

OC220024

7 April 2022

Dear [REDACTED]

I refer to your request dated 31 January 2022, pursuant to the Official Information Act 1982 (OIA), seeking

“All briefings, aide memoires, and memorandums prepared by the Ministry of Transport addressed to the Minister of Transport, and Cabinet papers in the name of the Minister of Transport, dated between January 2019 and December 2021 that concern:

- *the aviation security screening requirements for international and domestic air passengers*
- *the risks that malicious actors pose to domestic and international air travel”*

A list of documents which fall within the scope of your request are enclosed in Appendix 1.

Certain information is being withheld in reliance on sections of the OIA, specifically:

- 6(a), where release of this information would be likely to prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand
- 9(2)(b)(ii), where release of this information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information
- 9(2)(f)(iv), where the withholding of the information is necessary 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)(a), in order to protect the privacy of natural persons, including that of deceased natural persons

In regard to the information that has been withheld under section 9 of the Act, I am of the opinion that there are no countervailing considerations that make it desirable, in the public interest, to make the information available.

Certain briefings within scope of your request are also being withheld in full, in reliance on s6(a) and s9(2)(f)(iv) of the OIA.

Additionally, two briefings are being withheld in full including titles under s6(a) and s9(2)(f)(iv) of the OIA.

One briefing, OC200004 (dated 17 April 2020), is being released with relevant excerpts, where the remainder of the document is withheld under s6(a) and s9(2)(f)(iv). These excerpts are attached in Appendix 2.

You have the right under section 28(3) of the Official Information Act to make a complaint about the withholding of information to the Ombudsman, whose address for contact purposes is:

The Ombudsman
Office of the Ombudsmen
P O Box 10-152
WELLINGTON

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

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Nick Paterson', with a long horizontal flourish extending to the right.

Nick Paterson,
Acting Manager, Resilience and Security

Appendix 1: List of briefings

Title	Date	Decision on release
OC190269 – New Zealand’s Domestic Aviation Security Settings	21/03/19	Some information withheld under s6(a), s9(2)(f)(iv) and 9(2)(a)
OC190336 – Transport System Security	03/05/19	Some information withheld under s6(a) and 9(2)(a)
OC190116 – Meeting with the NZ Airports Association	19/02/19	Some information withheld under s6(a) and 9(2)(a)
OC 190200 – Security designation of Invercargill Airport	26/04/19	Some information withheld under s6(a) and 9(2)(a)
OC190556 – Security designation of Invercargill Airport	11/07/20	Some information withheld under 9(2)(a)
OC200756 – Briefing to Incoming Minister – Civil Aviation Bill	19/11/20	Some information withheld under s6(a), s9(2)(f)(iv), s9(2)(b)(ii) and 9(2)(a)
OC190257 – Civil Aviation Bill – Agreement to new policy proposals	22/03/19	Some information withheld under s6(a), s9(2)(f)(iv) and 9(2)(a)
OC191166 – Civil Aviation Bill – Cabinet papers seeking additional policy approval	21/02/20 <i>(note date on briefing is incorrectly recorded as 21/02/19)</i>	Some information withheld under s6(a), s9(2)(f)(iv) and 9(2)(a)
OC210064 – Provision of aviation security service by non-state providers	04/03/21	Some information withheld under 9(2)(a)
OC200161 – Transport System Security – Update	18/09/20	Withheld in full under s6(a) and s9(2)(f)(iv)
OC190432 – Security matters	14/05/19	Withheld in full under s6(a) and s9(2)(f)(iv)
OC190873 – Interim Update on Security matters	18/09/19	Withheld in full under s6(a) and s9(2)(f)(iv)
OC191052 – Further advice on security matters	13/12/19	Withheld in full under s6(a) and s9(2)(f)(iv)
OC200110 – Update on Security issues	14/02/20	Withheld in full under s6(a) and s9(2)(f)(iv)
OC200004 – Initial briefing on In-Flight Security Officers	17/04/2020	Excerpts provided, information withheld under s6(a) and s9(2)(f)(iv)

Appendix 2: Briefing excerpts

OC 2000004 – Initial briefing on In-Flight Security Officers: dated 17/04/2020

What are In-Flight Security Officers?

2. IFSOs (known in the US as Federal Air Marshals) are armed law enforcement officers that operate on board civilian aircraft. While armed, IFSOs operate covertly, meaning they do not wear uniforms while on duty, and their presence on flights is kept secret from passengers.
3. IFSOs are deployed by some States, on aircraft registered by that State. In accordance with guidelines set by the International Civil Aviation Organization (ICAO), all IFSOs should be government employees.
4. IFSOs may be deployed on both domestic and international flights. However, the deployment of IFSOs on international flights requires an agreement between the sending and receiving States.
5. US officials describe their IFSOs as a last line of defence against terrorism and other serious crime while a US-registered aircraft is in flight. Canada has indicated that it sees IFSOs as an important part of meeting its international commitments to aviation security.

A number of steps are necessary for IFSOs to operate in New Zealand

29. Several steps are required for New Zealand to complete an IFSO agreement with another State:
 - 29.1. First, Cabinet would need to agree a negotiating mandate for officials to begin formal negotiations with other States. A negotiating mandate would not bind New Zealand to sign an IFSO agreement. It would, however, enable detailed discussion with other States, which would inform the decision whether or not to sign an agreement in its final proposed form. This step requires:
 - confirmation of Cabinet's willingness to consider the possibility of an IFSO agreement (pending the outcome of negotiations)
 - agreement as to what the level the agreement should be (i.e. treaty or less-than-treaty, outlined below)
 - specifying which States officials could enter into negotiation with, and
 - Cabinet agreement of a negotiating strategy and objectives.
 - 29.2. Secondly, officials would negotiate with the specified State(s) in accordance with the negotiating mandate. At this stage, the text of the draft agreement would be finalised, alongside further analysis of the request and proposals, to be undertaken by the Ministry.
 - 29.3. Thirdly, for each agreement, officials would provide final advice about whether to proceed. If an agreement is recommended, Cabinet approval of the final text would be sought. Whether this requires Parliamentary scrutiny or not will partly depend on the form of the agreement – this would be expected for a treaty but may not be required for a less-than-treaty arrangement.

- 29.4. Finally (if no changes are required), the 2007 legislation would need to be brought into force by an Order in Council. However, if any change is needed to the 2007 legislation, this would require a legislative amendment.

IFSO agreements could take the form of either treaties or less-than-treaty arrangements

30. An IFSO agreement can take one of two possible forms:
- a legally-binding treaty, or
 - a less-than-treaty level arrangement.
31. Either level of agreement would be accompanied by confidential annexes setting out the operational details.
32. Both treaties and arrangements are international legal documents. However, their legal status differs:
- 32.1. A treaty is an international agreement between two or more States (or other international entities) and is governed by international law.
- 32.2. Arrangements are not intended to be legally binding but can still create important political commitments.
33. Whether the form chosen is a treaty, or an arrangement of less-than-treaty status, the requests will need to be considered by Cabinet. Officials would then need to agree that level of agreement with the other State.



Received
22 MAR 2019
Office of Hon Phil Twyford

New Zealand's Domestic Aviation Security Settings

Reason for this briefing	This briefing provides advice about: the impacts for the aviation system resulting from the increase to New Zealand's national terrorism threat level; and options to increase the level of aviation security screening at some, or all, of New Zealand's airports, for your consideration.
Action required	Consider this briefing, and advise officials of your preferred option.
Deadline	Thursday 21 March 2019
Reason for deadline	If you decide to progress one of the options in this paper, with a view to deployment early next week, then we recommend immediate engagement with airports and airlines to further understand any implementation issues and other impacts for them. This will ideally need to commence on Friday 22 March.

Contact for telephone discussion (if required)

Name	Position	Telephone	First contact
Peter Mersi	Chief Executive, Ministry of Transport	s 9(2)(g)(ii)	✓
Shelley Tucker	Manager, Resilience & Security, Ministry of Transport	s 9(2)(g)(ii)	

Date:	21/03/19	Briefing number:	0C190269
Attention:	Hon Phil Twyford Minister of Transport	Security level:	RESTRICTED


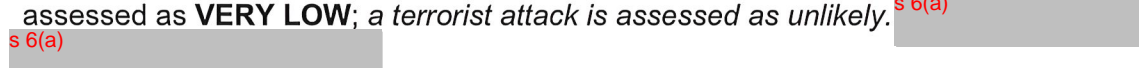


Minister's Office actions

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|--|--|---|
| <input type="checkbox"/> <i>Noted</i> | <input type="checkbox"/> <i>Seen</i> | <input type="checkbox"/> <i>Approved</i> |
| <input type="checkbox"/> <i>Needs change</i> | <input type="checkbox"/> <i>Referred to</i> | |
| <input type="checkbox"/> <i>Withdrawn</i> | <input type="checkbox"/> <i>Not seen by Minister</i> | <input type="checkbox"/> <i>Overtaken by events</i> |

Purpose of briefing

1. This briefing provides advice about:
 - the impacts for the domestic aviation system resulting from the increase to New Zealand's national terrorism threat level
 - options to increase the level of aviation security measures at some, or all, of New Zealand's airports, for your consideration
 - your powers to change aviation security screening settings in New Zealand.

Introduction

2. On Friday 15 March 2019, the Prime Minister announced an increase to New Zealand's terrorism threat level from **LOW** to **HIGH** in response to the Christchurch attacks. A terrorism threat level of **HIGH** means; *a terrorist attack is assessed as very likely*.
3. s 6(a) 
4. Prior to the Christchurch attacks the domestic civil aviation terrorism threat level was assessed as **VERY LOW**; *a terrorist attack is assessed as unlikely*. s 6(a) 
5. Within the context of no specific threats to civil aviation, officials have considered whether a de-escalation of the increased screening at Christchurch; OR, an extension of New Zealand's domestic aviation security settings at other airports, may also be advisable in the heightened threat environment.
6. s 6(a) 
7. s 6(a) 
8. We recommend you consider the information in this briefing about the two options, before meeting with Peter Mersi, the Secretary of Transport, and Graeme Harris, the Director of Civil Aviation.

