



Cabinet Legislation Committee

Minute of Decision

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Civil Aviation Bill: Supplementary Order Paper

Portfolio **Transport**

On 10 November 2022, the Cabinet Legislation Committee:

- 1 **noted** that the Civil Aviation Bill (the Bill) was reported back by the Transport and Infrastructure Committee on 2 June 2022, and now awaits its second reading;
- 2 **noted** that the Bill requires an extensive programme of secondary legislation to be put in place before it commences;
- 3 **agreed** to extend the effective commencement date for the Bill from 18 months to 24 months after Royal Assent;
- 4 **noted** that that the Supplementary Order Paper, attached to the submission under LEG-22-SUB-0180, gives effect to the decision above;
- 5 **noted** that the Supplementary Order Paper also makes minor and technical changes and amends the drafting to more clearly reflect agreed policy;
- 6 **authorised** the Associate Minister of Transport to make minor and technical amendments to the Supplementary Order Paper before its release;
- 7 **authorised** the Associate Minister of Transport to release the Supplementary Order Paper [PCO 18744-1/6.0] to the Civil Aviation Bill prior to the Committee of the whole House stage, without further reference to the Legislation Committee.

Rebecca Davies
Committee Secretary

Present:

Hon Megan Woods
Hon Chris Hipkins (Chair)
Hon Andrew Little
Hon David Parker
Hon Nanaia Mahuta
Hon Michael Wood
Hon Kiri Allan
Hon Dr David Clark
Hon Priyanca Radhakrishnan
Hon Kieran McAnulty
Dr Duncan Webb, MP

Officials present from:

Office of the Prime Minister
Officials Committee for LEG

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Office of the Associate Minister of Transport
Cabinet Legislation Committee

Civil Aviation Bill: Approval to release Supplementary Order Paper

Proposal

- 1 This paper seeks the Cabinet Legislation Committee's agreement to amend the Civil Aviation Bill (the Bill) through the attached Supplementary Order Paper (SOP).
- 2 The SOP extends the backstop commencement date of the Bill from 18 months to 24 months after Royal assent, and makes minor and technical amendments.

Executive summary

- 3 The Bill will replace the Civil Aviation Act 1990 and the Airport Authorities Act 1966 with a single, modern statute. It is a large, complex bill.
- 4 The Bill was reported back by the Transport and Infrastructure Committee on 2 June 2022, and now awaits its second reading.
- 5 Following enactment, the Bill will require an extensive implementation programme. In particular, there is a significant body of secondary legislation that must be made, including new and amended regulations, and the Civil Aviation Rules.
- 6 The implementation programme also includes standing up new functions (some new since Cabinet last considered the Bill), updating procedures, and training staff to take account of revised functions.
- 7 The Bill as reported back effectively provides for a commencement date no later than 18 months after Royal Assent. I propose extending this to 24 months, subject to Cabinet approval of the SOP.

The required implementation programme is extensive ...

- 8 The implementation programme for the Bill is extensive. Components necessary to ensure the Bill delivers a modern, fit for purpose regulatory system include:
 - 8.1 making and remaking of relevant secondary legislation, including the Civil Aviation Rules. This work must be completed before commencement, as these provide the legal authority for critical parts of the system, such as funding, offences and penalties, and security.

- 8.2 standing up new functions, including the independent review of decisions of the Director of Civil Aviation (a new function that was introduced at Select Committee), and
 - 8.3 updating of all procedures and forms, and training staff on these.
- 9 To ensure that we are well-positioned to achieve the objectives in the Bill, I consider it is also important to allow sufficient time to engage the aviation sector on the changes and for the sector to be well-prepared for commencement. There is a risk that with an 18 month implementation programme, we would not be able to engage sufficiently with those who will be regulated under the updated regime

... and operations will need to transition to the new framework

- 10 Where statutory requirements and regulatory processes change, there is also a risk of poor, or unlawful decisions being made if staff have not been trained and procedures updated.
- 11 The Ministry and the CAA will be required to undertake additional work to ensure a smooth transition to the new regime, including:
 - 11.1 updating guidance, operational policy, processes, and IT systems based on changes in the Bill
 - 11.2 preparing to implement the new systems, such as the drug and alcohol management requirements and the independent review process, which will require a range of policy, rules, guidance, training, and communications
 - 11.3 sector engagement and education around new requirements, processes, and other associated matters
 - 11.4 appointing the independent reviewer(s).
- 12 Work to transition to the new system is in its early stages and will continue throughout the implementation window. However, there are certain requirements, such as staff training and reissuing staff delegations, that cannot proceed before the secondary legislation is in place.

