

OC251058

22 December 2025

Tēnā koe 

I refer to your email dated 12 November 2025, requesting the following under the Official Information Act 1982 (the Act):

“Information about the govt’s streamlining work on aviation/aerospace/space reform. We request for the period start of 2025 till now:

- *A copy of all ministerial briefings the focus on it*
- *A copy of the 3x most substantive and up to date documents about it*
- *A copy of the latest 2 documents/advisories sent to the Minister about it”*

On 9 December 2025, we told you that a fulsome response could not reasonably be made within the original time limit due to the need to consult multiple parties about your request. We advised that we needed to extend the time available to respond to your request by up to nine working days. We have now completed the necessary consultations.

Six documents are in scope of your request. Five documents are released with some information withheld or refused and one is refused in full. The document schedule attached as Annex 1 outlines how the documents have been treated under the Act. Certain information is withheld or refused under the following sections of the Act:

9(2)(a)	to protect the privacy of natural persons
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 interest that such information should continue to be supplied
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
18(d)	the information requested is or will soon be publicly available

Regarding the information that has been withheld under section 9 of the Act, I am satisfied that the reasons for withholding the information at this time are not outweighed by public interest considerations that would make it desirable to make the information available.

You have the right to seek an investigation and review of this response by the Ombudsman, in accordance with section 28(3) of the Act. The relevant details can be found on the Ombudsman's website www.ombudsman.parliament.nz

The Ministry publishes our Official Information Act responses and the information contained in our reply to you may be published on the Ministry's website. Before publishing we will remove any personal or identifiable information.

Nāku noa, nā



Carolina Durrant
Manager, Aviation

Annex 1: Document schedule

Doc #	Reference number	Date	Title of Document	Decision on request
1	OC250079	12/02/2025	Aide Memoire: Advanced Aviation Implementation Update	Released with some information withheld under sections 9(2)(a), 9(2)(ba)(i) and 9(2)(f)(iv).
2	OC250427	28/05/2025	Briefing: Progress Towards Implementing the Advanced Aviation Actions	Released with some information withheld under sections 9(2)(a) and 9(2)(f)(iv).
3	OC250533	27/06/2025	Cabinet paper - Supporting advanced aviation –offences and penalties	Refused under section 18(d). The final Cabinet paper can be found here: https://www.transport.govt.nz/assets/Uploads/Supporting-Advanced-Aviation-Offences-and-Penalties.pdf
4	OC230596	3/09/2025	Briefing - Advanced aviation – Amendment to the Civil Aviation (Offences) Regulations	Released with some information withheld under sections 9(2)(a).
5	OC250955	17/10/2025	Briefing: Civil Aviation (Offences) Amendment Regulations 2025	Released with some information withheld under section 9(2)(a). Annexes 1 and 2 are refused under section 18(d). Once published, these can be found here: https://www.transport.govt.nz/about-us/our-corporate-publications/proactive-releases/results
6	OC250962	4/11/2025	Civil Aviation Rule Parts 101, 102, and 107 amendments for you signature – Briefing – Policy	Released with some information withheld under sections 9(2)(a), 9(2)(g)(i) and 9(2)(h). Annex 1 is refused under section 18(d) as the information is available on the CAA's website. https://www.aviation.govt.nz/rules/pending-rules/ Annex 3 is refused under section 18(d) as the summary of submissions is available on the CAA's website. https://www.aviation.govt.nz/assets/rules/nprms-and-summaries/AAR-Summary-of-Public-Submissions.pdf



AIDE MEMOIRE

12 February 2025

OC250079

Hon Judith Collins KC
Minister for Space

cc Hon James Meager
 Associate Minister of Transport

AIDE MEMOIRE: ADVANCED AVIATION IMPLEMENTATION UPDATE

Purpose

This aide memoire and the attached A3 provide you with an overview of the advanced aviation implementation work that has been completed and the next steps, for your comment.

Key Points

- Together with the Civil Aviation Authority (CAA) and the Ministry of Business, Innovation and Employment (MBIE), the Ministry of Transport (the Ministry) is working at pace to implement the suite of actions agreed to by Cabinet [EXP-24-SUB-0045 refers].
- The actions support the Government's goal that by the end of 2025, New Zealand has a world class regulatory environment that allows rapid iteration and testing of advanced aviation vehicles and technology while maintaining current levels of safety. The actions also aim to relieve demand pressure on the certification process and provide more certainty for advanced aviation participants.
- The Ministry and the CAA have developed a communications and engagement plan to help grow the understanding and build support and confidence in the implementation work. It also enables wider aviation stakeholders to provide input and share their expertise at key implementation stages (for example, to provide feedback on the draft Rules). This includes the commercial drone sector and the general aviation sector.
- We understand that some stakeholders, ^{s 9(2)(ba)(i)} [REDACTED] have expressed concern they are not involved in shaping the rule changes. However, they will be - the CAA will consult stakeholders and the public in May as part of the rulemaking process. We also plan to engage the wider sector on the implementation work via a range of aviation related fora. We will keep your office closely informed on key engagement opportunities.

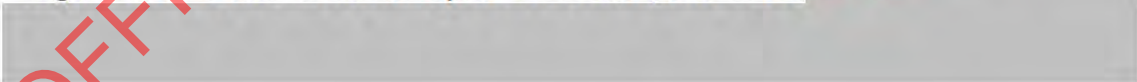
Attachment 1 'Advanced aviation implementation overview' provides you with the high-level scope, work completed, and next steps for each action, for your review and comment.

- We remain on track to deliver the actions by, or before, the end of 2025. The CAA has made good progress with the development of the *new rule* (workstream 1a) and *refreshed rule* changes (workstream 2). We want to make sure that the new rule and rule changes are fit for purpose. The Advanced Aviation Reform Advisory Group (AARAG) has been invited on a voluntary basis to a workshop on the 19th of March to test the draft new rule and rule changes to help ensure they meet the intended outcomes. We will update you on the outcome of the workshop with AARAG via the weekly report.

s 9(2)(f)(iv)



- We are also working with MBIE on aspects of the *emerging technology programme* development, for example, joint engagement with other departments to unlock opportunities for investors, the identification of aerospace-capable workers and attracting the right skillsets to New Zealand, tapping into the Public Research Organisation to accelerate aerospace innovation, and so on. s 9(2)(f)(iv)



- In addition to the next steps outlined in Attachment 1, we note that on 10 September 2024, the Cabinet Expenditure and Regulatory Review Committee (EXP) invited the Minister for Space to report back to EXP by April 2025 on progress towards implementing the advanced aviation set of actions. We intend to provide you with a draft Cabinet paper in March for your comment.

Contacts

Name	Telephone	First contact
Siobhan Routledge, Director Aviation	s 9(2)(a)	
Carolina Durrant, Principal Advisor Aviation		✓

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ATTACHMENT 1: Advanced aviation implementation overview

Action	Scope (high-level)	Work completed	Next Steps
<p>New Civil Aviation Rule (workstream 1a)</p> <ul style="list-style-type: none"> allow rapid iteration and testing of advanced aviation vehicles and technologies for experimental or developmental aircraft and systems operations. <p>Lead agency: MoT & CAA</p>	<ul style="list-style-type: none"> This action provides a new certification pathway - the holder of an approval (Certificate) under the new Rule can freely develop their product without needing further approvals from the CAA until they are ready to migrate their product into mainstream aviation activity. Certification focuses on competency (and work will include whether national security considerations should apply). The new Rule will focus on the capacity and capability of an organisation that wants to develop an aero-nautical product to identify and effectively manage the risks associated with the product that they are seeking to develop. This will relieve some pressure on the current certification process by reducing the need for time-consuming amendments or recertification while maintaining current levels of safety. 	<ul style="list-style-type: none"> The draft structure of the new Rule is complete. 	<ul style="list-style-type: none"> A workshop with AARAG to test the new Rule is fit for purpose is planned for 19 March. The CAA will consult stakeholders and the public in mid-2025 as part of the rulemaking process. Opportunities for the wider drone and general aviation sector to provide input.
<p>Restricted areas (workstream 1b)</p> <ul style="list-style-type: none"> the establishment of the multiple physical areas for certificate holders under the new Rule to conduct their experimental or developmental operations freely. <p>Lead agency: MoT & CAA</p>	<p>s 9(2)(f)(iv)</p> <p style="text-align: center; color: red; font-size: 2em; opacity: 0.5;">RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982</p>		
<p>Refresh Civil Aviation Rules (workstream 2)</p> <ul style="list-style-type: none"> move lower risk operations from Part 102 to Part 101 (for example overflight consent provisions) to free up time and resource for more complex applications, while maintaining current levels of safety. <p>Lead agency: MoT & CAA</p>	<ul style="list-style-type: none"> This work includes removing low-risk operations that no longer require Part 102 certification. In scope: <ul style="list-style-type: none"> remove or update lower-risk operations in Part 101 so they no longer require Part 102 certification. Out of scope: <ul style="list-style-type: none"> a full review of Parts 101 and 102. 	<ul style="list-style-type: none"> The analysis of the proposed Rule Part changes is complete. 	<ul style="list-style-type: none"> A workshop with AARAG to test the Rule changes are fit for purpose is planned for 19 March. The CAA will consult stakeholders and the public in mid-2025 as part of the rulemaking process. Wider drone and general aviation sector will be able to contribute.

ATTACHMENT 1: Advanced aviation implementation overview

Action	Scope (high-level)	Work completed	Next Steps
<p>Options for regulatory advice outside CAA (workstream 3)</p> <ul style="list-style-type: none"> whether regulatory advice could be provided by an organisation, or entity outside of CAA. <p>Lead agency: CAA</p>	<ul style="list-style-type: none"> Explore the nature of regulatory advice that could be provided by third parties and identify potential third parties able to provide regulatory advice outside CAA. The ability for well-established companies who have a well-established capability and are demonstrated to have an appropriate level of safety to have a form of delegated authority is also being explored. 	<ul style="list-style-type: none"> Initial work to determine available mechanisms for obtaining regulatory advice, leveraging ongoing work on delegation activities, is complete. 	<ul style="list-style-type: none"> There is ongoing engagement with international partners to understand applied best practices. Options will be provided to the Director of Civil Aviation to consider in December 2025.
<p>Options for a cost-recovered advisory service (workstream 4)</p> <ul style="list-style-type: none"> progress options for a cost-recovered advisory service for applicants with complex operations. <p>Lead agency: MoT</p>	<p>s 9(2)(f)(iv)</p>		
<p>Co-design an emerging technology programme (workstream 5)</p> <ul style="list-style-type: none"> clearly defined the roles and responsibilities of different parties in the system and identifies capabilities and capacities needed, and the ways of working. <p>Lead agency: MoT, CAA and MBIE</p>			

28 May 2025

OC250427

Hon Judith Collins KC
Minister for Space

Action required by:
Friday, 13 June 2025

cc Hon James Meager
Acting Minister of Transport

PROGRESS TOWARDS IMPLEMENTING THE ADVANCED AVIATION ACTIONS

Purpose

This briefing updates you on progress on the advanced aviation implementation and seeks your approval to take a short paper to Cabinet to allow for consequential amendments to offences and penalties regulations.

