

## BACKGROUND

In January 2010, CAAF reviewed its Consultation Process to promote a robust consultative system where all industry representatives are engaged and participates in the introduction or amendments of the Acts, Regulations and Standard Document on aviation safety issues, resulting in the CAAF Regulatory Development Manual (CRDM).

Whilst the intention was to structure such a system, there was a lack of industry response and participation in the Air Safety Committee (ASC) and the Ground Safety Committee (GSC) – the principal consultative bodies established to provide advice and recommendations to CAAF on regulatory issues, proposals and associated documentation. In addition, the ASC and the GSC Chairman's position became vacant in the latter part of 2011 with a call for nominees by CAAF. No response had been received.

Given the lack of response to take on the position of ASC and GSC Chairman and participation during the consultation process pertaining to State Letters, ANR Parts and the Educational Briefing on the ANR Parts and as CAAF is going onto the next phase of the Harmonization Project, it proposed the amendment of the CRDM by removing the ASC and GSC Committee and reverting to the initial consultation system whereby Industry is notified of any amendments to the Act, Regulations and Standard Documents, comments are sought within a specified time and upon Industry requests or CAAF initiation, CAAF will conduct educational briefing/discussions on the same.

This is the overview of CAAF's processes and mechanisms for industry consultation.

### 1. The Civil Aviation Authority of Fiji - Responsibility to Consult

The Civil Aviation Authority of Fiji (The Authority) is obligated under *Sections 14 (2) (b) and 3 (b) of the Civil Aviation Authority Act 1979* to promote full and effective consultation and communication with all interested parties on aviation safety issues. This includes consultation on Aviation Security.

When conducting regulatory development activities, the Authority's method in conducting consultation is to seek early and on-going input and comments from interested parties regarding aviation safety issues and proposals to introduce new or to amend Acts, Regulations (hereinafter referred to as the "Legislation") and Standards.

Where the change or amendment in the Legislation results in a difference from an ICAO Standard, whether more or less restrictive, then actions must be initiated under a separate procedure for the Filing of a Difference by the Authority.

### 2. Effective Consultation is Fundamental

The Authority has made a commitment to improve consultation mechanisms and support consultation as required with all relevant stakeholders. Consultation ensures that both the regulator and the regulated parties have a good understanding of the proposal, alternative options to address it, possible administrative and compliance mechanisms and associated benefits, costs and risks.

However, consultation may be by-passed if there is a need to publish changes to standards that may be necessary to alleviate or minimise any risk of the death of or a serious injury to any person, or of damage to any property.

### 3. How CAAF Consults on Regulatory Development Activities

There are 5 triggers that would result in the consultation process to be convened.

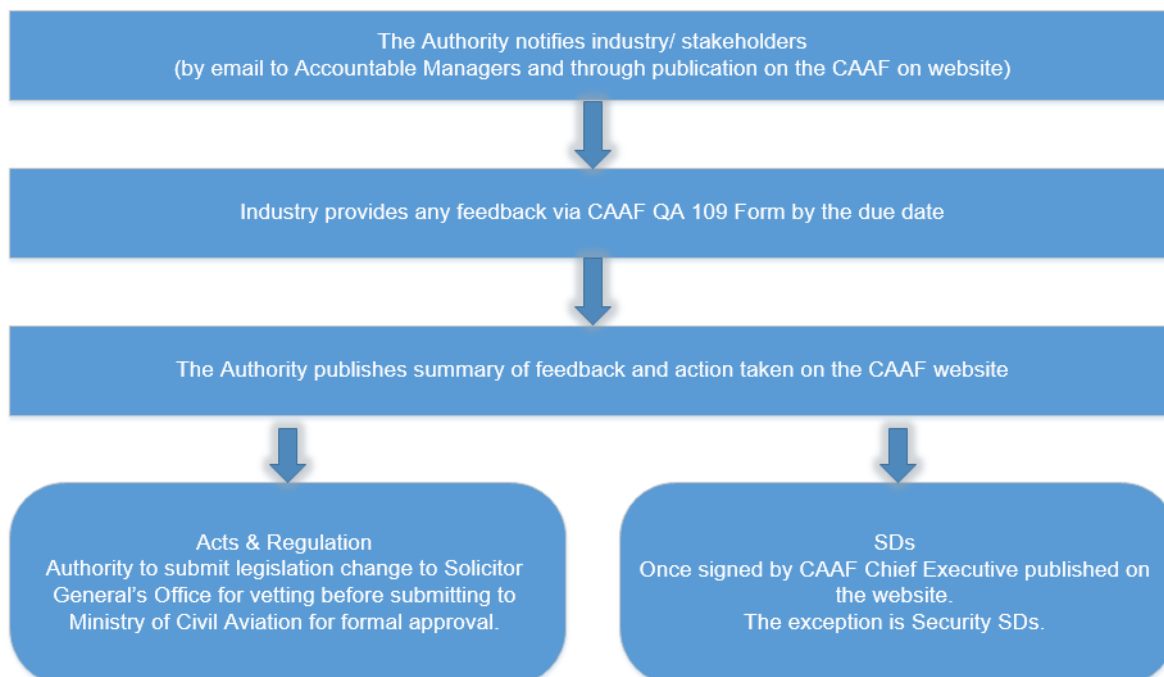
1. Proposals for Amendment (PfA) to an ICAO Annex or PANS document;
2. Proposed change to aviation legislation or CAAF SD arising from:
  - a. an audit or an investigation (internal or external)
  - b. a review of existing legislation/SDs;
  - c. areas identified as requiring clarification and/or additional information and

## INDUSTRY CONSULTATION PROCESS

- d. the need to align to international best practice.
3. Heightened threat level to global aviation arising out of terrorist activity;
4. A proposed change originating from the aviation industry (operators) as a result in a change to operating conditions into foreign countries;

All Legislation drafts are coordinated/consulted with the Solicitor General's Legislative Drafting Department.

Consultations on regulatory and non-regulatory proposals are commensurate with the extent and scope of the change, its impact on affected parties, and the degree of acceptance with the change. For example, regulatory changes of a minor, editorial nature are not subject to the full consultation process, but will involve less formal consultations, and notifications by the Authority.



### 5. Consultation Communications and Vehicles

**Internet** – All proposals for amendment (PfAs) are featured on the Authority's web page [www.caaf.org.fj](http://www.caaf.org.fj)

**Email** – The Authority will notify industry/ stakeholders

The consultation notification will:

1. Declare the Authority's intention to seek comment;
2. Describe the manner in which copies/information of the consultative document can be obtained;
3. Provide advice as to the period and method which responses may be made and lodged in relation to the proposal.

Generally, the Authority provides up to four weeks for comments to be received on any PfAs.

In cases where the proposal is easy to understand, minor or non-controversial, it may be subject to comment for shorter periods as determined by the Authority. The Authority's Chief Executive may extend the response period for large and complex proposals.

**LEGISLATION OR STANDARDS CHANGE PROCESS**

