

No. 62 of 2022.

Civil Aviation (Amendment) Act 2022.

Certified on : * 1 DEC 2022



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ARRANGEMENT OF SECTIONS.

1. Interpretation (Amendment of Section 3).
2. Repeal of Section 143A.
3. New Sections 143B, 143C, 143D, 143E, 143F and 143G.

“143B. LEAVE OF ABSENCE OF DIRECTORS OF THE BOARD.

143C. RESIGNATION FROM OFFICE.

143D. VACATION OF OFFICE.

143E. APPOINTMENT OF MANAGING DIRECTOR.

143F. APPOINTMENT OF ACTING MANAGING DIRECTOR.

143G. CHAIRMAN AND DEPUTY CHAIRMAN.”.



No. 62 of 2022.

AN ACT

entitled

Civil Aviation (Amendment) Act 2022,

Being an Act to amend the *Civil Aviation Act 2000*,

MADE by the National Parliament.

1. INTERPRETATION (AMENDMENT OF SECTION 3).

Section 3 of the Principal Act is amended by repealing the words and initial "Papua New Guinea Air Services Ltd" and acronym "PNG ASL" whenever occurring and replacing them with the following whenever occurring:

"Niusky Pacific Ltd".

2. REPEAL OF SECTION 143A.

Section 143A of the Principal Act is repealed.

3. NEW SECTIONS 143B, 143C, 143D, 143E, 143F AND 143G.

The Principal Act is amended by inserting immediately after Section 143 the following new sections:

"143B. LEAVE OF ABSENCE OF DIRECTORS OF THE BOARD.

(1) A director shall in writing notify the Minister that he will not be available for a scheduled meeting of the Board.

(2) The Minister may grant leave of absence to a director on such terms and conditions as the Minister determines.

(3) Unless the Minister grants leave of absence to a director under Subsection (2), the director shall be deemed absent from the scheduled Board meeting.

(4) A director who is absent from three consecutive scheduled meetings of the Board shall be dismissed by the Minister.

143C. RESIGNATION FROM OFFICE.

A director appointed under Section 143(4)(c) may resign from office by written notice to the Minister.

143D. VACATION OF OFFICE.

- (1) If a director who is appointed under Section 143(4)(c) -
- (a) dies or is permanently incapable of performing his duties; or
 - (b) resigns from office under Section 143C; or
 - (c) he is absent from three consecutive meetings of the Board, without obtaining special leave of absence granted by the Minister under Section 143B; or
 - (d) he becomes bankrupt or makes any assignment or composition with his creditors generally; or
 - (e) he is convicted of a criminal offence in Papua New Guinea or in any other jurisdiction,

the Minister shall terminate his appointment.

(2) The Minister may, at any time, by written notice, advise a Director that he intends to terminate the appointment of that Director on the grounds of inability, non-performance or misbehaviour.

(3) Within seven days of the receipt of a notice under Subsection (2), the director may reply in writing to the Minister who shall consider the reply and where appropriate proceed to recommend the termination of the appointment.

(4) Where a Director is given notice under Subsection (2) fails to reply in accordance with Subsection (3), his appointment is deemed terminated.

(5) Where the appointment of the Director is terminated under Subsection (4), the Minister shall request the interest group of the terminated director to nominate a candidate to fill the vacancy.

143E. APPOINTMENT OF MANAGING DIRECTOR.

(1) There shall be a Managing Director who is the chief executive officer of the Company.

- (2) The Managing Director shall be appointed -
- (a) under the *Regulatory Statutory Authorities (Appointment to Certain Offices) Act 2004*; and
 - (b) for a term of three years and is eligible for re-appointment subject to his performance in accordance with his contract of employment.

(3) The terms and conditions of the Managing Director shall be as determined by the National Executive Council and contained in a written contract of employment which shall be signed by the Minister and by the Managing Director.

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- (4) The person considered for appointment as Managing Director shall –
- (a) be the holder of an academic degree in a field from an accredited university that is recognised by the department responsible for higher education, and considered by the Public Service Commission to be related to the position; and
 - (b) have at least 10 years practical experience in a field considered by the Public Service Commission to be related to the position, at least five of which were in an executive managerial capacity equivalent to head or deputy head level of a reputable organisation; and
 - (c) be a fit and proper person -
 - (i) by passing the fit and proper person test prescribed under Section 50; and
 - (ii) by obtaining a medical clearance from a certified medical practitioner; and
 - (iii) by obtaining a police clearance.
- (5) The Managing Director shall be terminated if he -
- (a) fails one of the requirements under Subsection (4)(c); or
 - (b) becomes incapable of performing his duties; or
 - (c) other than with written consent of the Minister, engages in any paid employment or carries on business outside the duties of his office; or
 - (d) becomes bankrupt, applies for the relief of the law for bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his salary for their benefit; or
 - (e) is convicted of an offence that is punishable by law with a sentence for imprisonment; or
 - (f) ceases to be ordinarily resident in the country; or
 - (g) commits an offence against this Act.

143F. APPOINTMENT OF ACTING MANAGING DIRECTOR.

- (1) In the interest of the aviation sector, the Minister shall suspend the Managing Director, with or without cause, if -
- (a) the Managing Director is absent from duty (from whatever cause arising); or
 - (b) there is a vacancy (whether by reason of death, resignation, or otherwise); or
 - (c) from time to time while the absence or vacancy continues,
- and appoint a senior person in the company in terms of the number of years he has worked in the company or a suitable person to act in the position.
- (2) The process of appointment under Section 143E is not applicable to Subsection (1).
- (3) The appointment made under Subsection (1) shall be for a maximum period of three months and shall be published in the National Gazette.

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(4) Any extension of the period prescribed under Subsection (3) shall be made in accordance with Section 143E.

143G. CHAIRMAN AND DEPUTY CHAIRMAN.

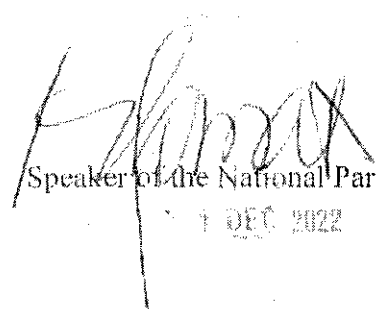
(1) The Chairman of the Board shall be appointed by the National Executive Council from among the independent members appointed under Section 143(4)(c).

(2) The Deputy Chairman shall be appointed from among the independent directors appointed under Section 143(4)(c) by the members of the Board.”.

I hereby certify that the above is a fair print of the *Civil Aviation (Amendment) Act 2022*, which has been made by the National Parliament.


Clerk of the National Parliament.
1 DEC 2022

I hereby certify that the *Civil Aviation (Amendment) Act 2022*, was made by the National Parliament on 29 November 2022.


Speaker of the National Parliament.
1 DEC 2022