

THE TRINIDAD AND TOBAGO CIVIL AVIATION
AUTHORITY ACT, 2000

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*Legal Supplement Part A to the "Trinidad and Tobago Gazette", Vol. 39,
No. 156, 16th August, 2000*

Fifth Session Fifth Parliament Republic of Trinidad
and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 33 of 2000

[L.S.]

AN ACT to establish the Trinidad and Tobago Civil
Aviation Authority and for other related purposes.

[Assented to 11th August, 2000]

ENACTED by the Parliament of Trinidad and Tobago as Enactment
follows:—

1. This Act may be cited as the Trinidad and Tobago Short title
Civil Aviation Authority Act, 2000.

Commencement

2. (1) Sections 1, 2, 3, 4, 5 with the exception of paragraph (b), 6(2)(f) and (h), 12, 13, and 25 shall take effect on the date of assent of this Act.

(2) The remaining provisions of this Act shall take effect on a date or dates to be fixed by Proclamation of the President.

PART I

PRELIMINARY

Interpretation

3. In this Act—

“aviation document” means any licence, certificate or other document issued by the Trinidad and Tobago Civil Aviation Authority to or in respect of any person, aircraft, aerodrome or aviation related service;

“Board” means the Board of the Trinidad and Tobago Civil Aviation Authority established in accordance with section 12;

“corporate plan” means a plan prepared in accordance with section 15;

“Chairman” means the Chairman of the Board and includes a temporary Chairman of the Board;

“Chicago Convention” means the Convention on International Civil Aviation, 1944 and any Protocol amending the Convention and Annex relating to international standards and recommended practices, being an Annex adopted in accordance with the Convention;

“Director General” means the Director General of Civil Aviation appointed under section 13;

“Deputy Chairman” means the Deputy Chairman of the Board and includes a temporary Deputy Chairman of the Board;

“GAAP” means Generally Accepted Accounting Practice which includes the international accounting standards adopted by the Institute of Chartered Accountants of Trinidad and Tobago;

“member” means a member of the Board;

“Minister” means the Minister to whom responsibility for civil aviation is assigned;

“Trinidad and Tobago aircraft” means aircraft registered in Trinidad and Tobago.

PART II

ESTABLISHMENT, FUNCTIONS AND POWERS OF THE TRINIDAD AND TOBAGO CIVIL AVIATION AUTHORITY

4. There is hereby established a body corporate to be known as “the Trinidad and Tobago Civil Aviation Authority” (hereinafter referred to as “the Authority”).

Establishment of the
Trinidad and Tobago
Civil Aviation
Authority

5. The functions of the Authority are—

Functions of the
Authority

- (a) to regulate, in accordance with this Act or any other written law—
 - (i) civil aviation operations in Trinidad and Tobago territory;
 - (ii) the operation of Trinidad and Tobago aircraft within and above Trinidad and Tobago territory;
 - (iii) the operation of maintenance organisations in respect of aircraft on the Trinidad and Tobago register;
- (b) to issue, renew and amend aviation documents and to collect fees in respect thereof;
- (c) to provide an adequate system of air traffic services in the Piarco Flight Information

- Region and such other airspace as may be the subject of a treaty or an agreement between Trinidad and Tobago and any other State or organisation;
- (d) to promote the maintenance of high standards of aviation safety and security within the aviation industry;
 - (e) to carry out an investigation of any aircraft accident occurring in or over Trinidad and Tobago or in relation to any Trinidad and Tobago aircraft;
 - (f) to advise the Minister on matters relating to civil aviation; and
 - (g) to carry out such other functions as are for the time being conferred upon it by virtue of this Act or any other written law.

Powers of the Authority

6. (1) The Authority has the power to do all things necessary and convenient to be done for, or in connection with, the performance of its functions specified in section 5.

