

MINISTRY OF TRANSPORT

COMMERCIAL NON-SCHEDULED INTERNATIONAL FLIGHTS

Information for international airlines and charterers

1. Introduction

- 1.1 Under Section 87ZE of the Civil Aviation Act 1990, non-scheduled international flights to or from New Zealand, engaged in the carriage of passengers, cargo or mail for remuneration or hire, may be operated only as authorised by the Secretary for Transport, and in accordance with such conditions as the Secretary may impose. These conditions are subject to any guidelines specified by the Minister of Transport.¹
- 1.2 The information in this pamphlet applies to most **commercial** international flights **other than** a “scheduled international air service”.² It does not apply to non-scheduled, non-stop flights operated between New Zealand and separately: Australia; Brunei; the Cook Islands; Luxembourg; Malaysia; Singapore; the United Arab Emirates; or the United States of America, by an airline that holds an open aviation market licence, the requirements and procedures for which are set out in two separate pamphlets. Nor does the information here apply to international ferry and private flights, for which authorisation under Section 87ZE of the Act is not required.
- 1.3 The powers of the Secretary for Transport relating to commercial non-scheduled international flights are usually exercised under delegated authority by the Deputy Secretary Air Services or officers of the Ministry’s Air Services Team.
- 1.4 Before non-scheduled services can be commenced between New Zealand and other countries or territories, operators must also meet the requirements of the relevant authorities in each of those other countries or territories.

¹ A copy of the instrument by which the Minister has issued guidelines is available on request to the Ministry (see contact details in Section 2 of this pamphlet).

² As defined by Section 87A of the Civil Aviation Act 1990, *scheduled international air service* means a series of flights performed by aircraft for the transport of passengers, cargo, or mail between New Zealand and one or more points in any other country or territory, where the flights are so regular or frequent as to constitute a systematic service, whether or not in accordance with a published timetable, and which are operated in such a manner that each flight is open to use by members of the public. See also paragraphs 3.2 - 3.4 in this pamphlet.

2. Applications

- 2.1 An application for authorisation of a commercial non-scheduled international flight must be made by the operator of the aircraft - not by a charterer. However, for preliminary inquiries, particularly in relation to a series of charter flights, operators and/or charterers should contact the Principal Adviser, Air Services at the address or fax in paragraph 2.2 below, or telephone + 64-4-439 9347 (DDI) or + 64-4-472 1253.
- 2.2 An application should be lodged with the Secretary for Transport at the following address: Ministry of Transport, Level 6, Novell House, 89 The Terrace, Wellington, or P O Box 3175, Wellington (FAX: + 64-4-439 9004) - for attention Principal Adviser - Air Services Team. (The Ministry does not have AFTN or SITA links.) There is no fee, nor any application form.
- 2.3 After hours, applications may be made by telephone to:
Principal Adviser - Air Services Team (John Macilree): +64-21-439 9347; or
Deputy Secretary (John Bradbury): +64-4-569 5516

Advance notice required

- 2.4 In order to avoid delay and inconvenience, applications should be made as early as possible, and not less than five working days before a single flight or 30 days before the first of a series of flights.

Information requirements

- 2.5 Applications should include the following information:
- (a) name, address, telephone and fax numbers, and internet address (if there is one) of the operator and, where applicable, the New Zealand agent;
 - (b) the operator's country of domicile, if different from the above, and the principle place of operation in that country;
 - (c) name and address of the charterer, if any, and where applicable, the New Zealand agent;
 - (d) type of aircraft, with configuration of passenger flight(s);
 - (e) purpose of flight(s);
 - (f) number of flight(s) and routing(s);
 - (g) airports in New Zealand to be used;
 - (h) date(s) and time(s) of arrival and departure;
 - (i) details of traffic to be taken on or set down in New Zealand:
 - number, origin and destination of passengers (it is appreciated that numbers may not be known at the time of application)
 - nature, origin and destination of cargo; and
 - (j) certification that operator has third-party insurance cover for any portion of the flight(s) over or within New Zealand.
- 2.6 For passenger flights, applicants may also be requested to submit their proposed fares.

2.7 Operators not requiring a Foreign Air Operator Certificate issued under Civil Aviation Rule Part 129 (see paragraph 3.6) must also provide the following additional information.

- (k) Details of Air Operator Certificate or equivalent document and the identity of the issuing civil aviation authority.
- (l) Address, telephone and fax numbers of the civil aviation authority that has principle oversight of the operator's organisation.

2.8 For operators not requiring a Part 129 Certificate, the Ministry of Transport will forward information received to the Civil Aviation Authority. If the Civil Aviation Authority is satisfied with the information received, the Ministry of Transport will take this into account in its consideration of the flight application.

3. General conditions for authorisation of flights

3.1 Applications for commercial non-scheduled international flights are assessed on a case-by-case basis. The following general conditions are provided for the guidance of applicants.

Circumvention of bilateral air services arrangements

3.2 Authorisation will not be given where this would allow the circumvention of bilateral arrangements, relating to scheduled air services, between the Government of New Zealand and the government of any other country or territory.

3.3 In assessing whether a series of flights constitutes a scheduled air service, authorisation will not be given to one or more series that would extend continuously beyond a period of six months on a particular route unless there are exceptional circumstances. An example of an exceptional circumstance may be where a series of flights is intended to test the market for a new route.

3.4 The carriage of cabotage traffic within New Zealand is not permitted unless that right has been granted in the arrangements between the New Zealand Government and the government of the country or territory where the applicant operator is based.

Safety and security requirements

3.5 All non-scheduled international flights must meet the safety and security requirements of the Civil Aviation Authority (CAA) of New Zealand. Operators should address inquiries to the CAA, at the following address:

P O Box 31-441, Lower Hutt, New Zealand, or fax +64 - 4 - 569 2024.

- 3.6 Civil Aviation Rule Part 129 requires every operator not domiciled in New Zealand who is conducting international air transport operations (the carriage of passengers or goods for hire or reward) of:
- (a) More than two take-offs or landings within New Zealand in any consecutive 28 day period, or
 - (b) More than eight take-offs or landings within New Zealand in any consecutive 365 day period,

to hold a Foreign Air Operators Certificate issued under Part 129, except where the operations are conducted for the purpose of medical emergencies, including evacuations, or the carriage of medical supplies or body organs.

- 3.7 Applications for the issue of a Foreign Air Operator Certificate are to be addressed to:

Manager Flight Operations - Airlines
Civil Aviation Authority of New Zealand
P O Box 31-441
Lower Hutt
New Zealand

Tel: +64-4-560 9400
Fax: +64-4-560 9452

After hours: Tim Allen
Tel: +64-4-560 9422
Mob: +64-27-451 2563

NOTES

A. The information in this pamphlet is correct at the time of publication (see date below) but may be amended in future editions. If in doubt, a check should be made with the Ministry (see Section 2 for contact details) to ascertain whether this edition of the pamphlet is still current. Changes since the June 2000 edition of this pamphlet have been made to contact details for the Ministry of Transport and the Civil Aviation Authority after hours.

B. Applicant operators or their New Zealand agents should also consult the Facilitation Section of the New Zealand Aeronautical Information Publication (NZAIP) Planning Manual for information on other aspects of arrival, departure and transit requirements at New Zealand airports.

Air Services Team
Ministry of Transport
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