

## AIR FACILITATION BILL

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### EXPLANATORY NOTE

THIS Bill amends the Customs Act 1966 and the Immigration Act 1987.

At present, internationally ticketed passengers in New Zealand must fly on a domestic flight if they want to travel between one New Zealand Customs airport and another.

They cannot fly on international flights which are, as part of their route, flying between 2 Customs airports within New Zealand. This is because customs and immigration checks are not able to be made on this type of passenger under present law and there would therefore be a risk with such travel that these passengers could be used by the international passengers on board the flight to evade the Customs Act 1966 or the Immigration Act 1987.

This Bill provides for such checks to be made, thereby facilitating domestic travel by internationally ticketed passengers on international flights which travel between 2 New Zealand Customs airports.

### PART I

#### CUSTOMS

*Clause 3* inserts definitions of the terms “domestic sector” and “internationally ticketed passenger” into section 2 of the Customs Act 1966.

*Clause 4* amends section 16 of the Customs Act 1966 by adding a new paragraph (f). The effect of the new paragraph is that goods subject to the control of the Customs will include goods in the possession of an internationally ticketed passenger while those goods are being carried on a flight from one Customs airport to another within New Zealand.

*Clause 5* amends section 212 of the Customs Act 1966 by adding a new subsection (1A). This new subsection provides that where an internationally ticketed passenger is using air travel from one Customs airport to another within New Zealand a Customs officer may question that passenger at any time in the period from the time when the passenger enters the departure hall at the commencement of the journey until the time when the passenger leaves the arrival hall at the end of the journey as to whether the passenger has or has had within that time any dutiable, restricted, uncustomed, or forfeited goods.

PART II

IMMIGRATION

*Clause 7* amends section 2 of the Immigration Act 1987—

(a) By repealing the definitions of the terms “boarding station” and “examination station”, and substituting new definitions of those terms; and

(b) By inserting a definition of the term “internationally ticketed passenger”.

The new definition of the term “boarding station” is not required for the purposes of the other amendments in this Bill, but amends the existing definition for the purposes of the Immigration Act 1987.

*Clause 8* inserts a new section 126A into the Immigration Act 1987. The new section requires an internationally ticketed passenger travelling by air between 2 Customs airports in New Zealand to produce on demand his or her passport or certificate of identity to an immigration officer to enable the officer to determine whether or not the person is entitled to be in New Zealand with or without a permit under the Act.

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“‘Domestic sector’ means a journey from one Customs airport to another within New Zealand:

5 “‘Internationally ticketed passenger’ means a person who has an entitlement to air travel for a domestic sector, the sector being included in ticketing for an international journey which—

“(a) Began outside New Zealand; or

“(b) Began inside New Zealand and is to continue outside New Zealand.”.

10 **4. Control of the Customs**—Section 16 of the principal Act is hereby amended by adding, after paragraph (e) (as substituted by section 4 (2) of the Customs Amendment Act 1986), the following paragraph:

15 “(f) In the case of goods in the possession of an internationally ticketed passenger who is using air travel for a domestic sector, from the time such goods are loaded on board the aircraft at the commencement of the domestic sector until such time as delivery is given at the completion of the domestic sector.”

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**5. Questioning persons**—Section 212 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

25 “(1A) Where an internationally ticketed passenger is using air travel for a domestic sector, any officer may, at any time in the period beginning with the time at which the passenger enters the departure hall at the commencement of the domestic sector and ending with the time at which the passenger leaves the arrival hall at the end of the domestic sector, question the

30 passenger as to whether the passenger has or has had during the time period already mentioned in this subsection in the passenger’s possession any dutiable, restricted, uncustomed, or forfeited goods.”

## PART II

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### IMMIGRATION

**6. This Part to be read with Immigration Act 1987**—This Part of this Act shall be read together with and deemed part of the Immigration Act 1987\* (hereafter in this Part referred to as the principal Act).

\*1987, No. 74

Amendments: 1988, No. 191; 1989, No. 87; 1990, No. 90; 1991, No. 113; 1991, No. 134; 1992, No. 88

**7. Interpretation**—(1) Section 2 of the principal Act is hereby amended by repealing the definition of the term “boarding station”, and substituting the following definition:

“‘Boarding station’ means—

“(a) A station or place appointed under section 27 (1) (a) of the Customs Act 1966 at which ships arriving at or departing from any port shall bring to for the boarding or landing of officers of Customs; or

“(b) Any other part of any port at which persons arriving in New Zealand by ship are granted permits or are otherwise cleared by an immigration officer to be in New Zealand.”

(2) Section 2 of the principal Act is hereby further amended by inserting, in its appropriate alphabetical order, the following definition:

“‘Domestic sector’ means a journey from one customs airport to another within New Zealand.”

(3) Section 2 of the principal Act is hereby further amended by repealing the definition of the term “examination station”, and substituting the following definition:

“‘Examination station’ means an area at any customs airport determined pursuant to section 33 (2A) of the Customs Act 1966 to be an arrival hall or a departure hall.”

(4) Section 2 of the principal Act is hereby further amended by inserting, in its appropriate alphabetical order, the following definition:

“‘Internationally ticketed passenger’ means a person who has an entitlement to air travel for a domestic sector, the entitlement being included in ticketing for an international journey which—

“(a) Began outside New Zealand; or

“(b) Began inside New Zealand and is to continue outside New Zealand.”

**8. Responsibilities of internationally ticketed passengers travelling by air within New Zealand**—The principal Act is hereby amended by inserting, after section 126, the following section:

“126A. (1) Where an internationally ticketed passenger is using air travel for a domestic sector, this section shall apply to that passenger from the time at which that passenger enters the examination station at the commencement of the domestic sector until the time at which the passenger leaves the examination station at the end of the domestic sector.

“**(2)** Every person to whom this section applies shall produce for inspection on demand by an immigration officer that person’s passport or certificate of identity to enable the officer to determine whether or not the person is entitled to be in New Zealand with or without a permit under this Act.

5 “**(3)** Every person commits an offence against this Act who fails to comply with the requirements of **subsection (2)** of this section.

10 “**(4)** Every passport or certificate of identity produced by a person to an immigration officer under **subsection (2)** of this section—

15 “**(a)** Shall, if the person is a New Zealand citizen or holds a permit or is exempt under this Act from the requirement to hold a permit, be returned to that person before that person leaves the examination station; or

20 “**(b)** May, if the person does not hold a permit, and the officer does not grant that person a permit, be retained by the immigration officer, but after any such retention shall be returned to that person on that person’s departure from New Zealand.”