

PNG TRANSPORT SECTOR LEGISLATIVE DRAFTING PLAN

December 2008 – June 2010

Introduction

The Department of Transport (DoT) has responsibility for National Transport Sector Policy and Planning. As part of this responsibility the DoT must identify and put in place plans and processes to resolve any unmet needs, gaps and overlaps concerning governing and operational laws, regulations and statutory instruments affecting the Transport Sector.

Modern, comprehensive and clear laws are a necessary component in providing for an effective, efficient and safe transport system for Papua New Guinea.

The production of a PNG Transport Sector Legislative Drafting Plan follows an examination of the Acts and Regulations governing the PNG Transport Sector and the production of an analysis of Transport Sector Responsibilities and Functions (see copy of this document attached).

The Legislative Drafting Plan covers:

- The period from December 2008 to June 2010;
- The 3 Transport Modes – Land, Maritime and Aviation;
- All National Transport Sector Agencies: namely the Department of Transport (DoT), Department of Works (DoW), National Roads Authority (NRA), Land Transport Board (LTB), National Road Safety Council (NRSC), Motor Vehicles Insurance Ltd (MVIL), National Maritime Safety Authority (NMSA), Port Managers (the largest of which is PNG Ports Corp Ltd), Civil Aviation Authority (CAA), Accident Investigation Commission (AIC) and PNG Air Services Ltd (ASL); and
- Acts, Regulations and Statutory Instruments (notices, directions, orders, delegations etc).

The Plan is intended to assist the Government and National Transport Sector Agencies with the planning and production of needed legislation, regulations and statutory instruments for the Sector. By necessity the Plan will need to be kept under constant review and updated regularly (6 monthly) to ensure it takes account of Government policies and ever changing needs and developments, both nationally and internationally.

DRAFTING PLANS

LAND TRANSPORT SECTOR

PROJECT 1 – PMV Report Implementation

Statutes: Motor Traffic Act 1950, Motor Traffic Regulation 1967, Land Transport Board Act 1968, National Road Safety Council Act 1997

Task: Amend all statutes to provide for the legislative changes required to implement the Public Motor Vehicles Working Party Report

Responsible Agency: DoT Legal Team, working with LTB, Police, NRSC, ICCC and MVIL

Priority: High

Completion Date: June 2009

PROJECT 2 – Transport Information

Statute: Transport (Collection of Information) Act 1969

Task: Amend statute to provide for the DoT to be responsible for collection, analysis, dissemination and publication of Transport Sector information

Responsible Agency: DoT Legal Team, in consultation with NMSA, CAA, NRSC, Port Managers and Department of National Planning and Monitoring

Priority: High

Completion Date: March 2009

PROJECT 3 – Road Corridor Protection and Classification

Statutes: National Roads Authority Act 2003, Roads Maintenance Act 1971, Roads Maintenance Regulation 1973, Roads Regulation 1937

Task: Review and amend all statutes to provide for:

- Land Corridor Designation, Protection and Management;
- Uniform Road Classification System (National, Provincial and Local roads); and
- Consolidation of Acts and Regulations (wherever possible)

Responsible Agency: DoT Legal Team, working with DoW, NRA, Police, NCDC and Department of Lands and Physical Planning

Priority: High

Completion Date: September 2009

PROJECT 4 – Motor Traffic Regulation Review

Statutes: Motor Traffic Act 1950, Motor Traffic Regulation 1967, Licencing of Heavy Vehicles Act 1977, Licencing of Heavy Vehicles Regulation 1977

Task: Review and amend all statutes, taking into account potential changes concerning a range of policy options, including:

- Improved driver licencing and testing (age groups, alcohol and drug testing, demerit point system etc);
- Improved Traffic Engineering (pedestrian crossings, PMV priority lanes, parking, clearways etc);
- Improved Traffic Safety (speeding, speed zones, overloaded vehicles, road signage, cargo restraint, vehicle design and safety standards, heavy and specialist vehicle regulation, transportation of dangerous goods etc)
- A comprehensive range of offences and updated penalties;
- Environmental Issues (noise, exhaust emissions, vegetation and pollution - road run-off etc);
- Enforcement; and
- Streamlining of regulatory system (wherever possible).

Responsible Agency: DoT Legal Team, working with NRSC, LTB, Police, DoW, NCDC, Department of Environment and Conservation and MVIL

Priority: Medium

Completion Date: March 2010

PROJECT 5 – Motor Car Dealers Regulation

Statutes: Motor Car Dealers Act 1976, Motor Car Dealers (Price of Vehicles) Regulation 1981

Task: Review and update regulation of motor car dealers

Responsible Agency: DoT Legal Team, in consultation with ICCC and Department of Commerce and Industry

Priority: Low

Completion Date: June 2010

PROJECT 6 – Office of Transport Security

Statutes: Merchant Shipping Act 1975, Merchant Shipping (Maritime Security) Regulation 2005, Civil Aviation Act 2000

Task: To prepare legislation (if required) to establish an Office of Transport Security within the DoT.

