

CIVIL AVIATION SAFETY ACT

[STATE]

VERSION 2.5

APRIL 2007

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AMENDMENTS

Location	Date	Description
§102 (b)(12)	11/01/04	Definition replaced.
§201	11/01/04	Two options for §201 – one for Parliamentary systems and one for Republics – both included in model.
§205	11/01/04	Section added for a Parliamentary system.
§306	11/01/04	New section
§405	11/01/04	Section replaced
§418	11/01/04	Wording added to denote paragraph applies to a Republic system.
§419	11/01/04	New section to allow for regional cooperation. Two options for §419 – one for Parliamentary systems and one for Republics – both included in model.
§701(c)	11/01/04	Second sentence added.
§605	11/01/04	“Schools” changed to “Approved Training Organisations” per ICAO Annex 1 amendment.
§201	8/06/06	§201 split into §201 Parliamentary System and §202 Republic System for formatting purposes only and instructional notes adjusted accordingly. Remaining sections in Subchapter II renumbered.
§501(c)	9/1/06	Those eligible to register an aircraft clarified.

MODEL CIVIL AVIATION SAFETY ACT

The Model Aviation Safety Act (Act) provides a legal basis for the establishment of a Civil Aviation Authority, or CAA in [STATE], referred to in the Model Statute and the Model Regulations as the "Authority." The Act establishes the Authority under the Director of Civil Aviation, and defines both the duties and the authority granted the Director under the law of [STATE].

- Subchapters I through IV address the organization, administration, general powers, and duties of the Authority. Subchapter V requires the registration of aircraft in [STATE] and makes the maintenance of a system of recordation of such registration a matter of law.
- Subchapter VI sets forth the statutory bases for safety regulation by the Authority, including the certification of aviation personnel and entities, the duties required of aviation operators and airmen, the power of inspection granted the Authority and prohibitions applicable to all citizens of [STATE] respecting aviation.
- Subchapter VII sets forth the civil and criminal penalties that may be imposed by the Authority for violations of the law or the regulations, and
- Subchapter VIII establishes the procedure that is to be followed by the Authority in enforcement action.

Statutory authority for the economic regulation of air operators is also necessary, but due to the variation in national systems, no such language is provided in this Model Civil Aviation Safety Act.

It is recognized that most Signatories to the Chicago Convention may already have a civil aviation law. The purpose of the Model Civil Aviation Safety Act is to provide the basis for review and modification of existing law, where such review and modification is deemed necessary by [STATE].

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CIVIL AVIATION SAFETY ACT

An Act to create an independent Civil Aviation Authority, to provide for the regulation and promotion of civil aviation in [STATE], to foster its safe development, and for other purposes incidental thereto.

SUBCHAPTER I —GENERAL PROVISIONS

§ 101. SHORT TITLE

This Act may be cited as the "Civil Aviation Safety Act of [YEAR ENACTED]."

§ 102. DEFINITIONS

- (a) [STATE]. The term [STATE] in this Act means the land and water territory of the [STATE] to the outer limits of the territorial sea and includes the airspace above such territory.
- (b) The following definitions apply to these words where they are used in this Act.
 - (1) **Aerial Work.** An aircraft operation in which an aircraft is used for specialised services such as agriculture, construction, photography, surveying, observation and patrol, search and rescue, aerial advertisement, etc.
 - (2) **Aerodrome.** An airport, a defined area on land or water (including any buildings, installations and equipment) intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft.
 - (3) **Aircraft.** Any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface. The term "aircraft," when used in this Act or in regulations issued under this Act, shall refer to civil aircraft only, and will not include state or public aircraft.
 - (4) **Aircraft engine.** Any engine used, or intended to be used, for propulsion of aircraft and includes all parts, appurtenances, and accessories thereof other than propellers.
 - (5) **Aircraft piracy.** Any actual or attempted seizure or exercise of control, by force or violence, or by any other form of intimidation, with wrongful intent, of an aircraft within the jurisdiction of [STATE].
 - (6) **Airman.** This term refers to—
 - (i) Any individual who engages, as the person in command or as pilot, mechanic, or member of the crew, or who navigates an aircraft while the aircraft is underway;
 - (ii) Any individual in charge of the inspection, maintenance, overhauling, or repair of aircraft, and any individual in charge of the inspection, maintenance, overhauling, or repair of aircraft, aircraft engines, propellers, or appliances; or
 - (iii) Any individual who serves in the capacity of flight operations officer;

- (7) **Air navigation facility.** Any facility used in, available for use in, or designed for use in aid of air navigation, including airports, landing areas, lights, any apparatus or equipment for disseminating weather information, for signalling, for radio directional finding, or for radio or other electromagnetic communication, and any other structure or mechanism having a similar purpose for guiding or controlling flight in the air or the landing and take-off of aircraft.
- (8) **Air Operator.** Any organisation which undertakes to engage in domestic commercial air transport or international commercial air transport, whether directly or indirectly or by a lease or any other arrangement.
- (9) **Air Operator Certificate (AOC).** A certificate authorising an operator to carry out specified commercial air transport operations.
- (10) **Annexes to the Chicago Convention.** The documents issued by the International Civil Aviation Organisation (ICAO) containing the Standards and Recommended Practices applicable to civil aviation.
- (11) **Appliances.** Instruments, equipment, apparatus, parts, appurtenances, or accessories, of whatever description, which are used, or are capable of being or intended to be used, in the navigation, operation, or control of aircraft in flight (including parachutes and including communication equipment and any other mechanism or mechanisms installed in or attached to aircraft during flight), and which are not part or parts of aircraft, aircraft engines, or propellers.
- (12) **Chicago Convention.** ("Convention") The Convention on International Civil Aviation concluded in Chicago, U.S.A. in 1944, in effect, 1947. The Articles of the Chicago Convention govern the actions of the contracting States in matters of international civil aviation safety directly and through the Annexes to the Convention, which set forth ICAO Standards and Recommended Practices.
- (13) **Commercial air transport operation.** An aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire.
- (14) **Citizen of [STATE].** This term refers to one of the following:
 - (i) An individual who is a citizen of [STATE];
 - (ii) A partnership of which each member is a citizen of [STATE]; or
 - (iii) A corporation or association created or organised and authorised under the laws of [STATE].
- (15) **Civil aircraft.** Any aircraft other than a state or public aircraft.
- (16) **Civil aviation.** The operation of any civil aircraft for the purpose of general aviation operations, aerial work or commercial air transport operations.
- (17) **Crew Member.** A person assigned to perform duties on an aircraft in flight.
- (18) **Dangerous goods.** Articles or substances which are capable of posing significant risks to health, safety or property when transported by air.
- (19) **Director.** The Director of Civil Aviation appointed under this Act.

- (20) **Foreign air operator.** Any operator, not being a [STATE] air operator, which undertakes, whether directly or indirectly or by lease or any other arrangement, to engage in commercial air transport operations within borders or airspace of [STATE], whether on a scheduled or charter basis;
- (21) **General aviation operation.** An aircraft operation of a civil aircraft for other than a commercial air transport operation or aerial work operation.
- (22) **ICAO.** Where used in this Act, this is an abbreviation for the International Civil Aviation Organisation.
- (23) **International commercial air transport.** The carriage by aircraft of persons or property for remuneration or hire or the carriage of mail between any two or more countries.
- (24) **Minister.** This term means the Minister responsible for civil aviation.
- (25) **Navigable airspace.** The airspace above the minimum altitudes of flight prescribed by regulations under this Act and includes airspace needed to insure safety in the takeoff and landing of aircraft.
- (26) **Navigation of aircraft.** A function which includes the piloting of aircraft.
- (27) **Operator.** A person, organisation or enterprise engaged in or offering to engage in an aircraft operation. Any person who causes or authorises the operation of aircraft, whether with or without the control (in the capacity of owner, lessee, or otherwise) of the aircraft, shall be deemed to be engaged in the operation of aircraft within the meaning of this Act.
- (28) **Person.** Any individual, firm, partnership, corporation, company, association, joint-stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative of these entities.
- (29) **Propeller.** An inclusive term for all parts, appurtenances, and accessories of a propeller.
- (30) **Public aircraft.** An aircraft used exclusively in the service of any government or of any political jurisdiction thereof, including the Government of [STATE], but not including any government owned aircraft engaged in operations which meet the definition of commercial air transport operations.
- (31) **Spare parts.** Any parts, appurtenances, and accessories of aircraft (other than aircraft engines and propellers), of aircraft engines (other than propellers), of propellers, and of appliances, maintained for installation or use in an aircraft, aircraft engine, propeller, or appliance, but which at the time are not installed therein or attached thereto.
- (32) **Special aircraft jurisdiction of [STATE].** This includes:
- (i) Civil aircraft of [STATE]; and
 - (ii) Any other aircraft within the jurisdiction of [STATE], while the aircraft is in flight, which is from the moment when all external doors are closed following embarkation until the moment when one such door is opened for disembarkation or, in case of a forced landing, until the competent authorities take over the responsibility of the aircraft and the persons and property aboard.
- (33) **Validation.** The written acceptance of an action of the civil aviation authority of another country in lieu of an action that this Act assigns to the Director.

