

CIVIL AVIATION AMENDMENT BILL (NO. 2)

EXPLANATORY NOTE

THIS Bill establishes a stand alone Civil Aviation Authority, and amends the Civil Aviation Act 1990 and certain other Acts.

Clause 1 relates to the Short Title and commencement of the Bill. Except for *clause 29* (which removes the Airways Corporation's monopoly rights over certain services), the Bill comes into force on 1 July 1992.

Amendments to Effect Transfer of Functions to Civil Aviation Authority

Clause 2 inserts into the principal Act certain new definitions. The most significant one is the definition of the term "air transport operations". This definition is based partly on regulation 131(1)(c) of the Civil Aviation Regulations 1953 and the term is used in *clause 15* of the Bill.

"Air transport operations" means air services approved by the Director as air transport operations.

Attention is also drawn to the following definitions:

"Authority" means the Civil Aviation Authority of New Zealand:

"Director" means the Director of Civil Aviation.

Clause 3 repeals and replaces section 4(2) of the principal Act and relates to the application of the Act to New Zealand registered aircraft operated by a foreign operator and foreign registered aircraft operated by a New Zealand operator. Presently, the section allows rules made under the Act to transfer responsibility for an aircraft to the appropriate national authority. The amendment will give the Authority the power to do this.

Clause 4 repeals section 5 of the principal Act. Section 5 appoints the Ministry of Transport as the Civil Aviation Authority of New Zealand for all purposes. This role will be assumed by the new Authority.

Clause 5 repeals and replaces section 8 of the principal Act. Section 8 requires applications for aviation documents to be made to the Secretary for Transport. The new section requires them to be made to the Director.

Clause 6 amends section 9(1) of the principal Act by providing that an aviation document is not to be granted if to do so would be contrary to the interests of aviation safety. The clause also removes a provision from section 9(3) of the Act.

No. 147-1

Clause 7 repeals and replaces section 13(1)(d) of the principal Act, which requires emergency breaches of the Act or rules to be notified to the Secretary by the pilot-in-command. The new provision requires such notification to be given to the relevant air traffic control service immediately and to be given to the Director within 48 hours.

Clause 8 repeals sections 15 and 16 of the principal Act. Section 15 sets out the Secretary's functions and section 16 provides for the appointment of a Director of Civil Aviation Safety. A new section 15, which enables the Director to carry out safety and security inspections and audits, is substituted.

Clause 9 amends section 17(1) of the principal Act by expressly providing that the Director may suspend an aviation document if he or she is satisfied that the holder is no longer a fit and proper person to hold the document. This provision replaces without substantive change the provision in section 9(3) of the Act that is removed by *clause 6(2)* of the Bill.

Clause 10 repeals and replaces section 18(1) of the principal Act, which empowers the Secretary to revoke aviation documents. The new provision transfers this power to the Director.

Clause 11 effects consequential amendments to section 19 of the principal Act.

Clause 12 amends section 21 of the principal Act—

- (a) By empowering the Director to impose conditions on the operation of aircraft or the use of aeronautical products, to prevent danger to persons or property; and
- (b) By repealing subsection (7) (which protects the Director against most claims for costs incurred by an operator who is affected by action taken by the Director under the section).

Clause 13 repeals and replaces sections 22 and 23 of the principal Act, which relate to delegations of authority within and outside the Ministry. The new provisions (*sections 22 to 23B*) are necessitated by the creation of the Authority and the transfer to it of most of the Secretary's functions and powers.

Clause 14 repeals and replaces section 26(1) of the principal Act, which requires accidents and incidents to be notified to the Secretary by the pilot-in-command as soon as practicable. The new provision requires the notification to be given to the Authority within 48 hours.

Clause 15 amends section 27(1) of the principal Act by requiring the Authority to notify the Transport Accident Investigation Commission of accidents and incidents involving air transport operations.

Clause 16 effects a consequential amendment to the rule making powers in section 28(1) of the principal Act.

Clause 17 amends section 30(b)(vi) of the principal Act which empowers the making of rules relating to the notification of insurance coverage for commercial air operations. The provision is amended so that such rules will relate to insurance coverage for air services, which means that all air transport services will be covered.

Clause 18 amends section 38 of the principal Act, which relates to fees and charges. The amendment clarifies the provision by providing that fees or charges or both can be imposed in respect of any matter.

Clause 19 amends section 40 of the principal Act to ensure that all relevant fees and charges accompany an application made under the Act.

Clause 20 repeals sections 41 and 42 of the principal Act, and substitutes new sections 41 to 42R.

Sections 41 and 42 relate to the suspension of aviation documents where fees and charges are not paid and to the liability of the registered owner of an aircraft for outstanding fees and charges. These sections are redrafted to reflect the transfer of functions from the Secretary to the Authority and the Director in this area.

Levies

Sections 42A to 42D are new.

Section 42A empowers the Governor-General to impose levies for civil aviation purposes by Order in Council. Levies may be imposed on aviation document holders and on persons exempt from holding an aviation document. The purpose of levies is solely to make up a shortfall in the funds of the Authority.

A levy can be imposed only on the recommendation of the Minister and the Minister must be satisfied that—

- (a) The Authority concurs; and
- (b) The Authority's income from other sources is insufficient to enable it to carry out its functions without a levy being imposed at the rate being recommended.

Section 42B sets out the basis on which levies may be imposed. The factors that may be used include fuel, passengers, freight, distance flown, and the size or capacity of the aircraft.

Section 42c requires levies to be confirmed by an Act of Parliament.

Section 42D requires levies to be applied by the Authority in the performance of its functions.

Offences

Clause 21 inserts into the principal Act new section 44A, which creates an offence of failing to comply with an inspection or audit request under section 15 of the principal Act. The penalties are a fine not exceeding \$10,000 in the case of an individual or \$100,000 in the case of a body corporate.

Clause 22 effects a consequential amendment to section 45 of the principal Act.

Clause 23 effects consequential amendments to section 49 of the principal Act.

Clause 24 inserts into the principal Act new sections 52A and 52B.

Section 52A creates an offence of failing to notify an emergency breach of the Act or rules when required to do so by section 13 of the principal Act. The penalty is a fine not exceeding \$10,000.

Section 52B creates an offence of failing to notify an accident or incident when required to do so by section 26 of the principal Act. The penalty is the same as for the offence against section 52A.

Clause 25 effects a consequential amendment to section 61 (1) of the principal Act.

Civil Aviation Authority

Clause 26 inserts into the principal Act new *Part VIA* (comprising new *sections 72A to 72I*). This Part establishes the Civil Aviation Authority of New Zealand.

Section 72A establishes the Civil Aviation Authority of New Zealand. The Authority will consist of 5 members appointed by the Governor-General on the recommendation of the Minister of Transport.

Section 72B sets out the functions of the Authority. These functions are presently carried out by the Secretary and are set out in section 15 of the principal Act.

The Authority's principal function is to undertake activities which promote safety in civil aviation at a reasonable cost. Its other functions include—

- (a) Establishing standards of safety and security governing entry into the civil aviation system:
- (b) Monitoring adherence to the safety and security standards applying within the civil aviation system:
- (c) Reviewing the civil aviation system to improve it:
- (d) Notifying accidents and incidents to the Transport Accident Investigation Commission:
- (e) Maintaining the New Zealand Register of Aircraft.

Section 72c requires the Authority to comply with policy directions given to it by the Minister.

Section 72d gives the Authority the powers and privileges of a natural person. This provision is based on section 3A of the Dairy Board Act 1961.

Section 72E requires the Authority to consider whether any of its functions can be efficiently carried out by some other person.

Section 72F requires the Authority to enter into a performance agreement with the Minister. If it fails to do so, the Minister can prepare one and it shall have effect as if entered into by mutual agreement.

