

Reprint
as at 20 December 2019



**Civil Aviation (Safety and Security) Levies Amendment
Order 2019**
(LI 2019/108)

Patsy Reddy, Governor-General

Order in Council

At Wellington this 27th day of May 2019

Present:

Her Excellency the Governor-General in Council

This order is made under section 42A of the Civil Aviation Act 1990—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Transport made—
 - (i) at the request and with the concurrence of the Civil Aviation Authority; and
 - (ii) after being satisfied about the matters specified in subsection (3)(b) and (c) of that section.

Contents

	Page
1 Title	2
2 Commencement	2

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

This order is administered by the Ministry of Transport.

3	Principal order	2
4	Title of principal order changed	2
5	Clause 3 amended (Interpretation)	2
6	New clauses 10E to 10J inserted	3
	10E Domestic passenger security levies	3
	10F Returns and payment arrangements for domestic passenger security levies	3
	10G International passenger security levies	4
	10H Returns and payment arrangements for international passenger security levies	6
	10I Authority may approve other arrangements for payment of levies	7
	10J Payments in advance to be credited towards total levies	7
7	Schedule 1AA amended	7
	Schedule	7
	New Part 2 inserted into Schedule 1AA	

Order

1 Title

This order is the Civil Aviation (Safety and Security) Levies Amendment Order 2019.

2 Commencement

This order comes into force on 1 July 2019.

Order: confirmed, on 20 December 2019, by section 11 of the Subordinate Legislation Confirmation Act 2019 (2019 No 82).

3 Principal order

This order amends the order that was previously called the Civil Aviation (Safety) Levies Order 2002 (the **principal order**).

4 Title of principal order changed

In clause 1, replace “Civil Aviation (Safety) Levies Order 2002” with “Civil Aviation (Safety and Security) Levies Order 2002”.

5 Clause 3 amended (Interpretation)

After clause 3(2), insert:

- (3) Any term or expression that is defined in the Act and used, but not defined, in this order (for example, aerodrome, aircraft, Australian AOC with ANZA privileges, Minister, and operator) has the same meaning as in the Act.

6 New clauses 10E to 10J inserted

After clause 10D, insert:

10E Domestic passenger security levies

- (1) A domestic passenger security levy is imposed by this clause for the purpose of enabling the Authority to carry out its function to continue the Aviation Security Service under section 72B(2)(ca) of the Act.
- (2) A person described in subclause (3) must, in respect of an air operation conducted in New Zealand on an aircraft with a passenger seating capacity of 90 or more passengers, pay to the Authority the appropriate domestic passenger security levy specified in the table in subclause (4) for each passenger carried on each domestic sector of the operation.
- (3) The persons are—
 - (a) a holder of an aviation document:
 - (b) a holder of an Australian AOC with ANZA privileges.
- (4) The domestic passenger security levies are as follows:

Date of carriage of passenger	Domestic passenger security levy
On or after 1 July 2019 but before 1 July 2020	\$6.23
On or after 1 July 2020 but before 1 July 2021	\$6.42
On or after 1 July 2021	\$6.57

- (5) However, the levy imposed by this clause is not payable in respect of the following:
 - (a) a member of the crew of an aircraft:
 - (b) a member of the crew of an aircraft who is being carried on the aircraft solely for the purposes of positioning the crew member to carry out the crew member's duties as an employee of the operator:
 - (c) a child under the age of 2 years:
 - (d) a person who is carried from an aerodrome outside New Zealand to an aerodrome in New Zealand and who is then carried in the same aircraft to another aerodrome in New Zealand:
 - (e) a person who is carried from an aerodrome in New Zealand to another aerodrome in New Zealand and who is then carried in the same aircraft to an aerodrome outside New Zealand.

10F Returns and payment arrangements for domestic passenger security levies

- (1) On the first day of each month, an operator who is liable to pay domestic passenger security levies under clause 10E must make a lump sum payment to the Authority of an amount agreed between the operator and the Authority that reflects the operator's best estimate of the domestic passenger security levies payable under that clause for the preceding month.

- (2) On the 20th day of each month, an operator who is liable to pay domestic passenger security levies under clause 10E must—
 - (a) submit precise details to the Authority of—
 - (i) the number of domestic sectors flown by the operator during the preceding month; and
 - (ii) the number of passengers carried for which the domestic passenger security levy is payable on each domestic sector flown; and
 - (iii) the domestic passenger security levies payable by the operator for the preceding month; and
 - (b) pay the amount (if any) equal to the difference between the domestic passenger security levies payable by the operator for the preceding month and the amount paid by the operator under subclause (1) for that month.
- (3) If the amount paid by the operator under subclause (1) for the preceding month exceeds the domestic passenger security levies payable by the operator for that month, the operator must deduct from the next amount to be paid by the operator under that subclause the amount that has been overpaid.
- (4) An operator who is liable to pay domestic passenger security levies under clause 10E must maintain, and make available to the Authority on request, records of the domestic air passenger operations conducted by the operator that show, separately,—
 - (a) the number of passengers carried on domestic sectors flown by the operator; and
 - (b) the number of passengers in each of the categories specified in clause 10E(5) for whom domestic passenger security levies are not payable; and
 - (c) the number of passengers for whom domestic passenger security levies are payable.