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SUBCHAPTER II —ORGANIZATION OF AUTHORITY

[Some Parts Applicable to CASA – Revise]

Note: A State will use one of the two paragraphs offered in § 201 below depending on its form of governmental.

§ 201. CREATION OF AUTHORITY: PARLIAMENTARY SYSTEM

Note: A Parliamentary System generally follows the British Parliamentary model, in which most of the executive powers of government are vested in the majority leadership of the legislative body, and the Head of State may, to a greater or lesser degree, play a smaller role in the executive leadership of the country than in a republic. As a general rule, executive direction is vested in a Prime Minister and his chosen Ministers, one of whom may have civil aviation within his or her portfolio. There is usually no set time period for the term of a Prime Minister, and the government may change upon a number of actions, the most common of which are a vote of no confidence or a call for a general election. The execution of the Ministerial direction, usually through broadly-written "Regulations", is vested in a civil service headed by a Director of Civil Aviation (DCA). To meet the independence requirement suggested in ICAO Document 9734A, the DCA usually effects control of the safety of civil aviation through "Schedules", "Implementing Standards" or "Aviation Standards" that, where designated, carry the force and effect of the "Regulations". The term "Minister" is not confined to parliamentary systems, and may be used in the system of a republic. The Head of State may be a monarch or an elected President.

- (a) MINISTERIAL DIRECTION. The Minister of [Appropriate Title] shall oversee the operations of a Civil Aviation Authority, established as set forth below. The Minister of [Appropriate Title] shall delegate the authority and responsibility attendant upon the direction of the operation of the Civil Aviation Authority to a Director of Civil Aviation.
- (b) ESTABLISHMENT OF AUTHORITY HEADED BY A DIRECTOR. There is hereby established the Civil Aviation Authority, referred to in this Act as the "Authority." The Authority shall be headed by a Director of Civil Aviation, referred to in this Act as the "Director," who shall be appointed by the [PRIME MINISTER, MINISTER OF (APPROPRIATE TITLE)], [with the advice and consent of the [LEGISLATIVE BODY/BODIES]], and shall be responsible To the Minister of [Appropriate Title] for all civil aviation in [STATE] and the administration of this Act. The Director shall be appointed for a minimum term of ___ years, and may not be removed except for cause by a resolution signed by the [PRIME MINISTER/MINISTER OF (APPROPRIATE TITLE)]
- (c) RESPONSIBILITY OF DIRECTOR. The Director shall be responsible for the exercise of all powers and the discharge of all duties of the Authority and shall have control over all personnel and activities of the Authority.

§ 202. CREATION OF AUTHORITY: REPUBLIC

Note: A Republic is usually defined by the election of the Head of State for a defined period of time. The Head of State is directly responsible for carrying out the executive functions, which are usually defined in a State Document, such as a Constitution. Ordinarily, the legislature authorizes the formation of executive functions through combination of its fiscal and other authority defined in the State Document. In such systems, the Authority may be set forth by statute, and organized and administered by the executive under the statutory scheme set forth by the legislature. The Authority itself may be under the authority of a "Minister" or "Secretary" established by the legislature and executed by the executive power.

- (a) ESTABLISHMENT OF AUTHORITY HEADED BY A DIRECTOR. There is hereby established the Civil Aviation Authority, referred to in this Act as the "Authority." The Authority shall be headed by a Director of Civil Aviation, referred to in this Act as the "Director," who shall be appointed by the [LEADER/PRESIDENT OF STATE], with the advice and consent of the [LEGISLATIVE BODY/BODIES], and shall be responsible for all civil aviation in [STATE] and the administration of this Act. The Director shall be appointed for a minimum term of ___ years, and may not be removed except for cause by a resolution signed by the [LEADER/PRESIDENT OF STATE, HEAD/HEADS OF LEGISLATIVE BODY/BODIES].
- (b) RESPONSIBILITY OF DIRECTOR. The Director shall be responsible for the exercise of all powers and the discharge of all duties of the Authority and shall have control over all personnel and activities of the Authority.

§ 203. STATEMENT OF AUTHORITY POLICY

- (a) In the exercise and performance of the powers and duties assigned under this Act, the Director shall consider the following, among other things, as being in the public interest—
 - (1) The promotion, encouragement, and development of safety in civil aviation; and
 - (2) The regulation of civil aviation in such manner as to best promote safety.

§ 204. QUALIFICATIONS OF DIRECTOR

- (a) The Director shall be appointed with regard to fitness for the efficient discharge of the powers and duties vested in and imposed by this Act.
- (b) At the time of nomination, the Director shall have significant management or similar technical experience in a field directly related to aviation.
- (c) The Director shall have no monetary interest in or own any stocks or bonds of any aeronautical enterprise nor shall the Director engage in any other business, vocation, or employment.

§ 205. OFFICERS AND EMPLOYEES

- (a) The Director may elect, employ, and appoint such officers, employees, consultants, attorneys, and agents as shall be necessary to carry out the provisions of this Act, and to define their authority and duties. No officer, employee, or attorney of the Authority shall have a monetary interest in or over any stocks and bonds of any aeronautical enterprise.

§ 206. BOARD OF DIRECTORS – PARLIAMENTARY SYSTEM

- (a) The management of the business and financial aspects of the Civil Aviation Authority shall be carried out by the Director, with the advice and direction of a Board of Directors appointed under the laws of [STATE].

NOTE: The functions of a Board of Directors have been established in most States with a Parliamentary System; these functions should be set forth as subordinate clauses to this section.

Note: The functions of the Board of Directors should not include the aviation safety authority of the Director under §201(c)(1). While a Board of Directors may serve in an advisory capacity, in no way should it be constituted so as to diminish the authority of the Director regarding aviation safety.

SUBCHAPTER III —ADMINISTRATION OF THE AUTHORITY

§ 301. CO-OPERATION WITH OTHER AGENCIES

- (a) The Director shall have the power to use, with their consent, the available services, equipment, personnel, and facilities of other agencies of [STATE], on a reimbursable basis when appropriate, and on a similar basis to co-operate with those agencies in the establishment and use of services, equipment, and facilities of the Authority.

§ 302. ACQUISITION OF PROPERTY

- (a) The Director may, where appropriate—
 - (1) Accept on behalf of [STATE], any gift or donation of money or other property, real or personal, or of services; and
 - (2) Acquire by purchase, lease, or otherwise, personal and real property or interests therein, including, in the case of air navigation facilities owned and operated by [STATE], easements through or other interests in airspace immediately adjacent thereto and needed in connection therewith.

§ 303. AUTHORISATION TO CONTRACT

- (a) The Director is hereby authorised, subject to available appropriations and applicable laws of [STATE], and in furtherance of the proper exercise of assigned powers and duties under this Act, to contract or otherwise arrange for the services of private persons, and private, public, or governmental organisations.

§ 304. EXCHANGE OF INFORMATION

- (a) The Director shall have the power to exchange with foreign governments, through appropriate agencies of the Government of [STATE], information pertaining to civil aviation.

§ 305. DELEGATION OF FUNCTIONS

- (a) DELEGATION TO OFFICERS, EMPLOYEES, AND ADMINISTRATIVE UNITS OF AUTHORITY. The Director may, subject to such regulations, supervision, and review as may be prescribed, authorise the performance by any officer, employee, or administrative unit under the Director's jurisdiction of any function under this Act.
- (b) DELEGATION TO PRIVATE PERSONS. The Director is authorised to delegate any assigned powers and duties to any properly qualified private person, subject to such regulation, supervision, and review as may be prescribed. However, the Director shall ensure that such functions are not delegated in such a way that air operators, aerial work or general aviation operators and maintenance facilities, in effect, regulate themselves.

§ 306. AUTHORISATION TO IMPOSE FEES FOR SERVICES

- (a) The Director may impose fees for services of the Civil Aviation Authority, including, authorisations, approvals, inspections and the administration of licenses and certificates, and shall maintain and publish a schedule of all such fees that the Director may impose. Changes in fees to be imposed shall be the subject of a notice of general circulation.

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SUBCHAPTER IV —GENERAL POWERS AND DUTIES

[Some Parts Applicable to CASA – Revise]

§ 401. GENERAL

- (a) GENERAL AUTHORITY. The Director shall have the power to perform such acts, to conduct such investigations, to issue and amend such orders, and to make and amend such general or special rules, regulations [not Parliamentary Regulations were Orders], and procedures pursuant to and in accordance with the provisions of this Act, as the Director shall deem necessary to carry out the provisions of, and the exercise and performance of the powers and duties assigned under this Act.
- (b) PUBLICATIONS. The Director shall provide for the publication of all reports, orders, decisions, rules, and regulations [not Parliamentary Regulations were Orders] issued under this Act in such form and manner as may be best adapted for public information and use.
- (c) EVIDENCE. In the conduct of any public hearings or investigations authorised by this Act, the Director shall have the power to take evidence, issue subpoenas, and take depositions. Actions of the Director in such cases shall be governed by the procedures specified in Subchapter VIII of this Act.

