

Civil Aviation Bill: First Reading

Legislative Statement

Presented to the House in accordance with Standing Order 272 J.17

Overview

1. The Civil Aviation Bill repeals and replaces the Civil Aviation Act 1990 and the Airport Authorities Act 1966 with a single, modern statute that will provide a platform for safety, security and economic regulation of civil aviation now and well into the future.
2. The Bill will ensure that New Zealand's civil aviation legislation can maintain, enhance, and promote a transport system that contributes to environmental sustainability, economic prosperity, inclusive access, healthy and safe people, and resilience and security. It also contains several minor amendments to modernise and improve the usability of aviation legislation. It has been developed over a 6-year period, and policy in the Bill has been subject to several consultation processes, including an exposure draft in 2019.
3. Key provisions in this Bill include:
 - a. **Remotely piloted or autonomous aircraft:** incorporating amendments that account for new and emerging technologies and the responsibilities a person has while operating these, and providing new intervention powers for constables and specially authorised people to respond to serious misuse of remotely piloted or autonomous aircraft. These amendments provide a mechanism for the Civil Aviation Authority (CAA) to support the integration of emerging technologies and provide a durable regulatory regime into the future;
 - b. **National security checks:** preserving New Zealand's national security and national interests by empowering the Minister of Transport to consider national security within the aviation system and make rules about when national security considerations apply;
 - c. **Drug and alcohol management:** improving the safety and security of New Zealand's aviation system by strengthening the management of the risk of drug and alcohol impairment in the commercial aviation sector through the creation and implementation of Drug and Alcohol Management Plans;
 - d. **Aviation security:** clarifying what powers, protections and tools aviation security officers have at security designated aerodromes, who can provide aviation security services, and expanding the aviation security regime to enable short-term additional security measures in temporary "landside security areas" at airports when needed to respond to a heightened threat environment. The governance relationship between the Aviation Security Service (Avsec) and CAA is also clarified to ensure effective assurance and oversight;

- e. **Emissions:** enabling New Zealand to meet its obligations under the International Civil Aviation Organization’s Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA);
- f. **Airline alliances:** improving the efficiency and effectiveness of regulatory decision-making to facilitate a growing and competitive aviation sector, including by strengthening the process for authorising airline cooperative arrangements;
- g. **Airport regulation:** introducing a modern registration regime for airports that includes a requirement to consult government agencies on spatial plans, and for some airports includes a requirement called an enforceable regulatory undertaking (ERU). ERUs will require government agencies to collaboratively agree their requirements for space and infrastructure, and airports to present a binding plan to the Secretary for Transport as to how they will meet those requirements. The Bill retains a provision that airports can set charges after consultation but repeals the stipulation that they can do so “as they see fit”;
- h. **Offers-back under the Public Works Act:** clarifying that the Chief Executive of Land Information New Zealand, rather than airport companies, is responsible for undertaking the offer-back process under the Public Works Act 1981 for airport land;
- i. **“Just culture”:** improving the quality and level of safety information reported to the safety regulator, including providing certain protections from enforcement action for people who self-report incidents. This will strengthen the incident reporting CAA receives and will support a pro-active regulatory approach;
- j. **Financial penalty levels:** revising financial penalty levels to provide an effective deterrent and align with those for similar offending under other comparable, recent legislation such as the Health and Safety at Work Act 2015;
- k. **Aligning the investigation powers with HSWA:** clarifying the powers of CAA inspectors and aligning them with the powers of inspectors under the Health and Safety at Work Act 2015 to ensure CAA and other suitable persons (where applicable) have a best practice flexible set of regulatory powers available to undertake their roles.

Conclusion

- 4. Our aviation system is vital to New Zealand’s prosperity and to maintain essential social and economic links - within our regions - and with the rest of the world. This Bill, which has been in development for over 6 years, represents a major modernisation of civil aviation legislation.