(2) Without limiting the generality of subsection (1), the Authority may—

- (a) with the approval of the Minister, take up and subscribe for or otherwise acquire shares in any company or form or participate in the formation of a company provided that such subscription or acquisition is not in relation to a company regulated by the Authority under this Act;
- (b) with the approval of the Minister, enter into a partnership or an arrangement for the sharing of profits;
- (c) provide information relating to air safety;
- (d) engage in any activity that promotes and develops civil aviation, either alone or in conjunction with other civil aviation authorities, international agencies or organisations;

- (e) provide technical advice, assistance or training for any persons in respect of any matter in which the Authority has skill or experience;
- (f) enter into contracts for the supply of goods, services or materials or for the execution of works or any other contracts as may be necessary for the discharge of its functions under this Act;
- (g) utilize the property of the Authority in such manner as may appear to the Authority requisite, advantageous or convenient with a view to making the best use of any of the property of the Authority in relation to its functions under this Act; and
- (h) charge for the use of any facility or service provided by the Authority.

7. (1) In performing its functions and exercising its ^{Performance of functions and exercise of powers} powers, the Authority shall regard the safety of aviation as the most important consideration.

(2) Subject to subsection (1), the Authority shall perform its functions and exercise its powers in a manner that ensures, as far as is practicable, that the environment is protected from any detrimental effects associated with the operation and use of aircraft and for this purpose the Authority shall observe the provisions of the Environmental Management Act and ^{Act No. 3 of 1995} any other written law.

(3) The Authority shall perform its functions and exercise its powers in a manner consistent with the following:

- (a) the obligations of Trinidad and Tobago under the Chicago Convention as well as any other convention to which Trinidad and Tobago is party; and

(b) any other agreement between Trinidad and Tobago and any other country relating to the safety of aviation.

(4) The Board in ensuring the performance of the functions of the Authority shall exercise due care and act in a prudent and conscientious manner.

Power to make regulations

8. The Authority may, with the approval of the Minister, make regulations generally for the carrying into effect the provisions of this Act.

Delegation of Authority's functions or powers to employees of the Authority

9. (1) The Authority may, from time to time, either generally or particularly, delegate to the Director General of the Authority any of its functions or powers under this Act or under any regulations or rules made pursuant thereto.

(2) Such delegation referred to in subsection (1) shall be in writing and signed by the Chairman.

Right of Authority to exclusive services

10. The Authority has the exclusive right to provide the following aviation-related services within Trinidad and Tobago:

- (a) aerodrome control services at international aerodromes;
- (b) approach control services;
- (c) area control services;
- (d) flight information services; and
- (e) aeronautical information services.

Directions by the Minister

11. (1) The Minister may give the Authority such specific or general directions, not inconsistent with the provisions of this Act and the Authority shall give effect to any such directions.

(2) All directions referred to in subsection (1) shall be in writing and signed by the Minister.

PART III

THE BOARD

12. (1) There shall be a Board to manage the Authority under the principle of good corporate governance comprising six persons appointed by the President in accordance with the provisions of the First Schedule and the Director General, appointed in accordance with section 13, who shall be an *ex officio* member.

Establishment and composition of Board

First Schedule

(2) The members shall be persons with proven experience in the fields of civil aviation, business, law, financial management, economics and human resource management.

(3) The President may appoint any two members to be Chairman and Deputy Chairman of the Board.

(4) The Board shall conduct its proceedings in accordance with the provisions of the Second Schedule.

Second Schedule

13. (1) The Authority shall, from time to time appoint, with the approval of the Minister, a chief executive who shall be known as the Director General of Civil Aviation.

Appointment of Director General of Civil Aviation

(2) The Director General shall have and may exercise such powers or functions as may be conferred or imposed on him by this Act or regulations made hereunder, and such powers as may be delegated to the Director General by the Authority.

(3) Where the Director General is temporarily unable to perform his duties by reason of illness or otherwise, the Board may appoint another person to act as Director General during such period of absence from duty.

Disclosure of interest
of Board and
Director General

14. (1) Every member and the Director General shall, on appointment or annually thereafter, submit to the President a declaration that—

- (a) he has no pecuniary interest in any business entity regulated by the Authority;
- (b) he has no pecuniary interest in any business or any body corporate carrying on any business with the Authority in the exercise of its business; and
- (c) he will not engage in any business with any person carrying on business, or competing in business, with the Authority.

(2) A member who has a pecuniary interest in a matter being considered by the Board shall, as soon as possible after the relevant facts come to his knowledge, disclose the nature of this interest before the Board's deliberation on the matter.

