

Proactive Release

This document is proactively released by Te Manatū Waka the Ministry of Transport.

Some information has been withheld on the basis that it would not, if requested under the Official Information Act 1982 (OIA), be released. Where that is the case, the relevant section of the OIA has been noted and no public interest has been identified that would outweigh the reasons for withholding it.

***Note - N/A (see below)**

Listed below are the most commonly used grounds from the OIA.

N/A - Document released in full. No information has been withheld for this proactive release

<u>Section</u>	<u>Description of ground</u>
6(a)	as release would be likely to prejudice the security or defence of New Zealand or the international relations of the New Zealand Government
6(b)	as release would be likely to prejudice the entrusting of information to the Government of New Zealand on a basis of confidence by <ul style="list-style-type: none">(i) the Government of any other country or any agency of such a Government; or(ii) any international organisation
6(c)	prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial
9(2)(a)	to protect the privacy of natural persons
9(2)(b)(ii)	to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information
9(2)(ba)(i)	to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public
9(2)(ba)(ii)	to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest
9(2)(f)(ii)	to maintain the constitutional conventions for the time being which protect collective and individual ministerial responsibility
9(2)(f)(iv)	to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials
9(2)(g)(i)	to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty
9(2)(h)	to maintain legal professional privilege
9(2)(i)	to enable a Minister of the Crown or any public service agency or organisation holding the information to carry out, without prejudice or disadvantage, commercial activities
9(2)(j)	to enable a Minister of the Crown or any public service agency or organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)

In Confidence

Office of the Acting Minister of Transport

Cabinet Legislation Committee

Civil Aviation (Offences) Amendment Regulations 2025

Proposal

- 1 This paper seeks authorisation to submit the Civil Aviation (Offences) Amendment Regulations 2025 (the Regulations) to the Executive Council.

Policy

- 2 In September 2024, the Cabinet Expenditure and Regulatory Review Committee (EXP) agreed to a suite of actions to support advanced aviation. The Committee also noted my intention to approve amendments to the Civil Aviation Rules necessary to give effect to these actions, without further reference to Cabinet unless a significant policy issue or risk emerged [EXP-24-MIN-0045].
- 3 On 29 July 2025, Cabinet authorised me to make decisions on offences and penalties necessary to support enforcement and implementation of the new and amended rules, and to instruct the Parliamentary Counsel Office (PCO) to draft the necessary regulations [EXP-25-MIN-0072 refers].
- 4 The amendments to the Civil Aviation (Offences) Regulations 2025 are authorised by section 407 of the Civil Aviation Act 2023 and are required to:
 - 4.1 identify breaches of new rule provisions as offences and provide appropriate penalties; and
 - 4.2 reflect changes in rule provisions in Part 101 (Gyrogliders and Parasails, Unmanned Aircraft (including Balloons), Kites, and Rockets – Operating Rules) and 102 (Unmanned Aircraft Operator Certification), particularly where Part 101 will now permit certain activities that previously required certification under Part 102.
- 5 The structure and content of the amended offence provisions ensure they are clear, enforceable, and aligned with the updated rules. Changes include:
 - 5.1 introducing new offences under the proposed Civil Aviation Rule under Part 107 (Research and Development Organisation Certification). These offences will support enforcement of the new rule, which is designed to facilitate experimental and developmental aircraft and systems operations, reduce the need for time-consuming amendments or re-certification, and ease pressure on the current certification process;

- 5.2 updating offence provisions to reflect changes in rule numbering, structure, and terminology, ensuring consistency across the regulatory framework;
- 5.3 consolidating offences where operational detail is now set out in a transport instrument, allowing a single offence provision to apply to breaches of both the rule and its associated transport instrument; and
- 5.4 removing outdated offences linked to revoked or superseded rule provisions.

6 Penalties have been reviewed to ensure they remain proportionate and consistent with existing enforcement approaches. This includes maintaining alignment between comparable offences across rule parts and ensuring that both individuals and body corporates are subject to appropriate maximum fines and infringement fees.

7 The offence provisions have been structured to ensure that breaches of these instruments are enforceable as breaches of the associated rules.

8 In parallel to the process for finalising these Regulations, I will receive the amended rules for my approval. The full suite of actions to support advanced aviation is expected to be in place by the end of 2025.