Note: This project is dependent on Ministerial approval following consideration by the Minister of an Options Paper from the Sec DoT concerning Transport Security

Responsible Agency: DoT Legal Team, working with all Transport Sector Agencies, Police and all Border Security Agencies

Priority: High

Completion Date: Subject to Ministerial approval, December 2009

PROJECT 7 – PNG Transport Infrastructure Construction Industry Development

Statutes: New Act (if required)

Task: To prepare a new Act (if required) for the DoT and DoW to guide and assist the growth of PNG owned construction and consultancy companies to undertake transport infrastructure construction projects.

Note: This project is dependent on Ministerial approval following consideration by the Minister of an Options Paper from the Sec DoT and Sec DoW on the development of the PNG owned Transport Infrastructure Construction and Consultancy Sector

Responsible Agency: DoT Legal Team, working with the DoW

Priority: High

Completion Date: Subject to Ministerial approval, December 2009

PROJECT 8 – Transport Security Police Force

Statutes: New Act (if required)

Task: To prepare a new Act (if required) to establish a specialist Transport Security Police Force to enhance Transport Security for all 3 Transport Modes (Land, Maritime and Aviation).

Note: This project is dependent on Ministerial approval following consideration by the Minister of an Options Paper from the Sec DoT concerning Transport Security

Responsible Agency: DoT Legal Team, working with all Transport Sector Agencies, Police and all Border Security Agencies

Priority: High

Completion Date: Subject to Ministerial approval, December 2009

PROJECT 9 – Update of Statutory Instruments

Statutes: All Land Transport Sector Acts and Regulations

Task: Review, update and document all statutory instruments

Responsible Agency: DoT Legal Team, working with all Land Transport Sector Agencies

Priority: Medium

Completion Date: Progressive completion for all Acts and Regulations, commencing March 2009, with final instrument completed by June 2010.

Note: This work is ongoing and will need to be incorporated into the annual work program of the DoT Legal Team

MARITIME TRANSPORT SECTOR

PROJECT 1 – Ports Management and Safety

Statute: Harbours Act 1963

Task: Draft the Ports (Management and Safety) Act 2009 and Ports (Management and Safety) Regulation 2008 to replace the Harbours Act 1963, and provide for the regulation, management and safety of Ports

Responsible Agency: DoT Legal Team, working in conjunction with Port Managers (PNG Ports Corp Ltd) and NMSA, and in consultation with ICCC

Priority: High

Completion Date: Ports Regulation by December 2008, Ports Act by March 2009

PROJECT 2 – Marine Pollution Project

Statutes: Marine Pollution (Ships and Installations) Bill 2009, Marine Pollution (Sea Dumping) Bill 2009, Marine Pollution (Preparedness and Recovery) Bill 2009, Marine Pollution (Liability and Cost Recovery) Bill 2009, Marine Pollution (Ballast Water Control) Bill 2009, and Regulations for each Bill

Task: To finalise draft Bills and Regulations (prepared by NMSA consultants) to give effect to PNG's obligations under numerous International Maritime Conventions, Treaties and Other Instruments (MARPOL, AFS Convention, London Protocol, Intervention, OPRC and HNS Protocol, PNG Levy, OCLC, 92 Fund, Supplementary Fund Convention, Bunkers Convention, Chemical Handling Facility and Ballast Water Convention)

Responsible Agency: NMSA, assisted by DoT Legal Team

Priority: High

Completion Date: June 2009

PROJECT 3 – Merchant Shipping Regulation

Statutes: Merchant Shipping Act 1975, Merchant Shipping (Seafarers Conditions of Employment) Regulation 2009, Merchant Shipping (Seafarers Health and Safety) Regulation 2009, Merchant Shipping (Seafarers Minimum Requirements) Regulation 2009, Merchant Shipping (Shipboard Facilities) Regulation 2009, Merchant Shipping (Training and Certification) Regulation 2009, Merchant Shipping (Medical Standards) Regulation 2009, Merchant Shipping (Impartial

Investigations) Regulation 2009, Merchant Shipping (Vessel Registration) Regulation 2009, Merchant Shipping (Shipping Casualty Inquiries and Investigations) Regulation 2009, Merchant Shipping (Safety) Regulations 2009 (2 sets of safety regulations covering Convention Vessels and Non-Convention Vessels), Merchant Shipping (Safe Ship Management Systems) Regulation 2009, Merchant Shipping (Coasting Trade Licence) Regulation 2009, Merchant Shipping (Maritime Security) Regulation 2005

Task: Review and update drafts already prepared, and draft new or replacement regulations under the Merchant Shipping Act 1963 to give effect to PNG's obligations concerning merchant shipping under numerous International Maritime Conventions, Treaties and Other Instruments

Responsible Agency: NMSA, assisted by DoT Legal Team

Note: DoT is responsible for Merchant Shipping (Maritime Security) Regulations

Priority: High

Completion Date: Progressive completion of all Regulations during 2009, with final Regulation completed by December 2009

PROJECT 4 – Small Craft Regulation

Statute: Small Craft Act 2009

Task: To prepare an Act to regulate small craft operating in PNG waters for the purpose of public and crew safety

Responsible Agency: Community Water Transport Project, assisted by the DoT Legal Team, NMSA, Port Managers and Department of Provincial and Local Government Affairs