(3) A disclosure under subsection (2) shall be recorded in the minutes of a meeting of the Board and after such disclosure the member shall neither be present during any deliberation of the Board nor take part in any decision of the Board, with respect to that matter.

(4) For the purposes of this section, a person who, or a nominee or relative of whom, is a shareholder who owns shares in excess of five per cent or is a partner in a company or other body of persons other than a statutory authority or who is an employee thereof, shall be treated as having a pecuniary interest.

(5) In this section "relative" means spouse, cohabitant within the meaning of the Cohabitation Relationships Act, father, mother, brother, sister, son or daughter of a person.

(6) A member who fails to comply with the provisions of this section is liable on summary conviction to a fine of one hundred thousand dollars unless he proves that he was unaware that—

- (a) the matter in which he had an interest was the subject of consideration at the meeting; or
- (b) he had an interest in the matter under consideration at the meeting.

PART IV

PLANNING AND MANAGEMENT

15. (1) The Board shall prepare a three year ^{Corporate plan} corporate plan in respect of the Authority which shall be submitted to the Minister.

(2) The plan may be revised at least once a year and up to sixty days before the end of the first year of the plan.

(3) The first corporate plan shall begin no later than six months after the commencement of this section.

(4) The Board shall keep the Minister informed about—

- (a) significant changes to the plan; and
- (b) matters that arise that could significantly affect the objectives of the plan.

(5) The plan shall include details of the following:

- (a) the Authority's operational environment;
- (b) the strategies of the Authority;
- (c) performance measures of the Authority;
- (d) review of performance against previous corporate plans;

- (e) analysis of risk factors likely to affect aviation safety in the aviation industry; and
- (f) human resource strategies and industrial relations strategies.

(6) The plan shall also cover any other matters required by the Minister to be covered, which may include further details about the matters referred to in subsection (5).

Minister's response
to corporate plan

16. (1) The Minister shall respond to the Board in respect of a corporate plan, submitted in accordance with section 15, within sixty days of receipt of the plan, failing which the Board shall be entitled to proceed with the plan as submitted.

(2) The Minister's response may include a direction to the Board to vary the plan.

(3) A direction under subsection (2) shall be in writing setting out reasons therefor.

(4) In directing a variation of the corporate plan, the Minister shall be guided by the objectives and policies of the Government.

(5) Where the Minister's response includes a direction to vary the corporate plan, the Board shall prepare a revised plan and submit it to the Minister within thirty days of being so directed and the Minister shall likewise respond within thirty days.

PART V

FINANCE

Trinidad and Tobago
Civil Aviation
Authority Fund

17. (1) There is hereby established a fund to be known as the "Trinidad and Tobago Civil Aviation Authority Fund" (hereinafter referred to as "the Fund").

- (2) The money of the Fund shall comprise—
- (a) appropriations by Parliament from the Consolidated Fund;
 - (b) such sums as are provided by foreign states, international organisations, multilateral or bilateral lending agencies or corporations for the exercise of any of the functions of the Authority; or
 - (c) sums received by or owed to the Authority in respect of the performance of its functions or the exercise of its powers.

18. The money of the Fund shall be applied in Application of Fund defraying the following expenditure:

- (a) the acquisition of property by the Authority in the course of performing its functions or exercising its powers;
- (b) the remuneration and allowances of members of the Board;
- (c) the remuneration, allowances, advances, loans, gratuities and pensions payable to employees;
- (d) contributions to the pension fund plan;
- (e) capital and operating expenses, including maintenance and insurance of the property of the Authority;
- (f) any other expenditure authorised by the Authority in the performance of its functions.

19. (1) The Authority shall, at least three months Estimates of expenditure before the commencement of each financial year, submit to the Minister, for his approval, estimates of expenditure in such form as the Minister may prescribe in accordance with GAAP.

(2) The Authority shall, at such time as the Minister directs, furnish him with any further information in relation to the estimates as he may require.

(3) The estimates of expenditure, as approved by the Minister, shall be the expenditure budget of the Authority for the financial year to which it relates.

Accounts and audit

20. (1) The Authority shall keep proper books of accounts and records, in accordance with GAAP, of all moneys received and expended and shall record the matters in respect of which such sums were received and expended.