Timing and the 28-day rule

9 The Regulations will come into force on 22 December 2025. A waiver of the 28-day rule is not being sought.

Compliance

10 The Regulations comply with:

- 10.1 the principles of the Treaty of Waitangi;
- 10.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993;
- 10.3 the principles and guidelines set out in the Privacy Act 2020;
- 10.4 relevant international standards and obligations; and
- 10.5 the Legislation Guidelines (2021 edition), which are maintained by the Legislation Design and Advisory Committee.

11 The Regulations do not include any Treaty of Waitangi provisions and advice was not sought from the Treaty Provisions Officials Group.

Regulations Review Committee

12 No grounds have been identified for the Regulations Review Committee to draw the Regulations to the attention of the House of Representatives.

Certification by Parliamentary Counsel

13 The draft Regulations were certified by the Parliamentary Counsel Office as being in order for submission to Cabinet, subject to the referenced Civil Aviation Rules being signed into law.

Impact Analysis

14 A Regulatory Impact Statement was not required for this paper, as no new policy decisions are being sought. The proposed Civil Aviation (Offences) Amendment Regulations 2025 are consequential to policy decisions already agreed by Cabinet in September 2024 [EXP-24-MIN-0045] and July 2025 [EXP-25-MIN-0072] and are consistent with existing offences and penalties regimes.

Publicity

15 The Civil Aviation (Offences) Amendment Regulations 2025 and the associated Civil Aviation Rules will be notified in the New Zealand Gazette on 20 November 2025.

Proactive Release

16 This paper will be proactively released within 30 business days after it has been confirmed by Cabinet. It will be subject to redaction, as appropriate, under the Official Information Act 1982.

Consultation

17 The Ministry of Business, Innovation and Employment, the Civil Aviation Authority, the Ministry of Justice (including the Offences and Penalties Vetting team), the Parliamentary Counsel Office, and the Treasury were consulted on this paper. The Department of the Prime Minister and Cabinet was informed.

Recommendations

I recommend that the Cabinet Legislation Committee:

- 1 **note** that in September 2024, the Cabinet Expenditure and Regulatory Review Committee (EXP) agreed to a suite of actions to support advanced aviation, and noted my intention to approve amendments to the Civil Aviation Rules necessary to give effect to the set of actions, without further reference to Cabinet, unless a significant policy issue or risk emerged [EXP-24-MIN-0045]
- 2 **note** that on 29 July 2025, EXP authorised me to make decisions, consistent with existing settings, on offences and penalties necessary to support enforcement and implementation of the new Civil Aviation Rule Part 107 and rule changes to Civil Aviation Rules Parts 101 and 102, and to issue drafting instructions to the Parliamentary Counsel Office for the necessary regulations [EXP-25-MIN-0072]
- 3 **note** that the Civil Aviation (Offences) Amendment Regulations 2025 will give effect to the decisions referred to in paragraphs 1 and 2 above

- 4 **authorise** the submission to the Executive Council of the Civil Aviation (Offences) Amendment Regulations 2025
- 5 **note** that the Civil Aviation (Offences) Amendment Regulations 2025 will come into force on 22 December 2025.

Authorised for lodgement.

Hon James Meager

Acting Minister of Transport

PROACTIVELY RELEASED BY
THE MINISTRY OF TRANSPORT TE MANATU WAKA

Civil Aviation (Offences) Amendment Regulations 2025

Order in Council

At Wellington this ~~day of~~ ~~TE~~ 2025

Present:
in Council

These regulations are made under section 407 of the Civil Aviation Act 2023—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Transport.

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Regulations

1 Title

These regulations are the Civil Aviation (Offences) Amendment Regulations 2025.

2 Commencement

These regulations come into force on 22 December 2025.

3 Principal regulations

These regulations amend the Civil Aviation (Offences) Regulations 2025.

4 Schedule 3 amended

- (1) In Schedule 3, revoke the items relating to rules 101.11, 101.15, 101.205(a), 101.205(b), 101.207(a)(1)(i), 101.207(a)(1)(ii), 101.207(a)(2), 101.207(a)(3), 101.207(c), 101.213(a), and 101.213(b).
- (2) In Schedule 3, replace the items relating to rules 101.7(c), 101.203, 101.209, 101.211 and 101.215(b) with the corresponding items set out in Schedule 1 of these regulations.
- (3) In Schedule 3, insert in their appropriate numerical order the items set out in Schedule 2 of these regulations.