Domestic aviation security response to date to the Christchurch attacks

9. Whilst there was no indication that aviation is a specific target, on the day of the Christchurch attacks, the Director of Civil Aviation used his power under the Civil Aviation Act 1990 (the Act), to screen all domestic flights departing Christchurch that have more than 30 passenger seats¹. This was a prudent risk management action on the day, given the uncertainty around the scope of the attack and intended targets. The need or otherwise for this screening has continued to be monitored.

¹ In addition, the Civil Aviation Authority contacted other airports with services by aircraft of 30 passenger seats or above, and advised the need for a heightened state of awareness and alertness. The Aviation Security Service (Avsec) has also supported the NZ Police by deploying Avsec Explosive Detection Dog teams to Christchurch. Nationally Avsec staff have been asked to remain vigilant.

10. In addition, the Civil Aviation Authority (the Authority) has CAA has contacted other airports with services by aircraft of 30 passenger seats or above and advised of the need for a heightened state of awareness and alertness.

Current domestic aviation security settings, and previous domestic aviation security reviews

11. Appendix 1 to this paper provide detailed information about New Zealand's current domestic aviation security settings, and previous domestic aviation security reviews. A short summary is provided overleaf.
12. As with all jurisdictions, New Zealand's aviation security settings are based on international standards, and known risks and vulnerabilities. These settings are regularly assessed to ensure they remain fit for purpose.
13. There are a range of security measures currently in place in New Zealand's domestic aviation environment. These are set out at Appendix 1, but include passenger, crew, carry on and hold baggage screening on aircraft of more than 90 passenger seats at New Zealand's five security designated airports (Auckland, Wellington, Christchurch, Dunedin and Queenstown)².
14. Two reviews of New Zealand's domestic aviation security were completed in the last 10 years.
 - 14.1. In response to the 2008 hijacking of a 19-seat aircraft by Ms Asha Abdille, officials conducted a review of New Zealand's domestic aviation security (the 2008/09 Review).
 - 14.2. On 13 October 2014, the then Prime Minister, Rt Hon John Key announced an increase to New Zealand's general terrorist threat level from **Very Low** to **Low**. This change triggered a further review of domestic aviation security (the 2014/15 review).

s 6(a)



² Five airports are currently "security designated" by the Minister of Transport under the Civil Aviation Act 1990 (the Act) because they service aircraft that currently require screening — international flights and/or domestic flights on aircraft of over 90 passenger seats. Security designation requires physical infrastructure and organisational practices such as fencing, access controls, apron lighting, surveillance in public and airside areas, patrols, and security management procedures. The five security designated airports are Auckland, Wellington, Christchurch, Dunedin and Queenstown.

17. s 6(a)

Options to extend domestic aviation security settings, for your consideration

18. Within the context of no specific threats to civil aviation, officials have considered whether a de-escalation of the increased screening at Christchurch; OR, an extension of New Zealand's domestic aviation security settings at other airports, may also be advisable in the heightened threat environment.

19. s 6(a)

20. We need to ensure any increase in the aviation security measures at airports, is balanced, and proportionate to:

- 20.1. the threat information available
- 20.2. preserving public confidence in the aviation system
- 20.3. resourcing
- 20.4. the ability of Avsec, airlines and airports to sustain a response over a longer-term period
- 20.5. the need to implement any additional measures effectively to prevent any unintended consequences that may erode public confidence.

21. We have considered a number of options that could address these concerns. In assessing each option, we have considered whether the response would be in the public or national interest threshold³ under the Act, having regard to four criteria:

- 21.1. The risk of retaliation, copycat or other threats, to the domestic aviation system
- 21.2. Reflecting the increased terrorism threat level, the response maintains public confidence in our aviation security system.
- 21.3. The response is proportionate to the risk, taking into account costs and benefits.
- 21.4. The response can be implemented quickly, and is sustainable

22. We believe that any option taken must be applied consistently across equivalent types of airports, in order to achieve transparency and confidence in the aviation system.

s 6(a)

³ If a decision to increase screening was to be made by the Minister of Transport.

25.

s 6(a)

26.

27.

Reflecting the increased terrorism threat level, the response maintains public confidence in our aviation security system

28. Reflecting the increased terrorism threat level, increasing Avsec's presence and additional security measures at other airports could help maintain public confidence in our aviation security system.

29. Aviation has often been a focus of threat activity internationally s 6(a) Therefore, providing the public with confidence around security arrangements at airports is important to provide reassurance around the safety of people and aircraft.

30.

s 6(a)

Other matters that need to be considered around a proportionate response

31. In addition, increasing screening at some, or all airports, in the short-term will increase costs for Avsec, airports and airlines. Putting something more permanent in place will lead to further significant operational and capital costs associated with screening more domestic aviation passengers (e.g. in terms of airports making the space available, and screening staff and equipment). Short- and long-term decisions would need to be taken about what the make-up of Crown and levy funding would be to resource any response. s 9(2)(f)(iv)

s 9(2)(f)(iv)

32.

s 6(a)

s 6(a)

33. In the short-term, airports, airlines and passengers are likely to be more sympathetic to delays given what has occurred, but the further we get away from the event, the more potential there will be for concern, and the more likely it is that any negative impacts may lead to longer-term economic and tourism impacts.

We have identified two primary options to respond to these issues

Option A

34. Option A involves deploying additional security measures s 6(a) at security designated airports (i.e. Auckland, Wellington, Christchurch, Dunedin and Queenstown), for flights between 30 and 90 passenger seats.

35. There are two possible sub-options, both involving random and continuous activity:

35.1. A1; foot patrols, behavioural detection, explosive detection dog units, and boarding pass checks.

35.2. A2; random searches, explosive detection dog units, boarding pass checks, and explosive trace detection.

36. The benefits of this option are that it:

- 36.1. provides more assurance to the New Zealand public about security at New Zealand airports
- 36.2. provides a deterrent effect to potential attackers
- 36.3. implements a relatively consistent approach across equivalent airports
- 36.4. would have no adverse impacts on facilitation of passengers and air services
- 36.5. can be scaled, depending on emerging threat information and risks
- 36.6. provides time to undertake work with the aviation sector to understand the costs and benefits of full screening, and how far and fast the government and agencies can go in implementing this, while managing any adverse impacts

36.7. s 6(a)

36.8. would be much cheaper than Option B below (full screening)

36.9. is sustainable.

37. The challenges of this option are that:

37.1. s 6(a)

37.2. s 9(2)(b)(ii), s 9(2)(f)(iv)

Option B – full screening at Auckland, Wellington, Christchurch, Queenstown and Dunedin on aircraft of between 30 and 90 passenger seats

38. This option would result in full security screening of passenger crew, carry-on, and hold-stow baggage on aircraft of 30 to 90 passenger seats at security designated aerodromes (i.e. Auckland, Wellington, Christchurch, Dunedin and Queenstown). This would be undertaken using walk-through metal detectors, x-ray inspection equipment, and explosive trace detection equipment.

39. s 6(a) [Redacted]

40. The benefits of this option include that it:

40.1. is a comprehensive security screening option, which is the most effective method to identify and then mitigate threats to aircraft

40.2. s 6(a) [Redacted]

40.3. would give more confidence, than Option A, to the travelling public and others that our domestic aviation security system is safe and secure.

41. The challenges of this option are:

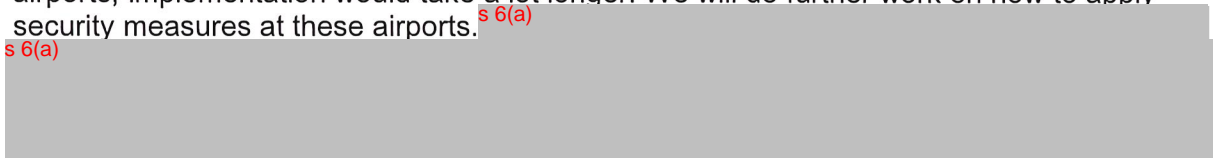
41.1. It will adversely impact passenger facilitation, the provision of aviation services, and on-time performance of aircraft. These impacts will vary depending on the airport's relative size and existing infrastructure. Indicatively, we think this will range from low, medium to high impact across the respective airports. We cannot confirm the extent of the impacts until we have discussed this option with airports and airlines.

41.2. s 6(a) [Redacted]

41.3. s 6(a) [Redacted]

- 41.4. ^{s 6(a)} 
- 41.5. ^{s 6(a)} 
- 41.6. ^{s 6(a)} 
- 41.7.
- 41.8. ^{s 6(a)} 

Non-security designated airports

- 42. We consider implementing additional security for non-security designated airports at this time will be very difficult, given these airports currently do not have any security screening in place, or appropriate infrastructure and technology. For Avsec to set up screening at these airports, implementation would take a lot longer. We will do further work on how to apply security measures at these airports. ^{s 6(a)} 

Beyond a short-term response

- 43. This event has occurred in the context where there are broader issues around AVSEC screening staff availability and skills, and space at airports to allow for screening equipment and management.
- 44. Some regional airports currently do not have any screening equipment, and are facing significant fiscal pressures to maintain current services.
- 45. In addition, new technology is coming which will provide improved screening which is critical to: deliver more effective aviation security outcomes; ensure New Zealand is not seen as an easy target; and to reassure other countries we have the right security infrastructure in place so they will continue to deliver air services in New Zealand.