(2) Within three months after the end of each financial year the Authority shall cause to be prepared, in respect of that year—

- (a) a report setting out the activities of the Authority; and
- (b) financial statements prepared in accordance with GAAP and any other statement as required by the Minister of Finance.

(3) In instances where the standards included in GAAP are inappropriate or inadequate the Treasury shall provide instructions.

(4) The accounts of the Authority are public accounts of Trinidad and Tobago for the purposes of section 116 of the Constitution.

Chap. 1:01

(5) As soon as the accounts of the Authority have been audited, the Auditor General shall submit his report in accordance with section 116 of the Constitution and shall forward a copy of the said report to the Minister.

Chap. 69:01

(6) For the purposes of an audit conducted pursuant to this Act, the Exchequer and Audit Act shall apply as if an audit referred to in this Part is one to which that Act applies.

(7) Nothing in this section precludes the Auditor General or an auditor engaged by the Board from performing a management or comprehensive audit of the activities of the Authority.

21. (1) The financial year of the Authority shall be ^{Financial year} the period of twelve months beginning the first day of October in any year to the thirtieth day of September in every year, but the period from the date of commencement of this Act to the end of September next following shall be deemed to be the first financial year.

(2) The Authority may, with the approval of the Minister of Finance, vary its financial year.

22. The Minister with responsibility for finance may, ^{Borrowing from Government} on behalf of the Government, out of money appropriated by the Parliament for that purpose, lend money to the Authority on such terms and conditions as he determines, in writing.

23. (1) The Authority may, with the approval of the ^{Borrowing from non-Government Services} Minister of Finance, borrow money from bodies or persons other than the Government.

(2) Money may be borrowed wholly or partly in foreign currency.

(3) The Authority may with the approval of the Minister with responsibility for Finance, give security over the whole or any part of its property for the due performance of its obligations incurred pursuant to this section.

24. (1) The Authority in the performance of its ^{Exemption from Central Tenders Board Ordinance, 1961} functions shall not be subject to the provisions of the Central Tenders Board Ordinance, however, until such time as the Authority makes its own tendering rules approved by the Minister and subject to a negative resolution of Parliament, the Authority shall observe the provisions of the Central Tenders Board Ordinance.

(2) Tendering rules made pursuant to subsection (1) shall govern the conduct of the award of tenders and related matters and shall be published in the *Gazette*.

(3) The Authority shall open every tender in public and indicate the parties to and contents of each tender received.

PART VI

STAFF

Board to employ staff **25.** The Board may—
(a) employ such staff as is required by the Authority for the proper administration of its functions;
(b) fix qualifications, terms and conditions of service and salaries for its employees.

Options available to public officers
Third Schedule **26.** (1) A person who, on commencement of this section, is a public officer appointed to an office listed in the Third Schedule, either by permanent or temporary appointment, in which he has served for at least two continuous years may, within three months of the date of commencement of this section exercise one of the following options:
(a) voluntarily retire from the Public Service on terms and conditions as agreed between him or his appropriate recognised association and the Chief Personnel Officer;
(b) transfer to the Authority with the approval of the Public Service Commission on terms and conditions no less favourable than those enjoyed by him in the Public Service; and
(c) remain in the Public Service.

(2) Where an officer exercises the option under subsection (1)(b), the Authority shall employ the officer on terms and conditions that are no less favourable than those that were enjoyed by him in the Public Service.

(3) Section 14 applies *mutatis mutandis* to officers transferred under this section.

27. (1) The Authority may employ any person, to perform such tasks that the Authority considers necessary for the due performance of its functions and exercise of its powers under this Act, on such terms and conditions as are agreed between the Authority and the person and subject to such maximum limit of remuneration as the Minister determines.

Employment of persons for specific tasks

(2) Section 14 applies *mutatis mutandis* to persons employed by the Authority under this section.

28. (1) The Authority shall within two years of the date of assent to this Act, establish a pension fund plan.

Establishment of pension fund plan

(2) All employees of the Authority shall be members of the pension fund plan.