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Schedule 1
Items replaced in Schedule 3

							r 4(2)
Rule 101.7(c)	Person must not operate unmanned aircraft, gyroglider, or parasail within designated danger area unless person has established that danger area activity will not adversely affect safety.	2,500	15,000	1,000	6,000		
Rule 101.203	Person must not operate control line model aircraft with single or multiple wire system unless in accordance with prescribed requirements.	1,250	7,500	500	3,000		
Rule 101.209	Person operating remotely piloted aircraft or free flight model aircraft must operate within prescribed visual line of sight or in accordance with prescribed conditions.	1,250	7,500	500	3,000		
Rule 101.211	Person must not operate remotely piloted aircraft or free flight model aircraft at night unless in accordance with prescribed conditions.	2,500	15,000	1,000	6,000		
Rule 101.215(b)	Person must not operate remotely piloted aircraft within prescribed gross mass limits unless in accordance with prescribed requirements.	2,500	15,000	500	3,000		

Schedule 2
New items inserted into Schedule 3

							r 4(3)
Rule 101.11(a)	Person must not operate unmanned aircraft, kite, rocket, gyroglider, or parasail in controlled airspace unless prior authorisation from responsible ATC unit is obtained or the conditions of a shielded operation are complied with.	5,000	30,000	2,000	12,000		
Rule 101.11(b)	Person operating unmanned aircraft in controlled airspace must comply with prescribed requirements.	5,000	30,000	2,000	12,000		
Rule 101.15(b)	Person operating unmanned aircraft, kite, rocket, gyroglider, or parasail must not allow object to be dropped in flight that creates hazard to other persons or property.	5,000	30,000	2,000	12,000		
Rule 101.15(c)	Person operating unmanned aircraft must not carry out aerial spraying, aerial topdressing, or application of vertebrate toxic agent.	5,000	30,000	2,000	12,000		
Rule 101.205	Person must not operate remotely piloted aircraft or free flight model aircraft within specified boundaries of aerodrome unless in compliance with prescribed requirements.	1,250	7,500	500	3,000		
Rule 101.207(a)	Person must not operate remotely piloted aircraft in airspace above persons or property unless in compliance with prescribed requirements.	2,500	15,000	500	3,000		
Rule 101.207(b)	Person must not operate remotely piloted aircraft above 400 feet above ground level unless in compliance with prescribed requirements.	2,500	15,000	500	3,000		
Rule 101.213	Person operating remotely piloted aircraft, control line model aircraft, or free flight model aircraft must comply with prescribed requirements regarding right of way.	5,000	30,000	2,000	12,000		
Rule 101.215(a)	Person must not operate remotely piloted aircraft, control line model aircraft, or free flight model aircraft that exceeds prescribed gross mass weight.	2,500	15,000	500	3,000		

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Part 107	Research and Development Organisation Certification					
Rule 107.5	Person must not exercise the privileges under rule 107.11 except under authority of research and development organisation certificate.	5,000	30,000	2,000	12,000	
Rule 107.13	Holder of research and development organisation certificate must only operate unmanned aircraft or manned aircraft in specified places and in accordance with specified conditions and procedures.	5,000	30,000	1,000	6,000	
Rule 107.19	Holder of research and development organisation certificate must notify Director within 30 days of ceasing to offer research and development activities.	1,250	7,500	500	3,000	
Rule 107.101(1)	Holder of research and development organisation certificate must have complete and current copy of its exposition accessible to personnel at each work location specified in its exposition.	1,250	7,500	500	3,000	
Rule 107.101(2)	Holder of research and development organisation certificate must comply with procedures and systems detailed in its exposition.	5,000	30,000	2,000	12,000	
Rule 107.101(3)	Holder of research and development organisation certificate must make applicable parts of exposition available to personnel.	1,250	7,500	500	3,000	
Rule 107.101(4)	Holder of research and development organisation certificate must continue to meet standards and comply with Subpart B certification requirements.	5,000	30,000	2,000	12,000	
Rule 107.103(a)	Holder of research and development organisation certificate must ensure exposition is amended as required.	2,500	15,000	500	3,000	
Rule 107.103(b)(1)	Certificate holder must ensure amendments to exposition meet applicable requirements of Part 107.	2,500	15,000	500	3,000	
Rule 107.103(b)(2)	Certificate holder must ensure amendments to exposition comply with amendment procedures in exposition.	675	3,750	250	1,500	
Rule 107.103(c)	Certificate holder must forward copy of each amendment to exposition to Director as soon as practicable after amendment is incorporated.	2,500	15,000	500	3,000	

6

Rule 107.103(d)

Certificate holder must obtain Director's approval before changing specified matters.

