

Proactive Release

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MINISTRY OF TRANSPORT TE MANATŪ WAKA



Cabinet

Minute of Decision

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

Report of the Cabinet Business Committee: Period Ended 28 February 2025

On 3 March 2025, Cabinet made the following decisions on the work of the Cabinet Business Committee for the period ended 28 February 2025:

Out of Scope

Out of Scope

CBC-25-MIN-0002

Civil Aviation (Offences) Regulations 2025

CONFIRMED

Portfolio: Acting Transport

Rachel Hayward
Secretary of the Cabinet



Cabinet Business Committee

Minute of Decision

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Civil Aviation (Offences) Regulations 2025

Portfolio **Acting Transport**

On 24 February 2025, the Cabinet Business Committee:

- 1 **noted** that, on 24 July 2024, the Cabinet Economic Policy Committee:
 - 1.1 noted that secondary legislation in relation to offences under section 407 of the Civil Aviation Act 2023 is required to support enforcement of the remade civil aviation rules and invited the Minister of Transport to issue drafting instructions to the Parliamentary Counsel Office for secondary legislation relating to civil aviation offences and penalties;
 - 1.2 authorised the Minister of Transport to determine matters that arise during the course of drafting secondary legislation in relation to offences that are inconsistent with the intent of the current regime, or of minor or consequential policy detail, without further reference to Cabinet;
- [ECO-24-MIN-0128]
- 2 **noted** that the Civil Aviation (Offences) Regulations 2025 (Regulations) will give effect to the above decisions;
- 3 **authorised** the submission to the Executive Council of the Civil Aviation (Offences) Regulations 2025 [PCO 26742];
- 4 **authorised** the Parliamentary Counsel Office to make further changes to the Regulations in advance of Cabinet confirmation, to finalise the drafting;
- 5 **noted** that the Regulations come into force on 5 April 2025.

Sam Moffett
Committee Secretary

Present:

Rt Hon Christopher Luxon (Chair)
Hon David Seymour
Hon Nicola Willis
Hon Simeon Brown
Hon Paul Goldsmith
Hon Louise Upston
Hon Judith Collins KC
Hon Brooke van Velden

Officials present from:

Officials Committee for CBC

In Confidence

Office of the Acting Minister of Transport

Chair, Cabinet Business Committee

CIVIL AVIATION (OFFENCES) REGULATIONS 2025

Proposal

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

Policy

- 2 The Civil Aviation (Offences) Regulations 2006 (the **2006 Regulations**), and the current civil aviation rules will be revoked when the Civil Aviation Act 2023 (the **2023 Act**) comes into force on 5 April 2025.
- 3 As required by transitional provisions in the 2023 Act, The previous Minister of Transport has remade the existing suite of civil aviation rules. The rules include necessary updates to align them with the 2023 Act, take account of changes in technology, clarify intent, and reconcile inconsistencies. The remade rules will come into force on 5 April 2025.
- 4 The Civil Aviation (Offences) Regulations 2025 (the **Regulations**) support enforcement of the remade rules and replicate the 2006 Regulations, with necessary changes to reflect the 2023 Act and remade rules. The Regulations identify which breaches of rule provisions are offences under the 2023 Act, the maximum fines that can be imposed by a Court and infringement fees where that option is available.
- 5 On 29 July 2024, Cabinet invited the Minister of Transport to issue drafting instructions to the Parliamentary Counsel Office for secondary legislation relating to civil aviation offences and penalties, and noted that the Minister intended to report back to LEG by February 2025, seeking approval to regulations for offences and penalties [ECO-24-MIN-0128, CAB-24-MIN-0277 refer].
- 6 Cabinet also authorised the Minister of Transport to determine matters that arose in the course of drafting secondary legislation in relation to offences that are inconsistent with the intent of the current regime, or of minor or consequential policy detail [ECO-24-MIN-0128, CAB-24-MIN-0277 refer]. I have made the following decisions under this authorisation:
 - 6.1 Offences that have elements of intention and are inconsistent with the Legislation Guidelines (2021 edition) for infringement offences are removed from the infringement penalty regime, making them criminal offences to be dealt with by the court.
 - 6.2 Redundant offences have been removed, including offences that linked to previously revoked rules.