29. The superannuation benefits which have accrued to a person who exercises the option under section 26(1)(b) shall be preserved at the date of this employment by the Authority, and such person shall continue to accrue superannuation benefits under the Pensions Act up to the date of commencement of the establishment of the pension fund plan on the basis of salary applicable to the office which he held immediately prior to his employment by the Authority.

Preservation and accrual of superannuation benefits

Chap. 23:52

30. (1) Where an employee of the Authority who had exercised the option referred to in section 26(1)(b) dies, retires or his post in the Authority is abolished or he is retrenched prior to the establishment of the pension fund plan, and at the date of the death, retirement, abolition or retrenchment he was in receipt of a salary higher than that referred to in section 29, the superannuation benefits payable to the employee or his estate shall be based on the higher salary.

Payment of superannuation benefits by Authority prior to the establishment of the pension fund

(2) The difference between the superannuation benefits payable on the basis of the higher salary and those payable under the Pensions Act on the basis of the salary referred to in section 29, shall be paid by the Authority.

Payment of
superannuation
benefits by pension
fund plan

31. (1) When an employee of the Authority who had exercised the option referred to in section 26(1)(b) dies, retires or his post in the Authority is abolished or he is retrenched and he was a member of the pension fund plan, he or his estate shall be paid superannuation benefits by the pension fund plan at an amount which when combined with the superannuation benefits payable under section 30 is equivalent to the benefits based on his pensionable service in the Public Service combined with his service in the Authority and calculated at his salary applicable to him on the date of his death, retirement, abolition of his office or retrenchment.

(2) For the purposes of subsection (1) “salary” has the meaning given to it by the pension fund plan.

PART VII

MISCELLANEOUS

Transitional

32. (1) Any scheme, contract, aviation document or resolution prepared, made, granted or approved by or on behalf of the Civil Aviation Division shall continue and be deemed to have been prepared, made, granted or approved by the Authority pursuant to this Act.

(2) All obligations and liabilities of the Civil Aviation Division immediately before the date of assent to the Act shall as from that date be the obligations and liabilities of the Authority and the Authority shall have all the necessary powers to discharge them.

(3) Where anything has been commenced by or on behalf of the Civil Aviation Division before the date of assent of the Act, such thing may be carried on and completed under the authority of the Authority.

(4) In any written law and in any document, unless the context otherwise requires, any reference to the Civil Aviation Division shall be construed as a reference to the Authority.

(5) All duties and functions carried out by the Department of the Ministry responsible for Civil Aviation immediately before the commencement of this Act shall from the date of commencement be carried out by the Authority.

33. The Schedules may be amended by Order of the Minister, subject to negative resolution of Parliament. ^{Amendment to Schedules}

FIRST SCHEDULE

[Section 12(3)]

APPOINTMENT OF BOARD

1. (1) A member of the Board, other than the Director General, holds office for a term not exceeding three years specified in the instrument of appointment and is eligible for reappointment. ^{Tenure and conditions of office}

(2) No member of the Board, other than the Director General shall hold office for more than two consecutive terms.

(3) The performance of the functions or the exercise of the powers of the Board is not affected by reason only of there being a vacancy in the membership of the Board.

(4) The appointment of a person is not invalidated and shall not be called into question by reason of a defect or procedural irregularity in, or in connection with, his appointment.

(5) The performance of the functions or the exercise of the powers of the Board is not affected by reason only that—

- (a) there is a vacancy in the office of the Chairman or Director General; or
- (b) the number of persons appointed under paragraph (1) falls below five for no longer than two months.

(6) A member who is absent without leave for three consecutive meetings of the Board is deemed to have resigned his membership of the Board.

(7) Where the President revokes the appointment of a member or the membership is terminated by death or resignation, that revocation or termination shall be notified in the *Gazette*.

Acting members

2. (1) The Minister may appoint a person who is not a member of the Board to act as a member—

- (a) during a vacancy in the office of a member whether or not an appointment has previously been made to the office; or
- (b) during the period when a member is absent from duty or from Trinidad and Tobago or is, for any reason (including the reason that a member is acting as Chairman), unable to perform the duties of the office of member, and a person appointed to act during a vacancy shall not continue to act for more than six months.

