

CIVIL AVIATION AMENDMENT BILL

EXPLANATORY NOTE

Clause 2: This clause will permit the sale of liquor at "duty-free" shops at international airports. The legislation will ensure that any liquor sold will not be consumed in New Zealand. The provisions of existing licensing legislation will not apply to any sale of liquor under the proposed Act.

Clause 3: Section 10A of the principal Act provides an indemnity in respect of certain messages transmitted through the civil aviation communications service. Messages transmitted to or from an aircraft are excluded from the provision. The purpose of this clause is to remove the exclusion and bring that class of message within the indemnity provisions.

Clause 4: The Director of Civil Aviation is given certain powers under the regulations made under the principal Act. There is no power for him to delegate his powers. This clause give a right of delegation in a manner similar to that given to most departmental heads.

Hon. Mr McAlpine

CIVIL AVIATION AMENDMENT

ANALYSIS

Title	3. Indemnity in respect of certain
1. Short Title	messages
2. Sale of liquor at international air-ports	4. Delegation of powers by Director of Civil Aviation

A BILL INTITULED

An Act to amend the Civil Aviation Act 1948

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same,
5 as follows:

1. **Short Title**—This Act may be cited as the Civil Aviation Amendment Act 1962, and shall be read together with and deemed part of the Civil Aviation Act 1948* (hereinafter referred to as the principal Act).

10 2. **Sale of liquor at international airports**—The principal Act is hereby amended by inserting, after section 4, the following section:

15 “4A. (1) The Governor-General may from time to time by Order in Council make regulations providing for the sale of liquor at international airports in such circumstances and subject to such conditions as may be prescribed in the regulations.

*1957 Reprint, Vol. 2, p. 107
Amendments 1958, No. 57; 1960, No. 45; 1961, No. 77

“(2) No liquor shall be sold under the authority of any such regulations otherwise than to passengers on aircraft departing from New Zealand and any such regulations shall contain provisions to ensure that any liquor so sold shall not be delivered by or on behalf of the purchaser to any other person within New Zealand or consumed within New Zealand. 5

“(3) Every person who does any act in contravention of this section or of any regulations under this section commits an offence and is liable on summary conviction to a fine not exceeding fifty pounds. 10

“(4) Nothing in the Licensing Act 1908 shall apply to the sale of liquor pursuant to the authority of any regulations under this section.

“(5) For the purposes of this section the term ‘international airport’ means any airport specified in that behalf in the regulations and from which aircraft customarily leave New Zealand for places beyond New Zealand.” 15

3. Indemnity in respect of certain messages—Subsection (2) of section 10A of the principal Act (as inserted by section 5 of the Civil Aviation Amendment Act 1960) is hereby amended by omitting the words “or a message transmitted to or from any aircraft”. 20

4. Delegation of powers by Director of Civil Aviation—The principal Act is hereby further amended by inserting, after section 11, the following section: 25

“11A. (1) The Director of Civil Aviation may from time to time, by writing under his hand, either generally or particularly, delegate to such officer or officers of the Air Department as he thinks fit all or any of the powers exercisable by him under any enactment, but not including this present power of delegation. 30

“(2) Subject to any general or special direction given or condition attached by the Director of Civil Aviation, the officer to whom any powers are delegated under this section may exercise those powers in the same manner and with the same effect as if they had been conferred on him directly by this section and not by delegation. 35

“(3) Every person purporting to act pursuant to any delegation under this section shall be presumed to be acting within the terms of the delegation in the absence of proof to the contrary. 40

“(4) Any delegation under this section may be made to a specified officer or to officers of a specified class, or may be made to the holder or holders for the time being of a specified office or class of offices.

5 “(5) Every delegation under this section shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Director of Civil Aviation.

10 “(6) Any such delegation shall, until revoked, continue in force according to its tenor, notwithstanding the fact that the Director to whom it was made may have ceased to hold office, and shall continue to have effect as if made by the person for the time being holding office as Director of Civil Aviation.”