- 6.3 A new offence has been added for rule 61.155(bb) (relating to private pilot licence holders who hold medical certificates) that was added in 2021 without a corresponding offence. The penalty for this offence is specified as a fine of up to \$5,000 or a \$1,000 infringement fee, which aligns with a similar rule, rule 61.155(b) (relating to private pilot licence holders).
- 6.4 Wording has been updated to match the wording in remade rules and the 2023 Act.
- 6.5 References to the Civil Aviation Act 1990 and to civil aviation rules have been updated to refer to the 2023 Act and the remade rules.

Timing and 28-day rule

- 7 The Regulations will come into force on 5 April 2025. A waiver of the 28-day rule is not sought.

Compliance

- 8 The Regulations comply with:
 - 8.1 the principles of the Treaty of Waitangi;
 - 8.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993;
 - 8.3 the principles and guidelines set out in the Privacy Act 2020;
 - 8.4 relevant international standards and obligations;
 - 8.5 the Legislation Guidelines (2021 edition), which are maintained by the Legislation Design and Advisory Committee.
- 9 The Regulations do not include any Treaty of Waitangi provisions and advice was not sought from the Treaty Provisions Officials Group.
- 10 There are no relevant statutory pre-requisites for the Regulations to be made. The civil aviation rules are required to be remade under Schedule 1(9) of the 2023 Act before 5 April 2025, and the Regulations are required to support the implementation of those rules.

Regulations Review Committee

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

Certification by Parliamentary Counsel

- 12 The draft Regulations were certified by the Parliamentary Counsel Office as being in order for submission to Cabinet.

Impact Analysis

- 13 No Regulatory Impact Assessment was prepared as part of ECO-24-SUB-0128. The changes to the Regulations are minor and are required by the Civil Aviation Act 2023 coming into force. The revocation of the existing offences regulations and the consequential rewriting of the rules and offences regulations was addressed by processes to support the passing of the Civil Aviation Bill.

Publicity

- 14 The Civil Aviation Authority will publicise the new civil aviation rules (also noting that the offences will be updated) on its website, and by emailing stakeholders.

Proactive release

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

Consultation

- 16 The following agencies were consulted on the contents of this paper: Ministry of Justice, the Treasury, Ministry of Māori Development, Te Puni Kōkiri and the Civil Aviation Authority. The Department of the Prime Minister and Cabinet has been informed.

Recommendations

I recommend that the Cabinet Legislation Committee:

- 1 note that on 24 July 2024 the Cabinet Economic Policy Committee noted that secondary legislation in relation to offences under section 407 of the 2023 Act is required to support enforcement of the remade civil aviation rules and invited the Minister of Transport to issue drafting instructions to the Parliamentary Counsel Office for secondary legislation relating to civil aviation offences and penalties [ECO-24-MIN-0128];
- 2 note that on 24 July 2024 the Cabinet Economic Policy Committee authorised the Minister of Transport to determine matters that arise in the course of drafting secondary legislation in relation to offences that are inconsistent with the intent of the current regime, or of minor or consequential policy detail, without further reference to Cabinet [ECO-24-MIN-0128];
- 3 note that the Civil Aviation (Offences) Regulations 2025 will give effect to the decision referred to in paragraph 1 and 2 above;
- 4 authorise the submission to the Executive Council of the Civil Aviation (Offences) Regulations 2025;
- 5 authorise the Parliamentary Counsel Office to make changes between Cabinet Business Committee and Cabinet to finalise the signature copy;

IN CONFIDENCE

6 note that the Civil Aviation (Offences) Regulations 2025 come into force on 5 April 2025;

Authorised for lodgement

Hon James Meager

Acting Minister of Transport

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IN CONFIDENCE