

To provide for the Management, Control and Supervision of the Aerodrome at Nauru, for the Safety of Aircraft using the Aerodrome or flying in the vicinity thereof, and for other purposes.

(Assented to: 5th April, 1967).

Be it ordained by the Legislative Council for the Territory of Nauru, in pursuance of the powers conferred by the Nauru Act 1965, as follows:-

---

Part I - Preliminary.

- Short title. 1. This Ordinance may be cited as the Air Navigation Ordinance 1967.
- Commencement. 2. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the Gazette.
- Parts. 3. This Ordinance is divided into Parts, as follows:
- Part I - Preliminary (Sections 1-5).
  - Part II - Establishment and Operation of Aerodrome (Sections 6-12).
  - Part III - Aerodrome Services and Facilities (Sections 13-16).
  - Part IV - Air Service Operations (Sections 17-22).
  - Part V - Air Navigational and other Requirements (Sections 23-26).
  - Part VI - Miscellaneous (Sections 27-34).
- Definitions. 4. In this Ordinance, unless the contrary intention appears -
- "Air Traffic Control" means a service established by the Administrator under paragraph (a) of sub-section (1.) of section 13 of this Ordinance;
  - "Aircraft" means any machine that can derive support in the atmosphere from the reactions of the air;
  - "regular public transport operations" means

all air service operations in which aircraft are available for the transport of members of the public, or for use by members of the public for the transport of cargo, for hire or reward and which are conducted in accordance with fixed schedules to and from fixed terminals over specific routes with or without intermediate stopping places between terminals;

"the aerodrome" means the area of land established under section 6 of this Ordinance;

"the Chicago Convention" means the Convention on International Civil Aviation concluded at Chicago on the seventh day of December, One thousand nine hundred and forty-four.

Delegation. 5.-(1.) The Administrator may, either generally or in relation to a matter or class of matters, by writing under his hand, delegate to a person or persons all or any of his powers and functions under this Ordinance except this power of delegation.

(2.) A power or function so delegated may be exercised or performed by the delegate in accordance with the instrument of delegation.

(3.) A delegation under this section is revocable at will and does not prevent the exercise of a power or the performance of a function by the Administrator.

#### Part II - Establishment and Operation of Aerodrome.

Establishment of Aerodrome.

6.-(1.) For the purposes of this Ordinance, the Administrator in Council may, by notice in the Gazette, establish an aerodrome within the area described in the Schedule to the Aerodrome (Acquisition of Land) Ordinance 1952.

(2.) The Administrator in Council may, by notice in the Gazette, transfer the aerodrome established pursuant to the last preceding sub-section to some other area of land owned by, or vested in, the Administration.

(3.) The aerodrome so established shall be under the control and management of the Administrator who may, subject to this Ordinance and the Regulations, determine the conditions of the use thereof.

(4.) The Administrator in Council may at any time, by notice in the Gazette, vary the boundaries of the aerodrome established in pursuance of this section.

Aircraft not to land at place other than aerodrome.

7. An aircraft shall not, except with the permission of the Administrator, land at or take-off from any place other than the aerodrome.

Certain aircraft not to land without permission of Administrator.

8.--(1.) An aircraft (other than a military aircraft) possessing the nationality of a country that is a party to the Chicago Convention shall not land at or take-off from the aerodrome without the permission of the Administrator first having been obtained, except in the case of -

- (a) an aircraft engaged on a non-scheduled flight and stopping at Nauru for non-traffic purposes;
- (b) an aircraft engaged in regular public transport operations in pursuance of a licence granted under section 17 of this Ordinance; and
- (c) such other aircraft as may be prescribed.

(2.) For the purpose of this section "stop for non-traffic purposes" means a landing for any purpose other than taking on or discharging passengers, cargo or mail.

Flights and landings by certain foreign aircraft.

9.--(1.) An aircraft (other than a military aircraft) not possessing the nationality of a country that is a party to the Chicago Convention shall not make a non-scheduled flight over Nauru or land at the aerodrome unless the Administrator in Council has so approved.

(2.) In giving an approval under the last preceding sub-section the Administrator in Council may impose such conditions and requirements as he considers

necessary to ensure compliance with the general principles contained in the Chicago Convention, and the aircraft shall comply with those conditions and requirements.