Section 72G requires the Authority to prepare a service charter setting out the standards of service the public can expect from the Authority.

Section 72H protects the use of the name "Civil Aviation Authority". A similar provision is presently contained in section 5 of the principal Act.

Section 72I provides for the appointment of a Director of Civil Aviation. This office replaces the office of Director of Civil Aviation Safety under section 16 of the principal Act.

Miscellaneous Amendments

Clause 27 amends section 74 of the principal Act to provide that the service charter is recorded at the Registry under that section.

Clause 28 effects a consequential amendment to section 98 (1) of the principal Act.

Clause 29, which comes into force on a date appointed by Order in Council, repeals section 99 of the principal Act. Section 99 gives Airways Corporation of New Zealand a monopoly over the provision of area control services, approach control services, and flight information services.

Clause 30 inserts into the principal Act new *sections 99A to 99D*. These provisions provide for regulations and offences relating to the disclosure of information

relating to air traffic services and virtually identical to the information disclosure provisions in clauses 323 to 325 of the Energy Sector Reform Bill.

Clauses 31 to 38 contain transitional and consequential provisions.

The *First* Schedule sets out the provisions relating to membership, meetings, employees, consultants, agents, and committees of the Authority

The *Second* Schedule amends certain enactments relating to civil aviation. The principal amendments are to the Airport Authorities Act 1966, the Auckland Airport Act 1987, and the Wellington Airport Act 1990. Those Acts are amended to obviate the necessity of registering a change in the name of a shareholding Minister whenever there is a change in the office of that Minister.

The *Third* Schedule sets out consequential amendments to the principal Act resulting from the transfer of functions from the Secretary for Transport to the Authority.

CIVIL AVIATION AMENDMENT (NO. 2)

ANALYSIS

- | | |
|---|--|
| <p>Title</p> <ol style="list-style-type: none">1. Short Title and commencement2. Interpretation3. Application of Act4. Repeal5. Application for aviation document6. Grant or renewal of aviation document7. Duties of pilot-in-command8. Authority or Director may require or carry out safety and security inspections and audits9. Power of Director to suspend aviation documents or impose conditions10. Power to revoke aviation document11. Criteria for action taken under section 17 or section 1812. Power of Director to detain aircraft, seize aeronautical products, and impose prohibitions and conditions13. New sections substituted<ol style="list-style-type: none">22. Delegation of Minister's functions or powers to Authority23. Delegation of Authority's functions or powers to employees of Authority23a. Delegation of Director's functions or powers to employees of Authority23b. Delegation of Authority's or Director's functions or powers to persons outside Authority14. Obligation to notify all accidents and incidents15. Duty of Authority to notify accidents and incidents to Transport Accident Investigation Commission16. Power of Minister to make ordinary rules17. Rules relating to general matters18. Fees and charges19. Payment of fees and charges20. New sections substituted | <ol style="list-style-type: none">41. Suspension or revocation of aviation document where prescribed fees or charges unpaid42. Recovery of fees and charges for aviation related services <p style="text-align: center;"><i>Levies</i></p> <ol style="list-style-type: none">42a. Governor-General may impose levies42b. Basis on which levies may be imposed42c. Levy orders to be confirmed42d. Other provisions relating to levies <ol style="list-style-type: none">21. Failure to comply with inspection or audit request22. Court may disqualify holder of aviation document or impose conditions on holding of document23. Communicating false information or failing to disclose information relevant to granting or holding of aviation document24. New sections inserted<ol style="list-style-type: none">52a. Failure to notify emergency breach of Act or regulations or rules52b. Failure to notify accident or incident25. Retention and custody of document26. New Part substituted |
|---|--|

PART VIA

CIVIL AVIATION AUTHORITY

- 72a. Civil Aviation Authority established
- 72b. Functions of Authority
- 72c. Authority to comply with policy directions
- 72d. Authority to have powers of natural person
- 72e. Authority to consider delegating or contracting out of functions and powers
- 72f. Performance agreement

72c. Service charter	31. Transitional provisions in principal Act
72h. Use of words 'Civil Aviation Authority'	32. New Schedule inserted
72i. Director of Civil Aviation	33. Amendments
27. Civil Aviation Registry	34. Substitution or omission of references to Ministry and Secretary
28. Indemnity in respect of certain messages	<i>Transitional Provisions</i>
29. Repeal	35. Transitional provisions relating to employees
30. New sections inserted	36. Transitional provisions relating to performance agreement
99A. Regulations relating to information disclosure	37. Savings
99a. Information to be supplied to Secretary of Commerce	38. Transfer of Crown assets and liabilities to Civil Aviation Authority Schedules
99c. Offences	
99d. Administration of sections 99A to 99c	

A BILL INTITULED

An Act to establish a stand alone Civil Aviation Authority, and to amend the Civil Aviation Act 1990 and certain other enactments

BE IT ENACTED by the Parliament of New Zealand as follows: 5

1. Short Title and commencement—(1) This Act may be cited as the Civil Aviation Amendment Act (No. 2) 1992, and shall be read together with and deemed part of the Civil Aviation Act 1990* (hereinafter referred to as the principal Act). 10

(2) Except as provided in section 29 (2) of this Act, this Act shall come into force on the 1st day of July 1992.

2. Interpretation—(1) Section 2 of the principal Act is hereby amended by omitting from paragraph (g) of the definition of the term "air traffic service" the word "Secretary", and substituting the word "Director". 15

(2) Section 2 of the principal Act is hereby amended by inserting, after the definition of the term "air traffic service", the following definition:

"'Air transport operations', in relation to an aircraft, means any air services in which the aircraft is used that are approved by the Director as air transport operations for the purposes of this Act:" 20

(3) Section 2 of the principal Act is hereby amended by inserting, after the definition of the term "area control service", the following definition: 25

"'Authority' means the New Zealand Civil Aviation Authority established by section 72A of this Act:"

*1990, No. 98

Amendment: 1991, No. 116

(4) Section 2 of the principal Act is hereby amended by repealing the definition of the term “Director”, and substituting the following definition:

5 “‘Director’ means the person who is for the time being the Director of Civil Aviation under **section 72I** of this Act.”

(5) Section 2 of the principal Act is hereby amended by inserting, after the definition of the term “manoeuvring area”, the following definition:

10 “‘Member’ means a person appointed under **section 72A** of this Act as a member of the Authority.”

(6) Section 2 of the principal Act is hereby amended by omitting from the definition of the term “New Zealand registered aircraft” the word “Secretary”, and substituting the word “Director”.

15 (7) Section 2 of the principal Act is hereby amended by inserting, after the definition of the term “owner”, the following definition:

20 “‘Performance agreement’ means a performance agreement approved or agreed to or determined under **section 72F** of this Act.”

(8) Section 2 of the principal Act is hereby amended by adding the following definition:

25 “‘Service charter’ means a service charter prepared and made available to the public under **section 72G** of this Act.”

3. Application of Act—Section 4 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsections:

30 “(2) Notwithstanding **subsection (1)** of this section, the Authority may, by agreement with the appropriate foreign aeronautical authority—

35 “(a) Transfer to the aeronautical authority in the country of a foreign operator all or part of its responsibility under this Act or rules or regulations made under this Act, for a New Zealand registered aircraft operated by that foreign operator:

40 “(b) Accept responsibility in whole or in part under this Act, and regulations and rules made under this Act, for foreign registered aircraft operated by a New Zealand operator:

 “(c) Grant exemptions from this Act, and from regulations and rules made under this Act, relevant to any exercise of its powers under this subsection.

“(2A) Every New Zealand registered aircraft shall, while being operated over the high seas, be operated in a manner that complies with the Rules of the Air contained in Annex 2 of the Convention.”