§ 402. ORDERS

- (a) EFFECTIVENESS OF ORDERS. Except in emergency situations, all orders, rules, and regulations [not Parliamentary Regulations were Orders] of the Director shall take effect within such reasonable times as the Director may prescribe, and shall continue in force until a further order, rule, or regulation, or for a specified period of time, as shall be prescribed in the order, rule, or regulation.
- (b) EMERGENCIES. Whenever the Director is of the opinion that an emergency requiring immediate action exists with respect to safety in civil aviation, the Director shall have the power, either upon complaint or the Director's initiative without complaint, at once, if the Director so orders, without answer or other form of pleading by the interested person or persons, and with or without notice, hearing, or the making or filing of a report, to make such just and reasonable orders, rules, or regulations [not Parliamentary Regulations were Orders] as may be essential in the interest of safety in civil aviation to meet such emergency; provided that the Director shall immediately thereafter initiate proceedings relating to the matter giving rise to any such order, rule, or regulations [not Parliamentary Regulations were Orders].
- (c) SUSPENSION AND MODIFICATION OF ORDERS. The Director shall have the power to suspend or modify orders upon such notice and in such manner as the Director shall find proper.

§ 403. APPLICABILITY OF ADMINISTRATIVE PROCEDURE ACT

- (a) Except as otherwise provided in this Act, in the exercise of making rules and r_regulations [not Parliamentary Regulations were Orders] under this Act, the Director shall be subject to the provisions of [STATE ADMINISTRATIVE PROCEDURES] Act.

§ 404. PUBLIC COMPLIANCE

- (a) It shall be the duty of every person (along with any agents and employees thereof in the case of entities other than individuals) subject to this Act, to observe and comply with any order, rule, regulation [not Parliamentary Regulations were Orders], licence or certificate issued by the Director under this Act, affecting such person so long as the same shall remain in effect.

§ 405. EXEMPTIONS

- (a) Only the Director may grant exemptions from the requirements set forth in this Act or in its aviation safety regulations if the Director finds such action would be in the public interest.
- (b) The Director shall issue regulations [not Parliamentary Regulations were Orders] governing the application for and approval of exemptions.
- (c) The Director shall publish any exemption actions taken.
- (d) Except as provided in paragraphs (a), (b) and (c), the Director may not grant exemptions from the requirements of this Act.

§ 406. DEVELOPMENT OF CIVIL AVIATION

- (a) The Director is authorised and empowered to encourage and foster the safe development of civil aviation in [STATE].

§ 407. AIRSPACE CONTROL AND FACILITIES

- (a) USE OF AIRSPACE. The Director is authorised and empowered to develop, plan for, and formulate policy with respect to the use of the navigable airspace of [STATE]. The Director may assign by rule, regulations [not Parliamentary Regulations were Orders], or order the use of the navigable airspace under such terms, conditions, and limitations as the Director may find necessary to insure the safety of aircraft and the efficient utilisation of such airspace.
- (b) LIMITS ON AUTHORITY. The authority of the Director under this Section shall be exercised only in that airspace for which air traffic control responsibility has not been assigned to a foreign country by international agreement or other arrangement.

§ 408. AIR NAVIGATION FACILITIES

- (a) The Director may, within the limits of available appropriations—
 - (1) Acquire, establish, and improve air navigation facilities wherever necessary; and
 - (2) Operate and maintain such air navigation facilities.

§ 409. REGULATION OF AIR TRAFFIC

- (a) GENERAL. The Director shall have the power to prescribe, as in the opinion of the Director may be necessary in the interests of aviation safety, air traffic rules and regulations—
 - (1) Governing the flight of aircraft;
 - (2) For the navigation, protection, and identification of aircraft;
 - (3) For the protection of persons and property on the ground; and
 - (4) For the efficient utilisation of the navigable airspace, including rules as to safe altitude of flight and rules for the prevention of collision between aircraft, between aircraft and land or water vehicles and objects, and between aircraft and airborne objects.

- (b) **FACILITIES AND PERSONNEL.** The Director is authorised to provide, as required in the interest of aviation safety, the necessary facilities and personnel for the regulation and protection of air traffic.
- (c) **LIMITS ON AUTHORITY.** The authority granted to the Director under this Section shall be exercised only in that airspace for which air traffic control responsibility has not been assigned to a foreign country by international agreement or other arrangement.
- (d) **NATIONAL DEFENCE AND CIVIL NEEDS.** In exercising the authority granted in, and discharging the duties imposed by this Act, the Director shall give full consideration to the requirements of national defence, of commercial and general aviation and to the public right of transit through the navigable airspace.

§ 410. COMMERCIAL AIR TRANSPORT SECURITY NOT APPLICABLE - CASA

- (a) **SCREENING.** The Director shall prescribe reasonable regulations requiring that all passengers and all property intended to be carried in the aircraft cabin in commercial air transport be screened by weapon detecting procedures or facilities employed or operated by employees or agents of the air operator or foreign air operator prior to boarding the aircraft for such transportation.
- (b) **PROTECTION AGAINST VIOLENCE AND PIRACY.** The Director is hereby authorised to prescribe such other reasonable rules and regulations requiring such practices, methods, and procedures as the Director may find necessary to protect persons and property aboard aircraft operating in commercial air transport against acts of criminal violence and aircraft piracy.
- (c) **PROCEDURES FOR INSPECTIONS, DETENTIONS, AND SEARCHES.** The Director shall, to the extent practicable, require uniform procedures for the inspection, detention, and search of persons and property in domestic commercial air transport and international commercial air transport to assure their safety and to assure that they will receive courteous and efficient treatment by air operators and their agents and employees.

§ 411. TRAINING SCHOOLS

- (a) **AUTHORITY TO OPERATE.** The Director may conduct a school or schools for the purpose of training employees of the Authority in those subjects necessary for the proper performance of all authorised functions of the Authority. The Director also may authorise attendance at courses given in such schools by other governmental personnel and personnel of foreign governments, or personnel of the aeronautical industry.
- (b) **OFFSET OF TRAINING COSTS.** The Director is hereby authorised, where appropriate, to require payment of appropriate consideration to offset the costs of training provided by such school or schools.

§ 412. ACCIDENT INVESTIGATION NOT APPLICABLE CASA – ATSB RESPONSIBILITY

Note: The determination of cause for aviation accidents is normally entrusted to a governmental authority different from the Civil Aviation Authority. Combining analysis for probable cause with safety regulation and enforcement within the same governmental organisation presents the potential for continuing conflict.

- (a) **REPORTING OF ACCIDENTS.** The Director shall promulgate rules and regulations governing the notification and reporting of accidents and incidents involving aircraft.

(b) GENERAL AUTHORITY TO INVESTIGATE. Except as provided in subsection (c) of this Section, the Director shall have—

- (1) The power and shall investigate, or arrange by contract or otherwise for the investigation of, accidents involving civil aircraft occurring in [STATE] and civil aircraft registered in [STATE] occurring outside the territory of any foreign country for the purpose of determining the facts, conditions, and circumstances relating to each accident and the probable cause thereof.
- (2) The authority to participate in the investigation of accidents involving aircraft registered in [STATE] and occurring in the territory of a foreign country, consistent with any treaty, convention, agreement, or other arrangement between [STATE] and the country in whose territory the accident occurred.

(c) ACCIDENT PREVENTION. The Director shall take any corrective actions which, on the basis of the findings of the accident investigations authorised under this Section, that, in the judgement of the Director, will tend to prevent similar accidents in the future.

(d) INVESTIGATION OF ACCIDENTS WITHIN MILITARY SITES. Notwithstanding any other provision of this Section, and , the investigation of an accident involving aircraft occurring within military sites in [STATE] or an accident involving solely an aircraft of the armed forces of any foreign country occurring in [STATE] shall be the responsibility of the military. For the purposes of this subsection, the term "military sites" means those areas within [STATE] which are under the control of the military of [STATE] or the military of another country.

(e) USE AS EVIDENCE. No part of any report or reports of the Director relating to any accident or the investigation thereof, shall be admitted as evidence or used in any suit or action for damages growing out of any matter mentioned in such report or reports.