Flights and landings by military aircraft.

10.-(1.) A military aircraft, other than a military aircraft of the Administering Authority, shall not fly over Nauru or land at the aerodrome without authorisation by special permission of the Administrator in Council and in accordance with the terms thereof.

(2.) For the purpose of this section "the Administering Authority" has the same meaning as in the Trusteeship Agreement for the Territory approved by the General Assembly of the United Nations.

Landing fee.

11. The Administrator may impose a landing fee of such amount as he determines for the use of the aerodrome by an aircraft.

Administrator may issue directions.

12. The Administrator may, in relation to the aerodrome, issue such directions as he considers necessary to ensure the safety of aircraft.

Part III - Aerodrome Services and Facilities

Establishment of services and facilities.

13.-(1.) For the purposes of this Ordinance, the Administrator in Council may approve the provision of, and the Administrator may thereupon establish, maintain and operate the following services and facilities for the safe operation of aircraft using the aerodrome -

- (a) an air traffic control service;
- (b) a meteorological service;
- (c) a search and rescue service;
- (d) a fire-fighting service; and
- (e) such other services and facilities as the Administrator in Council considers to be necessary.

(2.) Services and facilities so provided shall be under the control and management of the

Administrator who may, subject to this Ordinance and the regulations, determine the conditions of the use thereof.

(3.) The Administrator in Council may vary the character of any services or facilities provided under this section, or of the signals or assistance given thereby.

Administrator may issue directions.

14. The Administrator may, in relation to any services or facilities established under section 13 of this Ordinance, issue such directions as he considers necessary to ensure the safety of aircraft.

Air Traffic Control.

15. Where an air traffic control service is established under section 13 of this Ordinance, the Administrator may, by notice in the Gazette, direct a person to carry out such of the prescribed functions of Air Traffic Control as he specifies in the notice.

Search and rescue.

16.--(1.) The Administrator may requisition aircraft, water craft or land vehicles and may engage persons to operate those craft or vehicles for the purpose of search and rescue operations in connection with the search for a missing aircraft or rescue of its crew and passengers.

(2.) The amount of any loss, whether of revenue or otherwise, suffered and of any expense incurred by the owner of an aircraft, water craft or land vehicle requisitioned in pursuance of this section may be recovered from the Administration.

(3.) A person engaged in pursuance of this section may recover from the Administration reasonable remuneration and the amount of any expenses incurred by him.

#### Part II - Air Service Operations

Grant of licences.

17.--(1.) The Administrator in Council may grant a licence to a person to engage in regular public

transport operations to and from Nauru on such conditions as he thinks fit and specifies in the licence.

(2.) Subject to this Ordinance, a licence issued under this section shall remain in force for such period not exceeding one year from the date of issue as is specified in the licence, and may, from time to time, be renewed by the Administrator in Council for a further period not exceeding one year.

(3.) The Administrator in Council may -

- (a) renew a licence upon conditions (whether contained in the licence to be renewed or not); and
- (b) vary at any time the conditions upon which a licence has been issued or renewed.

(4.) The fee for a licence or renewal of a licence shall be such amount as the Administrator in Council determines.

Cancellation  
of licence.

18.-(1.) The Administrator may cancel a licence or suspend a licence for such period as he thinks fit.

(2.) A person aggrieved by the cancellation or suspension of a licence under sub-section (1.) of this section may, within twenty-one days, appeal to the Central Court against the cancellation or suspension, and the decision of the Court thereon shall be final.

Aircraft  
operations  
to be in  
accordance  
with licence.

19. An aircraft shall not be used in regular public transport operations to or from Nauru except under the authority of and in accordance with the conditions specified in a licence issued or renewed under section 17 of this Ordinance.

Aircraft not  
to carry  
passengers  
etc. without  
permission.

20. An aircraft, other than an aircraft engaged in regular public transport operations, shall not take on or discharge passengers, cargo or mail in Nauru (being passengers, cargo or mail that has been, or is to be, carried for reward) except with the permission of the Administrator and in accordance with that permission.

Charges to be approved by Administrator.