46. Regardless of which option is taken, we believe we need to do work with the aviation sector to consider key security risks, mitigations and controls, gaps, and future work that might be needed. This will include looking at how the proposed screening enhancements that are already planned, will work with any further changes. We have started this work with the sector through the aviation security forum meetings, which are supporting the development of an Aviation Security Strategy for New Zealand. We propose to undertake this work over the next 3 months, and will brief you with proposals for consideration.

47. s 6(a)



Relevant decision-making powers of the Minister and the Director of Civil Aviation

- 48. The Civil Aviation Act 1990 empowers both the Minister of Transport and the Director of Civil Aviation to 'direct' an aviation security service provider. The current provider is Avsec.⁴
- 49. This direction will typically require that the provider undertake screening and searching in specified circumstances. Before making the direction, either the Minister or the Director must consult with relevant parties.
- 50. The direction may be publicised in the Gazette, and takes effect on the date specified in the notice. This direction is in effect until rescinded. If the direction is to come into effect before that date, the Minister and the Director must also have 'reasonable grounds that urgent action is required'. A direction of this kind can only be in effect for up to 180 days. In such cases, consultation is also not required, rather just notification to relevant parties.
- 51. The differences between ss.77A and 77B are outlined overleaf.
- 52. Our view is that if you decide to progress with Option A, then this could be achieved through the Director. If you decide to progress with Option B, the we recommend you issue a Direction under section 77A.

⁴ An aviation security service provider is authorised under the Act (section 79), and must hold an aviation document to that effect. At present, only the Aviation Security Service (Avsec) holds such a document. This is because section 79A allows the Minister to decide that only Avsec can hold such a document, and a Notice was issued to that effect in 1997.

Table 2: Relevant decision-making powers of the Minister and the Director of Civil Aviation

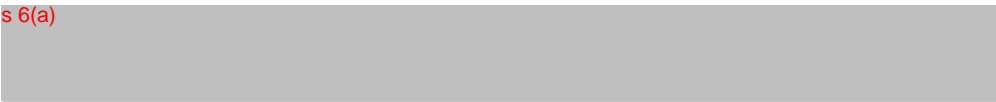
	Section 77A	Section 77B
Who issues the direction	The Minister	The Director
What is the threshold	<p>Either:</p> <p>(1) Necessary to improve or enhance aviation security to enable New Zealand to be part of a concerted international response to a threat to aviation security; or</p> <p>(2) If the Minister considers it is in the public or national interest to do so.</p>	<p>(1) Believes on reasonable grounds that a security risk exist; and</p> <p>(2) the direction is necessary to meet the security risk</p>
Who must be consulted	<p>The Director; and</p> <p>As the Minister considers appropriate and practical:</p> <ul style="list-style-type: none"> • other Ministers • representative groups in the aviation industry • government departments • Crown agencies 	<p>As the Director considers appropriate and practical:</p> <ul style="list-style-type: none"> • representative groups in the aviation industry • government departments • Crown agencies

Satisfying the grounds under section 77A

53. If you decide to implement either Option Two, Three or Four, you will need to make a Direction under section 77A. To satisfy the requirements under section 77A, you must meet the threshold noted in the table above. You must also consult the Director, of Civil Aviation, and, as you consider appropriate and practical:
- other Ministers
 - representative groups in the aviation industry
 - government departments
 - Crown agencies.
54. If you decide to progress an Option, we recommend you consult with the Prime Minister, the Minister of Foreign Affairs and Trade; the Minister for Security and Intelligence and the Minister of Defence, by sending them a copy of this briefing. It may also be appropriate to take an oral item to Cabinet at your earliest opportunity.
55. We would also recommend engagement with representatives from the aviation industry, specifically: Air New Zealand; Jetstar; Auckland, Wellington, Christchurch, Queenstown and Dunedin Airports. The Ministry and the Authority can support this consultation process if you decide to progress one of the options in the briefing.

Recommendations

56. The recommendations are that you:

- a) **note** that prior to the Christchurch attacks the domestic civil aviation terrorism threat level was assessed as **VERY LOW**; *a terrorist attack is assessed as unlikely*
- b) ^{s 6(a)} 
- c) **note** that within the context of no specific threats to civil aviation, officials have considered whether a de-escalation of the increased screening at Christchurch; OR, an extension of New Zealand's domestic aviation security settings at other airports, may also be advisable in the heightened threat environment
- d) **note** that a particular concern from the public at this time is the risk associated with unscreened passengers, crew and baggage on flights with 90 or fewer seats
- e) **note** that this briefing sets out two options to respond to this concern, along with the benefits and costs of each
- f) **agree** to meet the Secretary of Transport and the Director of Civil Aviation to discuss the options in this paper. Yes/~~No~~

Peter Mersi
Secretary for Transport
Ministry of Transport

Shelley Tucker
Manager, Resilience and Security,
Ministry of Transport

MINISTER'S SIGNATURE:



DATE: 23.3.19

Appendix 1

Background information - Domestic Aviation Security Settings

1. This appendix provides background information on matters pertinent to this briefing setting out:
 - 1.1 New Zealand's current domestic aviation security settings
 - 1.2 a comparison of domestic aviation screening measures in other countries
 - 1.3 relevant decision-making powers of the Minister of Transport and the Director of Civil Aviation in relation to screening.

New Zealand's current domestic aviation security settings

2. As with all jurisdictions, New Zealand's aviation security settings are based on international standards, and known risks and vulnerabilities.
3. Our aviation security screening settings are regularly assessed to ensure they remain fit for purpose.
4. Two reviews of New Zealand's domestic aviation security were completed in the last 10 years.
 - 4.1 In response to the 2008 hijacking of a 19-seat aircraft by Ms Asha Abdille, officials conducted a review of New Zealand's domestic aviation security (the 2008/09 Review). The 2008/09 review resulted in the introduction of a number of new security measures, as noted in paragraph 5 below.
 - 4.2 On 13 October 2014, the then Prime Minister, Rt Hon John Key announced an increase to New Zealand's general terrorist threat level from Very Low to Low. This change triggered a further review of domestic aviation security (the 2014/15 review). Following the 2014/15 review, the government agreed to a further package of new security measures, which are also reflected in the list at paragraph 19.
5. In summary, there are a range of security measures currently in place in New Zealand's domestic aviation environment, including:
 - 5.1 Passenger, crew, carry on and hold baggage screening on aircraft of more than 90 passenger seats at New Zealand's five security designated airports (Auckland, Wellington, Christchurch, Dunedin and Queenstown)⁵. The screening of passenger, crew and carry-on baggage were introduced in response to the September 2001 terrorist attacks in the US, and hold stow baggage screening was introduced following the 2014/15 review. Screening best manages the risk of unlawful interference with aircraft.

⁵ Five airports are currently "security designated" by the Minister of Transport under the Civil Aviation Act 1990 (the Act) because they service aircraft that currently require screening — international flights and/or domestic flights on aircraft of over 90 passenger seats. Security designation requires physical infrastructure and organisational practices such as fencing, access controls, apron lighting, surveillance in public and airside areas, patrols, and security management procedures. The five security designated airports are Auckland, Wellington, Christchurch, Dunedin and Queenstown.

- 5.2 Strengthened flight deck barriers (between the cockpit and cabin) on aircraft with more than 30 passenger seats (2008/09 review). Barriers protect passengers and crew by reducing the risk of unlawful entry onto the flight deck.
- 5.3 A package of security measures⁶ at New Zealand's nine largest regional airports (Hamilton, Rotorua, Nelson, Palmerston North, Hawkes Bay, New Plymouth, Tauranga, Invercargill and Blenheim) (2014/15 Review).
- 5.4 Security Awareness Committees at security designated airports and Security Awareness Groups at non-security designated airports (2008/09review) . These play an important role, giving airport staff tools to identify and respond to suspicious behaviour.
- 5.5 Requirements for airlines to ensure sufficient procedures are in place to prevent unauthorised access to aircraft.
- 5.6 Requirements for non-security designated airports to have contingency plans in place to provide for passenger screening
- 5.7 Additional security awareness training for airline and airport staff (2008/09 review).
- 5.8 While the measures above provides a range of benefits for aviation security, screening is still the best method to manage the risk of unlawful interference with aircraft.

Comparison of domestic aviation screening measures in other countries

- 6. Table 1 overleaf compares screening measures in New Zealand to other jurisdictions.

⁶ These measures include heightened fencing, the creation of security areas, access controls, and enhanced organisational practices. Individuals with access to security areas subject to the AIC regime and vetting. Where practicable, these measures have by in large already been implemented in the absence of changes to the Civil Aviation Act 1990 which are underway as part of a wider review into this Act.

Table 1: Comparison of screening measures in New Zealand to other jurisdictions

State ⁷	Passenger, crew and carry-on baggage screening	Hold baggage screening
New Zealand	All services in aircraft with more than 90 seats. Approximately 56 percent of total passengers are screened.	All services in aircraft with more than 90 passenger seats.
Australia	All services on aircraft with a maximum take-off weight exceeding 20,000kg (roughly equivalent to a fully loaded aircraft with around 50 seats ⁸). 96 percent of passengers are screened.	All services on aircraft with a maximum take-off weight exceeding 20,000kg.
Canada	All passenger services from specific designated airports. 99 percent of passengers screened.	All hold baggage carried on passenger services from specific designated airports.
EU	All services. Limited individual State discretion for small/infrequent services.	All services. Limited individual State discretion for small/infrequent services.

⁷ Whilst it is difficult to compare our National Threat Level with other jurisdictions, the aviation threat level in Canada is medium and in Australia is probable. The threat level varies among different EU Member States, but the threat level in the United Kingdom is currently Severe.

⁸ Australia has advised it intends to reduce this threshold to 40 seats.



