

CIVIL AVIATION AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill makes miscellaneous amendments to the Civil Aviation Act 1948.

Clause 2 authorises regulations to be made requiring persons owning or operating aircraft used in operations in respect of which a licence is not required under the Air Services Licensing Act 1951 or the International Air Services Licensing Act 1947 to be insured against third-party risks. The Acts referred to make adequate provision in respect of aircraft used in licensed services.

Clause 3: Section 3A of the principal Act authorises the Minister to establish and operate aerodromes and services incidental to aerodromes. This clause amplifies the powers of the Minister and sets out in detail the types of agreements which the Minister may enter into for the purpose of exercising his powers and functions.

Clause 4: The Minister in the exercise of his functions has established various aeronautical communication services. Certain of these services are used for the transmission of certain messages not relating to the direction or safety of aircraft in much the same way as telegrams are transmitted through the Post Office. This clause gives indemnity to the Crown in respect of errors made in the transmission of any such messages in the same way as indemnity to the Crown is given in respect of errors in the transmission of telegrams by the Post Office.

Hon. Mr Mathison

CIVIL AVIATION AMENDMENT

ANALYSIS

Title	3. Powers of Minister in respect of aerodromes
1. Short Title	4. Indemnity in respect of certain messages
2. Insurance of certain aircraft	

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, as follows:

1. **Short Title**—This Act may be cited as the Civil Aviation Amendment Act 1960, and shall be read together with and deemed part of the Civil Aviation Act 1948 (hereinafter referred to as the principal Act).
- 10 2. **Insurance of certain aircraft**—Subsection (2) of section 3 of the principal Act is hereby amended by inserting, after paragraph (d), the following paragraph:

“(dd) Requiring any person or any class of persons owning or operating an aircraft used for any purpose in respect of which a licence is not required under the Air Services Licensing Act 1951 or under the International Air Services Licensing Act 1947 to insure, in such manner and to such extent as may be prescribed in the regulations, against any liability which may arise out of or in connection with the operation of the aircraft in respect of the death of or bodily injury to any person and in respect of the loss of or damage to any property:”

3. Powers of Minister in respect of aerodromes—(1) The principal Act is hereby amended by inserting, after section 3A (as inserted by section 4 of the Civil Aviation Amendment Act 1955), the following section:

“3B. (1) In the exercise of his powers or functions under this Act and subject to the provisions thereof, the Minister may do all that is necessary or convenient to be done for, or as incidental to the establishment, maintenance, and operation by him of any aerodrome under his complete or partial control or of any services or facilities in connection with the operation of any such aerodrome in all respects as if the operation of the aerodrome or of the services or facilities were a commercial undertaking and in particular may himself carry out any work or undertaking in respect of which he is authorised to enter into an agreement under subsection (3) of this section.

“(2) Any power given to the Minister under this Act in respect of any aerodrome or any facilities in connection with any aerodrome may be exercised by him whether or not the aerodrome or the facilities had been established by him under this Act.

“(3) The Minister and any one or more local authorities, bodies, or persons may from time to time enter into and carry out such agreements for the execution, control, operation, or management of any work or undertaking authorised by this Act as may to them seem most suited to the circumstances.

“(4) Any agreement entered into under subsection (3) of this section may provide:

“(a) For the establishment, maintenance, or operation of any aerodrome or services and facilities in connection with the operation of the aerodrome as a joint undertaking between the Minister and any other party or parties to the agreement:

- “ (b) For the vesting of aerodrome buildings and facilities in trust for aerodrome purposes in any authority, body, or person approved by the Minister in that behalf:
- 5 “ (c) For the exchange, leasing, or subleasing of land or buildings vested in the Crown for the purposes of this Act and not immediately required for those purposes:
- 10 “ (d) For the transfer of the management of any aerodrome under the control of the Minister or of any facilities connected with the operation of any such aerodrome, from the Minister to any other party or parties to the agreement at such time and on such terms and conditions as may be agreed upon:
- 15 “ (e) For the transfer to the Minister of the control, management, or operation of any aerodrome, or any facilities in connection with the operation of any aerodrome, under the control of any authority, body, or person and for the vesting in or leasing to the Minister of any real or personal property necessary
- 20 for the purpose of any such transfer.
- “ (f) For the establishment, maintenance, management, and operation at any aerodrome of refreshment rooms, bookstalls, booking offices, travel agencies, and such
- 25 other facilities as may be considered necessary or convenient for the operation of the aerodrome or for the convenience of persons using the aerodrome:
- 30 “ (g) For contributions by parties to the agreement in respect of the cost of any work or undertaking to which the agreement relates:
- “ (h) For the apportionment or allocation between parties to the agreement of the cost of any work or undertaking to which the agreement relates:
- 35 “ (i) For the payment of grants or subsidies or the making of advances to any party to the agreement in respect of any work or undertaking to which the agreement relates:
- 40 “ (j) For the entering into contracts of insurance by any party to the agreement in respect of such matters in relation to the agreement as may require the provision of insurance.

“(5) Any agreement entered into under subsection (3) of this section may from time to time be varied by the parties thereto or may be terminated in accordance with the terms thereof.

“(6) Any agreement relating to the development or reconstruction of an aerodrome entered into by the Minister of Works under section 31 of the Finance Act (No. 3) 1944 may include any provision referred to in subsection (4) of this section.” 5

(2) Any agreement entered into or any thing done before the commencement of this section which would have been lawful if this section had been in force at the time when the agreement was entered into or the thing was done is hereby validated and declared to have been lawful. 10

4. Indemnity in respect of certain messages—The principal Act is hereby amended by inserting, after section 10, the following section: 15

“10A. (1) No person shall have any right to compensation nor shall any liability be imposed upon Her Majesty or the Minister by reason of any error, omission, or delay in the transmission or delivery of any message to which this section applies. 20

“(2) This section applies to any message of a class prescribed in that behalf by regulations under this Act (not being a message which may affect the safety of any aircraft or a message transmitted to or from any aircraft) transmitted through any aeronautical communications service established under this Act and operated by or under the control of the Minister.” 25