4. Repeal—Section 5 of the principal Act is hereby repealed. 5

5. Application for aviation document—The principal Act is hereby amended by repealing section 8, and substituting the following section:

“8. (1) Every application for the grant or renewal of an aviation document shall be made to the Director in the prescribed form or, if there is no prescribed form, in such form as the Director may require. 10

“(2) Every applicant for an aviation document shall include in his or her application his or her address for service in New Zealand including, where applicable, telephone and facsimile numbers. 15

“(3) It shall be the duty of every holder of an aviation document to maintain the currency of the information provided under subsection (2) of this section by promptly notifying the Director of any changes to the address, telephone number, or facsimile number. 20

“(4) The Director shall ensure that a record of all information provided under this subsection is maintained at the Civil Aviation Registry.

“(5) Service of any notification under this Act on a holder of, or applicant for, an aviation document shall be effective service if served on the address last provided by that holder or applicant under this section.” 25

6. Grant or renewal of aviation document—(1) Section 9 (1) of the principal Act is hereby amended by adding the expression “; and”, and the following paragraph: 30

“(c) It is not contrary to the interests of aviation safety for the document to be granted or renewed.”

(2) Section 9 (3) of the principal Act is hereby amended by repealing the words “If the Secretary decides that he or she is no longer satisfied that the holder is a fit and proper person to hold that document, and notifies the holder in writing accordingly, the holder shall be in breach of that condition.” 35

7. Duties of pilot-in-command—Section 13 (1) of the principal Act is hereby amended by repealing paragraph (d), and substituting the following paragraph: 40

“(d) Where an emergency requires that in the interests of safety an action is necessary that breaches this Act, or regulations or rules made under this Act,—

5 “(i) Immediately notify the relevant air traffic control service of the action; and

“(ii) As soon as practicable, but in any event not later than 48 hours after the action, notify the Director of the action and the circumstances which necessitated it and, if requested by the Director, provide to the Director a written report in respect of the action.”

15 **8. Director may require or carry out safety and security inspections and audits**—The principal Act is hereby amended by repealing sections 15 and 16, and substituting the following section:

“15. (1) The Director may in writing require any person who—

“(a) Holds an aviation document; or

20 “(b) Operates, maintains, or services, or does any other act in respect of any aircraft, aeronautical product, aviation related service, air traffic service, or aeronautical procedure,—

to undergo or carry out such inspections and such audits as the Director considers necessary in the interests of civil aviation safety and security.

25 “(2) The Director may, in respect of any person described in paragraph (a) or paragraph (b) of subsection (1) of this section, carry out such inspections and audits as the Director considers necessary in the interests of civil aviation safety and security.

30 “(3) For the purposes of any inspection or audit carried out in respect of any person under subsection (2) of this section, the Director may in writing require from that person such information as the Director considers relevant to the inspection or the audit.”

35 **9. Power of Director to suspend aviation documents or impose conditions**—Section 17 (1) of the principal Act is hereby amended by inserting, after paragraph (b), the following paragraph:

40 “(ba) Is satisfied that the holder is no longer a fit and proper person to hold the document; or”.

10. Power to revoke aviation document—Section 18 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) If, after an investigation under **section 17** of this Act, the Director believes that any relevant aviation document should be revoked, the Director may revoke that document.” 5

11. Criteria for action taken under section 17 or section 18—(1) Section 19 (2) of the principal Act is hereby amended—

(a) By omitting the words “the Secretary or” in both places where they occur: 10

(b) By omitting the words “, as the case may be,”.

(2) Section 19 (3) of the principal Act is hereby amended by omitting the words “Secretary or the”.

(3) Section 19 (4) of the principal Act is hereby amended— 15

(a) By omitting the words “Secretary or the”:

(b) By omitting from paragraph (a) the words “the Secretary or”.

(4) Section 19 is hereby amended—

(a) By omitting from subsections (5), (6), and (7) the words “the Secretary or”: 20

(b) By omitting from subsection (7) the words “Secretary or the”.

12. Power of Director to detain aircraft, seize aeronautical products, and impose prohibitions and conditions—Section 21 of the principal Act is hereby amended— 25

(a) By inserting in subsection (1) (c), after the word “Prohibit”, the words “or impose conditions on”:

(b) By omitting from subsection (6) the expression “subsection (1)”, and substituting the expression “subsections (1) and (2)”: 30

(c) By repealing subsection (7).

13. New sections substituted—The principal Act is hereby amended by repealing sections 22 and 23, and substituting the following sections: 35

“22. Delegation of Minister’s functions or powers to Authority—(1) The Minister may from time to time, either generally or particularly, delegate to the Authority all or any of the Minister’s functions and powers under this Act. 40

“(2) Every delegation under this section shall be in writing.

“(3) No delegation under this section shall include the power to delegate under this section.

“(4) The power of the Minister to delegate under this section—

5 “(a) Is subject to section 28 (9) of this Act and to any prohibitions, restrictions, or conditions contained in any other Act in relation to the delegation of the Minister’s functions or powers; but

10 “(b) Does not limit any power of delegation conferred on the Minister by any other Act.

“(5) Subject to any general or special directions given or conditions imposed by the Minister, the Authority may exercise any functions or powers so delegated to the Authority in the same manner and with the same effect as if they had been
15 conferred on the Authority directly by this section and not by delegation.

“(6) Where the Authority purports to act pursuant to any delegation under this section, the Authority, shall, in the absence of proof to the contrary, be presumed to be acting in
20 accordance with the terms of the delegation.

“(7) No such delegation shall affect or prevent the exercise of any function or power by the Minister, nor shall any such delegation affect the responsibility of the appropriate Minister for the actions of any person acting under the delegation.

25 **“23. Delegation of Authority’s functions or powers to employees of Authority—**(1) The Authority may from time to time, either generally or particularly, delegate to the Director or any other employee of the Authority any of its functions and powers under this Act or any other Act, or under
30 any regulations or rules made under this Act, including functions or powers delegated to the Authority under this Act:

“(2) Every delegation under this section shall be in writing.

“(3) No delegation under this section shall include the power to delegate under this section.

35 “(4) The Authority shall not delegate any functions or powers delegated to the Authority by the Minister without the written consent of the Minister.

40 “(5) In any case where the Authority has delegated any functions or powers to any employees of the Authority under this section, that employee may, with the prior approval in writing of the Authority, delegate to any other employee of the Authority such of those functions or powers as are so approved.

“(6) No delegation of any functions and powers delegated to the Director by the Authority under this section shall be

delegated by the Director under **subclause (5)** of this section without the written consent of the Authority.

“(7) Subject to any general or special directions given or conditions imposed by the Authority, any employee of the Authority to whom any functions or powers are delegated under this section may perform those functions and exercise those powers in the same manner and with the same effect as if they had been conferred or imposed on that employee directly by this Act and not by delegation. 5

“(8) Every employee of the Authority purporting to act pursuant to any delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation. 10

“(9) Any delegation under this section may be made to a specified employee of the Authority or to employees of a specified class, or to the holder or holders for the time being of a specified office or specified class of offices of the Authority. 15

“(10) No delegation under this section shall affect or prevent the performance of any function or the exercise of any power by the Authority, nor shall any such delegation affect the responsibility of the Authority for the actions of any employee of the Authority acting under the delegation. 20

“(11) Every delegation under this section shall, until it is revoked, continue in force according to its tenor, notwithstanding the fact that the employee of the Authority by whom it was made may cease to hold office, and shall continue to have effect as if made by the employee for the time being holding that office. 25

“(12) Every employee of the Authority purporting to act under any delegation under this section shall when reasonably requested to do so produce evidence of his or her authority to so act. 30

“**23A. Delegation of Director’s functions or powers to employees of Authority**—(1) The Director may from time to time, either generally or particularly, delegate to any employee of the Authority any of the Director’s functions and powers under this Act or any other Act, or under any regulations or rules made under this Act, including functions or powers delegated to the Director under this Act. 35

“(2) Every delegation under this section shall be in writing. 40

“(3) No delegation under this section shall include the power to delegate under this section.