§ 413. FLIGHT STANDARDS INSPECTORATE

- (a) ESTABLISHMENT. The Director is authorised to establish an organisation to assist in carrying out the responsibilities of the Director's office for licensing, certification and on-going inspections of aircraft, airmen and air operators.
- (b) FACILITIES AND PERSONNEL. The Director is authorised to provide, as required in the interest of aviation safety, the necessary facilities and personnel for the Flight Standards Inspectorate for the performance of their function.
- (c) THE ORGANISATIONS THAT MUST BE INCLUDED IN THIS INSPECTORATE ARE—
 - (1) Airworthiness Inspection Division.
 - (2) Flight Operations Inspectorate.
 - (3) Personnel Licensing.
 - (4) Aviation Medical Branch

§ 414. VALIDATION

- (a) The Director is authorised, in the discharge of certification and inspection responsibilities, to validate the actions of the civil authority of another State in lieu of taking the specific action, with the following restrictions:

- (1) For actions on airman or airworthiness certificates, the other State must be a signatory to the Chicago Convention and be fulfilling their obligations under the Chicago Convention with respect to the issuance and currency of these certificates.
- (2) For actions applicable to Air Operators, the Director must exercise discretion and require supporting documents. The Director should ensure that, when validation is based on the actions of another civil aviation authority, there is no information to indicate that State does not meet their obligations under the Chicago Convention regarding certification and on-going validation of their air operators.

§ 415. RIGHT OF ACCESS FOR INSPECTION

- (a) The Director shall be authorised access to civil aircraft without restriction wherever they are operated within [STATE] for the purposes of the ensuring that those aircraft are airworthy and being operated in accordance with this Act, regulations issued under this Act, and applicable ICAO Annexes.
- (b) The Director shall be authorised access to civil aircraft registered in [STATE] without restriction wherever they are operated in the world for the purposes of ensuring that these aircraft are airworthy and are being operated in accordance with this Act and applicable regulations and directives.
- (c) The Director shall be authorised access by [STATE] Air Operators any place and any time to conduct any tests or inspections in order to determine that those operations are conducted in accordance with this Act and applicable regulations and directives.

§ 416. AUTHORITY TO PREVENT FLIGHT

- (a) The Director is authorised to direct the operator or airman of a civil aircraft that the aircraft is not to be operated in situations where—
 - (1) The aircraft may not be airworthy; or
 - (2) The airman may not be qualified or physically or mentally capable for the flight; or
 - (3) The operation would cause imminent danger to persons or property on the ground.
- (b) The Director may take such steps as are necessary to detain such aircraft or airmen.

§ 417. AUTHORITY RESPECTING THE TRANSPORTATION OF DANGEROUS GOODS BY AIR

- (a) The Director shall monitor and enforce compliance with the provisions of Annex 18 to the Chicago Convention and the ICAO Technical Instructions for the Safe Transport of Dangerous Goods by Air, and is authorised to submit variations to the Technical Instructions on behalf of [STATE] where necessary.

Note: States with a Republic form of government will use § 418 and the paragraph in § 419 relating to a Republic. States with a Parliamentary System of government will use the paragraph in § 419 relating to a Parliamentary system.

§ 418. INTERNATIONAL OBLIGATIONS – REPUBLIC

- (a) In exercising and performing powers and duties under this Act, the Director shall act consistently with any obligation assumed by the Government of [STATE] under any international treaty, convention and agreement that may be in force between the Government of [STATE] and any foreign countries.

§ 419. AUTHORITY TO ENTER INTO REGIONAL COOPERATIVE AVIATION SAFETY AGREEMENTS — REPUBLIC

- (a) The Director shall encourage regional cooperation in the regulation and administration of aviation safety.
- (b) The Director may enter into agreements for co-operative endeavours in aviation safety with other regional contracting States to the Convention on International Civil Aviation. In doing so, the Director shall have the authority, in co-ordination with [Name of Foreign Ministry or Department of Foreign Affairs], to negotiate, agree to, and manage any such regional international agreement. The Director may, where appropriate to civil aviation safety and the public interest, further delegate certain aviation safety tasks under the international agreement to citizens of [STATE] or to citizens of the contracting State with which [STATE] has entered into an international regional agreement.

§ 420. AUTHORITY TO ENTER INTO REGIONAL COOPERATIVE AVIATION SAFETY AGREEMENTS — PARLIAMENTARY SYSTEM

- (a) The Minister of [Appropriate Title] shall encourage regional cooperation in the regulation and administration of aviation safety.
- (b) The Minister of [Appropriate Title] may enter into agreements for co-operative endeavours in aviation safety with other regional contracting States to the Convention on International Civil Aviation. In co-ordination with [Name of Foreign Ministry or Department of Foreign Affairs], the Minister of [Appropriate Title] may, by regulation, delegate the authority to negotiate, agree to, and manage any such cooperative agreement to the Director. The Minister of [Appropriate Title], in entering into such an international agreement, may, where appropriate to civil aviation safety and the public interest, allow the Director to further delegate certain aviation safety tasks under the international agreement to citizens of [STATE] or to citizens of the contracting State with which [STATE] has entered into an international regional agreement.

SUBCHAPTER V — NATIONALITY AND OWNERSHIP OF AIRCRAFT

[Applicable to CASA – Revise]

§ 501. AIRCRAFT REGISTRATION

- (a) ESTABLISHMENT OF REGISTRY. The Director will establish and maintain a system for the national registration of civil aircraft in [STATE].
- (b) REGISTRATION REQUIREMENT. It shall be unlawful to operate a civil aircraft in [STATE] unless it is registered in [STATE] or is registered under the laws of a foreign country.
- (c) ELIGIBILITY. An aircraft shall be eligible for registration if and only if it is not registered in a foreign country and, unless otherwise permitted by the Director by regulations [not Parliamentary Regulations were Orders], it is owned by—
 - (1) A citizen of [STATE];
 - (2) An individual citizen of another State who is lawfully admitted for permanent residence in [STATE];
 - (3) A corporation lawfully organised and doing business under the laws of [STATE] and the aircraft is based and primarily used in [STATE]; or
 - (4) The Government of [STATE] or a political subdivision thereof.
- (d) CERTIFICATE OF REGISTRATION. Upon request of the owner of any aircraft eligible for registration, such aircraft shall be registered by the Director and the Director shall issue to the owner thereof a certificate of registration.
- (e) APPLICATION. Applications for such certificates shall be in such form, be filed in such manner, and contain such information as the Director may require.
- (f) SUSPENSION AND REVOCATION. Any certificate issued by the Authority may be suspended or revoked by the Director for any cause if the Director finds such suspension or revocation to be in the public interest
- (g) NATIONALITY AND EVIDENCE OF OWNERSHIP. An aircraft shall acquire [STATE] nationality when registered under this Act. A certificate of registration issued under this Section shall not be considered evidence as to ownership in any proceeding under the laws of [STATE] in which ownership of the aircraft by a particular person is or may be in issue.

§ 502. RECORDATION OF INTERESTS IN AIRCRAFT

- (a) ESTABLISHMENT OF SYSTEM. The Director is hereby authorised to establish a national system for recording documents which affect title to or any interest in any civil aircraft registered in [STATE] and in any aircraft engine, propeller, appliance, or spare part intended for use on any aircraft registered in [STATE].
- (b) VALIDITY BEFORE FILING. Upon the Director establishing a recording system, no document affecting title to or any interest in such registered aircraft, aircraft engines, propellers, appliances, or spare parts shall be valid, except between the parties thereto, unless it is recorded in that system.

- (c) APPLICABLE LAWS. The validity of any document so recorded, unless otherwise specified by the parties thereto, shall be determined under the laws of [STATE]. The requirements for documents to be recorded shall be specified in regulations [not Parliamentary Regulations were Orders] issued by the Director.

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SUBCHAPTER VI —SAFETY REGULATION OF CIVIL AVIATION

[Applicable to CASA – Revise]

§ 601. GENERAL SAFETY POWERS AND DUTIES

- (a) PROMOTING SAFETY. The Director shall have the power and duty to promote safety of flight of civil aircraft in civil aviation by prescribing and revising from time to time as necessary—
- (1) Reasonable rules and regulations [not Parliamentary Regulations were Orders] implementing, at a minimum, all Standards of the Annexes to the Chicago Convention;
 - (2) Such other reasonable rules, regulations [not Parliamentary Regulations were Orders], or minimum standards governing other practices, methods, and procedures as the Director may find necessary to provide adequately for safety in civil aviation.
- (b) CONSIDERATIONS IN THE REGULATION OF AIR OPERATORS. In prescribing standards, rules, and regulations [not Parliamentary Regulations were Orders] and in issuing certificates under this Act, the Director shall take into consideration the obligation of air operators to perform their services with the highest possible degree of safety in the public interest.