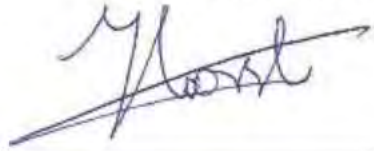
Key points

- The Ministry of Transport (Ministry) and the Civil Aviation Authority (CAA) are working together to implement the suite of actions agreed to by Cabinet [EXP-24-SUB-0045 refers]. The actions support the Government's goal that by the end of 2025, New Zealand has a world class regulatory environment that allows rapid iteration and testing of advanced aviation vehicles and technology while maintaining current levels of safety.
- We remain on track to deliver the work to support advanced aviation by or before the end of 2025, but delivery timeframes for the new rule and rule changes are tight (refer paragraph 10). We are working closely with the CAA to look for further efficiencies.
- Consequential amendments are required to the Civil Aviation (Offences) Regulations 2006 to reflect the movement of rule provisions between Civil Aviation Rules Part 101 and Civil Aviation Rules Part 102; and identify breach of new rule provisions as offences and to provide penalties for any breach.
- The scope of the September 2024 Cabinet decision does not extend to making changes to offences and penalties. To meet timeframes, we seek your agreement to take a short paper to Cabinet in July to authorise the Acting Minister of Transport to make policy decisions and issue drafting instructions for consequential amendments to civil aviation offences and penalties regulations.

Recommendations

We recommend you:

- 1 agree to take a short paper to Cabinet seeking to authorise the Acting Minister of Transport to make policy decisions and issue drafting instructions for consequential amendments to civil aviation offences and penalties regulations. Yes / No



Tom Forster
 Manager Aviation
 27 / May / 2025

Hon Judith Collins KC
 Minister for Space
 / /

Minister's office to complete:

- Approved
- Declined
- Seen by Minister
- Not seen by Minister
- Overtaken by events

Comments

Contacts

Name	Telephone	First contact
Dr Carolina Durrant, Principal Adviser, Aviation	s 9(2)(a)	✓
Garrick Wood, Senior Adviser, Aviation		

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PROGRESS TOWARDS IMPLEMENTING THE ADVANCED AVIATION ACTIONS

We remain on track to deliver the work to support advanced aviation by or before the end of 2025

- 1 The Ministry of Transport (the Ministry) and the Civil Aviation Authority (CAA) are implementing the actions agreed to by Cabinet on 10 September 2024 [EXP-24-SUB-0045 refers]. The actions support Government's goal that by the end of 2025, New Zealand has a world class regulatory environment that allows rapid iteration and testing of advanced aviation vehicles and technology, while maintaining current levels of safety. The actions also aim to relieve demand pressure on the certification process and provide more certainty for advanced aviation participants.
- 2 Cabinet invited the Minister for Space to report back to EXP by April 2025 on progress towards implementing the advanced aviation set of actions [EXP-24-SUB-0045 refers]. Following a discussion with officials, you agreed a progress update to Cabinet is not required until there is something to announce. This briefing provides you with key updates in lieu of reporting to Cabinet.

Public consultation on the draft new rule and rule refresh is scheduled from 23 June to 3 August 2025

- 3 The draft new rule allows advanced aviation companies to freely develop their product without needing to seek further approvals from the CAA - unless it is a significant change or until they are ready to certify their product for use in mainstream aviation. The new rule offers a light touch regulatory approach and reduces the need for time-consuming amendments or re-certification. Once innovators are ready to export their technologies, they can transition into the current regulatory regime to ensure international credibility. The current rules continue to be available.
- 4 The draft rule refresh helps reduce Part 102 certification processing times, while maintaining current levels of safety. Part 101 provides the drone rules. Part 102 is the 'unmanned aircraft operator certificate' for if people want to fly an uncrewed aircraft outside of the Part 101 drone rules. The refresh removes Part 102 certification requirements for some lower risk and less complex uncrewed aircraft operations, freeing up more resources to process complex Part 102 applications.
- 5 The CAA has engaged the Ministry and key stakeholders on the draft new rule and rule refresh to ensure they are fit-for-purpose. Formal consultation on the new and refreshed rules will begin on 23 June for 6 weeks. The final rules are due for signing by the Acting Minister of Transport mid-November to ensure they are in force by the end of the year.

Amendments to the Civil Aviation (Offences) Regulations are necessary to give effect to the rule changes

- 6 On 10 September 2024, Cabinet also noted that the Minister of Transport intends 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 emerges [EXP-24-MIN-0045 refers].
- 7 Consequential amendments are required to the Civil Aviation (Offences) Regulations 2006 to:

- identify breach of new rule provisions as offences and to provide penalties for breach (refer paragraph 3)
 - reflect the movement of rule provisions between Civil Aviation Rules Part 101 and Civil Aviation Rules Part 102 (refer paragraph 4).
- 8 The scope of the September 2024 Cabinet decision does not extend to making changes to offences and penalties. To meet timeframes, Cabinet agreement is needed to delegate to the Acting Minister of Transport the power to:
- make policy decisions regarding civil aviation offences and penalties
 - issue drafting instructions to Parliamentary Council Office
 - approve matters of detail that arise during the course of drafting.
- 9 It is envisaged that the new offences and penalties are consistent with existing offences and penalties that apply to the breach of existing rules. However, we won't be able to confirm the offences and penalties until after public consultation on the rule changes has closed in early August. Normally, Cabinet provides approval for policy decisions and to issue drafting instructions, but in this case, going to Cabinet for this purpose means the associated offences and penalties would not be in place by the end of 2025. **Appendix 1** provides you with the full timetable for the rule changes and offences and penalties.
- 10 To meet the timeframes for the new regime to be in place by the end of 2025, we propose to provide you with a short Cabinet paper in June that seeks agreement to allow for decisions about consequential amendments to the Civil Aviation (Offences) Regulations 2025 to be delegated to the Acting Minister of Transport. Based on early discussions with your office, you, the Minister for Space, are available to attend Cabinet Economic Policy Committee on 30 July. Should you agree to this approach, we will work with your office to finalise the timetable for the short Cabinet paper.

Tāwhaki National Aerospace Centre at Kaitorete is the obvious choice as New Zealand's first 'sandbox'

- 11 The lighter touch regulatory approach (the new rule), coupled with available restricted airspace and ground based support systems, will allow advanced aviation companies to safely refine and scale next-generation technologies in environments that reflect a range of operating conditions – 'sandboxes'.
- 12 As you are aware, the CAA has approved the allocation of permanent flight test airspace to Tāwhaki National Aerospace Centre (TNAC). This change provides TNAC with administrative oversight of the test airspace. Once the new rule is in place, TNAC can be used as a 'sandbox'.

13 s 9(2)(f)(iv)



The CAA continues to explore the provision of regulatory advice outside of the regulator

- 14 To allow the CAA to respond to different demands as emerging technology evolves to speed up regulatory decision making, they have entered into discussions with Civil Aviation Authority International (CAAi, the commercial arm of the UK CAA) about the commercial procurement of ad-hoc advisory services by UK CAA subject matter experts. We will keep you updated as discussions progress.

s 9(2)(f)(iv)

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¹ We have engaged with civil aviation authorities from Australia, Canada, Singapore, Japan, Norway, Finland, the United States and the United Kingdom to understand what they do and to learn from them.

Appendix 1 - Timetable for the rule changes and offences and penalties.

Rules: Public consultation on new and refreshed rules	23 June to 3 August
Rules: Post-consultation rule updates and work to finalise rules	4 August to mid/end September
Offences and penalties: policy decisions made by Minister and issue drafting instructions	Early August
Offences and penalties: finalise regulations and draft LEG paper and consultation	October
LEG paper for offences and penalties lodged	6 November
LEG committee	13 November
Rules signed by Acting Minister of Transport	13 – 16 November (We will work with the office of the Acting Minister of Transport to confirm this timing)
Cabinet and Executive Council for Regulations	17 November
Rules and regulations Gazetted	20 November
Rules and regulations in force	31 December 2025

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3 September 2025

OC250596

Hon James Meager

Action required by:

Acting Minister of Transport

Monday, 15 September 2025

cc Hon Judith Collins KC

Minister for Space

ADVANCED AVIATION - AMENDMENTS TO THE CIVIL AVIATION (OFFENCES) REGULATIONS

Purpose

To seek your agreement on:

- the overall direction of the advanced aviation rules, such as the use of a transport instrument, and the offence and penalty changes. This will enable us to begin drafting amendments to the Civil Aviation (Offences) Regulations 2025 to support implementation
- instructing the Parliamentary Counsel Office (PCO) to draft amendments to the Civil Aviation (Offences) Regulations 2025 to support new and refreshed Civil Aviation Rules.

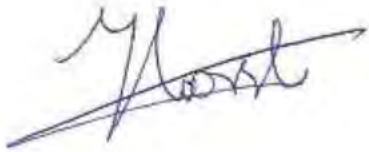
Key points

- Work to enable a world class regulatory environment by end-of-2025 for the rapid iteration and testing of advanced aviation vehicles and technology, while maintaining current levels safety is progressing fast.
- Public consultation led by the Civil Aviation Authority (CAA) on the draft rule changes and new rule closed on 27 July 2025. Work is underway to finalise the rule changes and new rule.
- To meet the implementation date of by end-of-2025, final rule drafting and work on associated offence provisions are being progressed concurrently, rather than consecutively.
- Offences will be consolidated, updated for clarity, and aligned with new rule structures and terminology.
- We have been told PCO require 6 weeks drafting time for amendments to the Civil Aviation (Offences) Regulations 2025. Decisions are needed now to confirm your comfort with the broad direction of rule drafting and the structure of offences and penalties. Early confirmation will allow officials to instruct the PCO so they can begin drafting - ahead of Cabinet Legislation Committee in early November.