21. The tariff of charges for the carriage of passengers and cargo by an aircraft employed in regular public transport operations and the time-table relating to such operations shall be subject to approval by the Administrator in Council.

Aircraft to comply with laws.

22. The owner, the operator, the hirer, the pilot in command and any other pilot of an aircraft arriving at or departing from Nauru shall comply with the provisions of all applicable laws, including laws relating to the entry or clearance of passengers, crew or cargo, immigration, passports, customs and quarantine.

Part V - Air Navigational and other Requirements

Conditions to be complied with by aircraft approved by Administrator.

23. An aircraft shall not be flown within the territorial limits of Nauru unless -

- (a) it complies with the provisions of this Ordinance and the regulations relating to flight and manoeuvre of aircraft; and
- (b) except with the permission of the Administrator, it carries -

Aircraft to comply with laws.

- (i) a valid certificate of airworthiness issued or recognised by the country in which the aircraft is registered;
- (ii) its certificate of registration;
- (iii) the licences of the operating crew;
- (iv) its journey log;

Part V - (v) if it carries passengers, a list of

Conditions to be complied with by aircraft.

23. An aircraft shall not be flown within the territorial limits of Nauru unless -

- (vi) if it carries cargo, the bills of lading and manifests in respect of the cargo.

Maintenance of aircraft.

24.-(1.) Where any maintenance has been carried out on an aircraft within the territorial limits of Nauru, it shall not be flown unless the maintenance has been carried out by and under the supervision of a person

or a person included in a class of persons, approved by the Administrator for the purpose.

(2.) A reference in this section to the carrying out of maintenance on an aircraft shall be read as a reference to the performance of work necessary for the purpose of ensuring that the aircraft is airworthy, including servicing of the aircraft and all modifications, repairs, replacements, inspections and overhauls of the aircraft, aircraft components and items of equipment necessary for that purpose.

Flight crew  
to be  
licensed.

25. A person shall not act in any capacity as a member of the flight crew of an aircraft unless he holds an appropriate licence issued or recognised as valid by the country in which the aircraft is registered for a person acting in that particular capacity.

Exemption.

26. The provisions of this Part do not apply to military aircraft.

#### Part VI - Miscellaneous

Publication  
of  
aeronautical  
information.

27.(1) The Administrator shall cause to be published in such manner as he thinks fit, information with respect to -

- (a) the aerodrome established under section 6 of this Ordinance;
- (b) any services and facilities that are provided under section 13 of this Ordinance;
- (c) such procedures and regulatory requirements connected with air navigation as he thinks fit;
- (d) hazards to air navigation; and
- (e) any other matters necessary for the safe navigation of aircraft operating in or in the vicinity of Nauru.

(2.) Where the information referred to in the last preceding sub-section is of a temporary character, the Administrator may publish the information in notices to be known as Notices to Airmen.



Air  
Navigation  
Orders.

28.-(1.) Wherever the Administrator is empowered or required under this Ordinance or the Regulations to issue any direction or notification or to give any permission, approval or authority, he may, unless the contrary intention appears in the section or in the regulation conferring the power or function or imposing the obligation or duty, issue the direction or notification or give the permission, approval or authority in Air Navigation Orders or by writing under his hand.

(2.) Expressions used in Air Navigation Orders shall, unless the contrary intention appears, have the same meanings as in this Ordinance and the regulations.

Accidents.

29.-(1.) All accidents to aircraft occurring within the territorial limits of Nauru shall be reported as early as practicable to the Administrator.

(2.) In the case of an accident involving the death or serious injury of a person or in which an aircraft suffers substantial damage, the Administrator shall notify the appropriate authority in the country in which the aircraft is registered of the accident.

(3.) The Administrator may authorise one or more person to conduct an investigation into any matter connected with an accident occurring within the territorial limits of Nauru and to furnish a report to him thereon.

(4.) A person authorised by the Administrator under the last preceding sub-section has all the powers and functions of a commissioner appointed under the Commissions of Inquiry Ordinance 1948-1966 and, in relation to the conduct of the investigation, the provisions of that Ordinance shall apply.