“(4) Notwithstanding **subsection (1)** of this section, the Director shall not delegate—

“(a) Any functions or powers delegated to the Director by the Authority without the written consent of the Authority; or

5 “(b) The power under section 18 of this Act to revoke an aviation document.

“(5) The provisions of **subsections (4) to (12) of section 23** of this Act shall apply to delegations under this section as if references in those provisions to the Authority were references to the Director.

10 “**23B. Delegation of Authority’s or Director’s functions or powers to persons outside Authority**—(1) Subject to this section, the Authority may from time to time, either generally or particularly, delegate to any person who is not an employee of the Authority any of the Authority’s functions and powers
15 under this Act, or under any regulations or rules made under this Act.

“(2) Subject to this section, the Director may from time to time either generally or particularly delegate to any person who is not an employee of the Authority any of the Director’s
20 functions and powers under this Act, or under any regulations or rules made under this Act, other than—

“(a) The power under section 18 of this Act to revoke aviation documents; or

25 “(b) The power under section 41 of this Act to suspend or revoke aviation documents; or

“(c) The power under section 58 of this Act to issue infringement notices.

“(3) Every delegation under this section shall be in writing.

30 “(4) No delegation under this section shall include the power to delegate under this section.

“(5) No delegation shall be made under this section without the written consent of the Minister.

35 “(6) Subject to any general or special directions given or conditions imposed by the Authority or the Director, as the case may be, any person to whom any functions or powers are delegated under this section may perform those functions and exercise those powers in the same manner and with the same effect as if they had been conferred or imposed on that person directly by this Act and not by delegation.

40 “(7) Any delegation under this section may be made to a specified person or person of a specified class or to be the holder or holders for the time being of a specified office or specified class of office.

“(8) Every delegation under this section shall be given for a specified period but in any event shall be revocable at will.

“(9) No delegation under this section shall affect or prevent the performance of any function or the exercise of any power by the Authority or to the Director, as the case may be, nor shall any such delegation affect the responsibility of the Authority or the Director, as the case may be, for the actions of any person acting under the delegation. 5

“(10) Every delegation under this section shall, until it is revoked or it expires, continue in force according to its tenor, notwithstanding the fact that the person by whom it was made may cease to hold office, and shall continue to have effect as if it was made by the person for the time being holding that office. 10

“(11) Every person purporting to act under any delegation under this section shall when reasonably requested to do so produce evidence of his or her authority to so act.” 15

14. Obligation to notify all accidents and incidents—

(1) Section 26 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsections: 20

“(1) The pilot-in-command of any aircraft that is involved in an accident shall notify the accident to the Authority as soon as practicable, but in any event not later than 48 hours after the occurrence of that accident. 25

“(1A) Every person who—

“(a) Operates, maintains, or services, or does any other act in respect of any aircraft, aeronautical product, or aviation related service; and

“(b) Is involved in an incident,— shall, where required to do so under rules made under this Act, notify the incident to the Authority.” 30

(2) Section 26 (3) of the principal Act is hereby amended by adding the words “as soon as practicable after such termination”. 35

(3) Section 26 (4) of the principal Act is hereby amended by inserting, after the expression “subsection (1)”, the expression “or subsection (1A)”.

15. Duty of Authority to notify accidents and incidents to Transport Accident Investigation Commission— 40

Section 27 (1) of the principal Act is hereby amended by repealing paragraph (c), and substituting the following paragraph:

“(c) An accident or incident involving an aircraft that is used principally for air transport operations:”.

16. Power of Minister to make ordinary rules—Section 28 (1) of the principal Act is hereby amended by repealing paragraph (c), and substituting the following paragraph:

5

“(c) Any matter related or reasonably incidental to any of the following:

“(i) The Authority’s functions under **section 72b** of this Act:

10

“(ii) The Director’s functions under **section 72i** of this Act:

“(iii) The Minister’s functions under section 14 of this Act:”.

17. Rules relating to general matters—Section 30 (b) (vi) of the principal Act is hereby amended by omitting the words “commercial air operations”, and substituting the words “air services”.

15

18. Fees and charges—Section 38 of the principal Act is hereby amended by inserting, after subsection (4), the following subsection:

20

“(4A) The power to prescribe, or provide for the fixing of, fees and charges in respect of any matter under this Act includes the power to prescribe, or provide for the fixing of, fees or charges, or both, in respect of any matter.”

19. Payment of fees and charges—(1) Section 40 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

25

“(1) Except as otherwise provided in regulations made under this Act, every application under this Act shall be accompanied by payment of all relevant prescribed fees and charges.”

30

(2) Section 40 (2) (a) of the principal Act is hereby amended by omitting the word “Secretary”, and substituting the word “Authority”.

20. New sections substituted—The principal Act is hereby amended by repealing sections 41 and 42, and substituting the following sections and headings:

35

“41. Suspension or revocation of aviation document where prescribed fees or charges unpaid—(1) Where any fee or charge payable under this Act is not paid by the date prescribed or fixed for payment of that fee or charge, the

40

Director may suspend the aviation document to which the unpaid fee or charge relates.

“(2) Where any fee or charge payable under this Act is not paid within 6 months after the date prescribed or fixed for payment of that fee or charge, the Director may revoke the aviation document to which the fee or charge relates. 5

“(3) Before suspending an aviation document under **subsection (1)** of this section, or revoking an aviation document under **subsection (2)** of this section, the Director shall notify the holder of that document of— 10

“(a) The Director’s intention to suspend or revoke the document; and

“(b) The right of appeal available to the holder of that document in the event of the document being suspended or revoked. 15

“(4) Where a fee or a charge is payable in respect of an application under this Act or the provision of a service under this Act, the Authority or the Director, as the case may be, may, unless the safety of any person would be put at risk, decline to process that application or provide that service until the appropriate fee or charge has been paid, or arrangements acceptable to the Authority or the Director, as the case may be, for payment of the fee or charge have been made. 20

“(5) The holder of an aviation document that is suspended under **subsection (1)** of this section or revoked under **subsection (2)** of this section may appeal against that decision to a District Court under section 66 of this Act. 25

“**42. Recovery of fees and charges for aviation related services**—(1) Subject to **subsection (2)** of this section, where a fee or charge is payable under this Act in respect of any function, power, duty, or service carried out or provided by the Authority or the Director in respect of any aircraft, the person whose name appears on the New Zealand Register of Aircraft in respect of that aircraft shall be deemed to be liable to pay that fee or charge. 30 35

“(2) Any person who would otherwise be liable to pay a fee or charge in relation to any aircraft in terms of **subsection (1)** of this section shall not be so liable if that person—

“(a) Proves that during any relevant period of use of the aircraft that person was not entitled, whether alone or together with some other person, to possession of the aircraft or that another person was unlawfully in possession of it; and 40

“(b) Has taken all reasonable steps to supply the Authority with such information as would identify the actual user.

“Levies

5 “42A. **Governor-General may impose levies**—(1) Subject to subsection (3) of this section, for the purpose of enabling the Authority to carry out its functions under this Act and any other Act, the Governor-General may from time to time, on the
10 recommendation of the Minister, by Order in Council impose on all or any of the persons referred to in subsection (2) of this section a levy payable to the Authority, and may in the same manner vary any such order.

“(2) A levy may be imposed under subsection (1) of this section on—

15 “(a) The holders of aviation documents of any class or classes specified in the order:

“(b) Persons who, but for an exemption granted under this Act, would be required by this Act to hold an aviation document of the class or classes specified in
20 the order.

“(3) The Minister shall not make any recommendation under subsection (1) of this section unless—

“(a) The recommendation has been made at the request and with the concurrence of the Authority; and

25 “(b) He or she is satisfied that the Authority’s income from other sources is not or will not be sufficient to enable it to perform its functions under this Act without the imposition of a levy at the rate recommended.