Recommendations

We recommend you:

- 1 agree to the broad direction of the changes to the Civil Aviation Rules, including the use of a transport instrument Yes / No
- 2 agree to instruct the Parliamentary Counsel Office to draft amendments to the Civil Aviation (Offences) Regulations 2025 to support new and refreshed Civil Aviation Rules. Yes / No



Tom Forster
Manager, Aviation

3 / September / 2025

Hon James Meager
Acting Minister of Transport

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Minister's office to complete:

- Approved Declined
- Seen by Minister Not seen by Minister
- Overtaken by events

Comments

Contacts

Name	Telephone	First contact
Dr Carolina Durrant, Principal Advisor, Aviation	s 9(2)(a)	✓
Isabel Avery, Advisor, Aviation		
Chris Roblett, Principal Solicitor		

ADVANCED AVIATION - AMENDMENTS TO THE CIVIL AVIATION (OFFENCES) REGULATIONS

Advanced aviation drives technological advancements that have wide-ranging economic and global impacts on everyone's daily lives

- 1 Advanced aviation is a high-technology, high-skills, high-productivity sector. New Zealand's burgeoning advanced aviation industry has significant potential for growth. Advanced aviation includes drones, uncrewed aircraft, and new and innovative aviation capabilities that have not been certified or approved before, are innovative, and are not routine.
- 2 The Government's Space and Advanced Aviation Strategy 2024-2030 targets doubling the sector by 2030. Going For Growth highlights that New Zealand's advanced aviation sector has potential for significant growth and the Government is committed to establishing a world-leading regulatory environment to support this.
- 3 A conservative estimate shows that during 2023/24, New Zealand's advanced aviation sector contributed \$0.48 billion to the economy. This is equivalent to 0.11 percent of the New Zealand economy.¹ Companies such as Kea Aerospace and Dawn Aerospace have helped establish New Zealand as a commercially driven hub for advanced aviation and space.

Cabinet endorsed changes to the Civil Aviation Rules to support advanced aviation

- 4 To support advanced aviation, we need a regulatory system that is agile and able to keep pace with innovation, allows for robust decision making at the right pace and with the right culture, and provides good value for money. The regulatory system should manage the competing demands of traditional and advanced aviation, align with international expectations, and integrate evolving markets and other regulatory regimes.
- 5 On 10 September 2024, the Government agreed to a set of actions to support the Government's goal – by the end of 2025, New Zealand has a world class regulatory environment that allows rapid iteration and testing of advanced aviation vehicles and technology, while maintaining current safety levels [EXP-24-MIN-0045 refers]. The actions include:
 - 5.1 a new Civil Aviation Rule (Part 107) for experimental or developmental aircraft and systems operations to reduce the need for time-consuming amendments or recertification and relieve some pressure on current certification processes
 - 5.2 a refresh of Civil Aviation Rules to move some lower risk operations from Part 102 to Part 101.
- 6 The other actions are:
 - 6.1 engage with the sector to establish permanent restricted airspace areas for exclusive use by advanced aviation companies

¹ MBIE, Economic study of the space and advanced aviation sector, <https://www.deloitte.com/nz/en/services/consulting/analysis/charting-the-space-and-advanced-aviation-sectors.html>

- 6.2 explore options for the provision of regulatory advice outside of the regulator
- 6.3 progress options for a cost-recovered advisory service for applicants with complex operations
- 6.4 co-design an emerging technology programme that clearly defines the roles and responsibilities of different parties in the system and identifies capabilities and capacities needed, and the ways of working.
- 7 A lighter touch regulatory approach following the completion of the new rule at the end of the year (refer paragraph 5.1), coupled with restricted airspace (refer paragraph 6.1) and ground-based support systems, will create a 'sandbox' that will allow advanced aviation companies to refine and scale next-generation technologies in environments that reflect a range of operating conditions, while maintaining safety.
- 8 On 29 July 2025, Cabinet:
- 8.1 authorised you 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 Part 101 and Part 102 and report to Cabinet when seeking authority to submit the necessary regulations to the Executive Council
- 8.2 invited you to issue drafting instructions to the Parliamentary Counsel Office for the necessary regulations [EXP-25-MIN 0072 refers].
- To meet the implementation date of the end of 2025, final rule drafting and work on offence provisions need to be progressed concurrently, rather than consecutively*
- 9 A five-week public consultation on the draft new rule, draft proposed rule changes and the draft transport instrument concluded on 27 July 2025. CAA staff and Ministry officials have considered the feedback obtained through consultation. The CAA intends to provide us with the final approach to each rule on 18 September.
- 10 PCO have told us they require 6 weeks drafting time. To deliver the work to support advanced aviation by the end of 2025 we need to instruct PCO no later than 25 September, to begin drafting amendments to the Civil Aviation (Offences) Regulations 2025. These amendments will give effect to the offences and penalties required to support the new and refreshed advanced aviation rules.
- 11 To instruct PCO to draft amendments you will need to be comfortable with the policy direction of the rule changes, including the use of a transport instrument. We outline these changes in paragraphs 12 – 28 below.

A lighter touch regulatory approach

Refreshing Rule Part 101 frees up time and resource for processing more complex applications while maintaining current levels of safety

- 12 Part 101 contains prescriptive rules for uncrewed aircraft, allowing lower-risk operations without certification. Part 102 provides a performance-based certification pathway for more complex uncrewed aircraft operations.
- 13 To help alleviate some pressure on Part 102 certification processes, Part 101 will include lower risk operations that previously required certification under Part 102, such as:
 - 13.1 operating at night
 - 13.2 being able to operate closer to heliports (also refer para 28.2)
 - 13.3 conducting some types of operations beyond visual line of sight (BVLOS), for example when inspecting a tank that is unable to be entered.
 - 13.4 being able to operate over an active runway under Part 101.²
- 14 The draft rules also propose a rule change to Part 102 to provide clarity to operators on requirements when holders of a Part 102 certificate are conducting an operation that could be done under Part 101. This change will prevent 'flip-flopping' between the two rule parts and will require Part 102 operators to comply with the requirements within their exposition (such as reporting requirements).
- 15 Public consultation on the draft rule has been conducted and resulted in some editorial changes to definitions, numbering and other minor changes. This includes reference to the Part 101 definition of 'aerodrome' within the transport instrument, as opposed to the Part 1 definition. Additionally, some rules have been further refined to reflect their intent more accurately.
- 16 There are two broader changes that have been made as a result of public consultation that you need to be aware of. These changes balance sector needs appropriately:
 - 16.1 the draft rule used for public consultation included changes related to dropping of hazardous substances. To provide greater clarity to operators, the intent of the changes was to confirm in the rule the already existing practice of requiring a Part 102 certification to conduct agricultural spraying operations. As you are aware, the proposed changes in the draft rule inadvertently included several additional agricultural operations that were never intended to be part of the scope. The final rule for your approval later this year will address this error and target aerial spraying, topdressing, and dispensing of vertebrate toxic agents

² The current wording of Part 101 prohibits operation over an 'active runway', therefore requiring a Part 102 certification. Types of operations that would warrant flying over an active runway include airport operators wanting to carry out runway inspections using unmanned aircraft. This rule places unnecessary burden on operators, so CAA are proposing to remove this rule entirely. Safety risks will continue to be mitigated by the rule requiring permission to fly within 4km of an aerodrome boundary.

- 16.2 the draft rule used for public consultation also proposed amendments to allow flight over private property without prior explicit consent of the property owner, if certain conditions were met. This proposed change is unlikely to be included in the final rule for your approval later this year because of unintended potential privacy and security impacts.

The new Part 107 enables flexible certification for advanced aviation research and development activities

- 17 The introduction of Part 107 establishes a new certification pathway for organisations conducting research and development (R&D) in aviation. This rule is designed to support the rapid iteration and testing of aviation systems by providing a regulatory framework that is both safe and adaptable.
- 18 Designed to be enduring and scalable, the rule draws on elements from existing rules, but adapts them to the unique needs of R&D. The rule avoids prescriptive requirements, instead focusing on performance-based standards that allow organisations to demonstrate how they will manage safety risks.
- 19 Part 107 is like Part 102, including the requirement for an exposition and certification by the Director of Civil Aviation. Unlike Part 102, which is internationally respected but can be burdensome due to the need for amendments with each operational change, Part 107 reduces regulatory overhead and enables faster iteration.
- 20 Part 107 certificate holders must keep their exposition up to date and seek approval for material changes, such as leadership or testing scope. The Director may impose additional conditions or require compliance with other rule parts if activities change or safety concerns arise.
- 21 Public consultation on the draft rule has been conducted and resulted in some minor changes to further clarify the intent of the rule where it was not as clear as it could be.

Transport instruments provide a quick response to change and help ensure effective maintenance of the regulatory system

- 22 The rules refresh introduces a transport instrument, enabled by the Civil Aviation Act 2023 Act (2023 Act).³ A transport instrument is secondary legislation and has the same legal status as the rule that enables it.
- 23 Transport instruments allow the Minister to make rules that incorporate transport instruments made by the Director of the CAA or the Secretary for Transport and enable them to undertake specific responsibilities for maintaining aspects of aviation secondary legislation.
- 24 Transport instruments provide a quick response to change:
- 24.1 analysis requirements are lighter

³ Transport instruments were introduced to the transport regulatory regimes for land and maritime in 2021.

- 24.2 a Regulatory Impact Assessment is not required because they are not made by you, or on your recommendation,⁴ and do not require consideration by Cabinet
- 24.3 more flexible consultation requirements than rules.
- 25 Transport instruments ensure effective maintenance of the regulatory system:
- 25.1 legislation that is highly technical in nature or requires relatively frequent adjustment is up to date, usable and effective - allowing the CAA to update operational requirements in line with sector developments. This is particularly important for emerging aviation technologies
- 25.2 there is consistency across the transport regulatory system.
- 26 Subject matter in a transport instrument should not be controversial and should have minimal impact.
- 27 Transport instruments are subject to formal controls. Although they provide the Director with greater discretion than rules, and reduce Ministerial involvement, they are disallowable instruments under the Legislation Act 2019. This means they must be published, presented to Parliament, and may be disallowed, ensuring transparency and accountability. Transport instruments also offer more structure and enforceability than previous tools such as notices, helping maintain regulatory integrity.
- 28 The 2023 Act requires that before making a rule providing for a transport instrument, the Minister must be satisfied that the subject matter is appropriate to be in a transport instrument rather than in the rule itself. Our view is that the transport instrument has been used appropriately. We will seek your approval of the final transport instrument at the same time as the final rules (please refer to the timetable provided in paragraph 33).
- 29 To maintain current levels of safety, the transport instrument includes conditions and limitations for the lower risk operations that previously required certification under Part 102, For example:
- 29.1 in draft Part 101: A person may operate a remotely piloted aircraft within 2km of a heliport if the following safety-focused conditions set out in transport instrument are met (refer para 13.2)
- 29.2 in draft transport instrument – safety will be managed by: the person has successfully completed a training course acceptable to the Director before carrying out the operation.

The proposed amendments to the Civil Aviation (Offences) Regulations 2025 fall into the following categories

- 30 Consequential amendments are required to the Civil Aviation (Offences) Regulations 2025 to:
- 30.1 identify breaches of new rule provisions as offences and provide penalties for breach

⁴ For rules made as Orders in Council by the Governor-General.