§ 602. AIRMAN LICENCES OR CERTIFICATES

- (a) AUTHORITY TO CERTIFICATE AIRMEN. The Director is hereby authorised to issue airman licences or certificates specifying the capacity in which the holders thereof are authorised to serve as airman in connection with aircraft.
- (b) APPLICATION AND ISSUANCE. Any person may file with the Director an application for an airman licence or certificate. If the Director finds, after investigation, that such person possesses the proper qualifications for, and is physically able to, perform the duties pertaining to the position for which the airman licence or certificate is sought, the Director shall issue such licence or certificate. The Director may, in lieu of such a finding, consider prior issuance of an airman licence or certificate by a foreign country that is a member of the International Civil Aviation Organisation as satisfactory evidence, in whole or in part, that the airman possesses the qualifications and physical ability to perform the duties pertaining to the position for which the airman licence or certificate is sought.
- (c) TERMS AND CONDITIONS. The licence or certificate shall contain such terms, conditions, and tests of physical fitness, and other matters as the Director may determine to be necessary to assure safety in civil aviation.
- (d) CERTIFICATION OF FOREIGN NATIONALS. Notwithstanding the provisions of subsection (b) of this Section, the Director may prohibit or restrict, in such manner as the Director shall deem appropriate, the issuance of airman licences or certificates to citizens of foreign countries.
- (e) CONTENTS. Each airman licence or certificate shall—
- (1) Be numbered and recorded by the Director;
 - (2) State the name and address of, and contain a description of, the person to whom the licence or certificate is issued; and
 - (3) Be titled with the designation of the airman privileges authorised.

§ 603. AIRWORTHINESS CERTIFICATES

- (a) **AUTHORITY TO CERTIFICATE AIRWORTHINESS.** The owner of any aircraft registered in [STATE] may file with the Director an application for an airworthiness certificate for such aircraft.
- (b) **ISSUANCE.** If the Director finds that the aircraft conforms to the appropriate type certificate, and, after inspection, finds that the aircraft is in condition for safe operation, the Director shall issue an airworthiness certificate.
- (c) **TERMS AND CONDITIONS.** The Director may prescribe in an airworthiness certificate the duration of such certificate, the type of service for which the aircraft may be used, and such other terms, conditions, limitations, and information as are required in the interest of safety. Each airworthiness certificate issued by the Director shall be recorded by the Director.
- (d) **AIRWORTHINESS APPROVALS.** The Director may prescribe the terms under which additional airworthiness approvals for the purposes of modification may be made.

§ 604. AIR OPERATOR CERTIFICATE (AOC)

- (a) **AUTHORITY TO CERTIFICATE CARRIERS AND ESTABLISH SAFETY STANDARDS.** The Director is hereby authorised to issue air operator certificates and to establish minimum safety standards for the operation of the air operator to which any such certificate is issued.
- (b) **APPLICATION AND ISSUANCE.** Any person desiring to operate as an air operator and who is a citizen of [STATE] may file with the Director an application for an air operator certificate. If the Director finds, after thorough investigation, that such person is properly and adequately equipped and has demonstrated the ability to conduct a safe operation in accordance with the requirements of this Act and the rules, regulations [not Parliamentary Regulations were Orders], and standards prescribed thereunder, the Director shall issue an air operator certificate to such person.

§ 605. APPROVED TRAINING ORGANIZATIONS AND APPROVED MAINTENANCE ORGANISATIONS

- (a) **EXAMINATION AND RATING.** The Director is authorised to provide for the examination and rating of—
 - (1) Civilian schools giving instruction in flying or in the repair, alteration, maintenance, and overhaul of aircraft, aircraft engines, propellers, and appliances, as to the adequacy of the course of instruction, the suitability and airworthiness of the equipment, and the competency of the instructors; and
 - (2) Approved Maintenance Organisation or shops for the repair, alteration, maintenance, and overhaul of aircraft, aircraft engines, propellers, and appliances, as to the adequacy and suitability of the equipment, facilities, and materials for, and methods of, repair and overhaul, and the competency of those engaged in the work or giving any instruction therein.
- (b) **AUTHORITY TO CERTIFICATE.** The Director is hereby authorised to issue certificates for such schools and approved maintenance organisations.

§ 606. FORM OF APPLICATIONS

- (a) Applications for certificates issued under the authority of this Act shall be in such form, contain such information, and be filed and served in such manner as the Director may prescribe and shall be under oath or affirmation whenever the Director so requires.

§ 607. AIR NAVIGATION FACILITY SAFETY STANDARDS

- (a) MINIMUM SAFETY STANDARDS. The Director shall have the power to prescribe and revise from time to time as necessary minimum safety standards for the operation of air navigation facilities located in [STATE].
- (b) CERTIFICATION OF AIRPORTS.
 - (1) The Director is empowered to issue airport certificates to, and to establish minimum safety standards for the operation of, airports that serve any scheduled or unscheduled passenger operations of air operator or foreign air operator aircraft.
 - (2) Any person desiring to operate an airport that is described in this subsection and that is required by the Director, by rule, to be certified may file with the Director an application for an airport operating certificate. If the Director finds, after investigation, that such person is properly and adequately equipped and able to conduct a safe operation in accordance with the requirements of this Act and the rules, regulations [not Parliamentary Regulations were Orders], and standards prescribed thereunder, the Director shall issue an airport operating certificate to such person. Each airport operating certificate shall prescribe such terms, conditions, and limitations as are reasonably necessary to assure safety in commercial air transport. Unless the Director determines that it would be contrary to the public interest, such terms, conditions, and limitations shall include but not be limited to terms, conditions, and limitations relating to—
 - (i) The operation and maintenance of adequate safety equipment, including fire fighting and rescue equipment capable of rapid access to any portion of the airport used for landing, takeoff, or surface manoeuvring of aircraft; and
 - (ii) The condition and maintenance of primary and secondary runways as the Director determines to be necessary.

§ 608. DUTY OF OPERATORS AND AIRMEN

- (a) DUTY OF OPERATORS. It shall be the duty of each operator to make or cause to be made, such inspection, maintenance, overhaul, and repair of all equipment used in civil aviation and to ensure that the operations conducted are in accordance with this Act and the regulations [not Parliamentary Regulations were Orders], directives and orders of the Director issued under this Act.
- (b) DUTIES OF AIR OPERATORS. It shall be the duty of each holder of an Air Operator Certificate to ensure that the maintenance of aircraft and operations of that air operator are conducted in the public interest and in accordance with the requirements of this Act and the regulations [not Parliamentary Regulations were Orders], directives and orders issued under this Act by the Director.
- (c) DUTIES OF AIRMEN. It shall be the duty of each holder of an airman certificate to observe and comply with the authority and limitations of that certificate, the requirements of this Act and the regulations [not Parliamentary Regulations were Orders], directives and orders issued under this Act.

- (d) DUTY OF PERSONS GENERALLY. It shall be the duty of every person performing duties in civil aviation to observe and comply with the requirements of this Act and the orders, rules, and regulations [not Parliamentary Regulations were Orders] issued under this Act relating to their tasks.
- (e) DANGEROUS GOODS. It shall be the duty of every person who offers, or accepts, shipments, cargo, or baggage for commercial air transport, whether originating or arriving in international flights to or from [STATE], or for flights within [STATE], to offer or accept such shipments, cargo, or baggage in accordance with the provisions of Annex 18 to the Chicago Convention and the ICAO Technical Instructions for the Safe Transport of Dangerous Goods by Air.

§ 609. AUTHORITY TO INSPECT

- (a) AUTHORITY TO INSPECT EQUIPMENT. The Director shall have the power and duty to—
 - (1) Make such inspections of aircraft, aircraft engines, propellers, and appliances used by any operator of civil aircraft as may be necessary to determine that the operators are maintaining these in safe condition for the operation in which they are used; and
 - (2) Advise each operator in the inspection and maintenance of these items.
- (b) UNSAFE AIRCRAFT, ENGINES, PROPELLERS, AND APPLIANCES. When the Director finds that any aircraft, aircraft engine, propeller, or appliance, used or intended to be used by any operator in civil aviation, is not in a condition for safe operation, the Director shall so notify the operator. Such aircraft, aircraft engine, propeller, or appliance then shall not be used in civil aviation or in such manner as to endanger civil aviation, unless and until found by the Director to be in a condition for safe operation.

§ 610. AMENDMENT, MODIFICATION, SUSPENSION, AND REVOCATION OF CERTIFICATES

- (a) RE-INSPECTION AND RE-EXAMINATION. The Director may, from time to time, for any reason, re-inspect or re-examine any civil aircraft, aircraft engine, propeller, appliance, air operator, school, or approved maintenance organisation, or any civil airman holding a certificate issued under § 602 of this Act.
- (b) ACTIONS OF THE DIRECTOR. If, as a result of any such re-inspection or re-examination, or if, as a result of any other investigation made by the Director, the Director determines that safety in civil aviation or commercial air transport and the public interest requires, the Director may issue an order amending, modifying, suspending, or revoking, in whole or in part, any airworthiness certificate, airman licence or certificate, air operator certificate, or certificate for any airport, school, or approved maintenance organisation issued under this Act.
- (c) NOTICE TO CERTIFICATE HOLDERS AND OPPORTUNITY TO ANSWER. Prior to amending, modifying, suspending, or revoking any of the foregoing licences or certificates, the Director shall advise the holder thereof as to any charges or reasons relied upon by the Director for the proposed action and, except in cases of emergency, shall provide the holder of such a certificate an opportunity to answer any charges and be heard as to why such certificate should not be amended, modified, suspended, or revoked.
- (d) APPEALS. Any person whose certificate is affected by such an order of the Director under this Section may appeal the Director's order to [INSERT LEGAL ENTITY] and the Director shall be made a party to such proceedings.

