

# Authorising non-scheduled commercial international flights

Guidance for applicants

March 2025

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## Preface

The purpose of this guidance document is to provide aviation sector participants with information on how to request for authorisation of non-scheduled flights, and how the authorisation process will be carried out under the Civil Aviation Act 2023.

## Scope

This document is intended to be used as a guide for reference and not taken as a substitute for the provisions in the Civil Aviation Act 2023 or relied on as legal advice.

This guidance should be read along side the Authorising Non-scheduled flights - Operational Policy which sets out the Ministry of Transport's approach to authorising non-scheduled flights.

## Who this document is for

This document is prepared for the aviation sector participants who are interested in or are requesting for authorisation of non-scheduled flights.

## Glossary of terms and abbreviations

<b>Non-scheduled commercial international flight</b>	a flight (or a series of flights) that— (a) is offered otherwise than under an international air services licence; and (b) is engaged in the carriage of passengers, cargo, or mail for remuneration or hire between New Zealand and 1 or more points in any other country or territory
<b>Class 1 non-scheduled commercial international flight</b>	a non-scheduled commercial international flight (or a series of flights) where the flight routing or frequency requires or would require the operator to hold a certificate under the rules
<b>Class 2 non-scheduled commercial international flight</b>	means a non-scheduled commercial international flight (or a series of flights) where the flight routing or frequency does not require or would not require the operator to hold a certificate under the rules
<b>Certificate</b>	Airworthiness certificates that operators are required to hold to conduct air operations in New Zealand.  A New Zealand operator requires an air operator certificate (AOC) under Civil Aviation Rule part 119 and a foreign operator requires a foreign air operator certificate (FAOC) under the Civil Aviation Rule part 129.
<b>Operator</b>	In relation to an aircraft, means a person who causes or permits the aircraft to fly, be used, or be in any place, whether or not the person is present with the aircraft:

## Introduction

### Background and legislative framework

- 1 Non-scheduled commercial international flights to or from New Zealand, engaged in the carriage of passengers, cargo or mail for remuneration or hire, may require authorisation by the Secretary for Transport (the Secretary) to operate.
- 2 Provisions for authorising non-scheduled commercial international flights is set out in section 189 of the Civil Aviation Act 2023 (the Act).
- 3 The powers of the Secretary relating to non-scheduled commercial international flights are usually exercised under delegated authority to the relevant Ministry of Transport (the Ministry) team.
- 4 Before non-scheduled services can be commenced between New Zealand and other countries or territories, operators must also meet the requirements of the relevant authorities in each of those other countries or territories.
- 5 The process of authorising a non-scheduled commercial international flight is attached as **Annex 1**.

### Non-scheduled flights

- 6 Non-scheduled flights are ad hoc flights that are offered other than as a scheduled international air service<sup>1</sup>.
- 7 Non-scheduled commercial flights are where there is a payment by the passenger or the shipper of cargo to the operator of the aircraft to carry on a non-scheduled flight.
- 8 The Act creates two classes of non-scheduled commercial international flights:

#### **Class 1 non-scheduled commercial international flight**

These are non-scheduled commercial international flights where the flight routing or frequency would require the operator to hold a certificate under Civil Aviation Rules.

#### **Class 2 non-scheduled commercial international flight**

These are non-scheduled commercial international flights where the flight routing or frequency would not require the operator to hold a certificate under the Civil Aviation Rules. This is the case when the non-scheduled flights are one off and are arriving and departing from the same port.

- 9 A New Zealand operator requires an air operator certificate (AOC) under Civil Aviation Rule part 119 and a foreign operator requires a foreign air operator certificate (FAOC) under Civil Aviation Rule part 129<sup>2</sup>.

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<sup>1</sup> A scheduled international air service is a series of flights between New Zealand and another country or territory that has been determined by the licensing authority to be a scheduled international air service. In making a determination, the licensing authority may take into account the substantive nature of the flights, the manner of operation (including regularity and frequency) and whether the flights are open to the public.

<sup>2</sup> For more information on Civil Aviation Rules, visit <https://www.aviation.govt.nz/rules/>

## Which non-scheduled flights need authorisation?

### Class 1 non-scheduled commercial international flights require authorisation

10 Non-scheduled commercial international flights require authorisation if:

- the non-scheduled flight arrives and departs from different ports in New Zealand (because an air operator certificate will be required if the non-scheduled flight involves more than one landing and one take-off)
- the flight routing or frequency would require the operator to hold a certificate (AOC or FAOC) under the Civil Aviation Rules, or
- the operator holds a scheduled international air service licence, but the licence does not provide for the proposed routing of the non-scheduled commercial international flight.

