

Civil Aviation Bill: Second Reading

Legislative Statement

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

Overview

1. The objective of the Civil Aviation Bill (the Bill) is to create a single, modern statute that will provide a platform for safety and security within, and economic regulation of, the civil aviation system, now and well into the future.
2. The Bill will achieve this objective through a range of substantive policy proposals, which together will benefit the aviation sector.
3. The Bill repeals and replaces the Civil Aviation Act 1990 (the CA Act) and the Airport Authorities Act 1966 (the AA Act).

Provisions of the Civil Aviation Bill

4. Key provisions in the Bill will:
 - a. set out the responsibilities for the operation of new and emerging technologies and provide new intervention powers to respond to the serious misuse of remotely piloted aircraft
 - b. empower the Minister of Transport to consider national security within the aviation system and make rules when national security considerations apply
 - c. strengthen the management of the risk of drug and alcohol impairment in the commercial aviation sector (this responds to the issues raised by the Carterton balloon incident in 2012)
 - d. clarify the powers, protections and tools that are available to aviation security officers at security designated aerodromes
 - e. expand 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

On the recommendation of the Transport and Infrastructure Committee (the Committee), the Bill narrows one of the grounds on which the Minister can declare a landside security area. The Bill allows the Minister to declare a landside security area if it is considered necessary to support the main or additional purposes of the bill. The only additional purpose that may be relied on when it is necessary to preserve New Zealand’s national security and national interests

- f. enable New Zealand to meet its obligations under the International Civil Aviation Organization’s Carbon Offsetting and Reduction Scheme for International Aviation (CORSA)
- g. introduce a modern registration regime for airports, 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 Committee proposed a range of amendments, including to:

- replace the term ERU with RASU (regulatory airport spatial undertaking)
- insert an additional consultation requirement

- extend the timeframe for the process from 3 to 9 months
 - omit and replace the provision that enabled the Secretary to seek a direction order from the District Court if an airport operator contravened or was likely to contravene a RASU.
- h. set out protections provided to people giving accident and incident notifications, implementing a policy approach known as just culture.

On the recommendation of the Committee, the Bill specifically references just culture in the Bill's overview provision.

5. The Committee also recommended a range of technical as well as substantive amendments, including to:
- a. set out a new independent review process for people affected by decisions made by or on behalf of the Director of Civil Aviation (the scope of decisions that may be reviewed is to be set out in regulations)
 - b. clarify that the Civil Aviation Authority has an oversight function of the Aviation Security Service
 - c. confirm when an offence is a strict liability offence
 - d. allow employees of a government agency or aircraft carrier to seize and detain dangerous goods both before take-off and after landing in New Zealand
 - e. clarify when an aerodrome is not required to operate commercially
 - f. clarify the application of the Public Works Act 1981 in respect of the disposal of surplus land at airports
 - g. provide that an airport operator can set charges for identified aerodrome activities provided, operated, or managed by the airport operator.

Conclusion

6. The amendments in the Bill are designed to ensure that it is fit for purpose, and addresses issues raised during the Committee's consideration of it.