- (e) EFFECTIVENESS OF ORDERS PENDING APPEAL. The filing of an appeal with the [INSERT LEGAL ENTITY] shall stay the effectiveness of the Director's order unless the Director advises the appropriate court that an emergency exists and safety in civil aviation requires the immediate effectiveness of the order, in which event the court may order that the Director's order shall remain effective pending judicial review.

§ 611. PROHIBITIONS

- (a) IT SHALL BE UNLAWFUL FOR ANY PERSON TO—
- (1) Operate in civil aviation any civil aircraft for which there is not currently in effect an airworthiness certificate, or in violation of the terms of any such certificate;
 - (2) Serve in any capacity as an airman in connection with any civil aircraft, aircraft engine, propeller, or appliance used or intended for use in civil aviation without an airman certificate authorising that person to serve in such capacity, or in violation of any term, condition, or limitation of this certificate, or in violation of any order, rule, or regulations [not Parliamentary Regulations were Orders] issued under this Act;
 - (3) Employ for service in connection with any civil aircraft used in civil aviation an airman who does not have an airman certificate authorising that person to serve in the capacity for which the person is employed;
 - (4) Operate as an air operator without an air operator certificate, or in violation of the terms of any such certificate;
 - (5) Operate aircraft in civil aviation in violation of any rule, regulation [not Parliamentary Regulations were Orders], or certificate issued by the Director under this Act; and
 - (6) While holding a certificate issued to a school or approved maintenance organisation as provided in this Act, to violate any term, condition, or limitation thereof, to violate any order, rule, or regulation [not Parliamentary Regulations were Orders] made under this Act relating to the holder of such certificate.
- (b) EXEMPTION. On terms the Director prescribes as being in the public interest, the Director may exempt a foreign-registered aircraft and airmen serving on the aircraft from subsection (a) of this section. However, an exemption from observing air traffic regulations [not Parliamentary Regulations were Orders] may not be granted

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SUBCHAPTER VII —PENALTIES

[Applicable to CASA – Current Infringement System plus]

§ 701. CIVIL PENALTIES

- (a) GENERAL PENALTY. Any person, other than a person conducting an operation in commercial air transport or international commercial air transport, who violates any provision of this Act or any rule, regulation, or order issued thereunder shall be subject to a civil penalty not exceeding [LOCAL CURRENCY] for each such violation. If any such violation is a continuing one, each day of such violation shall constitute a separate offence.
- (b) PENALTIES APPLICABLE TO COMMERCIAL AIR TRANSPORT. Any person conducting an operation in commercial air transport or international commercial air transport who violates any provision of this Act or any rule, regulation, or order issued thereunder shall be subject to a civil penalty not exceeding [LOCAL CURRENCY] for each such violation. If any such violation is a continuing one, each day of such violation shall constitute a separate offence.
- (c) PENALTY CONSIDERATIONS. The Director shall have the power to assess and compromise any civil penalty. In determining the amount of such penalty, the Director shall take into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the person found to have committed such violation, the degree of culpability, history of prior offences, ability to pay, effect on ability to continue to do business, and such other matters as justice may require. The Director shall promulgate regulations governing the assessment and application of civil penalties, and shall provide guidance concerning the amounts of penalties applicable to certain violations of this Act or any regulations enacted hereunder.
- (d) INFLATION ADJUSTMENT TO CIVIL PENALTIES. The Director shall adjust the amount of civil monetary penalties for inflation at least every four years. Prior to adjusting the civil penalties for inflation, the Director shall submit the proposed increase to the [Executive or Legislature of STATE] for approval. Once approved by the [Executive or Legislature of STATE], the Director shall publish the adjusted monetary civil penalties to the public. Thirty (30) days after the Director first publishes the adjusted civil monetary penalties, the modified civil penalties may be imposed for all violations committed after the date of publication.
- (e) AIRCRAFT SUBJECT TO LIENS. In case a civil aircraft is involved in such violation and the violation is by the owner or operator of the aircraft, such aircraft shall be subject to a lien for the penalty.
- (f) DANGEROUS GOODS. Any person who, with actual knowledge of the facts of the occurrence, or who can be imputed to have such knowledge as reasonable person exercising reasonable care in the circumstances, offers or accepts dangerous goods for commercial air transport in violation of Annex 18 to the Chicago Convention or the ICAO Technical Instruction for the Safe Transport of Dangerous Goods by Air has violated the duty imposed by in § 608(e) of this Act, and shall be subject to a civil penalty not exceeding [LOCAL CURRENCY] for each part of the ICAO Technical Instruction for the Safe Transport of Dangerous Goods by Air that are violated.

§ 702. CRIMINAL PENALTIES

- (a) CERTIFICATE VIOLATIONS. Every person who knowingly and wilfully forges, counterfeits, alters, or falsely makes any certificate authorised to be issued under this Act, or knowingly uses or attempts to use any such fraudulent licence or certificate, and any person who knowingly and wilfully displays or causes to be displayed on any aircraft any marks that are false or misleading as to the nationality or

registration of the aircraft, shall be guilty of an offence and shall upon conviction be liable to a fine not exceeding [LOCAL CURRENCY], or to a term of imprisonment not exceeding ____ years, or both.

- (b) INTERFERENCE WITH AIR NAVIGATION. A person shall be guilty of an offence and shall upon conviction be liable to a fine not exceeding [LOCAL CURRENCY], or to a term of imprisonment not exceeding ____ years, or both, who—
- (1) With intent to interfere with air navigation within [STATE], exhibits within [STATE] any light, signal, or communication at such place or in such manner that is likely to be mistaken for a true light or signal established pursuant to this Act, or for a true light or signal in connection with an airport or other air navigation facility, or, after due warning by the Director, continues to maintain any such misleading light or signal; or
 - (2) Knowingly removes, extinguishes, or interferes with the operation of any such true light or signal.
- (c) REPORTING AND RECORD KEEPING VIOLATIONS. Any air operator, or any officer, agent, employee, or representative thereof, who shall, knowingly and wilfully, fails or refuses to make a report to the Director as required by this Act; or fails or refuses to keep or preserve accounts, records, and memoranda in the form and manner prescribed or approved by the Director; or mutilates or alter any such report, account, record, or memorandum; or files a false report, account, record, or memorandum; shall be guilty of a misdemeanour and shall upon conviction be liable for each offence to a fine of not less than [LOCAL CURRENCY] and not exceeding [LOCAL CURRENCY].
- (d) REFUSAL TO TESTIFY OR PRODUCE RECORDS. Every person who shall neglect or refuse to attend and testify, or to answer any lawful inquiry, or to produce books, papers, or documents, if in that person's power to do so, in obedience to a subpoena or lawful requirement of the Director, shall be guilty of a misdemeanour and shall upon conviction be liable to a fine not less than [LOCAL CURRENCY] and not exceeding [LOCAL CURRENCY], or to a term of imprisonment not exceeding one year, or both.
- (e) AIRCRAFT PIRACY.
- (1) Whoever commits or attempts to commit aircraft piracy, as herein defined, shall be punished—
 - (i) With imprisonment; or
 - (ii) If the death of another person results from the commission or attempted commission of the offence, with imprisonment for life.
 - (2) An attempt to commit aircraft piracy shall be within the special aircraft jurisdiction of [STATE] even though the aircraft is not in flight at the time of such attempt, if the aircraft would have been within the special jurisdiction of [STATE] had the offence of aircraft piracy been completed.
- (f) INTERFERENCE WITH CREWMEMBERS.
- (1) Whoever while aboard an aircraft within the special aircraft jurisdiction of [STATE], interferes with the performance by such crew member of his or her duties or lessens the ability of such member or attendant to perform this duties shall be guilty of an offence and shall upon conviction be liable for a fine not exceeding [LOCAL CURRENCY].
 - (2) In addition, any person who, in the interference with a crewmember's performance of their duties, assaults, intimidates, or threatens any flight crew member or flight attendant, including any steward or stewardess of such aircraft, shall be guilty of an offence and shall upon conviction be liable to a term of imprisonment not exceeding ____ years, or both. Whoever in the commission of

any such act referred to in this subsection uses a deadly or dangerous weapon shall be liable to a term of imprisonment for any term of years or for life.