11 Class 1 non-scheduled commercial international flights require authorisation by the Secretary for Transport.

### Class 2 non-scheduled commercial international flights do not require authorisation

12 There is no requirement for authorisation to operate the flight if the non-scheduled flight has one arrival in New Zealand and departs from that same airport, with no domestic flights in between, within a 28-day period.

### Scheduled international air service licence holders do not require authorisation

13 Scheduled international air service licence holders do not need authorisation:

Section 185 of the Act enables any person holding a scheduled international air service licence under Part 6, Subpart 6 of the Act, to carry on specified non-scheduled commercial international flights, without authorisation, to or from the countries or territories that may be served under the licence, within the capacity limits of the licence.

### Other non-scheduled flights that do not require authorisation

14 The following table covers non-scheduled flights that do not require authorisation. If your non-scheduled international flight falls under following types, you do not need to request authorisation.

Type of flight	Description
Class 2 non-scheduled flights	A flight (or a series of flights) where the flight routing or frequency does not require or would not require the operator to hold a certificate under the rules. E.g. one-off flight involving one New Zealand port.
Non-scheduled flights by licensed airlines, under s185 of the Act	If a person holds a licence under Part 6 Subpart 1- International air services licencing, the person is entitled to carry on specified non-scheduled commercial international flights, without authorisation under section 189, to or from the countries or territories that may be

	served under the licence, within the capacity limits, if any, of the licence.
Private flights	i.e., where the owner of the aircraft is onboard either as the passenger or as the pilot. Company aircraft, where these are used solely for the purposes of that company, are also private flights.
Medical flights	Most commonly, these are flights evacuating sick people and carrying them either into New Zealand or out of New Zealand. Flights carrying donor organs, less common and usually trans-Tasman, also do not require authorisation.
Ferry/delivery flights	i.e., where an aircraft arrives or departs New Zealand solely for the purpose of transfer to a new owner, or it is returning/departing for maintenance purposes.
Positioning flights	i.e., where an aircraft arrives or departs New Zealand with only its crew onboard in order to pick up passengers or cargo. For example, an Australian-based operator may have a contract to carry passengers from Auckland to Port Moresby, and the flight from Australia to Auckland is crew-only.
Overflights	Flights that simply overfly New Zealand or fly through New Zealand controlled airspace do not require our authorisation.
Flights of other nature	<p>A flight arriving in New Zealand where the purpose is for the aircraft to carry out work within New Zealand such as aerial mapping or surveying. The flights into and out of New Zealand do not require authorisation.</p> <p>Flights stopping in New Zealand for technical purposes only, e.g., refuelling.</p> <p>Flights by New Zealand operators that do not involve points in New Zealand. For example, Air New Zealand may operate a charter flight for a major firm carrying its employees from Australia to the United States. Air New Zealand does not need our authorisation, but it does need the authorisation of the Australian and United States authorities.</p>
<b>Notes</b>	
State and military flights	These flights are authorised by the Ministry of Foreign Affairs and Trade (MFAT). However, there is discretion as to which flights are given diplomatic clearance and the Ministry will engage with MFAT to check which agency should authorise the flight when such situations arise.
Livestock flights	An aircraft bringing livestock into New Zealand. An advisory email will be sent to Biosecurity New Zealand.

Flights intending to use Royal New Zealand Air Force (RNZAF) facilities	If a non-scheduled flight is intended to operate into an RNZAF facility, the Ministry will engage with the New Zealand Defence Force when such request for authorisation is received.
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## Request for authorisation

- 15 A request for authorisation of a non-scheduled commercial international flight must be made by the operator of the aircraft - not by a charterer (although either can make preliminary inquiries about whether authorisation is needed). Additionally, the requests for authorisation can be received from/via an agent or the ground handler, a flight dispatch service, or New Zealand border agencies can request the Ministry for authorisation of non-scheduled flights.
- 16 To avoid delay and inconvenience, requests for authorisation should be made as early as possible, and not less than five working days before two or more flights and 30 days before a prolonged series of flights.
- 17 A request for authorisation must be made to the Ministry and include the information required by relevant legislation as detailed in the table below.