- 30.2 reflect the movement of rule provisions between Part 101 and Part 102 and reflect updates to Part 101 offences to align with requirements set out in the transport instrument.
- 31 Amendments to the Civil Aviation (Offences) Regulations 2025 should ensure that breaches of new rules and transport instruments are treated as seriously as breaches of existing rules.
- 32 Offences and penalties for the new rule Part 107 will be aligned with those in comparable rule parts. Amendments will ensure that breaches, such as operating without a certificate or failing to meet its conditions, are treated with the same level of seriousness.
- 33 Breaches of the instrument are treated as breaches of the rule. Offences will be structured to reflect this approach - rather than creating separate penalties for each technical condition, a single set of offences will apply to breaches of the rule, including requirements detailed in the instrument.
- 34 This consolidation means some existing offences will be revoked, reducing duplication and improving clarity. The offence provisions will continue to carry penalties consistent with the rule, ensuring enforceability.
- 35 The changes to offences and penalties include:
- 35.1 Supporting new requirements - new offences have been introduced to support emerging operational concepts and certification pathways, particularly where new obligations or limitations are established under the transport instrument and Part 107
- 35.2 Improving clarity - some offences have been reworded or consolidated to better reflect the intent of the underlying rule, improve clarity, and reduce duplication
- 35.3 Aligning with rule updates - offence provisions have been updated to reflect changes in rule numbering, structure, and terminology, ensuring consistency across the regulatory framework
- 35.4 Removing out-of-date offences - offences tied to outdated or replaced rule provisions have been removed.
- 36 In all cases, penalties have been reviewed to ensure they remain proportionate and consistent with existing enforcement approaches, including for individuals and body corporates. They will ensure the offences regime supports safe and efficient implementation of the advanced aviation rule package.
- 37 Annex 1 lists the changes proposed in the above categories.

Next steps

- 38 If you agree, we will instruct PCO no later than 25 September 2025,⁵ to begin drafting amendments to the Civil Aviation (Offences) Regulations 2025. These amendments will give

⁵ We will receive the CAA's final intent of each rule by 18 September.

effect to the offences and penalties required to support the new and refreshed advanced aviation rules.

39 Officials will work with PCO to prepare the amended regulations and develop the associated Cabinet Legislation Committee paper. This work will run in parallel with finalising the rules.

40 The key milestones are:

Rules: Post-consultation rule updates and work to finalise rules	4 August to mid/end September
Offences and penalties: finalise regulations and draft LEG paper and consultation	October
LEG paper for offences and penalties lodged	6 November
LEG committee	13 November (with as back up 20 November)
Rules signed by Acting Minister of Transport	13 – 16 November (We will work with your Office to confirm this timing)
Cabinet and Executive Council for Regulations	17 November
Rules and regulations Gazetted	20 November
Rules and regulations in force	31 December 2025

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ANNEX 1 – PROPOSED OFFENCES AND PENALTIES CHANGES

Rule	Rationale
Category: Supporting new requirements	
Rule 101.15(c) – Dropping of articles (agricultural spraying)	New rule introduced to explicitly prohibit agricultural spraying, agricultural topdressing, and dispensing of aerial vertebrate toxic agents by aircraft subject to Part 101. Current penalties for breach of Rule 101.15 (maximum fine for individual \$5,000, or other person \$30,000; infringement fee for individual \$2,000 or other person \$12,000) to apply to new offence.
Rule 107.5 – Certificate requirement	New offence introduced to establish core compliance requirement for R&D operations. Penalties set at the same level as Rule 102.7 (maximum fine for individual \$5,000, or other person \$30,000; infringement fee for individual \$2,000 or other person \$12,000) to ensure consistency across similar certification-based offences, reflecting the comparable safety risks of operating without the required authorisation in both contexts.
Rule 107.13(a) – Certificate holder obligations	New offence introduced that requires compliance with certificate conditions. Mirrors penalty levels in 102.21(a) (maximum fine for individual \$5,000 or other person \$30,000; infringement fee for individual \$1,000 or other person \$6,000).
Rule 107.13(b) – Commercial restrictions	New offence introduced that prohibits hire or reward operations under R&D certificate. Penalty amounts consistent with similar offences e.g., 91.105(a) (maximum fine for individual \$5,000, or other person \$30,000; infringement fees not applicable)
Rule 107.19 – Notification of cessation	New offence introduced that ensures clarity on what is required when operations end. Penalty amounts are maximum fine for individual \$1,250, or other person \$7,500; infringement fee for individual \$500 or other person \$3,000 consistent with similar offences e.g., rules 119.19 and 146.15(a).
Rules 107.101(1-4) – Exposition requirements	New offences introduced to ensure documentation is maintained, accessible, and followed. Penalty amounts consistent with similar offences e.g., 146.101(1-4). <ul style="list-style-type: none"> • Certificate holder must hold current and complete copy of exposition at each work location specified. Maximum fine for individual \$1,250, or other person \$7,500; infringement fee for individual \$500 or other person \$3,000 • Certificate holder must comply with all procedures and systems detailed in its exposition. Maximum fine for individual \$5,000, or other person \$30,000; infringement fee for individual \$2,000 or other person \$12,000 • Certificate holder must make each applicable part of its exposition available to personnel who require those parts to carry out their duties. Maximum fine for individual \$1,250, or other person \$7,500; infringement fee for individual \$500 or other person \$3,000 • Certificate holder must continue to meet prescribed standards and requirements in Subpart B. Maximum fine for individual \$5,000, or other person \$30,000;

Rule	Rationale
	infringement fee for individual \$2,000 or other person \$12,000.
Rule 107.103(a-d) – Exposition currency	<p>New offences introduced that require operator to keep exposition current. Supports regulatory oversight. Penalty amounts consistent with similar offences e.g., 146.105(a-e).</p> <ul style="list-style-type: none"> • Certificate holder required to amend exposition • Certificate holder must ensure amendments to exposition comply with requirements of Part 107 and procedures in exposition • Certificate holder must forward copy of amendments to exposition to the Director • Certificate holder must obtain Director’s approval before amending specified matters in its exposition
Category: Improving clarity	
Rule 101.211 – Night Operations	Terminology updated from “limitations” to “conditions” to align with rule language and improve clarity.
Category: Aligning with rule updates	
Rule 101.203 – Control line model aircraft	<p>Previous offence focused narrowly on wire length (over 30 m). Offence wording updated to reflect a more general compliance obligation to be specified in transport instrument CATI 101.17. This includes broader operational responsibilities for using wire systems, without limiting enforcement to wire length alone.</p> <p>Penalties unchanged (currently maximum fine for individual \$1,250, or other person \$7,500; infringement fee for individual \$500 or other person \$3,000).</p>
Rule 101.205(a) – Aerodromes	<p>Previous offences prohibited operations within 4km of an aerodrome and prohibited operations over runways and active movement areas.</p> <p>The updated rules allow for reduced distances for operations involving heliports when conducted in compliance with all applicable conditions or limitations in a transport instrument (CATI 101.17)</p> <p>The new rules remove the prohibition around flying over runways in some circumstances, while still controlling unwanted flights by relying on the standing distance rules and penalties.</p> <p>Penalties unchanged (currently maximum fine for individual \$1,250, or other person \$7,500; infringement fee for individual \$500 or other person \$3,000).</p>
Rule 101.207(a) – Airspace	<p>Three specific offences, flying over people, property, or without observing airspace, were replaced with a single, broader offence requiring compliance with all applicable conditions or limitations in a transport instrument (CATI 101.17) when operating above persons or property.</p> <p>Penalties unchanged (currently maximum fine for individual \$2,500, or other person \$15,00; infringement fee for individual \$500 or other person \$3,000).</p>
Rule 101.207(b) – Airspace	A single, broader offence has replaced multiple altitude-related offences. A person operating a remotely piloted aircraft above 400

Rule	Rationale
	feet must now comply with all applicable conditions in a transport instrument (CATI 101.17), regardless of location or context. Penalties unchanged (currently maximum fine for individual \$2,500, or other person \$15,000; infringement fee for individual \$500 or other person \$3,000).
Rule 101.209 – Visual line of sight operations	Previous offence required use of a specific visual line of sight method. Updated offence focuses on preventing obstruction of the operator’s view unless conditions are met, aligning with CATI 101.17. Maximum fine for individual \$1,250, or other person \$7,500; infringement fee for individual \$500 or other person \$3,000.
Rule 101.213 Right of Way	Previously, separate offences applied to remotely piloted, control line aircraft and free flight model aircraft when failing to give way to manned aircraft. These have now been combined into a single offence: all unmanned aircraft operators must comply with right-of-way requirements set out in a transport instrument (CATI 101.17). Penalties unchanged (currently maximum fine for individual \$5,000, or other person \$30,000; infringement fee for individual \$2,000 or other person \$12,000).
Rule 101.215 – Aircraft mass limits	Offence wording updated to reflect a more general compliance obligation, aligning with CATI 101.17. Maximum fine for individual \$1,250, or other person \$7,500; infringement fee for individual \$500 or other person \$3,000.
Category: Removing out-of-date offences	
Rule 101.205(b) – Aerodromes	Offence revoked, consistent with its deletion from the rules.
Rule 101.207(a)(1)(ii) – Removed	Content consolidated into 107.207(a); offence removed.
Rule 101.207(a)(2) – Removed	Content consolidated into 107.207(a); offence removed.
Rule 107.207(a)(3) – Removed	Reflected in 107.207(c); offence removed.

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17 October 2025

OC250955

Hon James Meager

Action required by:

Acting Minister of Transport

Wednesday, 22 October 2025

cc Hon Judith Collins KC

Minister for Space

CIVIL AVIATION (OFFENCES) AMENDMENT REGULATIONS 2025

Purpose

To invite your feedback on the attached draft Cabinet Legislation Committee (LEG) paper that seeks authorisation to submit the Civil Aviation (Offences) Amendment Regulations 2025 to the Executive Council.

Key points

- The attached draft LEG paper “OC250955 Civil Aviation (Offences) Amendment Regulations 2025” (Annex 1), seeks authorisation for the Civil Aviation (Offences) Amendment Regulations 2025 (Annex 2) to be submitted to the Executive Council.
- On 29 July 2025, Cabinet authorised you to make decisions 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 102.¹ Cabinet also authorised you to issue drafting instructions to the Parliamentary Counsel Office (PCO) for the necessary regulations [EXP-25-MIN-0072 refers].
- You agreed with the broad direction of the changes to the Civil Aviation Rules, including to shift operational detail out of the rules and into a transport instrument (OC250596 refers).
- To support the implementation of Civil Aviation Rule Part 107, and the amendments to Parts 101 and 102, the Civil Aviation (Offences) Regulations 2025:
 - identify breaches of new rule provisions as offences and assign appropriate penalties

¹ Civil Aviation Rule Part 107 – Research and Development Organisation Certification; Civil Aviation Rule Part 101 – Gyrogliders and Parasails, Unmanned Aircraft (including Balloons), Kites, and Rockets – Operating Rules; Civil Aviation Rule Part 102 – Unmanned Aircraft Operator Certification.