- (g) GENERAL CRIMINAL PENALTY. Whoever, while on board an aircraft within the special aircraft jurisdiction of [STATE], commits an act, which, if committed in [STATE] would be a violation of the laws of [STATE], shall be punished as provided herein.
- (h) WEAPON AND EXPLOSIVE VIOLATIONS.
 - (1) Whoever, while on board, or while attempting to board, any aircraft in or intended for operation in commercial air transport, has on or about their person or their property a concealed deadly or dangerous weapon, which is, or would be accessible to such person in flight, or any person who has on or about their person, or who has placed, attempted to place, or attempted to have placed aboard such aircraft any bomb or similar explosive or incendiary device, shall be guilty of an offence and shall upon conviction be liable to a fine not exceeding [LOCAL CURRENCY], or to a term of imprisonment not exceeding ___ years, or both.
 - (2) Whoever wilfully and without regard for the safety of human life, or with reckless disregard for the safety of human life, shall commit an act prohibited by paragraph (a) of this subsection shall be guilty of an offence and shall upon conviction be liable to a fine not exceeding [LOCAL CURRENCY], or to a term of imprisonment not exceeding ___ years, or both.
 - (3) This subsection shall not apply to law enforcement officers of [STATE], who are authorised or required within their official capacities to carry arms, or to persons who may be authorised by the Director to carry deadly or dangerous weapons in commercial air transport, nor shall they apply to persons transporting weapons contained in baggage which is not accessible to passengers in flight if the presence of such weapons has been declared to the air operator.
- (i) INTERFERENCE WITH AIRCRAFT OPERATIONS. Whoever wilfully and with reckless disregard for safety of human life interferes or attempts to interfere with the safe operation of any aircraft in, or intended for operation in, the special aircraft jurisdiction of [STATE], shall be guilty of an offence and shall upon conviction be liable to a fine not exceeding [LOCAL CURRENCY], or to a term of imprisonment not exceeding ___ years, or both.
- (j) FALSE INFORMATION.
 - (1) Whoever imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do an act which would be a crime prohibited by subsections (e) through (h) of this Section, shall be guilty of an offence and shall upon conviction be liable to a fine not exceeding [LOCAL CURRENCY], or to a term of imprisonment not exceeding ___ years, or both;
 - (2) Whoever wilfully and maliciously, or with reckless disregard for the safety of human life, imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by subsections (e) through (h) of this Section, shall be guilty of an offence and shall upon conviction be liable to a fine not exceeding [LOCAL CURRENCY], or to a term of imprisonment not exceeding ___ years, or both.
- (k) REMOVAL OF PARTS OF AIRCRAFT INVOLVED IN ACCIDENTS. Every person who knowingly and without authority removes, conceals, or withholds any part of a civil aircraft involved in an accident, or any property which was aboard such aircraft at the time of the accident, shall be guilty of an offence and

shall upon conviction be liable to a fine of not less than [LOCAL CURRENCY] and not exceeding [LOCAL CURRENCY], or to a term of imprisonment not exceeding ___ year(s), or both.

- (l) DANGEROUS GOODS. A person is guilty of an offence if that person wilfully, with knowledge of the provisions of this Act, delivers or causes to be delivered to an Air Operator for commercial air transport, or if that person recklessly causes the transportation in commercial air transport, of shipment, cargo, baggage, or other property in violation of the provisions of Annex 18 of the Chicago Convention and the ICAO Technical Instruction for the Safe Transport of Dangerous Goods by Air shall be subject to a fine of [LOCAL CURRENCY] or imprisoned for a period not exceeding ___ years, or both.

SUBCHAPTER VIII —PROCEDURE

[Applicable to CASA – Missing at Present – AAT is next stage]

§ 801. CONDUCT OF PROCEEDINGS

- (a) CONDUCTING PROCEEDINGS. The Director shall, subject to the provisions of this Act, conduct proceedings in such manner as will be conducive to the proper dispatch of business and to the ends of justice.
- (b) CONFLICTS OF INTEREST. No employee of the Authority shall participate in any hearing or proceeding in which the Director has a monetary interest.
- (c) APPEARANCE. Any person may appear before the Director or the Director's designee and be heard in person or by an attorney.
- (d) RECORDING AND PUBLIC ACCESS. Every official act of the Director shall be entered of record, and the proceedings thereof shall be open to the public upon request of any interested party, unless the Director determines that withholding from public disclosure is necessary on grounds of national interest.

§ 802. COMPLAINTS TO AND INVESTIGATIONS BY THE DIRECTOR

- (a) FILING OF COMPLAINTS. Any person may file with the Director a complaint in writing with respect to anything done or omitted to be done by any person in contravention of any provision of this Act, or of any requirement established pursuant thereto. If the person complained against does not satisfy the complaint and there appears any reasonable ground for investigating the complaint, it shall be the duty of the Director to investigate the matters set forth in the complaint. Whenever the Director is of the opinion that any complaint does not state facts which warrant an investigation or action, such complaint may be dismissed without hearing.
- (b) INVESTIGATIONS. The Director is hereby empowered to institute an investigation at any time, on the Director's initiative, in any case and as to any matter or thing within the Director's jurisdiction by any provision of this Act, concerning which a complaint is authorised to be made to or before the Director, or concerning which any question may arise under any of the provisions of this Act, or relating to the enforcement of any of the provisions of this Act. The Director shall have the same power to proceed with any investigation instituted on the Director's own motion as though it had been made by complaint.
- (c) ORDERS TO COMPEL COMPLIANCE. If the Director finds, after notice and hearing, in any investigation instituted upon complaint or upon the Director's initiative, with respect to matters within the Director's jurisdiction, that any person has failed to comply with any provision of this Act or any requirement established pursuant thereto, the Director shall, consistent with the provisions of this Act, issue an appropriate order to compel such person to comply therewith.

§ 803. EVIDENCE

- (a) GENERAL. The Director may hold hearings, sign and issue subpoenas, administer oaths, examine witnesses, and receive evidence at any place in [STATE].
- (b) SUBPOENAS. For the purposes of this Act, the Director shall have the power to require by subpoena the attendance and testimony of witnesses and the production of all books, papers, and documents relating to any matter under investigation.

- (c) **COMPLIANCE WITH SUBPOENAS.** The attendance of witnesses, and the production of books, papers, and documents, may be required from any place in [STATE], at any designated place of hearing. In case of disobedience to a subpoena, the Director or any party to a proceeding before the Director, may invoke the aid of the [JUDICIAL AUTHORITY] in requiring attendance and testimony of witnesses and the production of such books, papers, and documents under the provisions of this Section.
- (d) **DEPOSITIONS.**
 - (1) The Director may order testimony to be taken by deposition in any proceeding or investigation pending before the Director, at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the Director and having power to administer oaths. Reasonable notice must first be given in writing by the party or the party's attorney proposing to take such deposition to the opposite party or the party's attorney of record, which notice shall state the name of the witness and the time and place of the taking of the deposition. Any person may be compelled to appear and be deposed, and to produce books, papers, or documents, in the same manner as witnesses may be compelled to appear and testify and produce like documentary evidence before the Director, as herein before provided.
 - (2) Every person being deposed as herein provided shall be cautioned and shall be required to swear or to affirm, if requested, to testify to the whole truth, and shall be carefully examined. The testimony shall be reduced to writing by the person taking the deposition, or under deponent's direction, and shall, after it has been reduced to writing, be subscribed by the deponent. All depositions shall be promptly filed with the Director.
 - (3) If a witness whose testimony may be desired to be taken by deposition is in a foreign country, the deposition may be taken, provided the laws of the foreign country so permit, by a person commissioned by the Director or agreed upon by the parties by stipulation in a writing to be filed with the Director, or may be taken under letters issued by a court of competent jurisdiction at the request of the Director.

§ 804. DESIGNATION OF AGENT FOR SERVICE

- (a) **DESIGNATING AGENTS.** It shall be the duty of every air operator in [STATE] and each foreign air operator with operations in [STATE] to designate in writing an agent in [STATE] upon which service of all notices and process and all orders, decisions, and requirements of the Director may be made for and on behalf of the air operator or foreign air operator, and to file such designation with the Director. Such designation may be changed by subsequent filing.
- (b) **SERVICE UPON AGENTS.**
 - (1) Service of all notices and process and of orders, decisions, and requirements of the Director may be made upon any air operator or foreign air operator by service upon its designated agent at their office in [STATE] or place of residence in [STATE] with the same effect as personal service upon such air operator or foreign air operator.
 - (2) If a designated agent is in default or is absent, service of any notice or other process in any proceedings before the Director, or of any order, decision, or requirement of the Director, may be made by posting such notice, process, order, requirement, or decision in the Office of the Director.
- (c) **SERVICE GENERALLY.** Service of notices, processes, orders, rules, and regulations upon any person may be made by personal service or upon an agent designated in writing for this purpose, or by

registered or certified mail addressed to such person or agent. Whenever service is made by registered or certified mail, the date of mailing shall be considered as the date when service is made.

§ 805. VENUE

- (a) The trial of any offence under this Act shall be in the [INSERT LEGAL ENTITY].