Supporting information required	Evidence/information to provide
<b>Operational details</b>	<p>Provide details on:</p> <ul style="list-style-type: none"> <li>• Operator</li> <li>• Charterer/Agent</li> <li>• Aircraft Type</li> <li>• Number and Purpose of flight(s)</li> <li>• Full inbound/outbound routing</li> <li>• Dates (or 48 hours either side of the stated times)</li> </ul> <p>We may also require:</p> <ul style="list-style-type: none"> <li>• Passenger details, including number, origin and destination of passengers – we understand numbers may not be known at the time of application</li> <li>• Cargo details, including nature, origin and destination</li> <li>• Proof you have third-party insurance cover for any portion of the flights over or within New Zealand</li> <li>• Proposed fares/rates</li> </ul>
<b>Civil Aviation Authority requirements</b>	Where the request for authorisation involves multiple flights to/from New Zealand and/or services within New Zealand between the aircraft's



	<p>arrival and its departure, the operator will require certification by the CAA<sup>3</sup>.</p> <p>Please provide details on:</p> <ul style="list-style-type: none"> <li>• the type of certification you hold (FAOC/AOC)</li> <li>• whether you have ANZA privileges</li> </ul>
<b>Statutory considerations</b>	Please provide a general statement if the intended non-scheduled flight/s circumvent a bilateral or multilateral Air Services Agreement.

## Assessment of request for authorisation

- 18 The Ministry will check and assess a request for authorisation based on the information provided and may request additional information or clarification from the operator or other relevant parties. The assessment process includes checking,
  - I. if the effect of authorisation would circumvent any convention, agreement, or arrangement between the Government of New Zealand and the Government of any other country or territory; and
  - II. If the flights have all other necessary approvals to operate. These include the CAA certification and border agency requirements.
- 19 Authorisation will not be given where an authorisation would allow the circumvention of any convention, agreement or arrangement between the Government of New Zealand and the Government of any other country or territory.
- 20 During the assessment of the request for authorisation, the Ministry will engage with the CAA to check if the operator has an AOC or FAOC. If the operator does not hold a certificate, the Ministry will request the CAA to contact the operator with the application requirements. The Ministry cannot authorise multiple flights if the operator does not hold an AOC or FAOC.
- 21 Non-scheduled flights are required to land at airports where the border agencies are present. If a request is to arrive and/or depart from an airport where the border agencies are not present, the Ministry will contact the border agencies and receive confirmation of their approval of the flights before going ahead with our authorisation. Current airports that have border agency presence are Auckland, Wellington, Christchurch and Queenstown airports.
- 22 If the border agencies do not give their approval, the applicant will be advised and can submit a revised application, if necessary, that meet's the border agencies requirements.

<sup>3</sup> Visit [CAA website](#) for requirements a non-New Zealand operator needs to satisfy to conduct foreign air transport operations, involving

- more than one take-off and one landing in New Zealand in any consecutive 28-day period; or
- more than four take-offs and four landings in New Zealand in any consecutive 365-day period.

In the event a foreign operator exceeds the above limits stipulated in the Civil Aviation Rule part 129, they must apply to the CAA for a foreign air operator certificate (FAOC).

## Decision- making process

### Evaluation of the request

- 23 Once a request for authorisation is submitted, the Ministry will review the request to decide whether to accept the request as presented.
- 24 If the Ministry has any concerns with the request which would lead it not being accepted, we will ask applicants to provide additional information.

### Conditions of authorisation

- 25 There are standard conditions that are included in response letter to the applicant advising approval to operate has been granted. The conditions are:
- the authorisation is subject to approval from the airport slot controller for the take-off and landing times; and
  - the flights should be operated in accordance with an AOC or FAOC as appropriate.
- 26 If an airport with no border agency presence is being used for landing non-scheduled flights, and provided the approval of those agencies has been received, the authorisation is conditional on the approval of the New Zealand border agencies to land.
- 27 As flights can be subject to change, a 48-hour window either side of the stated times for arrival and departure in New Zealand is provided. If the changes are beyond the 48-hour window, a new authorisation will be required.
- 28 Any change to the routing or to the aircraft type to be used will require a new authorisation.
- 29 Operators of non-scheduled commercial international flights must meet any conditions the Secretary imposes.
- 30 An example of an authorisation form is attached in **Annex 2**.

### After authorisation

- 31 After authorisation to carry on a non-scheduled commercial international flight is given by the Secretary:
- operators must meet the requirements of the relevant authorities of the other countries or territories they fly in and out of before starting operations between New Zealand and those countries or territories
  - operators must meet the requirements of the New Zealand border agencies: Immigration New Zealand, the New Zealand Customs Service and the Ministry for Primary Industries. These agencies have requirements that airlines flying into New Zealand must meet,
  - operators need to be aware of and meet the New Zealand airport arrival, departure and transit requirements.

