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INTERIM GOVERNMENT OF THE REPUBLIC OF THE FIJI ISLANDS

CIVIL AVIATION (SECURITY) (AMENDMENT) PROMULGATION 2008

(PROMULGATION NO. 5 OF 2008)

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IN EXERCISE of the powers conferred upon the Interim Government, and upon the exercise of my own deliberate judgement as President of the Republic of the Fiji Islands as to what is best and good for the people of Fiji, and by the executive authority of the State in accordance with section 85 of the Constitution and such other powers as may appertain, and with the advice of Cabinet, I, Josefa Iloilovatu Uluivuda, make this Promulgation—

TO AMEND THE CIVIL AVIATION (SECURITY) ACT 1994

Short Title and commencement

1. This Promulgation may be cited as the Civil Aviation (Security) (Amendment) Promulgation 2008, and comes into force on a date appointed by the Minister by notice in the *Gazette*.

Section 2 Amended

2. Section 2 of the Civil Aviation (Security) Act 1994 ("the Act") is amended by deleting the definition of "airport" and substituting the following—

““aerodrome” means a defined area on land or water (including any buildings, installations or equipment) intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft and “airport” has a corresponding meaning;”

Section 9 Amended

3. Section 9 of the Act is amended in subsection (5), by substituting the “fullstop” at the end of paragraph (c) with “; and”; and by adding the following paragraph—

“(d) the Convention for the Marking of Plastic Explosives for the purposes of detection signed in Montreal on 1 March 1991.”

Section 23 Amended

4. Section 23 of the Act is amended by repealing paragraph (a) and substituting the following paragraph—

“(a) to carry out screening of persons and their accompanying baggage at all aerodromes, including the screening of access into the airside areas and to security restricted areas and to undertake searches at aerodromes and air navigation installations;”

Section 27 Amended

5. Section 27 of the Act is amended—

(a) in subsection (1), by inserting, “or an aerodrome operator,” after “Airports Fiji”; and

(b) in subsection (8), by inserting, “or an aerodrome operator,” after “Airports Fiji”.

Section 28 Amended

6. Section 28 of the Act is amended—

(a) by replacing the existing heading with, “Search and screening of persons and goods”;

(b) in subsection (1), by inserting “or screening” —

(i) after the word “search” in subparagraphs (a) and (b); and

(ii) after the word “submits to the search”;

- (c) by deleting “an airport security officer” and substituting “the operator of an aircraft or any employee or agent authorised by him or her” wherever it occurs in that section, except in subsection (7).

Part V Amended

7. Part V of the Act is amended by replacing the existing heading with “PART V – POWERS OF OPERATORS AND COMMANDERS OF AIRCRAFT TO SEARCH AND ARREST”.

Section 33 Amended

8. Section 33 of the Act is amended—

- (a) by adding a new heading “Searching and screening of passengers, baggage and cargo by operators of aircraft”;
- (b) in subsection (1), by inserting “or screen” after the word “search”;
- (c) in subsection (2), by inserting “or screened” after the word “searched”;
- (d) in subsection (3), by inserting “or screened” after the word “searched”; and
- (e) in subsection (4), by inserting “or screening” after the word “search”.

Given under my hand this 22nd day of April 2008.

J. I. ULUIVUDA
President of the
Republic of Fiji Islands