“42B. **Basis on which levies may be imposed**—

30 (1) Different rates of levies may be imposed or varied under section 42A of this Act in respect of different classes of persons, aerodromes, aircraft, aeronautical products, or aviation related services, or on the basis of different times of use or on any other differential basis.

35 “(2) The rate of any levy imposed or varied under section 42A of this Act may be calculated according to any one of, or any combination of one or more of, the following factors:

“(a) The quantity of aviation fuel purchased by any person:

40 “(b) The number of passengers able to be carried on any aircraft:

“(c) The number of passengers actually carried on any aircraft:

“(d) The amount of freight able to be carried on any aircraft:

- “(e) The amount of freight actually carried on any aircraft:
- “(f) The distance flown by any aircraft:
- “(g) Aircraft size or capacity:
- “(h) The purpose for which any aircraft or aeronautical product is used or for which an aviation related service is supplied: 5
- “(i) Any other basis whatever that relates to the use, capacity, or size or—
- “(i) The aircraft; or
- “(ii) Any aeronautical product; or 10
- “(iii) Any aviation related service; or
- “(iv) Any privileges exercisable under any aviation document.
- “42c. **Levy orders to be confirmed**—(1) Every Order in Council made under **section 42A** of this Act shall be laid before the House of Representatives not later than the sixteenth sitting day of the House of Representatives after the day on which it is made. 15
- “(2) Every such Order in Council shall—
- “(a) Where the Order in Council is made on or before the 30th day of June in any year, expire on the close of the 31st day of December of that year except so far as it is expressly validated or confirmed by Act of Parliament passed during that year; and 20
- “(b) Where the Order in Council is made on or after the 1st day of July in any year, expire on the close of the 31st day of December in the following year except so far as it is expressly validated or confirmed by Act of Parliament passed before the end of that following year. 25
- “(3) Where an Order in Council imposing a new levy or altering an existing levy expires by virtue of **subsection (2)** of this section,— 30
- “(a) In the case of a levy imposed for the first time, the levy shall cease to be payable: 35
- “(b) In the case of the alteration of an existing levy, the levy shall be payable at the rate prescribed immediately before the alteration.
- “(4) Where any Order in Council or any provision of any Order in Council expires by virtue of **subsection (2)** of this section, any levies collected under that Order in Council or provision in excess of the levies otherwise payable shall, except so far as any other provision is made by any other Act in 40

respect thereof, be refunded upon application made to the Authority.

5 “(5) Every application under **subsection (4)** of this section shall be in a form provided for the purpose by the Authority and shall contain such information as the Authority considers necessary to enable the refund to be made in accordance with this section.

10 “(6) The repeal of any Act passed for the purpose of expressly validating or confirming any Orders in Council pursuant to **subsection (2)** of this section shall not, unless there is any express provision to the contrary, affect the validity or confirmation of those Orders in Council.

15 “42D. **Other provisions relating to levies**—(1) Every levy imposed under **section 42A** of this Act shall be paid to the Authority to be applied by the Authority in performing its functions under this Act.

“ (2) Every levy imposed under **section 42A** of this Act is hereby deemed for the purposes of section 41 of this Act to be a charge payable under this Act.

20 “ (3) Every such levy order is hereby declared to be a specific authorisation by an enactment for the purposes of section 43 of the Commerce Act 1986.”

25 **21. Failure to comply with inspection or audit request**—The principal Act is hereby amended by inserting, after section 44, the following section:

“44A. (1) Every person commits an offence who, without reasonable excuse, fails to comply with any requirement of the Authority or the Director under **subsection (1) or subsection (3) of section 15** of this Act.

30 “(2) Every person who commits an offence against **subsection (1)** of this section is liable,—

35 “(a) In the case of an individual, to a fine not exceeding \$10,000 and, if the offence is a continuing one, to a further fine not exceeding \$2,000 for every day or part of a day during which the offence is continued; or

40 “(b) In the case of any other person, to a fine not exceeding \$100,000 and, if the offence is a continuing one, to a further fine not exceeding \$20,000 for every day or part of a day during which the offence is continued.”

22. Court may disqualify holder of aviation document or impose conditions on holding of document—Section 45 (1) of the principal Act is hereby amended by inserting, after the expression “section 44”, the expression “or **section 44A**”.

23. Communicating false information or failing to disclose information relevant to granting or holding of aviation document—Section 49 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) Every person commits an offence who— 10

“(a) By any means provides to the Authority or the Director information relevant to the Director’s exercise of powers under the Act, or under regulations or rules made under the Act, knowing the information to be false; or 15

“(b) Being an applicant for an aviation document, fails, without reasonable excuse, to provide to the Authority information known to that person which is relevant to the Director’s exercise of powers under the Act, or under regulations or rules made under the Act; or 20

“(c) Being the holder of an aviation document, fails, without reasonable excuse, to provide to the Authority or the Director information known to that person which is relevant to the condition specified in section 9 (3) of this Act.” 25

24. New sections inserted—The principal Act is hereby amended by inserting, after section 52, the following sections:

“**52A. Failure to notify emergency breach of Act or regulations or rules**—Every person commits an offence and is liable to a fine not exceeding \$10,000 who, without reasonable excuse, fails to comply with section 13 (1) (d) of this Act (which relates to the notification of breaches of this Act or regulations or rules made under this Act that are committed during an emergency). 30 35

“**52B. Failure to notify accident or incident**—Every person commits an offence and is liable to a fine not exceeding \$10,000 who, without reasonable excuse, fails to comply with subsection (1) or subsection (2) of section 26 of this Act (which subsections relate to the notification of an accident or incident).” 40

25. Retention and custody of document—Section 61 (1) of the principal Act is hereby amended by repealing paragraph (b), and substituting the following paragraph:
“(b) To the Authority.”

5 **26. New Part substituted**—The principal Act is hereby amended by inserting, after Part VI, the following Part:

“PART VIA

CIVIL AVIATION AUTHORITY

10 “72A. **Civil Aviation Authority established**—(1) There is hereby established an authority to be known as the New Zealand Civil Aviation Authority.

 “(2) The Authority shall consist of 5 members who shall be New Zealand citizens or permanent residents of New Zealand.

15 “(3) The members of the Authority shall be appointed by the Governor-General on the recommendation of the Minister.

 “(4) The Minister shall recommend for appointment as members persons who the Minister considers will represent the public interest in civil aviation.

20 “(5) Before making any recommendation in respect of 2 of the members, the Minister shall request from such organisation or organisations as the Minister considers represent those who have a substantial interest in the civil aviation industry in New Zealand the names of persons such organisation or organisations consider proper candidates for appointment to
25 the Authority.

 “(6) A failure to comply with subsection (5) of this section in respect of the appointment of any member shall not affect the validity of that appointment.

30 “(7) A person may hold office as a member concurrently with any other office, except any office or appointment under the Transport Accident Investigation Commission Act 1990.

 “(8) Neither the Director nor any other employee of the Authority may be a member of the Authority.

35 “(9) The Authority shall be a body corporate owned by the Crown with perpetual succession and a common seal.

 “(10) The Authority is hereby deemed to be a Crown Agency for the purposes of the Public Finance Act 1989.

 “(11) The common seal of the Authority shall be judicially noticed in all Courts and for all purposes.

40 “(12) The provisions of the **Third** Schedule to this Act shall apply in relation to the Authority.