## Roles within airline licensing

Who	Role
Non-scheduled flight operator	<ul style="list-style-type: none"> <li>• Request authorisation to operate a non-scheduled commercial international flight<sup>4</sup></li> <li>• Provide information to assist the authorisation process</li> <li>• Meet the requirements of the relevant authorities of the other countries or territories the non-scheduled operator may fly in and out of before starting operations between New Zealand and those countries or territories</li> </ul>
Ministry of Transport	<ul style="list-style-type: none"> <li>• Respond to pre-request queries</li> <li>• Verify if the information requested by the Secretary has been provided by the non-scheduled flight operator</li> <li>• Evaluate a request for authorisation<sup>5</sup> <ul style="list-style-type: none"> <li>○ Check if the effect of authorisation would circumvent any convention, agreement, or arrangement between the Government of New Zealand and the Government of any other country or territory</li> <li>○ Check if the flights have all other necessary approvals to operate</li> <li>○ Check if a series of flights constitute a scheduled international air service</li> </ul> </li> <li>• Authorise request to operate non-scheduled commercial international flights<sup>6</sup></li> <li>• Consult with the Civil Aviation Authority (CAA) regarding airworthiness certificates relevant to a request for authorisation</li> <li>• Consult border agencies on requests to arrive and/or depart from an airport where the border agencies are not present</li> </ul>
Civil Aviation Authority	<ul style="list-style-type: none"> <li>• Provide feedback when consulted by the Ministry regarding airworthiness certificates relevant to a request for authorisation</li> </ul>
Border agencies	<ul style="list-style-type: none"> <li>• Provide feedback when consulted by the Ministry on requests to arrive and/or depart from an airport where the border agencies are not present</li> </ul>
Minister of Transport	<ul style="list-style-type: none"> <li>• Specify guidelines for the regulation of non-scheduled commercial international flights</li> </ul>

<sup>4</sup> Civil Aviation Act 203, section 189(2)

<sup>5</sup> Civil Aviation Act 2023, section 189(3)

<sup>6</sup> Civil Aviation Act 2023, section 189

## Principles for how the Ministry will carry out its licensing functions

### Partnership

The Ministry believes in working in partnership with airline operators. This approach fosters mutual respect and understanding, and it ensures that both parties work towards the common goal of safe and efficient airline operations. The Ministry provides guidance and support throughout the licensing process, and it encourages open and honest communication.

### Transparency

The Ministry is committed to transparency in all its dealings. It provides clear and comprehensive information about the licensing process, including the requirements, timelines, and evaluation criteria. It also maintains an open line of communication with airline applicants, providing timely updates and feedback.

### Efficiency

The Ministry strives for efficiency in carrying out its airline licensing functions. It has streamlined the application process to minimise inconvenience. It also uses technology to facilitate communication and document submission.

### Fairness

The Ministry ensures fairness in the airline licensing process. It applies the same standards and criteria to all applicants.

### Compliance

The Ministry is committed to ensuring airlines meet their obligations under the 2023 Act. We evaluate and process applications thoroughly to ensure that airline operators comply.

### Continuous Improvement

The Ministry believes in continuous improvement and will invest in training and development to enhance the skills and knowledge of its staff.

