



TERMS OF REFERENCE AND SCOPE OF SERVICES

CONSULTANCY SERVICES (INDIVIDUAL) TAL/ICS/A-B06.2

AVIATION ADVISOR FOR THE CIVIL AVIATION DIVISION OF THE MINISTRY OF INFRASTRUCTURE, TONGA

1. BACKGROUND

- 1.1 The Government of Tonga is currently implementing the Pacific Aviation Investment Program (PAIP), supported by the World Bank. PAIP is a regional aviation program with the development objective to provide safe and secure air transport operations and environmentally sustainable and efficient airports. PAIP is currently implementing key aviation investments in four (4) Pacific Island countries: Kiribati, Samoa, Tonga and Tuvalu, and other countries may join in future phases. The program's Implementing Entity is Tonga Airports Ltd (TAL), who leads the program via the Technical and Fiduciary Services Unit (TFSU).
- 1.2 PAIP is being implemented in recognition of the key place of transport in the economic and social development of each participating country and the need to strengthen the efficiency and viability of this sector. Reviews of the transport sectors in each country point to the need to mainstream disaster risk reduction and climate change adaptation into infrastructure planning and management. Addressing climate change by providing carbon-neutral airport facilities are part of this investment program, as are investments in alternative and sustainable energy efficient technologies. This will help ensure that the airports are operated in an environmentally sustainable manner.
- 1.3 Investments under PAIP fall under four main components:-

Component A: Aviation Infrastructure Improvements: This component will invest in the aviation infrastructure at the three project airports so that they are able to meet ICAO standards, while preserving and extending the service life of existing airport assets.

Component B: Aviation Sector Reform: This component will support aviation sector reform through the provision of support to the Civil Aviation Departments/Authorities of each country. These investments will be targeted to (i) support the strengthening of each State's civil aviation system (through the adoption and implementation of new Civil Aviation Regulations; agreed corrective action plans following ICAO safety and security audits of each

State and targeted capacity building and training of each CAA); and (ii) to assist in the capacity and efficiency of the regional safety oversight agency, the Pacific Aviation Safety Office (PASO).

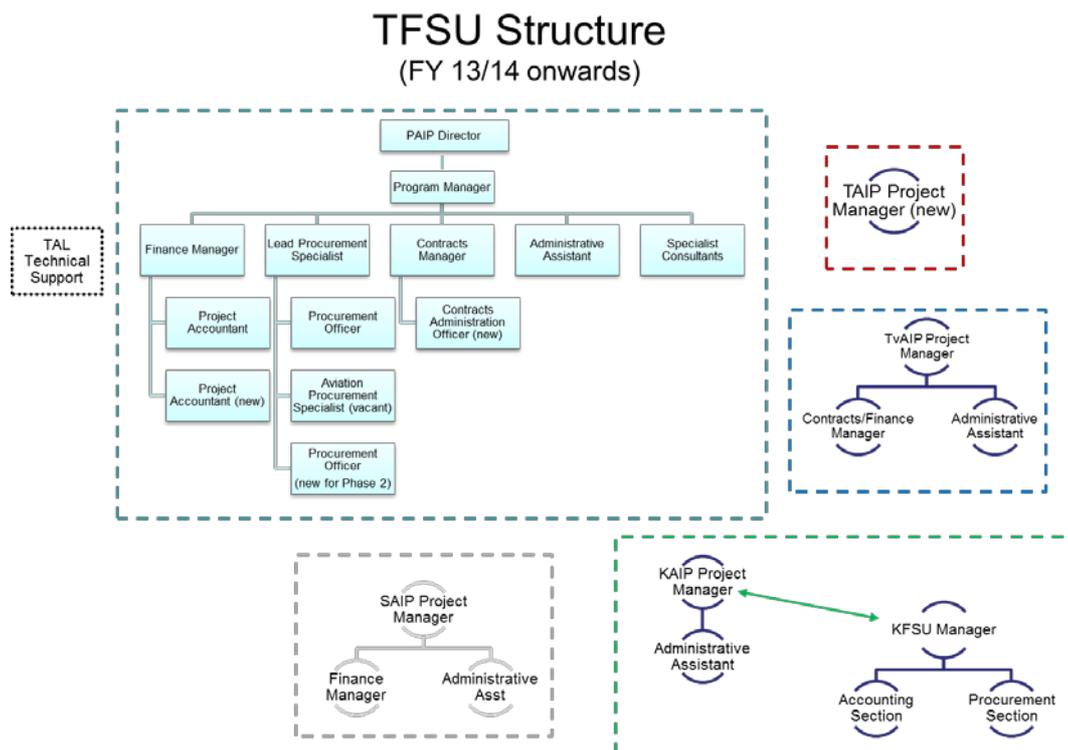
Component C: Strengthening Airport Operations and Management Capacity:

During Phase 1 of the Program, this project will coordinate regional studies: (i) Options for Regional Aviation Supply; (ii) Long-Term Sustainability of Aviation Infrastructure; and (iii) Analysis of Flight Information Region (FIR).

Component D: Program Support and Training: (i) Support to the Technical and Fiduciary Services Unit (TFSU) to implement the Program and Implementing Agent (Tonga Airports Limited) to support the project as necessary.

1.4 Day to day implementation of PAIP is led by the **‘Technical and Fiduciary Services Unit (TFSU)’**, and supported by Tonga Airports Ltd. Each country will have a Project Support Team (PST) who will drive in-country project implementation and work closely with the TFSU. The TFSU also acts as the Tonga project team.

1.5 **Figure 1** shows the Phase 2 implementation arrangements.



The objective of the TSCP project is to assist the Government of the Kingdom of Tonga to develop its transport sector to have;

- stronger policy, planning and regulatory institutions and framework;
- improved safety and security facilities and compliance with international safety and security standards, and
- Greater domestic capacity for road rehabilitation and maintenance.

Whilst this assignment is engaged through the Tonga Aviation Investment Project (TAIP), it is expected that the Aviation Advisor will coordinate the services with the Ministry and TSCP to achieve complementing objectives and activities of both the TSCP and projects.

2. ASSIGNMENT BACKGROUND

The Civil Aviation Division (CAD) of the Tonga Ministry of Infrastructure (MOI) is responsible for the implementation and enforcement of appropriate systems of rules and regulations to guide the safe and secure operations of the civil aviation sector in Tonga.

The Civil Aviation Division adheres to National and International Legislation. (Refer Table 1 and 2).

CIVIL AVIATION NATIONAL LEGISLATION FRAMEWORK

Table 1

CIVIL AVIATION National Legislation Framework
Transport Act 2008
Civil Aviation Act 1990
Civil Aviation Regulations 1992 and its subsequent amendments
Aircraft Offences 1977
Extradition Act 19 of 1972 and 46 of 1988
Aircraft Offences (Amendment) Act 2005
Civil Aviation Notices (CANs) promulgated in 1996
Civil Aviation (Amendment) Act 2003
Carriage by Air Act 1991
Civil Aviation (Airport Charges) Regulations 2008
Civil Aviation (Licensing Charges) (Amendment) Regulations 2012
Customs Aerodromes Designation
Customs Airports Regulations

CIVIL AVIATION INTERNATIONAL LEGISLATION FRAMEWORK

Table 2:

CIVIL AVIATION INTERNATIONAL PRIMARY LEGISLATION FRAMEWORK
Chicago Convention 1944

Hague Protocol 1955

Hague Convention 1970

Montreal Convention 1971/ 1999

Montreal Supplementary Protocol 1988

Vienna Convention 1969

Tokyo Convention 1963

Convention on the Marking of Plastic Explosives for the Purpose of Detection 1991

Warsaw Convention 1929

As highlighted in the Ministry of Infrastructure's (MOI) current Corporate Plan (2013-2016), the Civil Aviation Division (CAD) continues to face challenges due to capacity constraints in addressing deficiencies in safety and security oversight and promoting the aviation sector in Tonga. This includes the addressing of ICAO USOAP audits, the inadequate quality management systems (QMS) and operational systems within CAD, outdated legislation framework, lack of Aviation Policies and Procedures manuals and certification resources (financial and human resources). TAIP investments, including this assignment, are targeted to address Tonga's current ICAO compliance levels, with a project target towards the global average.