- consolidate offences where operational detail is now set out in a transport instrument, allowing a single offence provision to apply to both the rule and its associated instrument
- reflect changes to rule provisions in Parts 101 and 102.
- A draft of the Regulations is attached (Annex 2). We are continuing to work with PCO to finalise the Regulations.
- We seek your feedback by Wednesday 22 October to allow Ministerial and departmental consultation ahead of the LEG paper lodgement date of 6 November, for consideration by the Cabinet Legislation Committee on 13 November. This will allow the Regulations to be in place before the end of this year.
- We propose to consult agencies in parallel with Ministerial consultation. These agencies include the Ministry of Justice (the Offences and Penalties Vetting team), the Treasury, the Ministry of Business, Innovation and Employment, the Parliamentary Counsel Office, and the Civil Aviation Authority.
- We will brief you separately early next month to seek your approval of the final rules.

Recommendations

We recommend you:

1	provide feedback on the attached Cabinet Legislation Committee Paper, “OC250955 Civil Aviation (Offences) Amendment Regulations 2025”	Yes / No
2	authorise departmental consultation on the paper and draft regulations with the agencies listed above, including the Civil Aviation Authority, to be conducted in parallel with Ministerial consultation between 24 October and 3 November, following incorporation of your feedback	Yes / No
3	agree to provide the Civil Aviation Authority with the draft Regulations, subject to the conditions set by and the approval of the Ministry’s Chief Legal Adviser under Cabinet Office Circular (19) 2: Attorney-General’s protocol for Release of Draft Government Legislation outside the Crown.	Yes / No

CC Durrant

Dr Carolina Durrant
Acting Manager, Aviation
 17 / October / 2025

Hon James Meager
Acting Minister of Transport
 / /

- Minister’s office to complete:**
- Approved
 - Declined
 - Seen by Minister
 - Not seen by Minister
 - Overtaken by events

Comments

Contacts

Name	Telephone	First contact
Dr Carolina Durrant, Acting Manager, Aviation	s 9(2)(a)	✓
Isabel Avery, Adviser, Aviation		

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OFFICIAL INFORMATION ACT 1982

**ANNEX 1 – DRAFT OC250955 CIVIL AVIATION (OFFENCES) AMENDMENT
REGULATIONS 2025 – CABINET PAPER**

Attached.

Refused under section 18(d) as the information will soon be published on the Ministry's website.
<https://www.transport.govt.nz/about-us/our-corporate-publications/proactive-releases/results>

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OFFICIAL INFORMATION ACT 1982

ANNEX 2 – DRAFT CIVIL AVIATION (OFFENCES) REGULATIONS 2025

Attached.

Refused under section 18(d) as the information will soon be published on the Ministry's website.
<https://www.transport.govt.nz/about-us/our-corporate-publications/proactive-releases/results>

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OFFICIAL INFORMATION ACT 1982



4 November 2025

OC250962

Hon James Meager

Action required by:

Acting Minister of Transport

Thursday, 13 November 2025

CIVIL AVIATION RULE PART 101, 102, AND 107 AMENDMENTS FOR YOUR SIGNATURE

Purpose

To seek your agreement to sign amendments to Civil Aviation Rules Part 101 and Part 102, and to make new Rule Part 107 (the Rules) under the Civil Aviation Act 2023 (the Act), enabling the Rules to come into force by the end of 2025.

Key points

- On 10 September 2024, the Government agreed to a set of actions to support its goal that New Zealand has a world-class regulatory environment that allows rapid iteration and testing of advanced aviation vehicles and technology, while maintaining current safety levels, by the end of 2025.
- The Minister of Transport makes Civil Aviation Rules under section 52 of the Act. These powers have been delegated to you. The amendments to Rule Parts 101 and 102, and the creation of Part 107, are made under the standard rule-making provisions of the Act, and include:
 - *Part 101 – Gyrogliders and Parasails, Unmanned Aircraft (including Balloons), Kites, and Rockets Operating Rules* has been amended to allow certain lower-risk remotely piloted aircraft operations to be conducted without certification, supported by a new Transport Instrument that sets technical thresholds and operating conditions. This change frees up time and resource for more complex applications, while maintaining current levels of safety
 - *Part 102 – Unmanned Aircraft Operator Certification* has been amended to complement Part 101 by clarifying that certificate holders must comply with their approved exposition even when conducting operations that could otherwise fall under Part 101. This change reinforces that certification carries greater regulatory responsibility, ensuring certified operators remain accountable even in lower-risk activities. It also clarifies the boundary with non-certified operations and strengthens confidence in the certification regime, supporting the safe and proportionate approach in Part 101
 - *New Rule Part 107 – Research and Development Organisation Certification* introduces a new, more flexible certification pathway for organisations conducting

research and development (R&D) in aviation. This is the centrepiece of the Government's reforms to support a world class regulatory system for advanced aviation and is particularly targeted at highly innovative companies that are developing brand new technologies.

- Before making a rule, the Act requires the Minister to be satisfied that the rule will meet certain criteria and that appropriate consultation has occurred.
- The Civil Aviation Authority (CAA) consulted on the proposed rule changes from 23 June to 27 July 2025. Seventy-five submissions were received from individuals, operators, industry groups, and technical experts. [Annex 3](#) provides the summary of submissions, including the feedback that led to targeted amendments.
- The Rules have been assessed against the statutory criteria in sections 61(2) and 72 of the Act. They align with International Civil Aviation Organization (ICAO) standards and New Zealand's international obligations, support the Act's purposes and apply a proportionate risk-based approach to aviation safety. [Annex 4](#) details how each criterion is met.
- The Rules include enabling provisions for a transport instrument – a form of secondary legislation under sections 430-432 of the Act to be made by the Director of Civil Aviation (the Director). Transport instruments help make it easier to keep the regulatory framework up to date. The Transport Instrument is part of the Rule where it is referenced.
- The accompanying Civil Aviation Transport Instrument 101-01 (Transport Instrument) sets out the specific technical thresholds and operating conditions for the lower-risk remotely piloted aircraft operations to be conducted without certification under the amended Part 101. This is one of the first uses of a transport instrument in the aviation system and demonstrates how they can be used to accommodate technical, detailed, or frequently updated content, as well as help future-proof the regulations to better support innovation.
- In making a rule that provides for a transport instrument, section 430 of the Act requires that you must be satisfied that the subject matter is appropriate to be in a transport instrument rather than in a rule. As part of this, careful consideration is needed around including requirements relating to overflight of people and property. [Paragraphs 31-35](#) provide further context. While consent remains required, future updates may permit certain overflight of people and property.
- To support implementation, the Civil Aviation (Offences) Amendment Regulations 2025 have been drafted in parallel. These introduce offences for Part 107 and update offences for Parts 101 and 102. Cabinet Legislation Committee will consider the Regulations on 13 November 2025, followed by submission to the Executive Council submission on 17 November 2025.
- The Rules are drafted to come into force on 22 December 2025. To comply with the 28-day rule under the Legislation Act 2019, they must be signed and *Gazetted* no later than 20 November 2025.
- The Rules are attached for your signature. They must be signed before the Governor-General makes the related offences regulations. We recommend signing them after Cabinet Legislation Committee has considered the Regulations, between 13 and 16 November 2025, to ensure alignment and allow time for gazettal this year.

Recommendations

We recommend you:

- 1 **be satisfied that the subject matter to be provided in a transport instrument is appropriate to be in the Transport Instrument, rather than in the Rules** Yes / No
- 2 **consider the statutory requirements and other matters set out in this briefing before making your decision to (a) authorise the enabling provisions for the Transport Instrument and (b) approve and sign the Rules** Yes / No
- 3 **agree to make the attached Civil Aviation Rules** Yes / No
- 4 **sign the attached Civil Aviation Rules between 13 to 16 November 2025** Yes / No
- 5 **note that the Transport Instrument will be necessary to operationalise and ensure the effectiveness of the Rules and may be made by the Director of Civil Aviation under section 431 of the Civil Aviation Act 2023.**
- 6 **agree to include provisions relating to flights over people and property in a transport instrument, having considered section 430 of the Civil Aviation Act 2023** Yes / No
- 7 **authorise the Civil Aviation Authority to notify the making of the Rules in the *New Zealand Gazette*** Yes / No
- 8 **authorise the presentation of the signed Rules and the Transport Instrument before the House of Representatives within 20 working days after signing (the Civil Aviation Authority will work with your Office on this).** Yes / No

CC Durrant

Dr Carolina Durrant
Manager, Aviation

4 / November / 2025

Hon James Meager
Acting Minister of Transport

..... / /

Minister's office to complete:

- Approved
- Declined
- Seen by Minister
- Not seen by Minister
- Overtaken by events

Comments

Contacts

Name	Telephone	First contact
Dr Carolina Durrant, Manager, Aviation	s 9(2)(a)	✓
Chris Roblett, Principal Solicitor, Legal & Procurement		For legal issues
Isabel Avery, Adviser, Aviation		

CIVIL AVIATION RULE PART 101, 102, AND 107 AMENDMENTS FOR YOUR SIGNATURE

We proposed amending Rules Parts 101 and 102, and creating new Rule Part 107

- 1 The Government is raising the ambition for the advanced aviation sector to become a highly productive, economically advanced industry that helps to boost New Zealand's productivity performance. Advanced aviation includes drones, remotely piloted aircraft, and any new aviation capability that has not been certified or approved before, is innovative, and is not routine.
- 2 On 10 September 2024, the Government agreed to a set of actions to support its goal that New Zealand has a world class regulatory environment that allows rapid iteration and testing of advanced aviation vehicles and technology, while maintaining current safety levels, by the end of 2025 [EXP-24-MIN-0045 refers]. The actions also aim to relieve demand pressure on the certification process and provide more certainty for advanced aviation participants.
- 3 On 29 July 2025, Cabinet:
 - authorised you 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 Part 101 and Part 102 and report to Cabinet when seeking authority to submit the necessary regulations to the Executive Council
 - invited you to issue drafting instructions to the Parliamentary Counsel Office (PCO) for the necessary regulations [EXP-25-MIN-0072 refers].
- 4 Part 101 provides the unmanned aircraft rules. Part 102 is the 'unmanned aircraft operator certificate' for if people want to fly a remotely piloted aircraft outside of the Part 101 unmanned aircraft rules.
- 5 To free up time and resource for more complex applications, while maintaining current levels of safety, Part 101 has been amended to allow some lower-risk remotely piloted aircraft operations to be conducted without certification, under a prescriptive framework. The specific technical thresholds and operating conditions for these operations are set out in the accompanying Civil Aviation Transport Instrument 101-01 (Transport Instrument). Putting the technical details in a transport instrument makes it easier to update the requirements when technology, training, and risks change.
- 6 Part 102 has been amended to make it clear that operators are required to follow their approved procedures, even if they are doing activities that would normally be covered by Part 101. This was a point of confusion to operators previously, so the change clarifies this point.
- 7 Part 107 creates a new Civil Aviation Rule for organisations doing research and development in aviation, enabling flexible, performance-based rules that support rapid iteration and testing of advanced aircraft and technologies. Part 107 allows advanced aviation companies to develop their product and operations without needing to seek further approvals from the

CAA - unless it is a significant change or until they are ready to certify their product for use in mainstream aviation.