- “72B. **Functions of Authority**—(1) The principal function of the Authority shall be to undertake activities which promote safety in civil aviation at a reasonable cost.
- “(2) In furtherance of its principal function, the Authority shall also have the following functions: 5
- “(a) To establish safety and security standards relating to entry into the New Zealand civil aviation system:
- “(b) To monitor adherence to safety and security standards within the civil aviation system.
- “(c) To ensure regular reviews of the civil aviation system to promote the improvement and development of its safety and security: 10
- “(d) To investigate and review civil aviation accidents and incidents in its capacity as the responsible safety and security authority, subject to the limitations set out in section 14 (3) of the Transport Accident Investigation Commission act 1990: 15
- “(e) To notify the Transport Accident Investigation Commission in accordance with section 27 of this Act of accidents and incidents notified to the Authority. 20
- “(f) To maintain and preserve records and documents relating to activities within the civil aviation system, and in particular to maintain the New Zealand Register of Aircraft and the Civil Aviation Registry: 25
- “(g) To ensure the collection, publication, and provision of charts and aeronautical information, and to enter into arrangements with any other person or organisation to collect, publish, and distribute such charters and information: 30
- “(h) To provide to the Minister such information and advice as the Minister may from time to time require:
- “(i) To promote safety and security in the civil aviation system by providing safety and security information and advice, and fostering safety and security information education programmes: 35
- “(j) To take such action as may be appropriate in the public interest to administer the provisions of this Act and of any regulations and rules made under this Act.
- “(3) For the purposes of **subsection (1)** of this section, a cost is a reasonable cost where the value of the cost to the nation is exceeded by the value of the resulting benefit to the nation. 40

“72C. **Authority to comply with policy directions**—(1) In the exercise of its functions and powers under this Act, the

Authority shall have regard to the policy of the Government in relation to civil aviation, and shall comply with any directions relating to that policy given to it in writing signed by the Minister. As soon as practicable after any such direction is given, the Minister shall publish in the *Gazette* and lay before the House of Representatives a copy of that direction.

5 “(2) The Minister shall not give any direction under subsection (1) of this section which requires the Authority to do, or refrain from doing, a particular act, or bring about a particular result, in respect of an individual or any other person.

“72D. **Authority to have powers of natural person—**

(1) Except as provided in this Act, the Authority shall have—

“(a) The rights, powers, and privileges of a natural person; and

15 “(b) The power to do any thing it is authorised to do by—

“ (i) This Act; or

“ (ii) Any other enactment; or

“ (iii) Any rule of law.

“ (2) The Authority shall not exercise any of its rights, powers, or privileges except for the purpose of performing its functions.

“72E. **Authority to consider delegating or contracting out of functions and powers—**The Authority shall, in the course of performing its functions and powers, consider whether it could most efficiently and effectively perform those functions and powers by means of its own operations or by delegating or contracting out those operations to appropriate persons selected after an appropriate competitive process.

30 “72F. **Performance agreement—**(1) Not later than 2 months before the commencement of each financial year, the Authority shall give to the Minister a draft performance agreement setting out in respect of that year—

35 “(a) The proposed statement of objectives for that year prepared by the Authority under section 41 (2) (d) of the Public Finance Act 1989; and

“(b) The methods (including financial and non-financial performance measures) by which the Authority intends to assess the extent to which it in fact meets those objectives during that year; and

40 “(c) How the Authority intends to report on the extent to which it met or is meeting those objectives for that year and the dates by which interim reports, if any, will be given to the Minister; and

- “(d) Any new borrowings or financial leases, or similar liabilities the Authority intends to incur during that year; and
- “(e) Financial forecasts for the 2 years following the year to which the performance agreement relates. 5
- “(2) Every draft performance agreement shall be accompanied by a statement of the Authority’s best estimate of—
- “(a) Both—
- “(i) The various impacts the outputs described in the statement of objectives will have for; and 10
- “(ii) The consequences of those outputs for,— a safe civil aviation system in New Zealand during the year to which the draft performance agreement relates; and 15
- “(b) The impacts of those outputs on, and consequences of those outputs for, a safe civil aviation system in New Zealand for later years.
- “(3) After receiving a draft performance agreement from the Authority under **subsection (1)** of this section or an amended version of it under **subsection (5)** of this section (whether for the first time or any later time), the Minister shall— 20
- “(a) Subject to **subsection (4)** of this section, approve it; or
- “(b) Refuse to approve it and return it to the Authority with directions that the Authority amend it. 25
- “(4) No provision specifying any liabilities the Authority intends to incur shall be included in a performance agreement under this section without the concurrence of the Minister of Finance.
- “(5) Where a draft performance agreement is returned to the Authority under **subsection (3) (b)** of this section, the Authority shall amend it according to the directions given by the Minister and return it to the Minister. 30
- “(6) The draft performance agreement approved for any year by the Minister under **subsection (3) (a)** of this section shall constitute the performance agreement between the Minister and the Authority for that year. 35
- “(7) Where the Authority fails to comply with **subsection (1)** of this section, then, subject to **subsection (4)** of this section, the draft performance agreement shall be prepared by the Minister and that agreement shall constitute the performance agreement between the Minister and the Authority for that year. 40
- “(8) Where the Authority fails within a reasonable time to comply to the satisfaction of the Minister with **subsection (5)** of 45

this section, the Minister shall determine the amendment and approve the agreement so amended.

5 “(9) Subject to **subsection (4)** of this section, at any time during a financial year, the Minister and the Authority may in writing agree to amend the performance agreement for that year.

10 “(10) Subject to **subsection (4)** of this section, at any time during a financial year, the Minister may direct the Authority to amend any provision of the performance agreement in respect of that year, and the Authority shall amend the performance agreement according to the directions given by the Minister.

15 “72G. **Service charter**—(1) As soon as practicable after the 1st day of July 1992 but in any event not later than the 1st day of January 1993, the Authority shall prepare and make available to the public a service charter setting out—

20 “(a) A statement by the Authority of the standards of service which the public can expect to apply to the carrying out of functions of the Authority and the Director under this Act and any regulations or rules made under this Act; and

“(b) Details of the procedures to be followed under the service charter by a person who alleges that the standards were not met; and

25 “(c) Details of the remedies that are available under the service charter to the person affected where it is established by that person to the satisfaction of the Authority that the standards were not met; and

30 “(d) Provision for the appointment by the Authority of an appropriate independent person to assist in the resolution of disputes arising in respect of alleged failures to meet the standards of service specified in the service charter.

35 “(2) The Authority, the Director, any employee or agent of the Authority, and any agent of the Director shall have a public duty to observe the provisions of the service charter.

“(3) If the Authority fails to comply with **subsection (1)** of this section, the Minister shall prepare the service charter and shall make it available to the public.

40 “(4) The Authority may from time to time, in writing, amend the service charter.

“(5) The Authority shall not amend the service charter under **subsection (4)** of this section if the service charter is prepared by the Minister under **subsection (3)** of this section.

“(6) Nothing in the service charter shall limit or restrict any right to make any complaint or to bring any proceedings under any Act or rule of law.

“72H. **Use of words ‘Civil Aviation Authority’**—(1) No company or other body shall be incorporated or registered under a name that contains the words ‘Civil Aviation Authority’ or under any name that, in the opinion of the Registrar of Companies, or the appropriate registering authority within the meaning of section 2 of the Flags, Emblems, and Names Protection Act 1981, so resembles such a name as to be likely to deceive.

“(2) Nothing in subsection (1) of this section shall apply to the Authority or to any person who is appropriately authorised by the Authority.

“72I. **Director of Civil Aviation**—(1) The Authority shall from time to time appoint a chief executive of the Authority, who shall be known as the Director of Civil Aviation.

“(2) The Director shall have and may exercise such functions and powers as may be conferred or imposed on the Director by this Act, or regulations or rules made under this Act, and such functions and powers as may be delegated to the Director by the Authority under section 23 of this Act.

“(3) Without limiting subsection (2) of this section, the Director shall—

“(a) Exercise control over entry into the New Zealand Civil Aviation system through the granting of aviation documents under this Act; and

“(b) Take such action as may be appropriate in the public interest to enforce the provisions of this Act and of regulations and rules made under this Act, including the carrying out or requiring of inspections and audits.