Transport System Security

Reason for this briefing	You have asked for a briefing on the management of security across the transport system, in the context of the heightened national terrorism threat level following the mosque attacks in Christchurch on 15 March 2019.
Action required	For your information.
Deadline	Not applicable.
Reason for deadline	Not applicable.

Contact for telephone discussion (if required)

Name	Position	Telephone	First contact
Shelley Tucker	Manager, Resilience & Security	s 9(2)(a)	✓
Melanee Beatson	Principal Adviser, International Connections	s 9(2)(a)	

MINISTER'S COMMENTS:

Date:	3 May 2019	Briefing number:	OC190336
Attention:	Hon Phil Twyford, Minister of Transport	Security level:	RESTRICTED

Minister of Transport's office actions

- Noted*
 Seen
 Approved
- Needs change*
 Referred to
- Withdrawn*
 Not seen by Minister
 Overtaken by events

Purpose of report

1. You have asked for a briefing on the management of security issues across the transport system, in the context of the heightened national terrorism threat level following the mosque attacks in Christchurch on 15 March 2019 (the Christchurch attacks). The briefing provides:
 - a high-level overview of our initial thinking about key security risks and vulnerabilities across the transport sector
 - for each transport mode, an overview of the current relevant security framework, an initial assessment of risks and vulnerabilities, and a summary of relevant mitigation activities underway and priority areas for further work.
2. The briefing draws on meetings with, and information provided by, the Department of the Prime and Cabinet (DPMC), the Combined Threat Assessment Group (CTAG), NZ Police (Police), the Civil Aviation Authority (CAA), Maritime New Zealand (MNZ), KiwiRail and Bluebridge (Cook Strait Ferries).
3. In the period following the Christchurch attacks, it has not been possible to do a full analysis or threat assessment for the transport sector. We will continue to work with transport agencies, other government departments and the sector to develop our thinking and the associated work programme.

Executive summary

4. *Out of Scope*
5. *Out of Scope*
6. *Out of Scope*
7. *Out of Scope*

Aviation

8. Aviation security settings are mature and the baseline for security is high, reflecting that aviation has long been considered an attractive target for terrorists. There are clear legislative and regulatory roles and responsibilities, as well as international standards and obligations for managing aviation security threats. The CAA has good links with the intelligence community, and participates directly in National Security System/ODESC forums alongside the Ministry.

- 9. Through the biannual Aviation Security Forum and development of an Aviation Security System Strategy, the Ministry has an established forum for engagement with airlines, airports, industry bodies and central government agencies on strategic issues.
- 10. Following the Christchurch attacks, you will be aware that as a priority we have been undertaking further analysis on regional aviation security settings. In addition, there is already a programme of work underway and planned, focused on key strategic priorities, s 6(a)
- 11. Overall, we consider the programme of work in place for aviation security remains appropriate. We will continue to review this, in the context of domestic and international developments.

Maritime

- 12. Out of Scope
- 13. Out of Scope
- 14. Out of Scope

Land transport (Road and Rail)

- 15.
- 16.
- 17. Out of Scope
- Out of Scope

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Out of Scope

The heightened general terrorism threat level has brought forward work on security across the transport system

18. Following the Christchurch attacks on 15 March, CTAG raised the National Terrorism Threat Level to HIGH. On 17 April, it moved to MEDIUM (*a terrorist attack is assessed as feasible and could well occur*), which signals a need for continued vigilance.
19. s 6(a)
20. Through the establishment of the Resilience and Security team, the Ministry has increased its focus on improving transport system resilience, including through the development of the **Resilience and Security System Strategic Framework** (draft summary attached). As part of this strategy work, the Ministry had planned to undertake work in the second half of this year to explore opportunities to improve security across the transport system generally, including in relation to terrorist or other violent attacks. This includes, for example, developing a **Major Transport Incident Framework** (the MTIF), which will explore the roles and responsibilities of transport agencies in a range of scenarios, including a terrorist attack. A focus of this work is on ensuring that the Ministry and transport agencies take a more joined-up approach in terms of readiness and response activities. The effect of the Christchurch attacks and the heightened threat level has been to bring this work forward.
21. Most of the transport agencies and operators we engaged with in preparing this briefing demonstrated they were prepared and willing to stand-up additional security measures following the Christchurch attacks, including activating crisis management plans. This reflects, in part, that the response to a deliberate attack is in many ways similar to other emergency responses, for which the transport system is generally well prepared. However, the nature of this event was new to New Zealand, and has focused thinking on gaps and opportunities for each mode, as well as for the transport system overall.

Preventing and preparing for security incidents requires a risk-based and collaborative approach

22. A number of central government agencies work together on all aspects of counter-terrorism, from prevention and preparation to response and recovery, including through the interagency Counter-Terrorism Coordination Committee (CTCC), which was established by DPMC in 2017. Both the Ministry and the CAA participate in the CTCC. The CTCC is developing a consolidated interagency work programme, which will include the activities we have identified below and may influence further work.
23. The Government's counter-terrorism priority is to ensure the safety and security of New Zealanders. As set out in the New Zealand Counter-terrorism Strategic Framework, the principles underpinning New Zealand's approach to terrorism are:
- We aim to take a holistic and strategic approach to the threat of terrorism.
 - We recognise the global threat of terrorism in the New Zealand context.

- We act in proportion to the risk faced by New Zealand consistent with New Zealand values.
24. New Zealand government agencies are engaged in a wide range of activities intended to counter terrorism and violent extremism, which collectively support New Zealand to:
- understand the threat
 - reduce the threat (globally and at home)
 - address vulnerabilities
 - prevent and disrupt extremist activity
 - remain ready to respond.
25. The size, complexity and nature of the transport system means the reality is it is not possible to protect it against all threats. Prevention of, and preparation for terrorist attacks relies on understanding threats and prioritising the areas of highest risk.
- s 6(a)
26. Although the Government has a key role to play in counter-terrorism activities, owners and operators – both public and private – have primary responsibility for implementing protective security measures to reduce both the likelihood of a terrorist attack and the consequences of such an attack. Effective protective security measures are based on risk assessments and can range from increased vigilance and staff education, to physical barriers, CCTV and infrastructure design.

The models and maturity of security frameworks and risk mitigation activities varies across transport modes

27. The statutory models for managing security varies across the transport modes, as does the level of maturity of security frameworks. The priorities for improving security will also vary across transport modes, and mitigation activities therefore need to be tailored accordingly.
28. The government has a range of levers to draw on to support a resilient and secure transport system, including:
- **Investment**, including through investment criteria and guidelines
 - **Governance and coordination**, at strategic and operational levels
 - **Regulatory stewardship**, to ensure the regulatory regime supports optimal security outcomes
 - **Education**, including effective dissemination of information to operators and public
29. We are considering all of these levers in terms of opportunities to improve transport security. Overall, our engagement to date has highlighted that the Ministry has a particularly important role to play in facilitating engagement and coordination across the transport sector with central government agencies, particularly Police, DPMC and intelligence agencies, on security issues.

30. For each transport mode, we have provided below an overview of the current security framework, an initial assessment of risks and vulnerabilities, and a summary of relevant mitigation activities underway and priority areas for further work.

Aviation

31. Aviation has long been considered an attractive target for terrorists internationally. The aviation security environment is constantly evolving, as are international standards and requirements for aviation security. Reflecting this, New Zealand's aviation security frameworks are mature and characterised by:

- clearly defined roles and responsibilities for aviation security set out in legislation (Aviation Crimes Act 1972 and the Civil Aviation Act 1990)
- a robust regulatory system that is regularly reviewed and updated
- a mature security regulator in the CAA and a single government screening service provider in the Aviation Security Service (Avsec)
- alignment with international obligations for aviation security, active participation in the International Civil Aviation Organization and close linkages with international aviation security partners, including with our FVEY partners
- close linkages with the New Zealand intelligence community (CAA has, for example, an intelligence analyst seconded into CTAG).

32. s 6(a)



33. The nature of the threat and the potential impact any attack could have socially and economically, means that the baseline for aviation security is high. There is already an extensive set of security measures in place for aircraft and airports, including:

- passenger, crew and baggage screening requirements for international flights and domestic flights above 90 seats
- security check requirements for and random screening of personnel entering security sensitive areas and random screening
- a security supply chain model for air cargo carried on international passenger flights.

34. s 6(a)



35.

s 6(a)

36.

The Ministry, with support from the CAA, hosts a biannual Aviation Security Forum, which includes representatives from airlines, airports, and central government (e.g. Police, CTAG). With these organisations, the Ministry is leading the development of an Aviation Security System Strategy, which is intended to deliver confidence in a secure aviation system via greater alignment, collaboration and sharing of information across the system. The areas below have been identified as key strategic priorities for improving aviation security. These areas are not unique to New Zealand, but are shared internationally and would be a focus for us regardless of the heightened threat environment.

s 6(a)

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Overall, we are confident that the security frameworks and engagement approaches in place, and work underway remains appropriate. We will continue to review this, in the context of domestic and international developments.

Maritime

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41. Out of Scope
Out of Scope s 6(a), Out of Scope
s 6(a), Out of Scope

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Out of Scope

s 6(a)



42.

s 6(a)



The Aviation Security Forum provides a useful model to improve alignment, collaboration and information-sharing across the sector and to tackle strategic issues. As a first step, we are planning to explore with MNZ the possibility of establishing a Maritime Security Forum, with the aim of:

- building links among key stakeholders across sectors, including port authorities, vessel owners and operators and central government agencies
- providing a forum to discuss issues at a strategic level, including good practice security approaches, lessons learnt from the Christchurch attacks and potential improvements to protective security planning and frameworks, with a focus on the priority areas identified above
- informing the Ministry's future engagement with the sector, including how we engage with key stakeholders in a response situation.

43.