- 8 The new rule offers a light touch regulatory approach and reduces the need for time-consuming amendments or re-certification. Once innovators are ready to export their technologies, they can transition into the current regulatory regime to ensure international credibility. Part 107 does not replace Part 102. The current rules continue to be available.
- 9 Part 107 is the centrepiece of the Government's reforms to support a world class regulatory system for advanced aviation and is particularly aimed at supporting highly innovative companies that are developing brand new technologies. The lighter touch regulatory approach coupled with available restricted airspace and ground-based support systems, will allow advanced aviation companies to safely refine and scale next-generation technologies in environments that reflect a range of operating conditions – 'sandboxes'¹.
- 10 The Rules are included in [Annex 1](#). This includes a version of Part 101 which incorporates overflight provisions via the Transport Instrument. However, if you are not satisfied that this content is appropriate for a transport instrument, CAA have drafted another version of Part 101 where these provisions remain in the Rule. This version can be provided to you for signing along with the other Rules if required.

The Civil Aviation Authority (CAA) consulted the public on your behalf

- 11 Section 61 of the Act requires that before making a rule, the Minister must be satisfied that the rule will meet certain criteria (set out in paragraph 14) and that appropriate consultation has occurred.
- 12 The CAA consulted the public on the proposed amendments to Civil Aviation Rules Parts 101, 102, and 107, and the Transport Instrument, from 23 June to 27 July 2025.
- 13 The CAA received 75 written submissions from individuals, operators, industry groups, and technical experts. Attached are the list of submitters ([Annex 2](#)) and a summary of submissions ([Annex 3](#)). These submissions informed specific changes to the final Rules and Transport Instrument. The main changes made to the draft Rules and draft Transport Instrument based on public feedback are listed below.

Part 101 – Gyrogliders and Parasails, Unmanned Aircraft (including Balloons), Kites, and Rockets Operating Rules

- 14 The intent of the changes to Part 101 is to allow certain lower-risk remotely piloted aircraft operations to be conducted without certification, supported by a Transport Instrument that sets technical thresholds and operating conditions.
- 15 We made several changes to proposed Part 101 following consultation, as set out below.

¹ As you are aware, the CAA has approved the allocation of permanent flight test airspace to Tāwhaki National Aerospace Centre (TNAC). This change provides TNAC with administrative oversight of the test airspace. Once the new rule is in place, TNAC can be used as a 'sandbox'.

Topic	Change (compared to consultation draft)	Rationale for change
Indoor Beyond Visual Line of Sight (BVLOS) operations	The Rule was amended to clarify that CAA’s safety mandate applies regardless of location, but discretion will be exercised for enclosed-space operations. BVLOS is now permitted in enclosed areas with restricted access and no escape path, without training or declarations.	To address concerns that regulating recreational indoor flight exceeded the CAA’s mandate and was impractical, reflecting a risk-based approach where enclosed operations pose minimal safety risk.
Agricultural operations	Rule 101.15(c) prohibits only high-risk activities, topdressing, spraying, and vertebrate toxic agent dispersal. It clarifies existing practices involving hazardous substances, without changing the regulatory burden on operators.	Fixes a drafting error that would have unintentionally banned all remotely piloted agricultural operations. Clarifies intent to restrict hazardous substance use, not general agricultural activity.
Operations over people and private property (overflight) without consent	<p>The Transport Instrument no longer includes provisions allowing flight over property without prior consent. The Rules currently in force required consent from property owners or occupiers. CAA consulted on removing this requirement under certain conditions to reduce regulatory burden and support low-risk Part 101 operations, and most submitters supported the change.</p> <p>However, following agency feedback, CAA has decided not to proceed with the change at this time. The Transport Instrument now includes the existing requirement to obtain consent before flying over property. The only difference is that this provision now sits in the Transport Instrument rather than in the Rules.</p> <p>Overflight could be enabled in future by updating the Transport Instrument to prescribe suitable technical and operational conditions. The Rule keeps this option open, with requirements, focused on safety, security, and privacy, still to be developed. These may include minimum training, flight logging, separation distances, flight restrictions, and limits on recording, as used in other countries, with future technology helping to manage risks.</p>	<p>s 9(2)(g)(i)</p> <p>[REDACTED]</p> <p>This change retains current protections while enabling future flexibility (future proofing). Future changes would require consultation and must remain within the scope of safety regulation.</p>
Aerodrome operations	The proposal aimed to reduce minimum separation distances from heliports for remotely piloted aircraft operations, replacing the fixed 4 km rule with a	Submitters raised several minor aerodrome-related concerns that, taken together, warranted deferring the

	<p>shorter, risk-based threshold. This would have allowed closer operations under specified safety conditions. However, this was not progressed.</p> <p>The Transport Instrument allows for technical updates in future, to support expanded operations and improve clarity.</p> <p>Changes to terminology such as replacing “active runway” with “distance to aerodrome boundary”, will improve consistency and users’ understanding.</p>	<p>change as more policy work is required. Future changes would require consultation and must remain within the scope of safety regulation.</p>
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Part 102 – Unmanned Aircraft Operator Certification

- 16 Rule 102.17(c) was revised after consultation to clarify that certificate holders operating remotely piloted aircraft for personal, recreational, or non-commercial purposes remain under Part 101 — unless the operation is conducted under the authority of a Part 102 certificate.
- 17 This change addresses submitters’ safety concerns by ensuring that certified operators remain subject to their approved exposition and oversight.

Part 107 – Research and Development Organisation Certification

- 18 We made several changes to proposed Part 107 following consultation, as set out below.

Topic	Change (compared to consultation draft)	Rationale for change
Definitions	<p>“Research and development” was clarified to mean operations solely for achieving the organisation’s stated goals.</p>	<p>To remove reliance on the term “hire and reward”. Submitters noted ways that R&D activity may be funded that could have been unintentionally captured by the definition prohibiting activities for “hire and reward”.</p>
Operational restrictions	<p>Rule 107.13 was amended to allow carriage of flight crew members (but not passengers) and to prohibit the carriage of dangerous goods.</p>	<p>To clarify the intent to permit essential personnel onboard while maintaining safety by excluding passengers and hazardous cargo.</p>
Exposition requirements	<p>Proposed Rule 107.53 was amended to require applicants to include:</p> <ul style="list-style-type: none"> • agreements with aerodrome operators or special use airspace authorities • details of aircraft energy sources • airworthiness and maintenance information for aircraft to be used post-R&D 	<p>These additions reflect submitter feedback. They ensure the CAA can assess safety risks and operational readiness.</p>

	<ul style="list-style-type: none"> procedures for dropping articles (excluding dangerous goods) procedures for reporting manned aircraft incidents. 	
Data reporting	We have added a requirement for operational data reporting in the exposition, without specifying frequency or data types. This allows reporting to be tailored to the nature of the operation, its risk profile, and the value of the data to the CAA in carrying out its regulatory functions.	To respond to submitters' request that reporting should be mandatory.
Aircraft identification	Rule 107.55 was amended to remove the requirement to list aircraft serial numbers and registrations.	To reduce administrative burden and support iterative R&D.

You must consider specific matters in the Act

- 19 The Act requires you to have regard to, and to give such weight as you consider appropriate in each case, to a number of matters when deciding whether to make a rule. Section 61(2) of the Act requires that, before making a rule you must:
- be satisfied that the rule will, to the extent practicable, facilitate conformity with applicable ICAO standards
 - be satisfied that the rule is not inconsistent with New Zealand's international obligations
 - have regard to, and give the weight you consider appropriate, to the matters in section 72.
- 20 You must consider these matters yourself and cannot delegate this obligation to anyone else. These matters are set out in Annex 4, together with Ministry advice on each matter that includes information received from the CAA.

The proposed Rule enables more modern and responsive legislation through a transport instrument

- 21 The Act, under section 431, allows the Director of Civil Aviation to make transport instruments, where they are provided for in a rule. Proposed Rule Part 101 includes such a provision, allowing the Director to issue the Transport Instrument. This Transport Instrument will set out the detailed operational thresholds and conditions for remotely piloted aircraft under Subpart E of Part 101. It will be signed by the Director once the Rules come into force.
- 22 Transport instruments are classified as secondary legislation under the Legislation Act 2019 and are required to be consulted on. They are published and presented to Parliament by the Minister of Transport, and Parliament has the power to disallow them. This helps ensure transport instruments are transparent and that decisions-makers can be held accountable.

- 23 Transport instruments are intended for subject matter that is:
- technical or operational in nature, such as thresholds, procedures, and conditions
 - likely to require regular updates, due to changes in technology, risk profiles, or international standards
 - non-controversial, with minimal impact on rights or obligations.
- 24 Unlike rules, transport instruments:
- do not require a Regulatory Impact Statement or Cabinet consideration
 - are able to be signed by the Director, enabling faster updates.
- 25 This approach makes it easier for the CAA to keep technical and operational requirements up to date without having to amend the rules each time. It supports a more flexible and responsive regulatory system, aligned with the Government's goal of encouraging innovation while maintaining safety.
- 26 The final amendments to draft Part 101 include enabling provisions for a transport instrument that sets out detailed operating conditions for unmanned aircraft, control line model aircraft, and free flight model aircraft. These details are too detailed to be efficiently maintained in the rule itself and are likely to require regular updates. Moving them into a transport instrument makes it easier to revise them as technology and operational practices evolve.
- 27 The Transport Instrument is enabled by Rule 101.17 that sets out who may make the Transport Instrument and its general framework. When making this Transport Instrument, the Director must consider international aviation standards and set clear dates by which operators must comply. The Transport Instrument will only apply to remotely piloted aircraft operators and will not affect other aviation participants. The Transport Instrument will be enforceable under Part 101, as the enabling rule.
- 28 Overall, the Transport Instrument enables a more agile, future-focused regulatory approach, consistent with Cabinet's direction to support innovation while maintaining transparency and public confidence.