The work is being done in a constrained environment

- 13 The implementation programme is forecast to operate under timing, budgetary, and staffing constraints. On the advice of Ministry of Transport officials, I am seeking to mitigate staffing and timing constraints by extending the time available for the implementation teams to complete their work and seek timely decisions from Ministers and Cabinet where appropriate or necessary.

- 14 Reprioritisation is not feasible due to budgetary constraints and the need to ensure that regulatory and system stewardship activities continue throughout the implementation period.

This amendment would be given effect to through the attached Supplementary Order Paper

- 15 I intend to present an SOP during Committee of the whole House. That SOP is provided as Annex 1. It contains a number of minor and technical amendments recommended by the Parliamentary Counsel Office and Te Manatū Waka Ministry of Transport (Ministry) officials.
- 16 The contents of the SOP are relatively minor or clarify existing policy or legal settings.

Anticipated sector views on extending the Bill's commencement date

- 17 The civil aviation sector will want the Bill to commence as soon as possible, but would also wish to see the work to implement commencement completed as thoroughly and comprehensively as possible.
- 18 Implementing the Bill will be a large task that will require the CAA (and the Ministry) to reprioritise resource. The sector will not want to see work stopped on other, business as usual work, such as the rules programme in order to meet the existing 18-month timeframe.
- 19 I anticipate the sector will wish to engage with the implementation work, and the proposed commencement extension to 24 months would provide scope for this.

Consultation

- 20 The Civil Aviation Authority has been consulted. The Department of Prime Minister and Cabinet has been informed.

Proactive Release

- 21 This paper will be proactively released on the Ministry's website following the release of the SOP, with any redactions in line with the Official Information Act 1982.

Recommendations

- 22 I recommend that the Cabinet Legislation Committee (LEG):
1. **note** that the Civil Aviation Bill (the Bill) was reported back by the Transport and Infrastructure Committee on 2 June 2022, and now awaits its second reading;

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2. **note** that the Bill requires an extensive programme of secondary legislation to be put in place before it commences;
3. **agree** to extend the effective commencement date for the Bill from 18 months to 24 months after Royal Assent;
4. **note** that that the attached Supplementary Order Paper gives effect to the decision above;
5. **note** that the Supplementary Order Paper also makes minor and technical changes and amends the drafting to more clearly reflect agreed policy
6. **authorise** the Associate Minister of Transport to make minor and technical amendments to the Supplementary Order Paper without further reference to Cabinet;
7. **authorise** the Associate Minister of Transport to release the Supplementary Order Paper to the Civil Aviation Bill prior to the Committee of the whole House, without further reference to the Legislation Committee.

Authorised for lodgement

Hon Kieran McAnulty

Associate Minister of Transport

PROACTIVELY RELEASED BY
TE MANATU WAKA MINISTRY OF TRANSPORT

House of Representatives
Supplementary Order Paper

Tuesday, [date] 2022

Civil Aviation Bill

Proposed amendments

Hon Kieran McAnulty, in Committee, to move the following amendments:

Clause 2

Replace *clause 2* with:

2 Commencement

- (1) **Section 10** in so far as it relates to **clauses 7 to 10 and 36A** of **Schedule 1**, comes into force on the day after the date on which this Act receives the Royal assent.
- (2) The rest of this Act comes into force on a date or dates to be appointed by the Governor-General by Order in Council.
- (3) Any provision (other than **Part 11**) that has not earlier been brought into force comes into force 24 months after the date on which this Act receives the Royal assent.
- (4) An Order in Council made under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Clause 5

In *clause 5*, definition of **eligible New Zealand operator**, after “**Part 6**” (page 29, line 3), insert “and **section 410**”.

In *clause 5*, definition of **identified aerodrome activity**, after “**Part 7**” (page 29, line 32), insert “and **section 412**”.

Proposed amendments to
Civil Aviation Bill

SOP No 0

Clause 49

In *clause 49(4)*, after “death,” (page 59, line 1) insert “or where the aircraft is missing,”.

Clause 178

In *clause 178(c)(i)*, replace “under this Act” (page 130, line 6) with “by the regulations”.

Clause 206

In *clause 206(1)*, definition of **New Zealand operator**, delete “and holds a New Zealand AOC with ANZA privileges” (page 143, lines 19 and 20).

Clause 218

In *clause 218*, definition of **space requirement**, replace “a Public Health Unit or District Health Board” (page 149, lines 14 and 15) with “Health New Zealand”.

Clause 220

In *clause 220(4)*, replace “they become” (page 150, line 22) with “the Secretary becomes”.