“(4) The Director shall, in performing any functions or exercising any powers conferred or imposed on the Director by this Act, or by regulations or rules made under this Act, including any power to enforce the provisions of this Act, or regulations or rules made under this Act, in respect of any particular case, act independently and shall not be responsible to the Minister or the Authority for the exercise of such powers.”

27. Civil Aviation Registry—Section 74 (2) of the principal Act is hereby amended by adding the following paragraph:

“(h) The current service charter.”

28. Indemnity in respect of certain messages—Section 98 (1) of the principal Act is hereby amended by inserting, after the word “Secretary”, the words “or the Authority or the Director”.

5 **29. Repeal**—(1) Section 99 of the principal Act is hereby repealed.

(2) This section shall come into force on a date to be appointed by the Governor-General by Order in Council.

10 **30. New sections inserted**—The principal Act is hereby amended by inserting, after section 99, the following sections:

“99A. **Regulations relating to information disclosure**—Without limiting section 100 of this Act, the Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

15 “(a) Requiring every holder of an aviation document relating to an air traffic service to publish in the prescribed manner information in relation to the provision of that service by that holder; and prescribing the information, including prices, terms, and conditions, that the holder shall make available, which information shall include—

 “(i) Prices, terms, and conditions:

 “(ii) Pricing policies and methodologies:

 “(iii) Costs:

25 “(iv) Cost allocation policies and methodologies:

 “(b) Requiring every holder of an aviation document relating to an air traffic service to make publicly available prescribed financial statements that follow generally accepted accounting principles (including profit and loss statements and balance sheets and statements of accounting principles) in respect of that holder, or any of that holder’s subsidiaries, or any part or division of the person as if the holder or the subsidiary or a part or division of the holder, as the case may be, were independent and unrelated companies:

30 “(c) Prescribing the form and manner in which the financial statements required by any regulations made under paragraph (b) of this subsection shall be made available:

40 “(d) Prescribing the form of statutory declaration and by whom it shall be made for the purpose of section 99B of this Act:

“(e) Prescribing the time limits within which the information disclosure required by any regulations made under this subsection shall be made to the public.

“**99B. Information to be supplied to Secretary of Commerce**—(1) Every person who is required by regulations made under **section 99A** of this Act to make available statements and information shall supply to the Secretary of Commerce— 5

“(a) A copy of all statements and information, made available to the public pursuant to regulations made under that section: 10

“(b) Any further statements, reports, agreements, particulars, and other information requested in writing by the Secretary of Commerce for the purpose of monitoring the person’s compliance with those regulations within 30 days of receipt of such request. 15

“(2) All statements, reports, agreements, particulars, and information supplied to the Secretary of Commerce under **paragraph (a) or paragraph (b) of subsection (1)** of this section shall be verified by statutory declaration in the form and by the persons prescribed by regulations made under **section 99A (1) (d)** of this Act. 20

“**99c. Offences**—(1) Every person commits an offence against this section who—

“(a) Fails, without reasonable excuse, to comply with any information disclosure requirements prescribed in regulations made under **section 99A** of this Act; or 25

“(b) Fails, without reasonable excuse, to comply with the requirements of **paragraph (a) or paragraph (b) of section 99B (1)** of this Act.

“(2) Every person commits an offence against this section who makes a false declaration when supplying any statement, report, agreement, particulars, or information pursuant to **section 99B** of this Act. 30

“(3) Every person who commits an offence against **subsection (1)** of this section is liable to a fine not exceeding \$200,000 and, if the offence is a continuing one, to a further fine not exceeding \$10,000 for every day or part of a day during which the offence is continued. 35

“(4) Every person who commits an offence against **subsection (2)** of this section is liable to a fine not exceeding \$20,000. 40

“**99D. Administration of sections 99A to 99C**—**Sections 99A to 99c** of this Act shall be administered in the Ministry of Commerce.”

31. Transitional provisions in principal Act—(1) Section 102 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection:

5 “(2) Every reference to the Director of Civil Aviation in any Act, regulation, rule, order, other enactment, agreement, deed, instrument, application, notice, or other document whatever in force at the commencement of this subsection, shall, unless the context otherwise requires, be read as a reference to the Director.”

10 (2) Section 102 of the principal Act is hereby amended by repealing subsection (7).

32. New Schedule inserted—The principal Act is hereby amended by adding the **Third Schedule** set out in the **First Schedule** to this Act.

15 **33. Amendments**—The enactments specified in the **Second Schedule** to this Act are hereby amended in the manner indicated in that Schedule.

34. Substitution or omission of references to Ministry and Secretary—(1) The provisions of the principal Act specified in Part I of the **Third Schedule** to this Act are hereby amended by omitting the word “Secretary” wherever it occurs, and substituting in each case the word “Authority”.

20 (2) The provisions of the principal Act specified in Part II of the **Third Schedule** to this Act are hereby amended by omitting the word “Secretary” wherever it occurs, and substituting in each case the word “Director”.

25 (3) The provisions of the principal Act specified in Part III of the **Third Schedule** to this Act are hereby amended by omitting the word “Secretary” wherever it occurs, and substituting in each case the words “Authority or the Director”.

30 (4) The provisions of the principal Act specified in Part IV of the **Third Schedule** to this Act are hereby amended by omitting the words “the Secretary or” wherever they occur.

Transitional Provisions

35 **35. Transitional provisions relating to employees**—(1) Notwithstanding any other provision of this Act or the principal Act or any provision of the State Sector Act 1988,—

40 (a) Every person employed in the Ministry on the 30th day of June 1992 and engaged principally in duties that relate to functions that are functions of the Authority by virtue of **section 72a** of the principal Act or of the

Director by virtue of **section 72** of that Act is hereby deemed an employee of the Authority; and

- (b) The terms and conditions of employment of every person who, by virtue of **paragraph (a)** of this subsection, becomes an employee of the Authority shall, until varied or until a new contract of employment is entered into, be based on the employment contract that applied to that person immediately before the 1st day of July 1992 in respect of that person's employment in the Ministry.

(2) For the purposes of every enactment, law, award, determination, contract, and agreement at any time relating to the employment of a person who, by virtue of **subsection (2)** of this section, becomes an employee of the Authority,—

- (a) The contract of employment that applied immediately before the 1st day of July 1992 in respect of that person's employment in the Ministry shall be deemed not to have been broken by that person having so become a person employed by the Authority; and
- (b) Any period recognised by the Secretary as continuous service in the Ministry shall be deemed to have been a period of continuous service in the Authority.

(3) No person who becomes, by virtue of **subsection (2) (a)** of this section, a person employed by the Authority shall be entitled to any payment, benefit, or compensation by reason only of that person having ceased to be a person employed in the Ministry.

(4) No person employed in the Ministry before the 1st day of July 1992 shall be entitled to be paid any compensation for redundancy if—

- (a) He or she was engaged principally on duties relating to the examination of applicants for the grant or renewal of aviation documents in respect of flight crew or aircraft maintenance personnel; and
- (b) He or she was offered employment after the 30th day of June 1992 by any person outside the Ministry who is to assume full or partial responsibility for those duties after that 30th day of June; and
- (c) The person assuming responsibility for those duties has agreed to treat service with the Ministry as if it were service with that person and as if it were continuous; and
- (d) The conditions of employment offered to the employee by the person assuming responsibility for those duties are the same as, or are no less favourable than, the

- employee's conditions of employment in the Ministry; and
- (e) The offer of employment by the person assuming the responsibility for those duties is an offer to employ the employee either—
- (i) Principally on duties that relate to the duties carried out by the person while employed by the Ministry; or
 - (ii) In a capacity that the employee is willing to accept.