You must be satisfied that the subject matter is appropriate to be in a transport instrument, rather than in the Rule itself

- 29 Under section 430, a rule may only provide for a matter to be dealt with in a transport instrument if you, as Acting Minister of Transport, are satisfied that the subject matter is appropriate to be in a transport instrument, rather than in the Rule itself.
- 30 Most Rules in Subpart E of Rule Part 101 have been updated to refer to the Transport Instrument, which now contains the detailed technical requirements. This structure provides safeguards and assurance:

- Rule Part 101 only enables transport instruments to cover specified matters. The CAA can't make transport instruments about other issues unless the rules are changed to allow this
- Rule 101.17(b) reiterates that transport instruments must be created in accordance with section 431 of the Act, which prohibits delegation of the Director's power to make them
- Section 432 requires the Director to consult all persons and organisations deemed appropriate about proposed transport instruments or changes to transport instruments, ensuring transparency and accountability.

31 The Transport Instrument helps carry out Cabinet's direction to refresh Civil Aviation Rules to move lower-risk operations from Part 102 to Part 101. By choosing to delegate the task of setting technical thresholds to the Director, you have confirmed that the Transport Instrument is the right tool for managing those details.

32 The potential for challenge (e.g., through the Regulations Review Committee or judicial review) is a built-in safeguard. The use of the Transport Instrument aligns with Ministry of Transport guidance and Cabinet instructions.

Delegating overflight conditions to a transport instrument raises legal and policy sensitivities

33 You are being asked to approve Rule 101.207 that sets the policy framework for unmanned aircraft operations over people and property at altitudes from ground level up to 400 feet. Under the current Rule, operators must obtain consent from the person or property owner before conducting such flights. The Rule retains this requirement but delegates the authority to set or amend the operational conditions for overflight to the Director of Civil Aviation via a transport instrument. This delegation raises some legal and policy sensitivities that you, as Minister, must explicitly consider.

34 s 9(2)(h)


35 On balance, we consider this delegation appropriate for the following reasons:

- 35.1 The Rule, authorised by you as Minister, sets the policy: overflight is enabled by ministerial decision, subject to safety conditions, while the Director is authorised to operationalise it.
- 35.2 Transport Instruments provide flexibility to adapt conditions as technology, risk assessments, and international practice evolve, allowing the CAA to respond faster than a rule change.

- 35.3 There is no immediate change to legal rights: the draft Instrument retains the consent requirement and introduces no new permissions.
- 35.4 Safeguards also apply. Future changes would require consultation and parliamentary scrutiny. Transport instruments are disallowable under the Legislation Act 2019. The Rule limits the Director's powers to specific matters, and any future changes must remain within that scope.
- 36 The Director exercises independent statutory powers under section 32 of the Act, including issuing transport instruments where authorised. These powers must be exercised within the scope of the Act and the enabling Rule. The current draft Transport Instrument retains the requirement for consent before flying over people or private property, but this could change in future. Any change would require the Director to consult appropriately and have regard to the purposes of the Act, including contributing towards the health and safety of people and taking into account the adverse effects of aviation on people, property and the environment.
- 37 While the Director is not expressly required to consider these additional purposes when issuing a Transport Instrument, your decision to enable the Transport Instrument through Rule 101.207 must be consistent with the Act as a whole. Any future changes to the consent requirement would need to remain within the scope of safety regulation. If privacy considerations became central, additional safeguards, such as consultation with the Privacy Commissioner under section 430(3)(c), may be required.

Assessment against Ministry criteria

- 38 All matters incorporated in the Transport Instrument were collectively assessed for suitability against four key criteria, and assigned scores on a scale between -2 and +2, based on Ministry guidance (*Guidance for Considering, Creating & Maintaining Transport Instruments*, June 2021).
- 39 The results of this assessment are summarised below.

Table 1 Summary of assessment of suitability – subject matter content for Part 404 transport instruments.

Criteria	Assessment	Score
It is non-controversial	<i>Most provisions reflect established practice and technical norms. However, the potential for remotely piloted aircraft to operate over persons or private property without consent, raises significant privacy and safety concerns. While framed as operational constraints rather than rights-based authorisations, these provisions may still be considered controversial and warrant scrutiny.</i>	0.5
To outline prescriptive or detailed requirements	<i>The content is highly technical and prescriptive (e.g., wire lengths, shielding heights, observer qualifications), and not suited to inclusion in the Rule itself.</i>	2
To allow for flexibility or innovation	<i>The Transport Instrument allows the CAA to adjust thresholds and conditions in response to evolving technology, risk profiles, and international standards.</i>	2
It would have a contained or minimal impact	<i>The scope is limited to remotely piloted aircraft operators and does not affect broader aviation participants. No new offences are created.</i>	2
Total Score		6.5/8

40 Under the assessment framework, not all four suitability criteria need to be met - meeting two is considered sufficient justification, while meeting three or more indicates strong suitability. Having had regard to the summary assessment of suitability set out in Table 2 above, we recommend that you be satisfied that the proposed subject matter is appropriate to be in a transport instrument, rather than in the Rule itself. Overall, establishing this Transport Instrument is expected to increase efficiencies for users of the system and the CAA as a regulator. It will make it easier to maintain the regulatory framework, because technical detail is located in an appropriate legislative mechanism.

The final Rules are attached for your consideration and signature

41 Annex 2 contains the amended and new Rule parts for your signature.

Legal authority [Legally privileged]

42 s 9(2)(h)

43

Timing and the 28-day rule

44 The Rules are drafted to come into force on 22 December 2025.

45 For the Rules to comply with section 64 of the Act and section 74 of the Legislation Act 2019, the Rules must be notified in the *New Zealand Gazette* (the Gazette) at least 28 days before commencement.

46 Table 1 shows the timetable of events required to give the CAA time to lodge the Gazette notice. This includes signing the Amendment Rule by 16 November 2025.

Table 1 Timetable for Rules' commencement

Action	Start date	End date
Papers sent to Minister's office	4 November 2025	
Ministerial consideration	4 November 2025	13 November 2025
Rule signed	13 November 2025	16 November 2025
Rule gazetted	20 November 2025	
Rule in force	22 December 2025	

47 The Director will sign the new Transport Instrument, after the enabling Rule is in force.

Compliance

- 48 The Rule is consistent with the principles of the Treaty of Waitangi. It complies with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993, the principles and guidelines set out in the Privacy Act 2020, and the relevant international standards. It is consistent with the *Legislation Design and Advisory Committee's Guidelines (2021 edition)*.

Legal advice [Legally Privileged]

s 9(2)(h)



Publicity and tabling

- 54 The CAA will notify the making of the Rule in the *Gazette*, as required by section 56 of the Act. The Authority will also publicise the Rule in its publications and on its website.
- 55 Ordinary rules are secondary legislation and, under section 114 of the Legislation Act 2019, they must also be presented to House of Representatives in accordance with the House's rules and practice.
- 56 Current House rules and practice require this instrument to be presented to the House not later than the 20th working day after the day on which they were made. Subject to your

² For example, Standing Order 327(2)(b) and (c) – that the secondary legislation trespasses unduly on personal rights and liberties or appears to make some unusual or unexpected use of the powers conferred by the enactment under which it is made.

approval of the Rules, the CAA will work with your office to arrange the presentation of the signed Rules to the House.

- 57 The making of the Transport Instrument will also need to be *Gazetted* and presented to the House.

Communications

- 58 The CAA will work with the relevant stakeholders to ensure the changes are understood and complied with.

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ANNEX 1 – RULES, INCLUDING BOTH VERSIONS OF PART 101

Refused under section 18(d) as the information is available on the CAA's website here:
<https://www.aviation.govt.nz/rules/pending-rules/>

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ANNEX 2 – LIST OF SUBMITTERS

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Submission ID	Name	Organisation	NPRM	Acceptance
1	s 9(2)(a)		25-02	The proposal is acceptable without change
2			25-02	The proposal is acceptable but would be improved if the following changes were made
3			25-02	The proposal is acceptable but would be improved if the following changes were made
4			25-02	The proposal is acceptable without change
5			25-02	The proposal is not acceptable under any circumstance
6			25-02	The proposal is acceptable but would be improved if the following changes were made
7			25-02	The proposal is acceptable but would be improved if the following changes were made
8			25-02	The proposal is acceptable but would be improved if the following changes were made
9			25-02	The proposal is acceptable but would be improved if the following changes were made
10			25-02	The proposal is acceptable without change
11			25-02	The proposal is acceptable but would be improved if the following changes were made
12			25-01	The proposal is acceptable but would be improved if the following changes were made
13			25-01	The proposal is not acceptable under any circumstance
14			25-02	The proposal is not acceptable under any circumstance
15			25-02	The proposal is not acceptable but would be acceptable if the following changes were made
16			25-01	The proposal is not acceptable but would be acceptable if the following changes were made
17			25-02	The proposal is not acceptable but would be acceptable if the following changes were made
18			25-02	The proposal is not acceptable but would be acceptable if the following changes were made
19			25-02	The proposal is not acceptable but would be acceptable if the following changes were made
20			25-02	The proposal is not acceptable under any circumstance
21			25-02	The proposal is not acceptable but would be acceptable if the following changes were made
22			25-02	The proposal is not acceptable under any circumstance
23			25-02	The proposal is not acceptable but would be acceptable if the following changes were made
24			25-02	The proposal is not acceptable but would be acceptable if the following changes were made
25			25-02	The proposal is not acceptable but would be acceptable if the following changes were made
26			25-01	The proposal is not acceptable but would be acceptable if the following changes were made
27			25-02	The proposal is not acceptable but would be acceptable if the following changes were made
28			25-01	The proposal is not acceptable but would be acceptable if the following changes were made
29			25-02	The proposal is not acceptable but would be acceptable if the following changes were made
30			25-02	The proposal is acceptable without change
31			25-02	The proposal is not acceptable under any circumstance
32			25-02	The proposal is not acceptable under any circumstance
33			25-02	The proposal is not acceptable but would be acceptable if the following changes were made
34			25-02	The proposal is not acceptable but would be acceptable if the following changes were made
35			25-02	The proposal is acceptable but would be improved if the following changes were made
36			25-01	The proposal is acceptable but would be improved if the following changes were made

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s 9(2)(a)