Clause 222

In *clause 222(1)*, replace “them” (page 151, line 6) with “the applicant”.

Clause 224

In the heading to *clause 224*, replace “**more than 1 airport**” (page 151, line 34) with “**2 or more airports**”.

Clause 226

In *clause 226*, replace *paragraphs (a) to (c)* (page 152, line 35 to page 153, line 2), with:

- (a) the airport operator—
 - (i) is a local authority; and
 - (ii) provides in its planning documents that the airport is not to be operated as a commercial undertaking; or
- (b) the airport operator—
 - (i) is a council-controlled organisation; and
 - (ii) provides in its constitution, or any other rule or document constituting the council-controlled organisation or governing its activities, that the airport is not to be operated as a commercial undertaking; and
 - (iii) is not a specified airport company; or
- (c) the airport operator—

- (i) is a local authority; and
- (ii) is a shareholder in, a member of, or otherwise forms part of a company or an entity that is a council-controlled organisation that—
 - (A) provides in its constitution, or any other rule or document constituting the council-controlled organisation or governing its activities, that the airport is not to be operated as a commercial undertaking; and
 - (B) is not a specified airport company.

In *clause 226*, insert as subclause (2):

- (2) In this section,—
 - council-controlled organisation** has the meaning given in section 6(1) and (4) of the Local Government Act 2002
 - local authority** has the meaning given in section 5(1) of the Local Government Act 2002
 - specified airport company** has the meaning given in section 56A of the Commerce Act 1986.

Clause 227

Replace *clause 227* (page 153, lines 3 to 28) with:

227 Airport to be Government work

- (1) For the purposes of the Public Works Act 1981, an airport operated by an airport operator that is not a local authority must be treated as a Government work—
 - (a) that the Crown is authorised to construct, undertake, establish, manage, operate, or maintain; and
 - (b) for which the Crown is responsible.
- (2) This section is subject to **section 235**.

227A Acquisition or taking of land for airport

- (1) This section applies in respect of an airport operated by an airport operator that is not a local authority.
- (2) The airport operator may apply to the Minister of Lands to have land required for the airport acquired or taken under Part 2 of the Public Works Act 1981 and, if the Minister of Lands agrees, that land may be taken or acquired.
- (3) The effect of any Proclamation taking land for the purposes of **sub-section (2)** is to vest the land in the airport operator instead of the Crown.

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- (4) Any land held under an enactment or in any other manner by the Crown or a local authority may, with the consent of the Crown or that authority be set apart for the airport in the manner provided in sections 50 and 52 of the Public Works Act 1981 (with the necessary modifications).
- (5) The setting apart of land under **subsection (4)**—
 - (a) must be on the terms and conditions (including price) that may be agreed between the Crown or local authority and the airport operator; and
 - (b) is not subject to sections 40 and 41 of the Public Works Act 1981.
- (6) Land set apart as described in **subsections (4) and (5)** vests in the airport operator.
- (7) Any claim for compensation under the Public Works Act 1981 in respect of land acquired or taken in accordance with this section must be made against the Minister of Lands.
- (8) All costs and expenses incurred by the Minister of Lands in respect of the acquisition or taking of land in accordance with this section (including any compensation payable by the Minister) is recoverable from the airport operator as a debt due to the Crown.
- (9) For the purposes of this section, an interest in land, including a leasehold interest, may be acquired or taken as if references to land were references to an interest in land.

227B Holding and disposal of land

- (1) This section applies in respect of an airport operated by an airport operator that is not a local authority.
- (2) The chief executive may lodge a caveat under section 138 of the Land Transfer Act 2017 against dealings in relation to any land forming part of the airport to protect any interest of persons to have that land offered to them under section 40(2) of the Public Works Act 1981.
- (3) It is the chief executive and not the airport operator who must comply with sections 40 and 41 of that Act, and where relevant section 134 of Te Ture Whenua Māori Act 1993, in relation to any disposal of the land.
- (4) In this section, chief executive means the chief executive within the meaning of section 4 of the Cadastral Survey Act 2002.
- (5) For the purposes of this section,—

- (a) the rights of persons referred to in **subsection (2)** are an interest in land for the purposes of section 138 of the Land Transfer Act 2017; and
- (b) in stating that interest, it is sufficient for the caveat to refer to sections 40 to 42 of the Public Works Act 1981 and this section.

Clauses 228 to 230

Delete *clauses 228 to 230* (page 153, line 29 to page 155, line 20).