The Ministry's stewardship role in the implementation of New Zealand's first **Maritime Security Strategy**, which you will shortly be discussing with your Cabinet colleagues, also provides an opportunity to further explore how we appropriately respond to a range of threats to maritime security on sea.

Land Transport (Road and Rail)

44.

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Out of Scope s 6(a), Out of Scope

s 6(a)



45.

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Out of Scope s 6(a), Out of Scope

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s 6(a), Out of Scope

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s 6(a), Out of Scope

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Out of Scope

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Out of Scope



s 9(2)(a)



Shelley Tucker
Manager, Resilience & Security

MINISTER'S SIGNATURE:

DATE:

5.5.19

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Received
19 FEB 2019
Office of Hon Phil Twyford

Meeting with the NZ Airports Association

Reason for this briefing	You are meeting with Steve Sanderson (Chair) and Kevin Ward (Chief Executive) from the NZ Airports Association on 20 February 2019.
Action required	Note the contents of this briefing.
Deadline	20 February 2019.
Reason for deadline	Your meeting is on 20 February 2019.

Contact for telephone discussion (if required)

Name	Position	Telephone	First contact
Shelley Tucker	Manager, Resilience and Security	s 9(2)(a)	✓
Nicolaas Paterson	Senior Adviser, Resilience and Security	s 9(2)(a)	
Andrew Palmer	Adviser, International Connections	s 9(2)(a)	

MINISTER'S COMMENTS:

Date:	19 February 2019	Briefing number:	OC190116
Attention:	Hon Phil Twyford	Security level:	RESTRICTED

Minister of Transport's office actions

- Noted
 Seen *JNS*
 Approved
- Needs change
 Referred to
- Withdrawn
 Not seen by Minister
 Overtaken by events

Purpose

1. This briefing provides you with information and suggested questions for your meeting with Steve Sanderson (Chair) and Kevin Ward (Chief Executive) of the NZ Airports Association (the NZAA) on 20 February 2019.

The NZAA

2. Out of Scope
- 3.
- 4.

There are two overall issues the NZAA has asked to discuss with you

5. The issues the NZAA wishes to discuss are:
 - policy settings for small airports
 - aviation security screening matters (including infrastructure requirements and passenger waiting times).

(1) The NZAA believes policy settings for small airports should be amended

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(2) Aviation security matters

17. The NZAA has two issues it would like to discuss with you regarding aviation security:
- i. the impacts of new aviation security screening standards on airports, in particular changes needed to infrastructure to accommodate new technology; and
 - ii. waiting times for passengers at aviation security screening points.

(i) Impacts of new aviation security screening standards on airports

18. Security designated airports have obligations in Civil Aviation Rule Part 139, Aerodromes – Certification, Operation and Use, for the provision of areas for screening of passengers,

Out of Scope

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crew, baggage, etc, to support the Aviation Security Service (Avsec) in its service delivery role.

19. The NZAA is concerned about impacts on airports from new aviation security screening requirements, and how airports are involved in the associated decision-making processes.
20. The NZAA acknowledges that "higher security standards and new technologies need to be adopted and implemented from time to time", but is concerned about the difficulties airports may have in complying with their existing obligations and implementing changes to allow Avsec to deliver its services.
21. As we have recently briefed you during the Avsec Funding Review (the Funding Review), some changes will be introduced to aviation security screening standards including:
 - Advanced Imaging technology (AIT) at all international airports by 2020 (and domestic airports thereafter); and
 - new screening equipment for hold-stow baggage.
22. Some of these changes will have impacts for airport infrastructure, for example, because new equipment will take up more space in an airport than the technology it is replacing.
23. The NZAA appears to be particularly concerned about the impacts of new Hold Baggage Screening (HBS) systems, which need to be introduced prior to a change in the relevant international requirements in 2022.
24. We have sought advice from the Civil Aviation Authority (the CAA) about the NZAA's concerns.
 - The CAA acknowledges the new HBS systems are heavier and will require more space than the current technology used. This will mean some airport infrastructure will need to be upgraded to accommodate this. This was the subject of express advice to all security designated airports by the Director of Civil Aviation, early in 2018.
 - The CAA appreciates the impact on airports related to the upgrading of security screening equipment, and has tried to give as much advanced notice as possible to airports so they can reflect any impacts in their planning processes.
 - Noting this, the CAA emphasised that security screening requirements need to be applied at all security designated airports within a reasonable timeframe in order to maintain the integrity of our aviation system overall. Whilst individual airports may have specific circumstances that make this a challenge, the requirements are necessary to ensure the ongoing integrity of the overall security system.

Engagement with industry on the changes to security screening requirements

25.

Out of Scope

26.

27. Out of Scope



28. In particular, Avsec is engaging with airports about the implications of passenger volume growth, and what this means with respect to future infrastructure requirements, for example, additional screening lanes.
29. The Ministry appreciates that changes to screening measures can impact airports, and acknowledges the NZAA's request for more engagement. The Ministry will continue to support this engagement, especially through forums like the industry roundtable and forums (the first of which was held in October 2017).
30. The next industry roundtable is being convened by the Ministry in March 2019, followed by a larger forum in May 2019. The development of an aviation security strategy will also be workshopped at these forums, which will include a focus on future aviation security changes and requirements.
31. We note, however, that the aviation security environment is dynamic, and that engagement with the sector must also be balanced with ensuring:
- the integrity of our aviation security network overall, and that of the wider international system of which we are a part;
 - the protection of classified security intelligence reporting provided by the New Zealand Intelligence Community;
 - security screening arrangements are consistent with what we have agreed with our FVEY and other international partners (both in the screening methods used, and the timing); and
 - that we respond in an appropriate and timely way to any threats, or emerging threats, to New Zealand's national security.

Suggested speaking points

32. You may wish to acknowledge that changes to screening measures (and the consequential changes to screening infrastructure) can impact airports, but the protection of passengers and crew from aviation security threats is important to New Zealand's national security and international reputation.
33. You may also wish to acknowledge the NZAA's request for more engagement on these matters, and advise the NZAA that you have asked the CAA, Avsec and the Ministry to continue constructive and open dialogue on future changes to aviation security measures and standards, where this is practicable and appropriate.

³ The Aviation Industry Roundtable, is a biennial meeting with the purpose of giving industry and government an opportunity to share knowledge, discuss issues and opportunities relating to the management of aviation security in New Zealand. The members of the Aviation Industry Roundtable include: the Ministry, the CAA, Avsec and key aviation industry stakeholders (including the NZAA).

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34. Acknowledging that the provision of the necessary space is an existing regulatory obligation on airports under Civil Aviation Rule Part 139, you may also wish to advise NZAA that any individual airports who feel it will be challenging for them to comply with their obligations, in the necessary timeframes, should raise this separately with the Director of Civil Aviation and provide evidence in support of their claims. This will allow appropriate regulatory consideration of any specific cases.

(ii) The NZAA is concerned about waiting times for passengers at departure screening points

35. The NZAA is concerned that in busy periods, passenger departure screening points can become 'bottlenecks' and can affect the service and customer experience that airports are aiming to deliver.

36. While the NZAA acknowledges that average passenger wait times at departure screening points are less than three minutes, they would like to refine these measures to reflect wait times at peak times in key locations. We assume the NZAA's concern is with peak times at Auckland, Wellington, and Christchurch airports (both international and domestic departure points) but their letter is unclear on this point.

Avsec screening times were under three minutes on average in FY 17/18

37. On average, Avsec screening times were under three minutes in FY 17/18. Specifically, the average wait time for passengers at:

- international departure screening points was 2 minutes and 55 seconds; and
- domestic departure screening points was 2 minutes and 42 seconds.⁴

38. This meets the targets set by the CAA Board of ensuring that passenger wait times are under three minutes at departure screening points.

39. The CAA has advised that some airports have approached Avsec to have more screening lanes open to absorb unexpected surges in screening demand. This would require Avsec to employ additional staff which would only be used on an 'if needed' basis. It would also increase Avsec costs, which are paid by airlines, not airports, and would, in the view of Avsec, reduce its efficiency and the value-for-money nature of the services it delivers.

40. For this reason, Avsec is not intending to adjust its staffing models as requested by some airports and will be maintaining these as provided for in the recent Funding Review.

⁴ Civil Aviation Authority Annual Report 2017-2018, page 59.

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Suggested speaking points

41. You may wish to acknowledge the NZAA's concerns about current targets, but advise the NZAA that passenger throughput and facilitation targets are set by the CAA Board, not you.
42. You may wish to invite the NZAA to write to the CAA Board about their concerns, which essentially relate to Avsec staffing models, so that they can be taken into account in future Funding Reviews.

s 6(a)

Shelley Tucker
Policy Manager, Resilience and Security
Ministry of Transport

MINISTER'S SIGNATURE:

DATE:

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Out of Scope

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Received
26 APR 2019
Office of Hon Phil Twyford

Security Designation of Invercargill Airport

Reason for this briefing	Air New Zealand wishes to trial a jet service of 90+ seats between Invercargill Airport and Auckland Airport, starting in August 2019. To allow this, Invercargill Airport needs to become a security designated aerodrome. This briefing provides you with preliminary information about the application process and your role in this.
Action required	Note that Invercargill Airport intends to apply for security designation under Section 82 of the Civil Aviation Act 1990. Note that once Invercargill Airport's application has been received, the Ministry of Transport will provide you with a further briefing and a <i>Gazette</i> notice for you to sign to give effect to Invercargill's security designation, prior to the proposed service between Auckland and Invercargill commencing in August 2019.
Deadline	Not applicable
Reason for deadline	Although there is no deadline for this briefing, we note that Invercargill Airport needs to be security designated before 1 August 2019 in order for Air New Zealand to run 90+ seat jet services between Auckland and Invercargill. Before then, Ministry officials will need to prepare and compile the information necessary for the next steps in this process.