(2) An appointment of that person may be expressed to have effect only in such circumstances as are specified in the instrument of appointment.

(3) The Minister may—

- (a) determine the terms and conditions of appointment, including remuneration and allowances in respect of a person appointed to act under subparagraph (1); and
- (b) terminate such an appointment at any time.

(4) Where a person is acting in an office under paragraph (1)(b) and the office becomes vacant while the person is so acting, that person may continue so to act until the Minister otherwise directs, the vacancy is filled or a period of six months from the date on which the vacancy occurred expires, whichever occurs first.

Remuneration of members of Board

3. The Board shall pay its members such remuneration and allowances as approved by the Minister.

Leave of absence

4. The Chairman may excuse a member from attending a meeting of the Board.

Resignation of Chairman and members

5. (1) The Chairman may resign by instrument in writing addressed to the President, through the Minister.

(2) A member, other than the Chairman and the Director General, may resign by instrument in writing addressed to the Chairman, who shall cause it to be forwarded to the President through the Minister.

(3) The Director General may resign by instrument in writing addressed to the Board.

SECOND SCHEDULE

[Section 12(4)]

CONDUCT OF PROCEEDINGS

1. The Chairman or, if for any reason the Chairman is unable to act, Deputy Chairman—

Meeting of Board

(a) shall, not less than once every two months convene such meetings of the Board as are necessary for the efficient conduct of its functions; and

(b) shall, on receipt of a written request signed by not fewer than four members, convene a meeting of the Board.

2. The Minister may at any time convene a meeting of the Board by written notice to the Chairman.

Convening of meeting

3. The quorum of a meeting of the Board is five members.

Quorum

4. (1) The Chairman shall preside at all meetings of the Board at which he is present.

Procedure at meetings

(2) In the event of the absence of the Chairman from a meeting of the Board, the Deputy Chairman shall preside at the meeting.

(3) In the event of the absence of both the Chairman and the Deputy Chairman from a meeting of the Board, the members present shall elect one of their number to preside at that meeting.

(4) All questions arising at a meeting of the Board shall be decided by a majority of the votes of the members present and voting, including the member presiding.

(5) In the event of an equality of votes on a resolution proposed at a meeting of the Board, the resolution shall be taken

not to be passed but if the same resolution is proposed at the first meeting of the Board held after the date of that first mentioned meeting and there is again an equality of votes, the member presiding has a casting vote on the resolution.

(6) The Board may by resolution, determine the conduct of proceedings of meetings.

(7) The Board shall provide a signed and confirmed copy of the minutes to the Minister within one week of a meeting.

THIRD SCHEDULE

(Section 26)

OFFICES IN THE PUBLIC SERVICE ON ESTABLISHMENT OF THE CIVIL AVIATION DIVISION

Director of Civil Aviation
Deputy Director of Civil Aviation
Assistant Director of Civil Aviation
Air Traffic Service Instructor
Airworthiness Inspector
Air Traffic Controller IV
Chief Instructor
Instructor's Aide, Air Traffic Services
Administrative Officer IV
Air Traffic Controller III
Air Traffic Controller II
Air Traffic Controller I
Air Traffic Controller Assistant
Flight Operations/Licencing Officer
Administrative Assistant
Clerk IV
Clerk III
Clerk II
Clerk I
Clerk Stenographer III
Clerk Stenographer II
Clerk Stenographer I
Clerk Typist I
Male Airport Attendant III
Storekeeper I
Male Airport Attendant II
Female Airport Attendant II
Automotive Mechanic

Motor Vehicle Driver
Accounting Assistant
Male Airport Attendant I
Female Airport Attendant I
Messenger I
Electronics Engineer
Telecommunications and Electronics Technician III
Telecommunications and Electronics Technician II
Telecommunications and Electronics Technician I
Air Traffic Radar Systems Manager
Electronic Maintenance Engineer

Passed in the Senate this 2nd day of May, 2000.

D. DOLLY

Acting Clerk of the Senate

Passed in the House of Representatives this 11th day
of May, 2000.

J. SAMPSON-JACENT

Clerk of the House

House of Representatives amendments agreed to by
the Senate this 16th day of May, 2000.

D. DOLLY

Acting Clerk of the Senate