(5.) The Administrator shall permit an accredited representative from the country in which the aircraft concerned is registered to take part in the investigation of an accident, and shall send a copy of the report

referred to in sub-section (3.) of this section to the appropriate authority in that country.

Interference with navigational aids.

30.--(1.) Where it appears to the Administrator that any installation is or may be, either actively or passively, causing interference with radio communications to or from aircraft or with navigational aids in circumstances that are likely to endanger the safety of aircraft, the Administrator may serve a notice upon the owner or user of the installation or the owner or occupier of the premises or place in which the installation is installed, or kept, directing him to permit the installation to be inspected and tested.

(2.) If, as a result of such an inspection or otherwise, it appears to the Administrator necessary to do so for the safety of aircraft referred to in the last preceding sub-section, the Administrator may serve a notice on the owner or user of the installation or the owner or occupier of the premises or place in which the notice is served to make such modification to the installation, or to take such other action, as is necessary to eliminate the cause of the interference, within such reasonable time as is specified in the notice.

(3.) Where the installation has been installed and is used and operated in accordance with all applicable laws, the owner or user of the installation or the owner or occupier of the premises or place in which the installation is installed may recover from the Administration the amount of all reasonable expenses incurred, and of loss actually suffered, in complying with the direction.

(4.) A person shall not, without reasonable cause -

(a) fail to comply with a direction contained in a notice under this section; or

(b) impede or obstruct a person or fail to afford every facility to a person in the inspection or testing of any installation the subject of a notice under this section.

(5.) If a person upon whom a notice under subsection (2.) of this section is served fails to comply with a direction contained in the notice, the Administrator may authorise a person, with such assistance as he requires, to enter the premises or place in which the installation is installed or kept, with such force as is necessary, and to take such action as is directed in the notice.

(6.) A notice under this section may be served personally or by post at the last-known place of abode or last-known place of business of the person on whom it is served or at the address at which the installation concerned is installed.

(7.) In this section, "installation" includes any electrical or other equipment or any metallic structure.

**Offences.**

31.-(1.) A person who contravenes or fails to comply with a provision of this Ordinance or the regulations is guilty of an offence.

(2.) The owner, the operator and the hirer (not being the Administration), and the pilot in command and any other pilot, of an aircraft that flies in contravention of, or fails to comply with, a provision of this Ordinance or the regulations is guilty of an offence.

(2A.) Any reference in the last two preceding sub-sections to a contravention of, or failure to comply with, a provision of this Ordinance or the regulations shall be read as including a reference to a contravention or failure to comply with any direction or instruction given or issued under this Ordinance or the regulations.

(2B.) The penalty for an offence referred to in the preceding provisions of this section, not being an offence for which a penalty is otherwise prescribed, is a fine not exceeding \$1,000.00 or imprisonment for two years or both.

(3.) Notwithstanding the preceding provisions of this section, the regulations may make provision for or in relation to other consequences (in addition to punishment for an offence) of contravention of, or failure to comply with, a provision of this Ordinance or the regulations or to ensure compliance with a provision of this Ordinance or the regulations.

Defences in proceedings with respect to offences.

32.-(1.) In any proceedings with respect to an offence against this Ordinance or the regulations, it is a defence if the act or omission charged is proved to have been due to stress of weather or other unavoidable cause.

(2.) In any proceedings against the owner, operator, hirer, pilot in command or other pilot of an aircraft with respect to an offence against this Ordinance or the regulations, it is a defence if the act or omission charged is proved to have taken place without his fault or privity.

Application of Commonwealth Regulations.

33. Subject to this Ordinance and to such modifications as are prescribed, the provisions of the Air Navigation Regulations of the Commonwealth of Australia as in force at the date of commencement of this Ordinance apply, by force of this Ordinance, in Nauru as if those provisions were made by the Administrator in Council under this Ordinance.

Regulations.

34.-(1.) The Administrator in Council may make regulations, not inconsistent with this Ordinance, prescribing all matters which by this Ordinance are required or permitted to be prescribed, or which are

necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance and in particular for prescribing penalties not exceeding two hundred dollars for breaches of the regulations.

(2.) The power to make regulations under the last preceding sub-section includes the power to modify any of the provisions of the regulations referred to in section 32 of this Ordinance.