In accordance with Tonga's ratification of the Pacific Islands Civil Aviation Safety and Security Treaty (PICASST), Tonga, like other Pacific Island Forum Member countries, is a member of the Pacific Aviation Safety Office (PASO). PASO is a regional organization based in Vanuatu and provides aviation safety and security technical oversight services to Tonga to support the safe functioning of Tonga's aviation sector. Through TAIP, Tonga's support to PASO has been strengthened through the provision of grant financing to provide for expanded usage of PASO services to support Tonga CAD and Tonga's aviation sector.

3. OBJECTIVES

The main objectives of this assignment are to:

- (i) Provide technical advice and support to the CEO of MOI, in all aspects of the Civil Aviation regulation and compliance.
- (ii) Provide support to the CEO of MOI to facilitate improved, effective and efficient safety and security oversight, including enhanced relationships with PASO in accordance with Tonga's membership of PICASST, and other accredited technical bodies;
- (iii) Provide support to the CEO of MOI in the development and enhancement of the aviation sector in Tonga in accordance with national and international aviation standards. Particular focus shall be in improving Tonga's compliance level with ICAO standards;

- (iv) Provide support to the CEO of MOI in developing a strategic plan (including drafting of high level policies and Corporate Plan strategies) for aviation sector development consistent with aviation safety and security aligned to Tonga's National Strategic Development Plan 8, and in consideration of the economic regulation and policies developed by MOI.

4. SCOPE OF WORK

The scope of work for this assignment includes but is not limited to;

- Technical Assistance: Liaise and work with the CEO in providing ongoing technical regulatory advice to the responsible Minister.
- Liaise and work with the CEO to strengthen internal systems within CAD and MOI to ensure that technical advice is sourced from accredited technical bodies, such as the Pacific Aviation Safety Office (PASO) in accordance with Tonga's obligations under PICASST¹;
- Liaise and work with the CEO to establish and update the aviation legislation framework in accordance with ICAO requirements.
- Liaise and work with the CEO to administer Tonga's international aviation safety and security obligations and agreements.
- Liaise and work with the CEO to provide technical advice relating to safety standards for entry into, and continued compliant operations within, the civil aviation system in Tonga.
- Liaise and work with the CEO to ensure the availability of appropriate facilities and services within the civil aviation system for safe and orderly air navigation.
- Liaise and work with the CEO to ensure the establishment of the Aeronautical Information Service so as to meet international obligations (Annex 15) and ensure the collection, publication and provision of charts and aeronautical information, and to enter into arrangements with any other agency or person to collect, publish and distribute such charts and information.
- Liaise and work with the CEO to promote "safety" in the civil aviation system by providing industry safety performance advice and fostering safety information education programs.
- Liaise and work with the CEO to identify specific training requirements and available training program opportunities for CAD staff. Such programs shall give due consideration to Tonga's obligations under PICASST as a PASO member state, and the need to strengthen the State roles and relationships with international and regional organisations. Consideration shall be given to the Training Needs Analysis (TNA) undertaken by TAIP, as well as reports developed under the Transport Sector Consolidation Project (TSCP) regarding staffing levels and training/capacity-building developments.
- ICAO USOAP Corrective Action Plans: Liaise and work with the CEO on the rectification program for deficiencies identified in ICAO audits and by PASO.

¹ Pacific Island Civil Aviation Safety and Security Treaty (PICASST)

- Liaise and work with the CEO to ensure regular reviews of the civil aviation system to promote the improvement and development of its safety.
- Liaise and work with the CEO to maintain and preserve records and documents relating to activities within the civil aviation system, and in particular to maintain the Register of Aircraft, Civil Aviation Records and a record of every order, directive, certificate, license, approval, authorisation, delegation, and dispensation, along with every accident and incident including for all these an address for service of every 'aviation document' holder.
- Liaise and work with the CEO to investigate and review accidents and incidents in its capacity as the responsible safety regulator (subject to the limitations required permitting an independent agency to adequately investigate accidents when appropriate) and produce safety recommendations.
- Liaise and work with the CEO to impose fair and reasonable charges for the provision of safety regulatory services to ensure that it does not inhibit the development and growth of the aviation industry.
- Liaise and work with the CEO in building relationships with operators, regional associations and international organisations with a particular focus on strengthening the credibility of the safety and security of Tonga's aviation sector. .
- Provide ongoing broad advice and support across the aviation sector to the CEO including advice on global aviation matters affecting national developments.
- Provide capacity building to support professional development of relevant CAD staff in accordance with their roles and responsibilities.