Contact for telephone discussion (if required)

Name	Position	Telephone	First contact
Shelley Tucker	Manager, Resilience and Security Team, Ministry of Transport	s 9(2)(a)	✓
Eve Tucker	Adviser, Resilience and Security Team, Ministry of Transport	s 9(2)(a)	

MINISTER'S COMMENTS:

Date:	26 April 2019	Briefing number:	OC190200
Attention:	Hon Phil Twyford, Minister of Transport	Security level:	In-Confidence

Minister of Transport's office actions

- | | | |
|--|--|---|
| <input type="checkbox"/> <i>Noted</i> | <input type="checkbox"/> <i>Seen</i> | <input type="checkbox"/> <i>Approved</i> |
| <input type="checkbox"/> <i>Needs change</i> | <input type="checkbox"/> <i>Referred to</i> | |
| <input type="checkbox"/> <i>Withdrawn</i> | <input type="checkbox"/> <i>Not seen by Minister</i> | <input type="checkbox"/> <i>Overtaken by events</i> |

Purpose of this briefing

1. This briefing provides preliminary information about the process for you to grant an aerodrome security designation under Section 82 of the Civil Aviation Act 1990 (the CA Act), in anticipation of an application from Invercargill Airport (IVC).
2. The process for IVC's application began when Air New Zealand (Air NZ) signalled to the Civil Aviation Authority (the Authority), on 14 December 2018, its intent to trial a jet service between IVC and Auckland Airport (AKL). For this service, Air NZ plans to use an Airbus A320 jet aircraft, which has the capacity to seat 171¹ passengers.

The proposed service between Invercargill and Auckland

3. The proposed service between IVC and AKL will commence on a trial basis, running once per day, five days per week² for one year. Ministry officials understand that a long-term plan for the route will be signalled six months into the trial, at which time the security measures in place would be reviewed by the Authority and the Aviation Security Service (Avsec).
4. Regular air travel between IVC and AKL opens up both business and tourism opportunities for Invercargill. The IVC Airport Plan outlines its desire to become an alternative to Queenstown, particularly for regional destinations such as the Catlins, Stewart Island, Te Anau, and Milford Sound.

Policy and legislative background

5. In New Zealand, passengers must be screened if boarding any aircraft with a seating capacity of more than 90 seats.³ This requirement applies to all departing domestic and international flights.
6. Under the CA Act, aerodromes are either security designated or not security designated.⁴ To fulfil the necessary security obligations, an aerodrome must be security designated to provide regular air services on aircraft with a certified seating capacity of more than 90 seats.
7. Under Section 77 of the CA Act, once an aerodrome is security designated, the Minister is required to ensure that aviation security services are supplied. Avsec is the only gazetted provider of these services under the CA Act.
8. The material difference between designated and non-designated airports is the level of security in place. An explanation of what IVC would need to implement in order to be compliant as a security designated aerodrome is outlined later in this briefing.

Security designation of IVC

9. While AKL is currently security designated, IVC is not. This means that IVC does not have the infrastructure or agreements with Avsec required to run services (for departing flights) using aircraft with a capacity of more than 90 seats.

¹ Notable because this is above the 90-seat threshold discussed below.

² No services are scheduled for Wednesday or Sunday.

³ As declared via *Gazette* notice by the Director of Civil Aviation on 6 December 2016.

⁴ Currently, there are five security designated aerodromes in New Zealand: Auckland, Wellington, Christchurch, Queenstown and Dunedin.

10. As the jet nominated for the IVC-AKL route has a certified seating capacity of more than 90 seats, Invercargill Airport is required to become a security designated aerodrome before that service can begin.
11. Under Section 82 of the CA Act, you are able to designate an aerodrome as security designated⁵ (or amend or revoke that designation⁶) by notice in the *Gazette*.

Invercargill Airport's responsibilities

12. IVC is required to make an application to the Authority for security designation. Authority officials advise that they are working alongside IVC to ensure the application and accompanying documentation is provided.
13. As part of the full application process, IVC is required to provide a change management plan, outline their project work, and demonstrate their ability to comply with Civil Aviation Rules Part 139 - Aerodrome - Certification, Operation and Use (Part 139). Authority officials met with IVC senior management in mid-April to ensure timely completion of the required documentation to ensure the process can progress.
14. The general requirements for security designated aerodromes, outlined in Part 139,⁷ include passenger segregation, interference prevention measures, emergency and security lighting, and training to enhance staff capability and capacity.
15. Security measures Avsec are required to provide include passenger screening, hand luggage screening, hold baggage screening, mobile patrols prior to aircraft departure, securing a sterile area for passenger segregation, and performing other patrols and security checks.
16. Additional security provisions are to include an annual security committee meeting, chaired by the General Manager Avsec, additional security spot checks, and identity checks at irregular intervals prior to and during the jet service trial.
17. IVC must ensure all of the above measures are in place at the time security designation is confirmed. Compliance is monitored by the Authority.

Costs of implementation to Avsec

18. For Avsec to provide screening services from August 2019, they are already planning, recruiting and sourcing equipment to meet the implementation deadline.

Operating Costs Summary

19. Avsec advises that the setup and operating costs associated with making IVC security designated and compliant under Part 139 are outside of the current budget and will be drawn from Avsec's domestic reserves.
20. These costs reflect the capital expenditure required to purchase and install the necessary equipment for screening. While Avsec charges a per passenger screening fee, forecasted revenue will not meet the full cost of procurement and service delivery within the timeframe of the trial.

⁵ Section 82(1)

⁶ Section 82(2)

⁷ 139.203 of Part 139 relates to requirements for security designated aerodromes.

21. Given domestic reserves are already low, Avsec has been managing reserve levels to ensure sufficient funds are available for to implement the necessary changes at IVC. The indicative costs to Avsec for the full duration of the trial are outlined below.

Indicative estimate of costs to Avsec for the full 12-month trial:

Item	Indicative cost (NZ\$)
Staff costs	468,000
Equipment costs	213,000
Property, IT and administration costs	80,000
Other costs	59,000
Total	820,000

Risks

22. The cost of implementing screening is substantial. However, Avsec advises it can meet the costs of implementation through their financial reserves. As such, cost remains an important consideration but the financial risk to the Crown is low.
23. If Invercargill Airport does not become a security designated aerodrome by 1 August 2019, Avsec staff will not be able to carry out screening and Air NZ will not be able to commence its trial.

Considerations post recent events in Christchurch

24. As a result of events in Christchurch on 15 March 2019, Ministry officials note that this application for security designation may be affected by possible broader domestic aviation security policy changes in the future. IVC is involved in discussions and workshops the Ministry is having with airports and airlines on this issue.

Next steps

Timeline of security designation process



25. The Authority and Avsec will continue to work with IVC to ensure IVC will be compliant with Part 139 requirements for security designated aerodromes.
26. In June 2019, Ministry officials will provide you a briefing to confirm that IVC has met the requirements to be compliant under Part 139.

27. Based on this, the June briefing will ask you to:
- approve the security designation for IVC; and
 - sign a *Gazette* notice by 1 August 2019, signalling this change and enabling Avsec to deploy the appropriate resources for the first incoming flight scheduled for 25 August 2019. You are not required to take this matter to Cabinet.
28. In the interim, the Ministry will continue to update you via the weekly report.

s 9(2)(a)

Eve Tucker
Adviser Resilience and Security

Shelley Tucker
Manager Resilience and Security

MINISTER'S SIGNATURE:



DATE: 27.4.19

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19 November 2020

OC200756

Hon Michael Wood
Minister of Transport

BRIEFING TO THE INCOMING MINISTER - CIVIL AVIATION BILL

Purpose

To provide you with information regarding the Civil Aviation Bill and offer that you meet with us to discuss the key policy matters related to this proposed legislation so that it can proceed to introduction into the House.

Part A of this briefing contains information on policy that has emerged since the last set of Cabinet decisions which we would like to discuss with you. Part B contains information on previous Cabinet policy decisions which we think you should be aware of. A summary of all the policy issues discussed in this paper is provided in the appendix.

Out of Scope

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- | [Redacted]

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[Redacted]

[Redacted]

[Redacted]

Tom Forster
Manager, Economic Regulation

Hon Michael Wood
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
Kirstie Hewlett, Deputy Chief Executive, System and Regulatory Design	s 9(2)(a)	
Tom Forster, Manager Economic Regulation	s 9(2)(a)	✓

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BRIEFING TO THE INCOMING MINISTER - CIVIL AVIATION BILL

Out of Scope [Redacted]

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We are making some post-consultation amendments

18. Consultation highlighted agreement across airports, airlines and government agencies agree that further work to strengthen collaboration regarding airport infrastructure requirements is needed, and that some airport provisions need updating. However there was a range of views on the scope and design of the requirements. Airports, in particular, consider that better collaboration could occur without legislative change. However, this does not address the underlying issues, including the need to update airport provisions and provide robust graduated enforcement of current legal requirements.
19. We have refined the proposal for an airport licensing regime (now referred to as the airport registration regime) in response to submissions and discussions with stakeholders. We have chosen *registration* over *licensing* to reflect that we now propose a narrower set of controls for airports than would traditionally exist under a full licensing regime, and addressed some of the sector's concerns around scope, obligations of agencies and workability.
20. As agencies and the sector move forward in the post-COVID-19 recovery, collaborative and well aligned approaches will be needed even more than usual, and this is what the proportionate registration regime is designed to achieve. In particular, we are keen to ensure any regulatory approach aligns closely with current airport planning practices in order to minimise regulatory burden.
21. We would like to discuss this with you, to provide more detail about the policy problem, our proposed approach, and some of the changes we have made. [see accompanying briefing OC200835 *Achieving Better Public Policy Outcomes at Airports – Refined Proposal* for a more comprehensive discussion on this].