Clause 236

Replace *clause 236(1)(e)* (page 158, lines 34 to 36) with:

- (e) regulating (other than on a road as defined in section 2(1) of the Land Transport Act 1998)—
 - (i) traffic, whether pedestrian or vehicular; and
 - (ii) the provision and use of parking places for vehicles at the aerodrome:

Clause 238

In *clause 238(1)(b)*, replace “relevant road controlling authority” (page 160, line 12) with “airport operator”.

Clause 252

After *clause 252(3)* (page 167, after line 8), insert:

- (3A) The Secretary may grant an exemption under **subsection (1)** on any terms and conditions that the Secretary thinks fit.

Clause 297

Delete *clause 297* (page 188, lines 8 to 16).

Clause 324

In *clause 324(2)(b)*, delete “under **section 408(1)(m)**” (page 198, line 2).

Clause 343

In *clause 343(1)*, replace “proceeding” (page 206, line 6) with “action”.

Clause 355

In *clause 355(1)(a)*, after “failed” (page 211, line 6), insert “, or is refusing or failing,”.

In *clause 355(1)(b)*, after “fail” (page 211, line 9), insert “, or continue to refuse or fail,”.

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Clause 358

In *clause 358(1)* (page 212, line 11), replace “given to” (page 212, line 11) with “served on”.

In *clause 358(4)* (page 212, line 26), replace “If a notice is given under **section 357(2)(b)**” with “When a notice given under **section 357(2)(b)** is served under **subsection (1)**”

After *clause 358(4)* (page 212, after line 29), insert:

- (5) Service under **subsection (1)** may be effected in any way the Minister considers appropriate.

Clause 361

In *clause 361*, replace “of the notice” (page 213, line 18) with “on which the notice is served under **section 358(1)**”.

Clause 362

In *clause 362(1)*, after “immediately” (page 213, line 22), insert “after the notice is served”.

Clause 365

Replace *clause 365(1)* (page 214, lines 29 to 33) with:

- (1) A person commits an offence who intentionally obstructs or intentionally impedes—
 - (a) an inspector or a response officer exercising their functions or powers under this Act; or
 - (b) any other person who is authorised by the Director or the Secretary and acting in the performance or exercise of any functions or powers conferred on the person under this Act.

Replace *clause 365(3)* (page 214, lines 37 and 38 and page 215, lines 1 to 3) with:

- (3) A person who breaches **subsection (1)** commits an offence and is liable on conviction,—
 - (a) in the case of an individual, to a fine not exceeding \$10,000;
 - (b) in the case of any other person, to a fine not exceeding \$50,000.

Clause 366

In *clause 366(1)(a)*, replace “an authorised person or other” (page 215, line 10) with “a”.

Clause 367

In *clause 367(1)*, delete “in or” (page 215, line 19).

Clause 369

In *clause 369(4)(b)*, delete “under **section 357(1)**” (page 216, line 24).

Clause 370

In *clause 370(1)*, delete “**247,**” (page 217, line 8).

New clause 379A

After *clause 379* (page 220, after line 10), insert:

379A Reminder notices

A reminder notice must be in the form prescribed in the regulations and must include the same particulars, or substantially the same particulars, as the infringement notice.

Clause 382

In *clause 382(1)(b)* after subparagraph (vii) (page 221, after line 32), insert:

(viiia) **section 251** (failing to comply with direction order):

In *clause 382(1)(b)* after subparagraph (x) (page 221, after line 37), insert:

(xa) **section 397** (interference with aircraft):

In *clause 382(1)(b)* after subparagraph (xii) (page 222, after line 4), insert:

(xiii) **section 423(1)** (failure to make return):

(xiv) **section 423(2)** (failure to maintain records).

Clause 407

In *clause 407(3)*, replace “applies, with all necessary modifications” (page 232, lines 34 and 35) with “and any regulations made under that Act apply, with all necessary modifications”.

In *clause 407(3)(j)*, replace “21A and 78B” (page 233, line 22) with “21A, 21B, and 78B”.

Clause 408

Delete *clause 408(1)(h)* (page 234, line 19).

In *clause 408(1)(i)*, replace “**Part 6**” (page 234, line 21) with “**subpart 1 of Part 6**”.

In *clause 408(1)(j)*, replace “**Part 2**” (page 234, line 24) with “**Part 4**”.

Delete *clause 408(1)(k)* (page 234, lines 27 and 28).

Delete *clause 408(1)(m)* (page 234, lines 33 and 34).

Clause 410

In *clause 410(1)*, after “regulations” (page 235, line 31), insert “for the purposes of **subpart 3 of Part 6**”.

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Clause 411

Replace clause 411(2) (page 237, line 11) with:

- (2) Nothing in regulations made under this section may require the provision of information in any circumstances that would be in breach of the information privacy principles in section 22 of the Privacy Act 2020.

