - ▣ *Wildlife Hazard management*
 - ▣ *Reserve Fund*

ACCESSING THE DRAFT BILL

- A full copy of the draft Civil Aviation Bill can be downloaded from the official websites of the Ministry of Tourism and Civil Aviation and the Civil Aviation Authority of Fiji (CAAF):
 - Ministry of Tourism and Civil Aviation Website:
<https://mtca.gov.fj/wp-content/uploads/2025/11/CAB.pdf>
 - Civil Aviation Authority of Fiji (CAAF) Website: <https://www.caaf.org.fj/cabil>
- Your submissions can be addressed to the Department of Civil Aviation on:
 - email info@mtca.gov.fj ;or
 - hand delivered to the Ministry of Tourism and Civil Aviation, Level 4, Civic Tower with reference: “**Civil Aviation Bill 2026**”.



CIVIL AVIATION AUTHORITY OF FIJI



ANY QUESTIONS?

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