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PART B – ISSUES YOU SHOULD BE AWARE OF

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The Bill provides regulatory powers relating to drone use

64. The CA Act was developed at a time before unmanned aircraft (drones) were common place. The Bill contains a number of minor amendments to better provide for the regulation of this new technology.

65. In addition to these minor amendments, the Bill also contains powers for constables and other suitably trained and authorised persons to seize, detain or destroy drones which are being operated illegally. These powers are designed to deal with situations where the illegal drone use causes significant disruption to the civil aviation system, and safety and security risks to people and property.

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The Bill contains security related amendments

75. The Bill continues without any fundamental change the current aviation security regime contained in the CA Act. However, it does clarify current powers of aviation security officers, particularly with respect to:

- search powers relating to unattended vehicles and other items
- the use of “landside” search powers, ahead of the security screening point
- the use of explosive detector dogs
- powers to deal with dangerous goods

- 76. These amendments were not a major focus of submissions made on the exposure draft of the Bill and are unlikely to attract any significant public comment through the select committee stage. However, both the amendments and the provisions continued from the CA Act are a focus of the Ministry of Justice's Offences and Penalties team, and Bill of Rights vet. We are actively engaging with the Ministry of Justice on these provisions and aim to resolve any concerns or queries prior to introduction.
- 77. The Bill also progresses policy that seeks to protect New Zealand's national security and national interests by empowering the Minister of Transport to prevent the entry of an operator into the aviation system, or restrict or remove their operation, if national security risks are identified.

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Civil Aviation Bill - agreement to new policy proposals before Cabinet consideration

Reason for this briefing	To seek your agreement on new policy proposals for the Civil Aviation Bill, and agreement to lodge the revised Cabinet paper, commentary document, and draft Civil Aviation Bill.
Action required	Sign the attached Cabinet Paper, and agree to lodge it by Thursday 28 March 2019, if it is to be considered by the Cabinet Economic Development Committee (DEV) on 3 April 2019.
Deadline	Thursday 28 March
Reason for deadline	To meet the deadline for papers to be lodged for the DEV meeting on 3 April 2019.

Contact for telephone discussion (if required)

Name	Position	Telephone	First contact
Tom Forster	Manager – International Connections	s 9(2)(a)	✓
Shelly Tucker	Manager – Resilience and Security	s 9(2)(a)	
Karl Simpson	Director – Regulatory and Data	s 9(2)(a)	
Andrew Palmer	Adviser	s 9(2)(a)	

MINISTER'S COMMENTS:

Date:	22 March 2019	Briefing number:	OC190257
Attention:	Hon Phil Twyford	Security level:	In-confidence

Minister of Transport's office actions

- | | | |
|---------------------------------------|---|--|
| <input type="checkbox"/> Noted | <input type="checkbox"/> Seen | <input type="checkbox"/> Approved |
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| <input type="checkbox"/> Withdrawn | <input type="checkbox"/> Not seen by Minister | <input type="checkbox"/> Overtaken by events |

Purpose of report

1. This briefing seeks your agreement on new policy issues that have arisen since we last briefed you on the Civil Aviation Bill (the Bill) in December 2018.
2. It also seeks your agreement to lodge the attached Cabinet paper, together with drafts of the Bill and accompanying commentary document for consideration by the Cabinet Economic Development Committee (DEV) on 3 April 2019.

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s 6(a), s 9(2)(f)(iv)

4. s 6(a), s 9(2)(f)(iv)

5. s 6(a), s 9(2)(f)(iv)

New Policy

Detection and seizure of drones

6. There have been frequent recent instances of drones operating in contravention of civil aviation law, where this has caused significant risk and disruption to other aircraft, aviation operations and people on the ground. The scale of this problem is significant – the Gatwick incursions in late 2018 alone caused an estimated £50 million loss to the United Kingdom economy and affected thousands of passengers.
7. A range of techniques exist or are under development to respond to these incursions, including nets, radiofrequency jamming or interception, or more extreme action such as destroying the drone. Currently, however, it is likely that such measures would be legally justified only in response to a significant immediate risk to people or property.
8. We intend to seek views of stakeholders on options to address this issue during consultation. Two options (which are yet to be reflected in the Bill) are described below. Subject to the outcome of consultation, we prefer option 1. We have engaged with the Civil Aviation Authority (the CAA), who are supportive of the consultation process. We also intend to consult with the New Zealand Police and the Ministry of Justice prior to any change being reflected in the Bill.

Option 1 – expand power of the Director or delegates to take action

9. Under this option, the power to seize or detain non-passenger carrying drones would be expanded, as follows:

- 9.1. The power would be exercisable by the Director of Civil Aviation (the Director) or delegates of the Director (which could include CAA employees, Police, or other agencies)
 - 9.2. The person exercising the power would have to have reasonable grounds to believe that the aircraft had no people on board, and was operating in contravention of civil aviation law or might endanger people or property
 - 9.3. The power to seize includes the power to use reasonable force to bring a drone in operation under the control of the person, such as by using nets, radiofrequency jamming or interception, or more extreme action such as destroying the drone
 - 9.4. In choosing what action to take to seize the drone, the person exercising the power must give such consideration as is reasonable in the circumstances to any risks to people or other property from taking the action
 - 9.5. The seizure would be only maintained for such time as was necessary to ensure compliance with the civil aviation law, provided that the aircraft could be retained for the purposes of evidence for any prosecution.
10. This option places the power in the regulator or delegate within the CA Act framework. This would ensure that the power is focussed on compliance with civil aviation legislation and is exercised proportionately. The power relies on the Director or a delegated agency allocating resources to support its use, and the establishment of operational procedures for exercising power.

Option 2 – general defence for exercising reasonable force

11. Under this option, persons or classes of person would have a statutory justification or a defence against prosecution in respect of various offences (including civil aviation law, the Aviation Crimes Act and the Crimes Act) where the person used reasonable force against a drone. The justification might, for example, apply to any person who reasonably believed that the aircraft had no people on board, and was operating in contravention of civil aviation law or might endanger people or property.
12. Under this option, the protection generally applies to a class of people, so there is less reliance on the Director or the delegated agency. As a consequence, however, the circumstances in which action was justified, and the person who is protected, would require careful design. A defence that was too broad might encourage reckless or disproportionate behaviour, while a too-narrowly defined defence would offer little improvement on the status quo, as it may not provide sufficient certainty.

Airline Liability – delay and damaged, lost and delayed baggage

Disputes Tribunal jurisdiction to hear claims regarding airline liability

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Recommendations

52. The recommendations are that you:

(a) **agree** that we consult with industry on potential options for the detection, seizure and destruction of drones which are operated illegally Yes/No

(b) Out of Scope [Redacted] Yes/No

- (c) Out of Scope [Redacted] Yes/No
- (d) Out of Scope [Redacted] Yes/No
- (e) Out of Scope [Redacted] Yes/No
- (f) Out of Scope [Redacted] Yes/No
- (g) Out of Scope [Redacted] Yes/No
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- (i) Out of Scope [Redacted] Yes/No
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- (k) Out of Scope [Redacted] Yes/No

Tom Forster
Manager International Connections

MINISTER'S SIGNATURE:

DATE:



4 March 2021

OC210064

Hon Michael Wood
Minister of Transport

Provision of aviation security services by non-State providers

Purpose

Respond to your query about the prima facie case for non-State entities (aerodrome operators or airlines) providing aviation security services at airports in the future.

Key points

- The Civil Aviation Act 1990 specifies who can provide regulated aviation security services at a security designated aerodrome or security designated navigation installation. Currently, this list comprises the Aviation Security Service (Avsec) and the operator of that security designated aerodrome or navigation installation.
- The Civil Aviation Bill will propose that an airline operating at a security designated aerodrome is added to this list to support future system flexibility.
- At present, aviation security services at security designated aerodromes or navigation installations are provided solely by Avsec. Avsec's monopoly on providing these services is maintained by a *Gazette* notice, which specifies that only Avsec may be granted an aviation document to provide security services at such security designated aerodromes or navigation installations [1997-go3702].
- At this time, officials do not propose any change to the existing operational arrangements. We do not recommend that you rescind the *Gazette* notice.
- You have requested further information about what the case might be for allowing non-State providers of aviation security, and what the framework for enabling this would be.
- There are various scenarios where we might recommend non-State providers to align with evolving security settings. This report provides background information on what the process and considerations would be if these settings changed and required greater legislative flexibility.

s 9(2)(a)



Michael Wood

Natasha Rave
Acting Manager Resilience & Security

Hon Michael Wood
Minister of Transport

4 / 03 / 21

15 / 3 / 21

Minister's office to complete:

Approved

Declined

Seen by Minister

Not seen by Minister

Overtaken by events

Comments

Contacts

Name	Telephone	First contact
Natasha Rave, Acting Manager, Resilience & Security	s 9(2)(a)	✓
Marshida Kolthoff, Graduate Advisor, Resilience & Security	s 9(2)(a)	

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PROVISION OF AVIATION SECURITY SERVICES BY NON-STATE PROVIDERS

Aviation security provision is regulated under Civil Aviation Rule Part 140

1. Aviation security is critical to the economic and social wellbeing, connectedness, and safety of New Zealand and New Zealanders.
2. Aviation security service provision is regulated under Civil Aviation Rule Part 140 (Part 140). Part 140 prescribes the certification requirements for organisations wishing to provide aviation security services in New Zealand and the operating requirements for the continuation of this certification.
3. This was established to fulfil New Zealand's obligations under International Civil Aviation Organization (ICAO) Annex 17¹ to provide security services at security designated aerodromes and security designated navigation installations.
4. Rule Part 140 prescribes specific requirements for the certification (entry standards), operation (continued operations), and safety audit (surveillance) of persons providing security services.