Clause 412

In the heading to *clause 412*, replace “**disclosure of information**” (page 237, line 14) with “**information disclosure**”.

Clause 413

In clause 413(2), replace “provider of air traffic services” (page 238, line 30) with “specified aviation participant (as defined in **section 412(4)**)”.

Delete subclauses (3) and (4) (line 32 on page 238 to line 3 on page 239).

Clause 414

Delete clause 414(1)(c) (lines 13 and 14, page 239).

Clause 416

In *clause 416(1)*, after “Council,” (page 240, line 3), insert “on the recommendation of the Minister,”.

After *clause 416(1)(b)* (page 240, after line 10), insert:

- (ba) to reimburse the Secretary and the reviewer for costs directly and indirectly associated with the reviewer’s functions under **subpart 4A of Part 10**:

Clause 419

In *clause 419(1)(b)*, after “Act” (page 242, line 9), insert “:”.

After *clause 419(1)(b)* (page 242, after line 9), insert:

- (c) for the purpose of enabling the reviewer to carry out their functions under **subpart 4A of Part 10**.

In *clause 419(2)*, replace “**subsection (1)(a) or (b)**, or both” (page 242, lines 10 and 11) with “**subsection (1)(a) to (c)**, or 2 of those purposes, or all”.

In *clause 419(5)*, replace “**subsection (1)(b)**” (page 242, line 27) with “**subsection (1)(b) or (c)**”.

Clause 421

In *clause 421(1)*, replace “either or both” (page 243, line 20) with “any or both”.

Clause 424

In clause 424(2)(a)(ii), after “was” (page 245, line 7), insert “lawfully or”.

Replace *clause 424(2)(b)* (page 245, lines 9 and 10) with:

- (b) has taken all reasonable steps to supply the CAA with information that would identify another person who, instead of the person on the Register of Aircraft, was lawfully or unlawfully in possession of the aircraft at the time the function, power, duty, or service performed or exercised in respect of the aircraft.

Clause 427

In *clause 417(1)*, after “Council,” (page 245, line 34), insert “on the recommendation of the Minister,”.

In *clause 427(1)(a)*, delete “(as the case requires)” (page 246, line 2).

Clause 429

Replace *clause 429(1)(c)(i)* (page 248, lines 27 and 28) with:

- (i) in the case of the Minister making a rule, the Minister;
and
- (ia) in the case of the Director making a rule, the Director;
and

In *clause 429(3)*, replace “Part 3 of the” (page 248, line 36) with “The”.

Replace *clause 429(6)(a)* (page 249, lines 9 and 10) with:

- (a) in the case of the Minister making a rule, the Minister; and
- (ab) in the case of the Director making a rule, the Director; and

Clause 431

In *clause 431*, after subclause (6) (page 250, after line 31), insert:

- (7) If, under the Legislation Act 2019, the transport instrument is not required to be published, the maker of the instrument must serve a copy of it on the persons (if any) whom the maker considers appropriate.
- (8) A transport instrument to which **subsection (6)** applies—
 - (a) has effect only in relation to a person on whom it is served under **subsection (7)**; and
 - (b) comes into force in relation to the person immediately after it is served on the person (even though it is not published).

Clause 433

In *clause 433(1)*, delete “, amendment, or revocation” (page 251, line 6).

Clause 444

In *clause 444(1)*, after “Director” (page 258, line 28), insert “, an inspector,”.

In *clause 444(3)(i)*, replace “**21 or 4**” (page 259, line 21) with “**4 or 21**”.

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In *clause 444(3)(k)*, after “airport” (page 259, line 24), insert “operator’s”.

Clause 452

In *clause 452(2)*, replace “employee of the CAA” (page 262, line 14) with “Director”.

Clause 456

In *clause 456(2)(d)(ii)(A)*, replace “regulatory” (page 264, line 22) with “designated”.

Clause 457

In *clause 457(3)*, replace “under **subsection (2)**” (page 265, lines 24 and 25) with “as referred to in **subsection (2)**”.

Delete *clause 457(4)* (page 265 lines 32 to 37).

In *clause 457(6)(q)*, replace “regulations made under this Act” (page 266, line 23) with “the regulations”.

Clause 459

Replace *clause 459* (page 267, lines 12 to 14) with:

459 Section 3 amended (Airport authorities may establish and carry on airports)

Replace subsection (4) with:

- (4) Despite subsections (1) and (3), no Order in Council may be made under this section on or after the date on which **section 473** of the Civil Aviation Act **2021** comes into force.