In undertaking this assignment, the Consultant shall give due consideration to the particular characteristics of Tonga's aviation industry and regulatory division, including industry size, relationships with regional bodies such as PASO, obligations as an ICAO contracting state, and long-term sustainability of systems to support the industry.

The Consultant shall ensure consistency with previous reports developed under the Tonga Aviation Investment Project (TAIP) and the Transport Sector Consolidation Project (TSCP). In addition, the Consultant will be expected to approach this assignment in a collaborative and pro-active manner in order to achieve practical outcomes, and to engage with a number of stakeholders, including the CEO of MOI primarily, as well as TAIP, TFSU, TSCP and the World Bank.

5. DELIVERABLES

A time-based contract is expected to be signed with the Consultant.

The Consultant will report directly to the Chief Executive Officer of the Ministry of Infrastructure.

The Consultant will be expected to provide the following formal reports during the course of this assignment:

- **Inception Report**
 - A brief report including a proposed detailed work plan and time line. This report should be submitted to MOI, PAIP TFSU and World Bank no later than 2 weeks from commencement of the assignment. The inception report should be submitted in soft (1x) and hard copy (3x).
- **Regular Monthly Reports:**
 - A brief monthly report will be submitted no later than 1 week following the end of each month to MOI, PAIP TFSU, TSCP PST and World Bank. These monthly reports should be submitted in soft copy via email, and include:
 - key activities undertaken in the reporting month;
 - major issues / achievements;
 - recommendations for future action;
 - workplan and key activities for the next month;
 - any other issue as may be required by the Client.
- **Final Report:**
 - A final report shall be submitted no later than 2 weeks at the start of the final month of assignment to MOI, PAIP TFSU, TSCP PST and the World Bank. The report should include key progress achieved over assignment period and key recommendations for further work required with a clearly outlined implementation plan/program. The final report should be submitted in soft (1x) and hard copy (3x).

In addition, the Consultant will be expected to produce working papers or other documentation during the course of the assignment as necessary to support the Client and to achieve the objectives of the assignment.

6. QUALIFICATIONS

- The Consultant must have:
 - A minimum 10 years of experience in the aviation sector, preferably in aviation regulatory or quality assurance roles, with international experience on airworthiness desirable
 - A relevant tertiary qualification from a recognized institution
 - Demonstrated experience in the development of high-level policy documents and sector strategies in aviation sector
 - Regional knowledge and experience with small Civil Aviation Authorities would be highly desirable;
 - Excellent verbal, written and presentation communication skills in English with demonstrable high level reporting skills

- Experience with Pacific Island regulatory frameworks, or similar, would be an advantage;
- Demonstrated pro-active working style and ability to work well with people from multiple cultures and backgrounds.
- Demonstrable experience or familiarity with the New Zealand Aviation rule system
- Proven experience in working pro-actively, as part of a team and also in managing own inputs with minimal supervision at time and incorporating and managing inputs from diverse stakeholders
- Leadership and advocacy skills and an ability to build effective teams and relationships

7. LEVEL OF EFFORT AND SCHEDULE

- It is estimated that about 12 persons month input will be required and will be based full-time in-country, commencing as soon as possible o/a November 2014. The Consultant will be expected to approach the assignment with a high degree of collaboration with the Client, PAIP TFSU, TSCP PST and the World Bank.

8. SERVICES AND FACILITIES TO BE PROVIDED BY THE CLIENT

- Reasonable access to a vehicle for local travel for project related business.
- Computer, furnished office, international and local phone line and access to the internet.