## Where to go for more information?

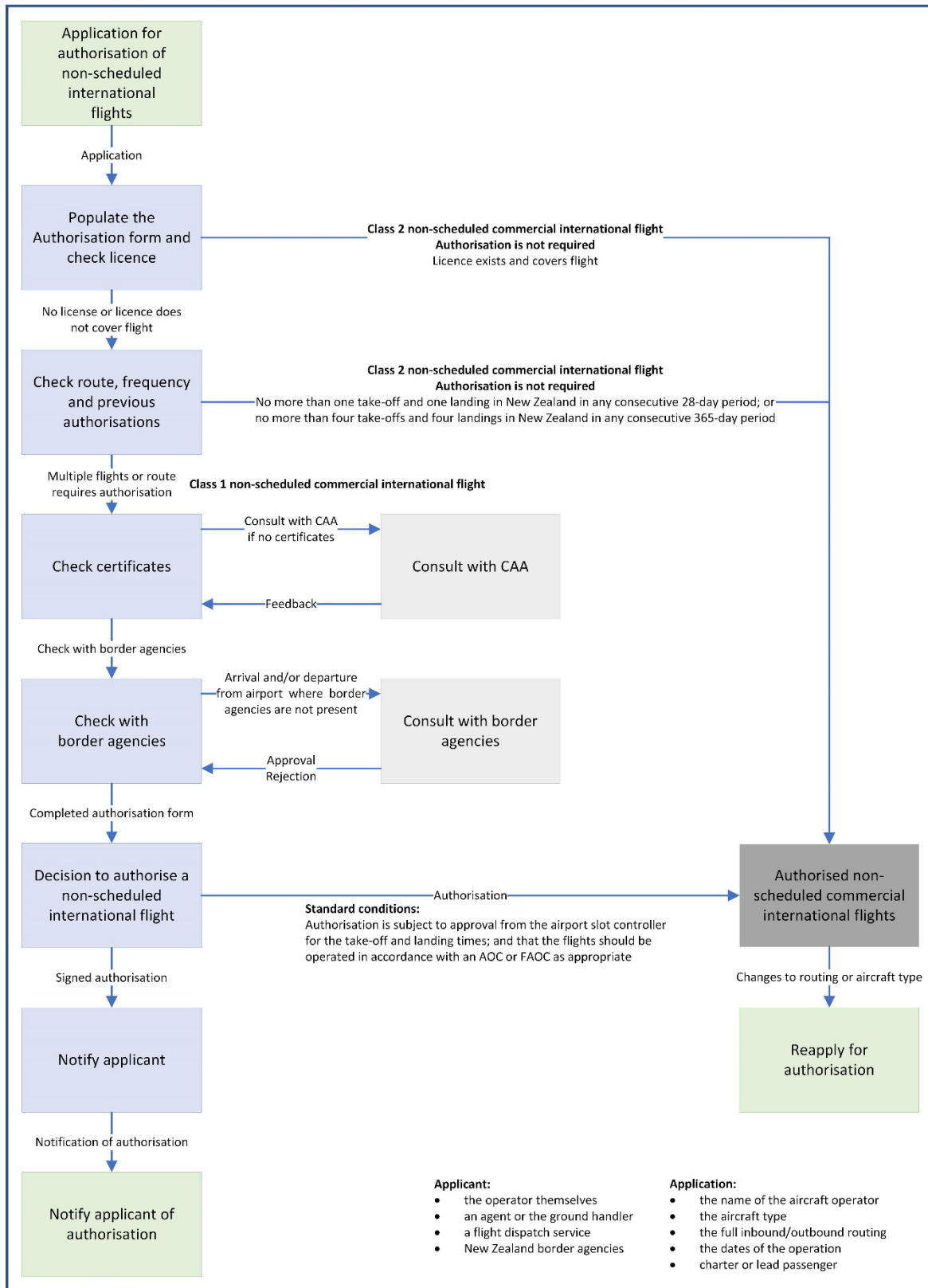
### Related documents

- Civil Aviation Act 2023  
<https://www.legislation.govt.nz/act/public/2023/0010/latest/LMS49346.html>
- Ministry of Transport website <https://www.transport.govt.nz>

### Contact us

- Contact details [airservices@transport.govt.nz](mailto:airservices@transport.govt.nz)

## Annex 1: Process for authorising non-scheduled flights



## Annex 2: Example of an authorisation form

### AUTHORISATION OF COMMERCIAL NON-SCHEDULED INTERNATIONAL FLIGHT(S)

Pursuant to section 189 of the Civil Aviation Act 2023 and, in accordance with clauses 2 and 4 of Schedule 6 of the Public Service Act 2020, a delegation from the Secretary for Transport dated xx 20xx, the operation of the following flight(s) is/are authorised:

<b>Operator:</b>	Airline Limited
<b>Charterer/Agent:</b>	XXX Corporation
<b>Aircraft Type</b>	Dassault Falcon 2000LX
<b>Number and Purpose of flight(s):</b>	1 x pax
<b>Route:</b>	NZAA-NFTF-NSFA-NZAA
<b>Dates:</b>	xx May 20xx or 48 hours following the stated times

#### Matters to be taken into consideration (Highlight the applicable answers)

Has the operator flown to/from New Zealand in the last 28 days? Yes ☐ No ☒

Type of certification the operator is holding:

AOC	<input checked="" type="checkbox"/>
FAOC	<input type="checkbox"/>
ANZA privileges	<input type="checkbox"/>
No certification required	<input type="checkbox"/>

Would the flight/s circumvent a bilateral or multilateral ASA? Yes ☐ No ☒

**Conditions:** Subject to slot availability, and compliance with the Air Operator Certificate under which Airline Limited operates pursuant to New Zealand's Civil Aviation Rule Parts 119/125

#### AUTHORISED:

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Designation: Manager – Aviation

Date: \_\_\_\_\_



## Authorising Non-scheduled flights

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Guidance for applicants

[transport.govt.nz](https://transport.govt.nz)



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