Clause 460, new section 9(7A)

In *clause 460(2), new section 9(7A)*, replace “sections 22AD(1A) and 139(7) of the Land Transport Act 1998” (page 267, lines 21 and 22) with “the definition of enforcement authority in section 2(1) of the Land Transport Act 1998 and sections 22AD(1A), 139(7), and 141(8) of that Act”.

Clause 471B

In *clause 471B*, in the item relating to the Civil Aviation Act **2021**, replace “324(1)(b)” (page 271, line 23) with “324(1)(b), 431”.

Clause 475

Replace *clause 475(2)* (page 272, lines 16 to 19) with:

- (2) The Civil Aviation (Offences) Regulations 2006 (SR 2006/168) are revoked.

Replace *clause 475(4)* (page 272, lines 22 and 23) with:

- (4) The following orders are revoked:
- (a) Civil Aviation (Montreal Convention) Order 2010 (SR 2010/367):

- (b) Civil Aviation (Montreal Convention) Order 2020 (LI 2020/163).

Clause 477

Delete *clause 477* (page 272, lines 28 to 32).

Schedule 1

In *Schedule 1*, *clause 11* insert as subclause (2):

- (2) Except as provided in **subclause (1)**, this clause does not limit section 43 of the Legislation Act 2019.

In *Schedule 1*, replace *clause 8(3)(b)* (page 279, lines 24 to 26) with:

- (b) with any necessary or desirable provision for transport instruments (applying the test in **section 431(1)(b)**) or any other matter contemplated by **section 64(5)**; and

After *clause 10* (page 280, after line 18) insert:

10A Provisions relating to clauses 8 to 10

Clauses 8 to 10 apply as if—

- (a) the provisions of this Act that confer the powers to make rules, and all other provisions of the Act that are relevant to the exercise of those powers and that have not yet commenced, have commenced; and
- (b) a legal position that would be conferred or imposed by any provision of this Act that is relevant to the exercise of those powers, and that has not yet commenced, has been conferred or imposed.

In *Schedule 1*, *clause 12(2)*, replace “regulator” (page 280, line 31) with “Director”.

In *Schedule 1*, replace *clause 20(3)* (page 282, lines 37 to 39) with:

- (3) A person who continues under **subclause (1) or (2)** to be designated remains subject to any direction or condition that applied to the person’s designation immediately before the commencement date.

In *Schedule 1*, *clause 22*, after “date” (page 283, line 17), insert “continues in force and”.

In *Schedule 1*, *clause 23*, definition of **existing employment agreement**, after “between” (page 283, line 25), insert “or that is binding on both”.

In *Schedule 1*, *clause 30(1)* (page 284, lines 28 and 29), replace “the employer in an existing employment agreement with a safety-sensitive worker” with “an employer in an existing employment agreement”.

In *Schedule 1*, replace *clause 30(2)* (page 284, lines 30 to 32) with:

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- (2) The operator may include in the agreement a provision that allows the operator 30 to carry out random testing of a worker in accordance with the DAMP approved by the Director under **clause 26**.

In *Schedule 1*, delete *clause 30(3)* (page 284, lines 33 to 37).

In *Schedule 1*, *clause 31*, after “renewal of” (page 285, line 4), insert “a”.

In *Schedule 1*, *clause 32(4)*, replace “medical certificate” (page 285, line 17) with “scheduled international air services licence”.

In *Schedule 1*, after *clause 36(2)* (page 286, after line 14) insert:

- (3) In respect of a security designated aerodrome or security designated navigation installation referred to in **subclause (1) or (2)**,—
- (a) an area of the aerodrome or navigation installation that was, immediately before the commencement date, a security area declared under section 84(1) of the former Act is to be treated as an airside security area designated under **section 122**; and
- (b) an area of the aerodrome or navigation installation that was, immediately before the commencement date, a security enhanced area declared under section 84(1A) of the former Act is to be treated as a security enhanced area designated under **section 122**.

In *Schedule 1*, after *clause 36* (page 286, after line 14) insert:

Notice specifying that only AnSec may provide aviation security services

36A Minister may give notice under section 138 before commencement date

- (1) The Minister may exercise the power to give a notice under **section 138** before the commencement date and with effect on the commencement date.
- (2) This clause applies as if **section 138** were in force when the power is exercised.
- (3) This clause does not limit section 43 of the Legislation Act 2019.

Delete *clause 37(1)* (page 286, lines 17 to 21).

In *Schedule 1*, *clause 42(2)*, replace “of **section 473**” (page 289, line 7), with “date”.