37	25-02	The proposal is acceptable but would be improved if the following changes were made
38	25-01	The proposal is not acceptable but would be acceptable if the following changes were made
39	25-02	The proposal is not acceptable but would be acceptable if the following changes were made
40	25-02	The proposal is not acceptable under any circumstance
41	25-02	The proposal is acceptable but would be improved if the following changes were made
42	25-02	The proposal is not acceptable but would be acceptable if the following changes were made
43	25-02	The proposal is not acceptable under any circumstance
44	25-02	The proposal is acceptable but would be improved if the following changes were made
45	25-02	The proposal is acceptable but would be improved if the following changes were made
46	25-02	The proposal is acceptable but would be improved if the following changes were made
47	25-01	The proposal is not acceptable but would be acceptable if the following changes were made
48	25-02	The proposal is not acceptable but would be acceptable if the following changes were made
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56	25-02	The proposal is not acceptable but would be acceptable if the following changes were made
57	25-02	The proposal is not acceptable but would be acceptable if the following changes were made
58	25-01	The proposal is acceptable without change
59	25-02	The proposal is not acceptable but would be acceptable if the following changes were made
60	25-02	The proposal is not acceptable but would be acceptable if the following changes were made
61	25-02	The proposal is not acceptable but would be acceptable if the following changes were made
62	25-02	The proposal is not acceptable but would be acceptable if the following changes were made
63	25-02	The proposal is not acceptable but would be acceptable if the following changes were made
64	25-01	The proposal is not acceptable but would be acceptable if the following changes were made
65	25-02	The proposal is not acceptable but would be acceptable if the following changes were made
66	25-01	The proposal is acceptable but would be improved if the following changes were made
67	25-02	The proposal is acceptable but would be improved if the following changes were made
68	25-01	The proposal is acceptable but would be improved if the following changes were made

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s 9(2)(a)

69		25-02	The proposal is not acceptable under any circumstance
70		25-01	The proposal is acceptable but would be improved if the following changes were made
71		25-02	The proposal is acceptable but would be improved if the following changes were made
72		25-01	The proposal is acceptable but would be improved if the following changes were made
73		25-02	The proposal is acceptable but would be improved if the following changes were made
74		25-02	The proposal is not acceptable but would be acceptable if the following changes were made
75		25-01	The proposal is not acceptable but would be acceptable if the following changes were made

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ANNEX 3 – SUMMARY OF SUBMISSIONS

Refused under section 18(d) of the Act as the summary is available on the CAA's website:
<https://www.aviation.govt.nz/assets/rules/nprms-and-summaries/AAR-Summary-of-Public-Submissions.pdf>

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ANNEX 4 – MATTERS TO BE CONSIDERED

Matter(s) to be considered	Advice
<p>61(2)(a) be satisfied that the rule will, to the extent that is practicable, facilitate conformity with the applicable standards of ICAO relating to aviation safety and security</p> <p>61(2)(b) be satisfied that the rule is not inconsistent with New Zealand’s international obligations relating to aviation safety and security</p> <p>72(b) the recommended practices of ICAO relating to aviation safety and security</p>	<p>The proposed rules are not inconsistent with the applicable sections of the following ICAO Standards and Recommended Practices:</p> <p>Annex 1 – Personnel Licensing Annex 6 – Operation of Aircraft Annex 8 – Airworthiness of Aircraft Annex 10 – Aeronautical Telecommunications Annex 11 – Air Traffic Services Annex 19 – Safety Management</p> <p>The rules are not inconsistent with New Zealand’s international obligations relating to aviation safety and security.</p>
<p>72(a) the main and additional purposes of this Act</p> <p>The main purpose of the Act is a safe and secure civil aviation system.</p> <p>The Act has the following additional purposes:</p> <ul style="list-style-type: none"> • to maintain, enhance, and promote a transport system that contributes to environmental sustainability, economic prosperity, inclusive access, healthy and safe people, and resilience and security • to promote innovation, effectiveness, and efficiency in civil aviation • to ensure that New Zealand’s obligations under international civil aviation conventions, agreements, and 	<p>See (b), (e) and (f) below for an assessment of the rules’ impact on the Act’s main purpose.</p> <p>Alignment with international obligations is discussed under the criterion above.</p> <p><i>Environmental sustainability</i></p> <p>The current scope of the rules does not introduce adverse environmental effects. Increased airspace capacity could lead to more flights, which may have long-term environmental impacts. These will need to be monitored as uptake grows.</p> <p><i>Economic prosperity</i></p> <p>Part 107 provides a framework for domestic research and development (R&D) activity, supporting innovation and attracting investment. Part 101 clarifies rules for recreational and commercial operators, reducing compliance uncertainty and supporting sector growth. Part 102 amendments ensure operators can switch between certified and low-risk operations without regulatory ambiguity, improving operational flexibility.</p> <p>These changes are expected to support increased aviation activity, particularly in emerging sectors such as drone services and advanced aviation technologies.</p>

<p>understandings are implemented</p> <ul style="list-style-type: none"> to preserve New Zealand’s national security and national interests to take into account the adverse effects of civil aviation on the interests of people, property, and the environment. 	<p><i>Inclusive access, healthy and safe People, resilience and security</i></p> <p>The Rules do not restrict access to aviation services and are designed to be proportionate to risk. Safety is maintained through clear operational limits and certification requirements. The framework supports resilience by enabling the safe integration of new technologies and operational models.</p> <p><i>Promotion of innovation, effectiveness, and efficiency</i></p> <p>Part 107 is specifically designed to enable iterative testing and development of new aviation systems. The use of transport instruments under Part 101 allows for efficient updates to technical conditions without requiring full rule changes. These mechanisms reduce regulatory burden while maintaining oversight.</p> <p><i>Preservation of national security and interests</i></p> <p>The Rules do not introduce any known risks to national security. They support national interests by enabling domestic innovation and maintaining international alignment.</p> <p><i>Adverse effects on people, property, and the environment</i></p> <p>Privacy and safety concerns raised in submissions (e.g., flight over property) were acknowledged. The Civil Aviation Authority (CAA) chose not to proceed with rule changes that would allow such operations without further safeguards. Future amendments to the Transport Instrument may address these concerns with appropriate mitigation measures.</p>
<p>72(c) the level of risk existing to aviation safety in each proposed activity or service</p>	<p>The proposed amendments to Parts 101, 102, and 107 apply a proportionate and risk-based approach to aviation safety. For Part 101, which governs low-risk, remotely piloted, aircraft operations, the amendments explicitly prohibit higher-risk activities such as aerial spraying, topdressing, and dispersal of vertebrate toxic agents. These activities are not permitted under either Part 101 or Part 102, and must be authorised separately. This ensures that operations with elevated safety risks are not conducted under frameworks intended for low-risk activity.</p>

	<p>Part 101 also introduces the Transport Instrument, which allows the Director to specify operational conditions for activities. This mechanism enables the CAA to respond to emerging risks and sector developments without requiring rule changes. For example, indoor BVLOS operations are permitted only in enclosed areas where the aircraft cannot escape and access is restricted, reflecting a low risk profile. The removal of mandatory training and declarations for these operations followed a reassessment of risk and stakeholder feedback.</p> <p>For Part 102, the amendment to rule 102.17 clarifies that any operation conducted under the authority of a Part 102 certificate must comply with all certificate conditions. This reinforces regulatory oversight and ensures that certified operators remain subject to appropriate safety requirements. The amendment does not expand the scope of permissible activities but strengthens the boundary between certified and non-certified operations.</p> <p>Part 107 introduces a new certification framework for R&D organisations conducting experimental aviation activities. These operations are inherently high-risk due to their exploratory nature. The Rule mitigates risk through mandatory hazard registers, operational specifications, restrictions on passenger carriage and dangerous goods, and reporting requirements for incidents and operational data. These controls ensure that R&D operations are conducted in a controlled environment with appropriate safety oversight.</p>
<p>72(d) the nature of the activity or service for which the rule is being established</p>	<p>This was taken into account in the design of each proposal.</p>
<p>72(e) the level of risk existing to aviation safety and security in New Zealand in general</p> <p>72(f) the need to maintain and improve aviation safety and security, including (but not limited to) personal security</p>	<p>The proposed Rules are designed to maintain and manage aviation safety and security across the system by:</p> <ul style="list-style-type: none"> • clarifying operational boundaries for remotely piloted aircraft • introducing a flexible but controlled framework for R&D operations • enabling responsive regulation through transport instruments • maintaining oversight of certified operators. <p>The amendments to Part 101 prohibit high-risk activities from being conducted under low-risk rules.</p>

	<p>Part 107 establishes a certification regime for research and development organisations, requiring operations to be conducted within designated airspace, for specified purposes, and without carrying passengers. The rule requires hazard registers, operational procedures, and reporting, which collectively ensure that experimental activities are conducted safely and transparently.</p> <p>The Transport Instrument allows the Director to specify operational conditions for remotely piloted aircraft, including thresholds for altitude, proximity to aerodromes, and other operations. This mechanism enables the CAA to respond quickly to emerging risks and sector developments without needing to amend the rules themselves.</p> <p>The amendment to Rule 102.17 ensures that operators conducting activities under the authority of a Part 102 certificate remain subject to all applicable certificate conditions. This reinforces the integrity of the certification system and ensures that higher-risk operations are appropriately regulated.</p> <p>Together, these changes improve the regulatory framework's ability to manage safety and security risks, while enabling innovation and operational flexibility. The Rules strike a balance between enabling sector growth and maintaining high safety standards. Overall, the proposed Rules maintain the general level of aviation safety and security in New Zealand.</p>
<p>72(g) the costs of implementing measures for which the rule is being proposed</p>	<p>The proposed Rules are designed to minimise compliance costs, particularly for low-risk and opt-in activities. For Part 101, most operators will continue to operate under existing conditions, with additional requirements specified in the Transport Instrument. These are not expected to impose significant new costs, as they largely formalise current practice and provide clarity.</p> <p>Part 102 amendments do not introduce new obligations but clarify that operations conducted under a certificate must comply with its conditions. This reinforces existing oversight without adding cost.</p> <p>Part 102 amendments do not introduce new obligations but clarify that certificate holders must comply with their exposition even when conducting operations that could otherwise fall under Part 101. This reinforces existing oversight without adding cost and may reduce future costs</p>

	<p>for operators or the CAA by avoiding the need to seek recertification for activities already covered by certificate.</p> <p>Part 107 introduces a certification framework for research and development organisations. While certification involves costs, these are only incurred by organisations choosing to operate under Part 107. The framework is designed to be scalable and proportionate to the nature of the R&D activity. No mandatory costs are imposed on operators who do not opt into this regime.</p>
<p>72 the international circumstances in respect of— (i) aviation safety and security; and (ii) mutual recognition of safety certifications in accordance with the ANZA mutual recognition agreements</p>	<p>As noted above, the rule changes are not inconsistent with New Zealand’s international obligations relating to aviation safety and security.</p> <p>The proposed rule amendments will have no adverse effect on mutual recognition agreements.</p>
<p>72(i) any other matters that the Minister... considers appropriate in the circumstances</p>	<p>There are no other matters that we consider need to be taken into account in the making of these proposed rules.</p>

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