10G International passenger security levies

- (1) An international passenger security levy is imposed by this clause for the purpose of enabling the Authority to carry out its function to continue the Aviation Security Service under section 72B(2)(ca) of the Act.
- (2) An international operator must pay to the Authority the appropriate international passenger security levy specified in the table in subclause (3) for each person described in subclause (4) in respect of—
 - (a) an air operation departing from New Zealand; and
 - (b) an air operation transiting through New Zealand.
- (3) The international passenger security levies are as follows:

Date of passenger departure or date passenger is in transit	International passenger security levy
On or after 1 July 2019 but before 1 July 2020	\$11.98
On or after 1 July 2020 but before 1 July 2021	\$12.59
On or after 1 July 2021	\$13.12

(4) The persons are—

- (a) each international civil air passenger departing from New Zealand on an aircraft operated by the international operator; and
- (b) each international civil air passenger who is in transit through New Zealand on an aircraft operated by the international operator and who—
 - (i) does not leave the transit or arrival or departure areas of an aerodrome; or
 - (ii) leaves the transit or arrival or departure areas only because of an interruption to a flight caused by—
 - (A) the unserviceability of an aircraft or any other essential facility; or
 - (B) any other delay beyond the control of the passenger or the international operator.

(5) However, the levy imposed by this clause is not payable in respect of the following:

- (a) a member of the crew of an aircraft departing from, or transiting through, New Zealand;
- (b) a member of the crew of an aircraft being carried on an aircraft departing from, or transiting through, New Zealand solely for the purposes of positioning the crew member to carry out the crew member's duties as an employee of an international operator;
- (c) a child under the age of 2 years;
- (d) a passenger travelling on an aircraft used for the purposes of the New Zealand Defence Force;
- (e) a passenger travelling on any aircraft being used specifically for the military, diplomatic, or ceremonial purposes of any Government;
- (f) a passenger on an aircraft departing from an international airport to which section 7 of the Airports (Cost Recovery for Processing of International Travellers) Act 2014 applies.

(6) In this clause and clause 10H, **international operator** means a person who operates an aircraft in respect of journeys—

- (a) beginning in New Zealand and ending outside New Zealand; or
- (b) beginning outside New Zealand and ending in New Zealand; or
- (c) beginning and ending outside New Zealand, with an intermediate stop in New Zealand; or

- (d) beginning and ending in New Zealand, with an intermediate stop outside New Zealand.

10H Returns and payment arrangements for international passenger security levies

- (1) On the first day of each month, an international operator who is liable to pay international passenger security levies under clause 10G must make a lump sum payment to the Authority of an amount agreed between the international operator and the Authority that reflects the international operator's best estimate of the international passenger security levies payable under clause 10G for the preceding month.
- (2) On the 20th day of each month, an international operator who is liable to pay international passenger security levies under clause 10G must—
 - (a) submit precise details to the Authority of—
 - (i) the international passenger security levies payable by the international operator for the preceding month; and
 - (ii) the number of international civil air passengers who—
 - (A) departed from New Zealand on an aircraft operated by the international operator in the preceding month; and
 - (B) transited through New Zealand on an aircraft operated by the international operator in the preceding month; and
 - (b) pay the amount (if any) equal to the difference between the international passenger security levies payable by the international operator for the preceding month and the amount paid by the international operator under subclause (1) for that month.
- (3) If the amount paid by the international operator under subclause (1) for the preceding month exceeds the international passenger security levies payable by the international operator for that month, the international operator must deduct from the next amount to be paid by the international operator under that subclause the amount that has been overpaid.
- (4) An international operator who is liable to pay international passenger security levies under clause 10G must maintain, and make available to the Authority on request, records of the international air passenger operations conducted by the international operator that show, separately,—
 - (a) the number of international civil air passengers who departed from New Zealand on an aircraft operated by the international operator; and
 - (b) the number of international civil air passengers who transited through New Zealand on an aircraft operated by the international operator; and
 - (c) the number of passengers in each of the categories specified in clause 10G(5) for whom international passenger security levies are not payable; and

- (d) the number of passengers for whom international passenger security levies are payable.

10I Authority may approve other arrangements for payment of levies

Despite clauses 5, 5A, 7, 9, 10, 10C, 10F, and 10H, the Authority may approve other arrangements for the payment of levies by any operator, including arrangements for payment in advance.

10J Payments in advance to be credited towards total levies

If, in relation to any levies payable under this order, any payment is made in advance, that payment must be credited towards the total levies payable.

7 Schedule 1AA amended

In Schedule 1AA, after Part 1, insert the Part 2 set out in the Schedule of this order.

**Schedule
New Part 2 inserted into Schedule 1AA**

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**Part 2
Provision relating to Civil Aviation (Safety and Security) Levies
Amendment Order 2019**

3 References to previous Title

Every reference in any enactment and in any document to the Civil Aviation (Safety) Levies Order 2002 must, unless the context otherwise provides, be read as a reference to the Civil Aviation (Safety and Security) Levies Order 2002.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force on 1 July 2019, amends and renames the Civil Aviation (Safety) Levies Order 2002 to—

- impose a domestic passenger security levy; and
- impose an international passenger security levy; and

- provide for returns and payment arrangements for the payment of levies to the Civil Aviation Authority.

This order is a confirmable instrument under section 47B of the Legislation Act 2012. It is revoked at the close of 30 June 2020, unless earlier confirmed by an Act of Parliament. That stated time is the applicable deadline under section 47C(1)(a) of the Legislation Act 2012.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 30 May 2019.

Reprints notes

1 *General*

This is a reprint of the Civil Aviation (Safety and Security) Levies Amendment Order 2019 that incorporates all the amendments to that order as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Subordinate Legislation Confirmation Act 2019 (2019 No 82): section 11