§ 806. JUDICIAL REVIEW OF ORDERS

- (a) AVAILABILITY OF JUDICIAL REVIEW. Any order issued by the Director shall be subject to review by [JUDICIAL AUTHORITY] upon petition filed within ___ days after the entry of such order, by any person disclosing a substantial interest in such order. A petition may be filed beyond ___ days after the entry of an order of the Director only with the permission of the [JUDICIAL AUTHORITY] upon a showing of reasonable grounds for failure to file the petition within time.
- (b) JUDICIAL PROCEDURES. A copy of the petition shall, upon filing, be forthwith transmitted to the Director by the Clerk of [JUDICIAL AUTHORITY] and the Director shall thereupon file with the [JUDICIAL AUTHORITY] the record, if any, upon which the order complained of was entered.
- (c) AUTHORITY. Upon transmittal of the petition to the Director, the [JUDICIAL AUTHORITY] shall have exclusive jurisdiction to affirm, modify, or set aside the order complained of, in whole or in part, and if need be, to order further proceedings by the Director. Upon good cause shown and after reasonable notice to the Director, interlocutory relief may be granted by stay of the order or a stay of such mandatory or other relief as may be appropriate by the [JUDICIAL AUTHORITY].
- (d) SCOPE OF REVIEW. The findings of facts by the Director, if supported by substantial evidence, shall be conclusive. No objection to an order of the Director shall be considered by the [JUDICIAL AUTHORITY] unless such objection shall have been urged before the Director or if it was not so urged, unless there were reasonable grounds for failure to do so.

§ 807. JUDICIAL ENFORCEMENT

- (a) JURISDICTION OF [JUDICIAL AUTHORITY]. The [JUDICIAL AUTHORITY] shall have jurisdiction to enforce obedience to any provision of this Act, or any rule, regulation, requirement, or order issued thereunder, or any term, condition, or limitation of any certificate issued under this Act.
- (b) CIVIL ACTIONS TO ENFORCE THIS PART.
- (1) Where any person violates any provision of this Act, or any rule, regulation, requirement, or order issued thereunder, or any term, condition, or limitation of any certificate issued under this Act, the Director may apply to the [JUDICIAL AUTHORITY] for the enforcement of such provision of this Act, or of such rule, regulation, requirement, order, term, condition, or limitation.
- (2) Upon the request of the Director, the Attorney General of [STATE] may institute an enforcement action in the [JUDICIAL AUTHORITY] and prosecute all necessary proceedings for the enforcement of the provisions of this Act or any rule, regulation, requirement, or order issued thereunder, or any term, condition, or limitation of any certificate issued under this Act, and for the punishment of all violations defined in the Act.
- (c) PARTICIPATION OF DIRECTOR. Upon request of the Attorney General, the Director shall have the right to participate in any proceeding in court under the provisions of this Act.

§ 808. PROCEDURE FOR CIVIL PENALTIES

- (a) CIVIL PENALTY ACTIONS. Any civil penalty imposed or assessed under this Act may be collected by proceedings against the person subject to the penalty and, in the case of an aircraft subject to a lien for the penalty, by proceedings against the aircraft.
- (b) SEIZURE OF AIRCRAFT. Any aircraft subject to a lien for a civil penalty may be seized by and placed in the custody of the Director. A report of the seizure and the basis therefor shall be promptly transmitted to the Attorney General. The Attorney General shall promptly institute judicial proceedings for the enforcement of a lien against an aircraft seized by the Director, or notify the Director of his failure to so act. The aircraft shall be released from custody of the Director upon—
 - (1) Payment of the penalty or the amount agreed upon in compromise;
 - (2) Seizure in pursuance of judicial proceedings for enforcement of the lien;
 - (3) Notice by the Attorney General of failure to institute such proceedings; or
 - (4) Deposit of a bond in such amount as the Director may prescribe, conditioned upon payment of the penalty or the amount agreed upon in compromise.

EXPLANATORY NOTE CONCERNING AIR OPERATOR ECONOMIC REGULATION

The economic regulation of air operators is normally entrusted to a governmental authority different from the Civil Aviation Authority. The economic regulation of civil aviation can be in conflict with the attainment of civil aviation safety within the territory of a country, in that economic considerations might tempt the regulatory authority to accept a lesser level of safety in air operations than that required by the Act. Combining economic regulation and safety regulation and enforcement within the same governmental organisation presents the potential for continuing tension between economic opportunity and civil aviation safety. Therefore, although the economic regulations are presented as Subchapter IX in the [STATE] Civil Aviation Law, the separation of the economic regulatory function from the civil aviation safety regulatory function into two distinct governmental entities is recommended.

Please note that the economic regulations presented below address authorities and responsibilities exercised by a Minister empowered to regulate the economic aspects of civil aviation by issuing certificates of public convenience and necessity to [STATE] air operators for commercial air transport, and to issue permits to foreign air operators to conduct commercial air transport within [STATE].

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SUBCHAPTER IX —AIR OPERATOR ECONOMIC REGULATION

[Not Applicable – CASA]

§ 901. CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

- (a) **CERTIFICATE REQUIRED.** No air operator shall engage in any commercial air transport unless there is in force a certificate issued by the Minister empowered to authorise the air operator to engage in such transportation.
- (b) **APPLICATION FOR CERTIFICATE.** Application for a certificate shall be made in writing to the Minister and shall be in such form and contain such information as the Minister shall by regulation require.
- (c) **TERMS AND CONDITIONS OF CERTIFICATE.**
 - (1) Each certificate issued under this section shall specify the terminal points and intermediate points, if any, between which the air operator is authorised to engage in commercial air transport and the service to be rendered. There shall be attached to the statement of the privileges granted by the certificate, or any amendment thereto, such reasonable terms, conditions, and limitations as the public interest may require.
 - (2) A certificate issued under this section to engage in international commercial air transport on a scheduled or charter basis shall designate the terminal and intermediate points only insofar as the Minister shall deem practicable, and otherwise shall designate only the general route or routes to be followed.
- (d) **AUTHORITY TO MODIFY, SUSPEND, OR REVOKE.**
 - (1) The Minister may alter, amend, modify, or suspend any such certificate, in whole or in part, for failure to comply with any provision of this title or any order, rule, or regulation issued hereunder or any term, condition, or limitation of such certificate.
 - (2) Any interested person may file with the Minister a protest or memorandum in support of or in opposition to the alteration, amendment, modification, suspension, or revocation of a certificate issued pursuant to paragraph (a) of this subsection.
- (e) **TRANSFER OF CERTIFICATE.** No certificate may be transferred unless such transfer is approved by the Minister as being consistent with the public interest.
- (f) **LIABILITY INSURANCE.** The Minister may issue a certificate to the applicant for such certificate only if the applicant complies with regulations and orders of the Minister governing the filing of an insurance policy or self-insurance plan approved by the Minister. The policy or plan must be sufficient to pay, not more than the amount of the insurance, for bodily injury to, or death of, an individual or for loss of, or damage to, property of others, resulting from the operation or maintenance of the aircraft under the certificate. A certificate does not remain in effect unless the air operator complies with this subsection.
- (g) **CONTINUING REQUIREMENT.** The requirement that each applicant for a certificate or any other authority under this title must be found to be fit, willing, and able to perform properly the transportation covered by its application and to conform to the provisions of this Act and the rules, regulations, and requirements of the Minister under this Act, shall be a continuing requirement applicable to each such air operator with respect to the transportation authorised by the Minister. The Minister may by order modify,

suspend, or revoke such certificate or other authority, in whole or in part, for failure of such air operator to comply with the continuing requirement that the air operator be so fit, willing, and able.

§ 902. PERMITS TO FOREIGN AIR OPERATORS

- (a) **PERMIT REQUIRED.** No foreign air operator shall engage in commercial air transport within [STATE] unless there is in force a permit issued by the Minister empowered to authorise a foreign carrier to engage in such transportation.
- (b) **ISSUANCE OF PERMIT.** The Minister is empowered to issue such a permit if the Minister finds:
 - (1) That the applicant is fit, willing, and able properly to perform international commercial air transport and to conform to the provisions of this Act and the rules, regulations, and requirements of the Director made pursuant to the Act; and
 - (2) Either that the applicant is qualified, and has been designated by its government, to perform international commercial air transport under the terms of an agreement with [STATE], or that such transportation will be in the public interest.
- (c) **APPLICATION FOR PERMIT.** Application for a permit shall be made in writing to the Minister and shall be in such form and contain such information as the Minister shall require.
- (d) **AUTHORITY TO MODIFY, SUSPEND, OR REVOKE.**
 - (1) The Minister may alter, amend, modify, or suspend any such permit, in whole or in part, for failure to comply with any provision of this title or any order, rule, or regulation issued hereunder or any term, condition, or limitation of such permit.
 - (2) Any interested person may file with the Minister a protest or memorandum in support of or in opposition to the alteration, amendment, modification, suspension, or revocation of a permit pursuant to paragraph (d)(1) of this subsection.
- (e) **LIABILITY INSURANCE.** The Minister may issue a permit to the applicant for such permit only if the applicant complies with regulations and orders of the Minister governing the filing of an insurance policy or self-insurance plan approved by the Minister. The policy or plan must be sufficient to pay, not more than the amount of the insurance, for bodily injury to, or death of, an individual or for loss of, or damage to, property of others, resulting from the operation or maintenance of the aircraft under the certificate. A permit does not remain in effect unless the foreign air operator complies with this subsection.