In *Schedule 1*, after *clause 46* (page 289, after line 35) insert:

46A Savings provision relating to regulations made under former Act

The following regulations continue in force as if they were made under this Act:

- (a) Civil Aviation Charges Regulations (No 2) 1991 (SR 1991/143);
- (b) Civil Aviation (Safety and Security) Levies Order 2002 (SR 2002/84).

In *Schedule 1, clause 48*, after “date” (page 290, line 10), insert “continues in force and”.

Schedule 2

In *Schedule 2, clause 26(1)*, replace “Part” with “Schedule”.

In *Schedule 2*, in the heading to *clause 27*, replace “Part” with “Schedule”.

Schedule 3

In *Schedule 3, clause 1(2)* (page 308, line 12) replace “airport” with “aerodrome”.

In *Schedule 3, clause 1(3)* (page 308, line 17) replace “airport” with “aerodrome”.

In *Schedule 3, clause 2(2)* (page 308, line 27) replace “airport” with “aerodrome”.

In *Schedule 3*, replace *clause 3(2)(a)* (page 309, lines 1 to 3) with:

- (a) any money standing to the credit of or held on behalf of that person in the accounts of the operator as a result of the operations of that aerodrome; and

In *Schedule 3, clause 3(4)* (page 309, line 15) replace “airport” with “aerodrome”.

Schedule 6

In the *Schedule 6* heading, replace “**255**” (page 344, line 3), with “**415**”.

In *Schedule 6, Article 21, paragraph 2*, replace “113 000” (page 351, line 8) with “128 821”.

Schedule 9

After the item relating to the Admiralty Act 1973 (page , after line), insert:

Airport Authorities Act 1966 (1966 No 51)

In section 2, replace the definition of **security area** with:

security area has the meaning given to that term in **section 5** of the Civil Aviation Act **2021**.

In section 4A(1), replace “section 38 or section 100 of the Civil Aviation Act 1990” with “**section 408 or 416** of the Civil Aviation Act **2021**”.

In section 9(1)(h), replace “Civil Aviation Act 1990” with “Civil Aviation Act **2021**”.

Proposed amendments to
Civil Aviation Bill

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Airport Authorities Act 1966 (1966 No 51)—continued

In section 9(1)(i), replace “Civil Aviation Act 1990” with “Civil Aviation Act **2021**”.

In section 9(1)(ia), replace “Civil Aviation Act 1990” with “Civil Aviation Act **2021**”.

In *Schedule 9*, amendments to the Land Transport Act 1998, **new section 128D(5)(b)**, replace “airport authority” (page 423, line 16) with “airport operator”.

In *Schedule 9*, amendment to Schedule 3 of the Legislation Act 2019, after the item relating to section 324(1)(b) (page 424), insert:

<u>Section 431</u>	<u>Exemption ground</u>	<u>Exemption applies if exemption ground is met</u>
	<u>Compliance would prejudice the national security interests of New Zealand.</u>	

In *Schedule 9*, amendments to the Litter Act 1979, replace the amendment to the definition of **public place** in section 2(1) (page 424, lines 4 and 5) with:

In section 2(1), definition of **public place**, replace paragraph (h) with:

- (h) any aerodrome within the meaning of **section 5** of the Civil Aviation Act **2021**:

In *Schedule 9*, amendment to Schedule 1 of the Local Government Official Information and Meetings Act 1987, after “2021” (page 424, line 11) insert “(other than an airport operator that is a company in which more than 50% of the ordinary shares are owned by, or by any combination of, the Crown, any local authority (as defined in section 5(1) of the Local Government Act 2002), or any council-controlled organisation (as defined in section 6(1) of the Local Government Act 2002))”.

In *Schedule 9* amendment to the Ngāti Awa Claims Settlement Act 2005, on page 425 after line 30 insert:

In section 126(1)(b), replace “and the Airport Authorities Act 1966” with “, the Airport Authorities Act 1966, and the Civil Aviation Act **2021**”.

In *Schedule 9* amendment to the Ngāti Awa Claims Settlement Act 2005, **new section 126(3)**, replace “**228 and 229**” (page 425, line 32) with “**227A**”

In *Schedule 9* amendment to the Ngāti Hauā Claims Settlement Act 2014, on page 426 after line 1 insert:

In section 96(1)(b), replace “and the Airport Authorities Act 1966” with “, the Airport Authorities Act 1966, and the Civil Aviation Act **2021**”.

In *Schedule 9*, amendments to the Ngāti Hauā Claims Settlement Act 2014, **new section 96(3)**, replace “**228 and 229**” (page 426, line 3) with “**227A**”.