Priority: High

Completion Date: April 2009

PROJECT 5 – Review of Merchant Shipping Act

Statute: Merchant Shipping Act 1975

Task: Review, amend and update the Merchant Shipping Act

Responsible Agency: NMSA, assisted by DoT Legal Team

Priority: Medium

Completion Date: June 2010

PROJECT 6 – Review of National Maritime Safety Authority Act

Statute: National Maritime Safety Authority Act 2003, National Maritime Safety (Regulatory Functions Levy) Regulation 2006

Task: Review, amend and update the National Maritime Safety Authority Act and Regulation

Responsible Agency: NMSA, assisted by DoT Legal Team

Priority: Medium

Completion Date: June 2010

PROJECT 7 – Update of Statutory Instruments

Statutes: All Maritime Transport Sector Acts and Regulations

Task: Review, update and document all statutory instruments

Responsible Agency: NMSA, assisted by DoT Legal Team

Priority: Medium

Completion Date: Progressive completion for all Acts and Regulations, commencing July 2009, with final instrument completed by June 2010.

Note: This work is ongoing and will need to be incorporated into the annual work program of the NMSA Principal Legal Officer

AVIATION TRANSPORT SECTOR

PROJECT 1 – Review of Civil Aviation Act

Statute: Civil Aviation Act 2000

Task: Review, amend and update the Civil Aviation Act

Responsible Agency: CAA (assisted by consultants), in consultation with DoT Legal Team

Priority: High

Completion Date: June 2009

PROJECT 2 – Civil Aviation Rules

Statute: Civil Aviation Act 2000, Civil Aviation Rules 2004

Task: Review, amend and update the Civil Aviation Rules

Responsible Agency: CAA (assisted by consultant), in consultation with DoT Legal Team

Priority: Medium

Completion Date: Ongoing continuous review

PROJECT 3 – Civil Aviation Regulation

Statute: Civil Aviation Act 2000, Civil Aviation Regulation 2009

Task: To prepare two sets of Regulations under the Civil Aviation Act to provide for charges and fees, offences and penalties and other necessary regulations

Responsible Agency: CAA, assisted by DoT Legal Team

Priority: Medium

Completion Date: July 2009 for Charges and Fees Regulation, and December 2009 for Offences and Other Regulations

PROJECT 4 – Airports By-Laws

Statute: Civil Aviation Act 2000

Task: To prepare Airport By-Laws concerning airports control, parking, fees etc

Responsible Agency: CAA, assisted by DoT Legal Team

Priority: Medium

Completion Date: October 2009

PROJECT 5 – Transport Accident Investigation Commission Act and Regulations

Statute: Civil Aviation Act 2000

Task: To prepare a separate Act and Regulations for a Transport Accident Investigation Commission, able to investigate aviation, land and maritime accidents.

Responsible Agencies: DoT Legal Team, AIC, CAA and NMSA

Priority: High

Completion Date: March 2010

PROJECT 6 – National Weather Service Act

Statute: Civil Aviation Act 2000

Task: To prepare a separate Act for the National Weather Service.

Responsible Agency: DoT Legal Team, in consultation with CAA and NMSA

Priority: Medium

Completion Date: December 2009

PROJECT 7 – Air Services Act and Regulation

Statute: Civil Aviation Act 2000

Task: To prepare a separate Act and Regulations for Air Services.

Responsible Agency: CAA and ASL, assisted by DoT Legal Team

Priority: High

Completion Date: June 2010

PROJECT 8 – Airports Act and Regulations

Statute: Civil Aviation Act 2000

Task: To prepare a separate Act and Regulations for Airports.

Note: This project would require a Government policy decision to provide for the governance and regulation of airports under a separate Act and Regulations.

Responsible Agency: CAA, assisted by DoT Legal Team

Priority: High

Completion Date: June 2010

PROJECT 9 – Update of Statutory Instruments

Statutes: All Aviation Transport Sector Acts and Regulations

Task: Review, update and document all statutory instruments

Responsible Agency: CAA, assisted by DoT Legal Team

Priority: Medium

Completion Date: Progressive completion for all Acts and Regulations, commencing March 2009, with final instrument completed by December 2009.

Note: This work is ongoing and will need to be incorporated into the work program of the CAA Principal Legal Officer.

OTHER PROJECTS

PROJECT – Counter Terrorism and Transnational Organised Crime Legislation

Statute: Counter Terrorism and Transnational Organised Crime Bill 2009

Task: To assist the Departments of Attorney General and Foreign Affairs and Trade to complete the Counter Terrorism and Transnational Organised Crime Bill, which affects the Maritime and Aviation Transport Sectors, and gives effect to PNG's obligations under the 13 UN Counter

Terrorism Instruments and the Transnational Organised Crime Convention and the two Protocols to the Convention concerning People Smuggling and Human Trafficking

Responsible Agencies: Departments of Attorney General and Foreign Affairs and Trade, assisted by the DoT Legal Team, NMSA, Ports Managers, CAA, NIO, Police and Department of Defence

Priority: High

Completion Date: To be advised by the Departments of Attorney General and Foreign Affairs and Trade