2,500

15,000

500

3,000

THE MINISTRY OF TRANSPORT RELEASED BY
PROACTIVELY MANATU WAKA

Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations but is intended to indicate their general effect.

These regulations, which come into force on 22 December 2025, amend the Civil Aviation (Offences) Regulations 2025 (the **principal regulations**).

*Regulation 4 and Schedules 1 and 2 amend Schedule 3 of the principal regulations, which lists the rules in the Civil Aviation Rules (the **rules**) that, when breached, amount to infringement offences and prescribes the infringement fee payable and the maximum fine a court can impose in respect of those infringement offences.*

The amendments—

- update the infringement offences to align with amendments made to Part 101 of the rules (which specifies operating rules for gyrogliders and parasails, unmanned aircraft (including balloons), kites, and rockets); and
- create new infringement offences for breach of certain rules in Part 107 of the rules (which relates to research and development organisation certification).

Regulatory impact statement

The Ministry of Transport produced an interim regulatory impact statement on 4 September 2024 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- <https://www.transport.govt.nz/assets/Uploads/RIS-Supporting-Advanced-Aviation-Proactive-Release.pdf>
- <https://www.regulation.govt.nz/our-work/regulatory-impact-statements/>

Issued under the authority of the Legislation Act 2019.

Date of notification in *Gazette*:

These regulations are administered by the Ministry of Transport.



Cabinet Legislation Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Civil Aviation (Offences) Amendment Regulations 2025

Portfolio Acting Transport

On 13 November 2025, the Cabinet Legislation Committee:

- 1 **noted** that in September 2024, the Cabinet Expenditure and Regulatory Review Committee (EXP) agreed to a suite of actions to support advanced aviation, and noted that the Acting Minister of Transport (the Minister) intended to approve amendments to the Civil Aviation Rules necessary to give effect to the set of actions, without further reference to Cabinet, unless a significant policy issue or risk emerged [EXP-24-MIN-0045];
- 2 **noted** that in July 2025, EXP authorised the Minister to make decisions, consistent with existing settings, on offences and penalties necessary to support enforcement and implementation of the new Civil Aviation Rule Part 107 and rule changes to Civil Aviation Rules Parts 101 and 102, and to issue drafting instructions to the Parliamentary Counsel Office for the necessary regulations [EXP-25-MIN-0072];
- 3 **noted** that the Civil Aviation (Offences) Amendment Regulations 2025 will give effect to the decisions referred to in paragraphs 1 and 2 above;
- 4 **authorised** the submission of the Civil Aviation (Offences) Amendment Regulations 2025 [PCO 28429/6.0] to the Executive Council;
- 5 **noted** that the Civil Aviation (Offences) Amendment Regulations 2025 will come into force on 22 December 2025.

Tom Kelly
Committee Secretary

Present:

Hon David Seymour (Chair)
Hon Shane Jones
Hon Tama Potaka
Hon Simon Watts
Hon James Meager
Jamie Arbuckle MP

Officials present from:

Officials Committee for LEG
Office of the Leader of the House



Cabinet

Minute of Decision

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Report of the Cabinet Legislation Committee: Period Ended 14 November 2025

On 17 November 2025, Cabinet made the following decisions on the work of the Cabinet Legislation Committee for the period ended 14 November 2025:

Out of Scope

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Out of Scope

LEG-25-MIN-0221

**Civil Aviation (Offences) Amendment Regulations
2025**

CONFIRMED

Portfolio: Acting Transport (Hon James Meager)

Out of Scope

Rachel Hayward
Secretary of the Cabinet

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THE MINISTRY OF TRANSPORT TE MANATU WAKA