In *Schedule 9*, replace the amendment to Schedule 1 of the Official Information Act 1982 (page 426, lines 6 to 14) with:

Official Information Act 1982 (1982 No 156)

In Schedule 1, insert in its appropriate alphabetical order:

Airport operators (as defined in **section 5** of the Civil Aviation Act **2021**), that are companies in which more than 50% of the ordinary shares are owned by, or by any combination of, the Crown, any local authority (as defined in section 5(1) of the Local Government Act 2002), or any council-controlled organisation (as defined in section 6(1) of the Local Government Act 2002

In *Schedule 9*, amendment to Schedule 1 of the Ombudsmen Act 1975, replace “operator” (page 426, line 17) with “operators”.

In *Schedule 9*, after the amendment relating to the Resource Management Act 1991 (page 428, after line 20) insert:

Russia Sanctions Act 2022 (2022 No 6)

In section 26(1)(b)(iii) replace “Civil Aviation Act 1990” with “Civil Aviation Act **2021**”.

In *Schedule 9*, delete the item relating to the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020 (page 432, lines 5 to 10).

In *Schedule 9*, delete the item relating to the COVID-19 Public Health Response (Vaccinations) Order 2021 (page 432, lines 14 to 16).

Schedule 9A

In the *Schedule 9A* heading, replace “**461A**” (page 437, line 3) with “**461B**”.

In *Schedule 9A*, new *Schedule 1*, clause 2(1), replace “section 9(1)(e) or (g)” (page 437, line 13) with “this Act”

In *Schedule 9A*, new *Schedule 1*, replace new clause 2(2) (page 437, lines 16 and 17) with:

- (2) The bylaw continues in force according to its tenor (and section 9(7) and **(7A)** of this Act applies to it) despite the amendment to section 9(1)(e) of this Act by **section 460** of the Civil Aviation Act **2021**.

In *Schedule 9A*, new *Schedule 1*, delete clause 3 (page 437, lines 18 to 30).

Schedule 10

In *Schedule 10*, amendments to the Arms Act 1983, after the amendments to section 2 (page 438, after line 9), insert:

In section 3(2)(a)(vii), replace “:” with “; or”.

Explanatory note

This Supplementary Order Paper—

**Proposed amendments to
Civil Aviation Bill**

SOP No 0

- amends *clause 2* to change the default date by which the Bill must come into force from 18 months after the date of Royal assent to 24 months after the date of Royal assent. As in the Bill as introduced, the default date applies to all provisions except for those in *Part 11*:
- makes other technical changes to *clause 2* to reflect actions intended to be taken under *Schedule 1* to facilitate transition from the Civil Aviation Act 1990 to the Bill:
- inserts *new clauses 227A and 227B* concerning the application of the Public Works Act 1981 to an airport operated by an airport operator that is not a local authority. *Clause 227A* further clarifies the position that airport operators cannot compulsorily acquire land by themselves and require the involvement of the Minister of Lands to do so. It also further clarifies how the Public Works Act 1981 works in such a process:
- amends *clause 416* to allow fees and charges to be prescribed to reimburse the Secretary and the reviewer for costs directly and indirectly associated with the reviewer's functions under *subpart 4A of Part 10*:
- amends *clause 419* to allow levies to be imposed for the purpose of enabling the reviewer to carry out their functions under *subpart 4A of Part 10*
- amends *clause 431* (and Schedule 3 of the Legislation Act 2019) to provide that if a civil aviation rule that provides for a transport instrument is exempt from publication and presentation the transport instrument can also be (if it meets the same grounds for exemption):
- makes other minor and technical changes and corrections to the Bill.

Departmental disclosure statement

The [name of department] is required to prepare a disclosure statement to assist with the scrutiny of this Supplementary Order Paper. The disclosure statement provides access to information about any material policy changes to the Bill and identifies any new significant or unusual legislative features of the Bill as amended.

A copy of the statement can be found at [PPU to insert URL and link] (if it has been provided for publication).

Or [Counsel to delete the option that does not apply]

The [name of department] considers that a departmental disclosure statement is not required to be prepared for this Supplementary Order Paper.

Regulatory impact assessment

The [name(s) of agency/agencies] produced [a regulatory impact assessment/regulatory impact assessments] on [date] to help inform the new policy decisions taken by the Government relating to the contents of this SOP.

[A copy of this regulatory impact assessment/Copies of these regulatory impact assessments] can be found at—

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- [Insert URL link(s) to the RIA on the agency's/agencies' Internet site(s)]
 - <http://www.treasury.govt.nz/publications/informationreleases/ria>

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