The Civil Aviation Bill will propose that aviation security services could also be provided by airlines

5. Through the Civil Aviation Bill, Cabinet has agreed to allow airlines, in addition to the currently enabled aerodrome operators and the Aviation Security Service (Avsec), to provide aviation security services at security designated aerodromes from which they are operating in New Zealand [CAB-19-MIN-0167]. This will enable greater flexibility to respond to future security settings, should the need arise.

Avsec is currently New Zealand's sole aviation security provider

6. Avsec is an operational unit within the Civil Aviation Authority (CAA). Avsec carries out a range of security functions and activities, including screening airport workers, passengers, crew and their baggage, as well as screening aircraft and patrolling at airports around New Zealand.
7. Aviation security services in New Zealand are provided solely by Avsec. Avsec's monopoly on providing these services is provided for under section 79A(1) of the Civil Aviation Act 1990 (the Act) and maintained by a 1997 *Gazette* notice that specifies that only Avsec may hold an aviation document to provide security services at a security designated aerodrome or navigation installation [1997-go3702].
8. However, should you agree to enable the provision of these services to entities other than, but including Avsec, via the Bill; the current *Gazette* notice would need to be rescinded and a new notice created to reflect this change.

¹ Annex 17 contains Standards and Recommended Practices concerned with the security of international air transport and is amended regularly to address the evolving threat.

9. If this were to occur, security designated aerodrome operators, security designated navigation installation operators, Avsec, and airlines (at security designated aerodromes or navigation installations at which they operate) would be able to obtain an aviation document from the Director of Civil Aviation allowing them to provide aviation security services (outlined in further detail in paragraph 10-16 below).

Powers of aviation security officers

10. Avsec officers have a number of powers, functions and duties currently set out under section 80 of the Act. This includes:
 11. carrying out crew, passenger, and baggage screening of all international passenger services
 12. carrying out screening or reasonable searches or seizures for items specified in a direction under section 77A(1) or section 77B(1) of the Act
 13. undertaking, if necessary, reasonable searches of crew, passengers, baggage, cargo, aircraft, aerodromes and navigation installations
 14. patrols of aerodromes or navigation installations, and
 15. co-operating with, or providing assistance or advice to any government agency or local government agency when requested to do so by the Minister (including security support services to the Police when requested to do so by the Commissioner of Police).
16. If non-State operators were to be granted an aviation document, they would have to operate in accordance with any conditions of that aviation document, and the requirements of any legislation in relation to the provision of aviation security services.

Responsibilities of the Minister under the Act

17. As Minister of Transport, you have four key statutory roles or responsibilities in relation to the provision of aviation security services under the Act:
 - making rules relating to safety and security (sections 28, 29, and 30),
 - ensuring aviation security services are provided at security designated aerodromes and security designated navigation installations (section 77). This includes the decision to specify by notice in the *Gazette* that only Avsec may be granted an aviation document for the provision of those aviation security services under section 79A,
 - directing aviation security officers by notice in the *Gazette* to screen or search for specified items or substances (section 77A), and
 - designating or revoking security designations by notice in the *Gazette* under section 82.

18. Currently, any functions or powers in relation to Avsec are unable to be delegated to any person outside of Avsec without prior written Ministerial approval (section 23C(b)). Although this is not something that comes up often, you do act as a 'gatekeeper' for this.

New Zealand's Aviation Security Settings

19. At present, officials do not propose any changes to New Zealand's settings in relation to providers of aviation security services.
20. We are continually reviewing our security settings to ensure we have the right level of security to support our security requirements and concerns. Given security settings are likely to evolve over time, it is prudent to enable a range of options for us to consider if and when this is needed.
21. We want to ensure flexibility in our legislation to provide security services through various avenues. The Bill will enable this by allowing airlines to also provide aviation security services should this be required under future aviation security settings.
22. Should additional security be required at smaller security designated airports, it would be of benefit to have greater legislative flexibility to enable other providers to deliver this service depending on the circumstances². For example, if our threat level escalates, a mitigation to this threat could be increasing security at all of New Zealand's airports. Having the ability to engage non-State providers may support the system in such a response.

Internationally, diverse models have been adopted by Governments and aviation regulators

23. ICAO standards regulate overarching security target goals and provide for greater consistency across partner countries. ICAO Standards and Recommended Practices (SARPS) provide a framework for jurisdictions to achieve security outcomes. There is room within this framework for jurisdictions to shape their own security processes.
24. Across the European Union, the state controls aviation security functions but with managed outsourcing to private firms (e.g. France, Germany and the Netherlands).
25. In the United Kingdom, the Department of Transport oversees all policies, coordination and audits all security, which must be carried out by the owners of the respective aviation assets; for example aerodromes and screening equipment.
26. Australia has an aviation security system that operates and is regulated under a federal government, but outsources security operations to private providers.
27. There are a number of factors that influence different jurisdictions' approaches including cost, departing passenger numbers, vetting and training processes, competition, and incidents of security breaches. Though jurisdictions range between centralisation and privatisation, each aims to meet security standards aligned to their threat environment³.

² Aerodrome operators and airlines will be able to do this via changes brought through in the Bill.

³ Size and scale of aviation facilities and aerodromes is often a driver for decentralisation of aviation security services.

Several factors would need to be considered when determining the merits of non-State providers providing aviation security services

State versus private provision of aviation security services

28. Should you ask officials to further investigate the merits of allowing security designated aerodrome operators, security designated navigation installation or airline operators operating at a security designated aerodrome (the latter only if enacted under the Bill) to provide aviation security services, a number of factors would need to be considered. These include for example: funding mechanisms, training development, quality assurance, regulation and Te Tiriti o Waitangi obligations.

Funding

29. A change in the provider of aviation security services would impact the funding of aviation security services. The current model is done by way of a CAA levy that charges on a per passenger basis, which works because Avsec is a business unit of the CAA. Different funding mechanisms would need to be considered if aviation security services are provided by non-State providers.
30. The equipment used for aviation security purposes at security designated aerodromes is currently funded through passenger levies. There is currently work underway to review funding mechanisms for levied services. This may have implications on how we pay for future aviation security services. We would include in this work an assessment on how stakeholders, including passengers would be affected by a change to current settings.
31. However, efficiencies gained via the implementation of the aviation security modernisation work underway will likely result in more efficient throughput of travellers and possibly, less need for more aviation security providers as a consequence of greater automation technology.

Training development, quality assurance and regulation

32. At present, training services are coordinated by the CAA. Should non-State providers be enabled to deliver security services, it is essential that training services continue to be provided in a manner that is coordinated, consistent, and quality regulated.
33. Extending the provision of aviation security services, may also have regulatory consequences. Officials would undertake work to ensure that providers of aviation security services would be regulated and required to work within the conditions of their aviation document.

Te Tiriti o Waitangi

34. We have an obligation to ensure we honour our commitment to the Te Tiriti o Waitangi and the Bill of Rights Act 1993. There would be a need to ensure that aviation security services are undertaken in a fair and unbiased manner towards all that come into contact with aviation security service providers.

Civil Aviation Bill - Cabinet papers seeking additional policy approval

Reason for this briefing	To seek your agreement on new policy proposals for the Civil Aviation Bill, and agreement to lodge the attached Cabinet papers.
Action required	Sign the attached Cabinet papers, and agree to lodge them by Thursday 5 March 2020, so that they may be considered by the Cabinet Economic Development Committee (DEV) on 11 March 2020.
Deadline	Thursday 5 March 2020.
Reason for deadline	To meet the deadline for papers to be lodged for the DEV meeting on 11 March 2020.

Contact for telephone discussion (if required)

Name	Position	Telephone	First contact
Tom Forster	Manager – Economic Regulation		✓
Karl Simpson	Director – System and Regulatory Design	5 9 (22) (12)	
Andrew Palmer	Senior Adviser – Economic Regulation		

MINISTER'S COMMENTS:

Date:	21 February 2019	Briefing number:	OC191166
Attention:	Hon Phil Twyford	Security level:	In-Confidence

Minister of Transport's office actions

- Noted
 Seen
 Approved
- Needs change
 Referred to
- Withdrawn
 Not seen by Minister
 Overtaken by events

Purpose of report

1. This briefing seeks your approval on new policy issues that have arisen relating to the Civil Aviation Bill (the Bill), and your agreement to lodge two Cabinet papers attached to this briefing, for consideration by the Cabinet Economic Development Committee (DEV) on 11 March 2020.
2. It also provides you with an update on submissions received on the exposure draft of the Bill, and a timeline leading up to introduction.

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Paper Two – Drone Intervention and Minor Policy Matters

This paper seeks Cabinet approval for the Bill to contain new drone intervention powers

15. In mid-2019, Cabinet agreed that officials would undertake public consultation on proposed powers to detain, seize and destroy drones. This consultation was undertaken through the commentary document which accompanied the exposure draft of the Bill.

16. The Ministry received submissions on this proposal from a number of interested parties, including hobbyists, commercial drone users, airports, and airlines. The comments received presented a wide range of views around the best way to regulate drones and enable enforcement of the rules governing drone use.

17. As a result of these submissions, and consultation with the Civil Aviation Authority (CAA) and Police, we recommend that the Bill create a special power for constables and suitably qualified and trained individuals authorised by the Director of Civil Aviation to intervene against drones that are being operated unlawfully.

18. s 6(a), s 9(2)(f)(iv) [Redacted]

19. s 6(a), s 9(2)(f)(iv) [Redacted]

20. s 6(a), s 9(2)(f)(iv) [Redacted]

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¹ General aviation is a term used to describe aviation operators outside of large air transport operators. Examples of general aviation operators include those engaged in agricultural work, scenic flights, flight training and skydiving

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Tom Forster
Manager, Economic Regulation

MINISTER'S SIGNATURE:

DATE:

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