

AIR SERVICES LICENSING AMENDMENT BILL

EXPLANATORY NOTE

Clause 2: This clause inserts a new definition of the term “aerial work service” and modifies other existing definitions. At present the only services which require to be licensed are air transport services and air topdressing services. The amendments replace the provision relating to aerial topdressing (which relates only to fertilisers) by a wider definition including the release of agricultural chemicals and the use of helicopters. The effect of the amendments will be that all aircraft services carried on for hire or reward will require to be licensed if the aircraft is used for the dropping of fertilisers or agricultural chemicals or if the aircraft used are helicopters. No change is made in respect of any other air service required to be licensed.

Clause 3 excludes from the definition of the term “passenger” persons carried on aircraft for the purpose of receiving instruction.

Clause 4 requires an applicant for a licence to present, at the time of making the application, written submissions and evidence in support of the application.

Clause 5 makes the following amendments to the sections of the principal Act relating to hearings of applications for licences:

- (a) Public notice of the application must include notice of the time within which submissions will be received for and against the application;
- (b) Notice of the application must be published and given to the applicant 14 days before the hearing, instead of the present seven days;
- (c) A person objecting to the application is required to provide written submissions to support his objection.

Clause 6 makes an amendment similar to that proposed by *clause 4* and relates to applications for amendment of a licence.

Hon. Mr McAlpine

AIR SERVICES LICENSING AMENDMENT

ANALYSIS

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A BILL INTITULED

An Act to amend the Air Services Licensing Act 1951

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 Air Services Licensing Amendment Act 1965, and shall be read together with and deemed part of the Air Services Licensing Act 1951* (hereinafter referred to as the principal Act).

10 **2. Aerial work service**—(1) Section 2 of the principal Act is hereby amended by omitting from the definition of the term “air service” (as substituted by subsection (1) of section 2 of the Air Services Licensing Amendment Act 1955) the words “an air topdressing service”, and substituting the
15 words “an aerial work service”.

*1957 Reprint, Vol. 1, p. 177
Amendments: 1958, No. 44; 1960, No. 51

(2) Section 2 of the principal Act is hereby further amended by repealing the definition of the term "air top-dressing service" (as substituted by subsection (1) of section 2 of the Air Services Licensing Amendment Act 1955), and substituting the following definition: 5

"'Aerial work service' means any service (other than an air transport service) for hire or reward—

"(a) Whereby any soil fertiliser or any agricultural chemical, whether alone or together with any other substance, is released from aircraft during flight for direct application to the soil or to plant life or animal life thereon; or 10

"(b) In which a helicopter is used:".

(3) This section shall come into force on the first day of April, nineteen hundred and sixty-six. 15

3. Definition of "passenger"—Section 2 of the principal Act is hereby further amended by adding to the definition of the term "passenger" (as inserted by subsection (2) of section 2 of the Air Services Licensing Amendment Act 1955) the words "or a person carried for the sole purpose of receiving or giving instruction in the control or navigation of aircraft in flight:". 20

4. Information to be supplied—Section 16 of the principal Act is hereby amended by adding the following subsection: 25
 "(3) Every application for a licence shall be accompanied by a statement in writing setting forth the grounds on which the application is made and any submissions which the applicant wishes to make in support of the application together with such documents, testimonials, or other written evidence as the applicant considers will assist the Licensing Authority in its consideration of the application." 30

5. Hearing of applications—(1) Section 17 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection: 35

"(1) On receiving an application for a licence, other than an application for a temporary licence, the Licensing Authority shall give notice in each locality to be served by the proposed air service of the receipt of the application, of the time within which it will receive written submissions for or against the granting of the application, and of the time and place at which a public hearing will be held by the Licensing Authority for the purpose of considering the application." 40

(2) Subsections (2) and (3) of section 17 of the principal Act (as amended by section 3 of the Air Services Licensing Amendment Act 1955) are hereby further amended by omitting the words "seven days", in each case where those
5 words occur in those subsections, and substituting the words "fourteen days".

(3) Section 17 of the principal Act is hereby further amended by repealing subsection (3A) (as inserted by section 4 of the Air Services Licensing Amendment Act 1958)
10 and substituting the following subsection:

"(3A) Any person who wishes to object to an application for a licence shall, not later than five days before the date fixed for the hearing of the application, give notice in writing to the Licensing Authority indicating the general grounds of
15 his objection and deliver a duplicate of the notice to the applicant. The notice delivered to the Licensing Authority shall be accompanied by such documents, testimonials, or other written evidence as the objector considers will assist the Licensing Authority in its consideration of the application."

20 (4) Section 3 of the Air Services Licensing Amendment Act 1955 and section 4 of the Air Services Licensing Amendment Act 1958 are hereby repealed.

6. Amendment of licences—Section 26 of the principal Act is hereby amended by adding the following subsection:

25 "(4) Every application by a licensee for the amendment of his licence shall be accompanied by a statement in writing setting forth the grounds on which the application is made and any submissions he wishes to make in support of the application together with such documents, testimonials, or
30 other written evidence as the applicant considers will assist the Licensing Authority in its consideration of the application."