36. Transitional provisions relating to performance agreement—Notwithstanding section 72F of the principal Act (as inserted by section 26 of this Act), for the financial year of the Authority commencing on the 1st day of July 1992 the Authority shall give to the Minister a draft performance agreement not later than 1 month after the commencement of that financial year.

37. Savings—(1) Where, before the 1st day of July 1992, the Ministry, or any officer of the Ministry, has become a party to any proceedings under the principal Act, the proceedings may be continued, completed, and enforced as if the Authority or the Director, as the case may require, were that party.

(2) Where, before the 1st day of July 1992, the Ministry, or an officer of the Ministry has commenced an action under the principal Act or regulations made under that Act, the action may be continued, completed, and enforced as if the Authority or the Director, as the case may require, had commenced it.

38. Transfer of Crown assets and liabilities to Civil Aviation Authority—Part IV of the State-Owned Enterprises Act 1986 (except sections 27 to 27D) shall apply in respect of the Crown's civil aviation assets and liabilities as if—

- (a) The Minister was the shareholding Minister for a State enterprise; and
 - (b) The Authority were a State enterprise.
-

SCHEDULES

Section 32

FIRST SCHEDULE

NEW THIRD SCHEDULE ADDED TO PRINCIPAL ACT

Section 72A (12)

“THIRD SCHEDULE

PROVISIONS RELATING TO NEW ZEALAND CIVIL AVIATION AUTHORITY

Membership

1. The Minister shall appoint one of the members of the Authority as the Chairperson and another member as the Deputy Chairperson, and those appointees shall hold office until removed by the Minister.

2. If the Chairperson or Deputy Chairperson vacates office as a member or is removed by the Minister as Chairperson or Deputy Chairperson, the Minister may appoint any existing member or any new member as Chairperson or Deputy Chairperson. If the Deputy Chairperson is appointed as Chairperson he or she shall vacate office as Deputy Chairperson.

3. Every member shall hold office for a term not exceeding 3 years, and may from time to time be reappointed.

4. Every member, unless removed from office under **clause 6** of this Schedule, shall continue in office until his or her successor comes into office, notwithstanding that his or her term of office may have expired.

5. Any member may at any time resign from office by written notice to the Minister.

6. Any member may at any time be removed from office by the Minister for disability, bankruptcy, neglect of duty, or misconduct proved to the satisfaction of the Minister.

7. If any member dies or resigns or is removed from office, the vacancy shall, as soon as practicable, be filled by the appointment of another member, and, if the term of the vacating member has not expired at the time of the appointment, the member appointed to fill the vacancy shall hold office by virtue of that appointment for the residue of the term of the vacating member. In making any appointment under this clause, the Minister shall maintain on the Authority the balance of representation referred to in **section 72A** of this Act.

8. The powers of the Authority shall not be affected by any vacancy in its membership.

Remuneration and Expenses of Authority Members

9. There shall be paid to the members of the Authority such remuneration by way of fees, salary, or allowances, and such travelling allowances and expenses as are from time to time agreed between members of the Authority and the Minister.

Meetings

10. Meetings of the Authority shall be held as such times and places as the Authority or the Chairperson or the Deputy Chairperson from time to time appoints.

11. The Chairperson shall preside at each meeting of the Authority. In the event of the absence of the Chairperson from any meeting of the Authority, the Deputy Chairperson shall preside at that meeting and, if he or she is also absent, the meeting shall be presided over by a member appointed by the members present.

FIRST SCHEDULE—*continued*

NEW THIRD SCHEDULE ADDED TO PRINCIPAL ACT—*continued*

“THIRD SCHEDULE—*continued*

PROVISIONS RELATING TO NEW ZEALAND CIVIL AVIATION AUTHORITY—
continued

12. At all meetings of the Authority, the quorum necessary for the transaction of business shall be a majority of the members then in office.

13. At any meeting of the Authority the person presiding at the meeting shall have a deliberative vote and, if the voting is equal, shall also have a casting vote.

14. Subject to this Act, the Authority may regulate its procedure in such manner as it thinks fit.

Disclosure of Interest

15. A member who, otherwise than as a member, has a direct or indirect interest in—

(a) The Authority’s performance of any function or exercise of any power; or

(b) Any arrangement, agreement, or contract, made or entered into, or proposed to be made or entered into, by the Authority,—

shall, as soon as is practicable after the relevant facts have come to the member’s notice, disclose the nature of the interest in accordance with **clause 16** of this schedule.

16. A member required by **clause 15** of this Schedule to disclose the nature of an interest shall disclose it—

(a) To the Minister, if—

(i) The person is the Authority’s Chairperson; or

(ii) The person is the Authority’s Deputy Chairperson, and for the time being the Authority has no Chairperson; and

(b) To the Authority’s Chairperson or Deputy Chairperson, in any other case.

17. After becoming required by **clause 15** of this Schedule to disclose the nature of an interest, a member—

(a) Shall disclose to the members present at any meeting of the Authority at which any deliberation or decision of the Authority relating to the matter takes place or is made that the member has an interest in the matter; and

(b) Shall not take part in any deliberation or decision of the Authority relating to the matter in which the member has the interest.

18. A member required by **clause 15** of this Schedule to disclose the nature of an interest in any matter shall be disregarded in determining whether or not there is a quorum of the Authority present for any part of a meeting of the Authority during which a deliberation or decision of the Authority relating to the matter takes place or is made.

Committees

19. The Authority may from time to time constitute, reconstitute, and dissolve committees. Any such committee may include among its membership persons who are not members of the Authority, but every such committee shall at all times have a majority of members who are members of the Authority.

FIRST SCHEDULE—*continued*NEW THIRD SCHEDULE ADDED TO PRINCIPAL ACT—*continued*“THIRD SCHEDULE—*continued*”PROVISIONS RELATING TO NEW ZEALAND CIVIL AVIATION AUTHORITY—
*continued**Powers to Borrow, Etc.*

20. The Authority may borrow money subject to the approval of the Minister of Finance.

Director

21. The terms and conditions of employment of the Director appointed under section 72¹ of this Act shall be determined from time to time by the Authority.

22. The Authority shall not, in determining terms and conditions under clause 21 of this Schedule, agree to any conditions of employment for a Director of the Authority without—

- (a) Consulting the State Services Commissioner; and
- (b) Having regard to all recommendations the Commissioner makes to the Authority about them within a reasonable time of being consulted.

Appointment of Staff

23. The Director may appoint such employees, including employees on secondment from other organisations, as he or she thinks necessary for the efficient performance of the Authority's functions.

24. Subject to the terms and conditions of employment, the Director may at any time terminate or suspend the employment of any of the Authority's employees.

25. Before entering into any collective employment contract under the Employment Contracts Act 1991, the Authority shall consult with the State Services Commissioner about the conditions of employment to be included in the collective employment contract.

26. No member or employee of the Authority shall be personally liable for any liability of the Authority, or for any act done or omitted by the Authority, or by the Director or any other employee of the Authority in good faith in pursuance or intended pursuance of the functions or powers of the Authority or of the Director.

27. The Authority shall operate a personnel policy containing provisions generally accepted as necessary for the fair and proper treatment of employees in all aspects of their employment, including provisions requiring—

- (a) Good and safe working conditions; and
- (b) The impartial selection of suitably qualified people for appointment; and
- (c) Recognition of—
 - (i) The aims and aspirations of Maori; and
 - (ii) The employment requirements of Maori; and
 - (iii) The need for greater involvement of Maori as employees of the Authority; and
- (d) Opportunities for the enhancement of the abilities of individual employees; and

FIRST SCHEDULE—*continued*

NEW THIRD SCHEDULE ADDED TO PRINCIPAL ACT—*continued*

“THIRD SCHEDULE—*continued*

PROVISIONS RELATING TO NEW ZEALAND CIVIL AVIATION AUTHORITY—
continued

- (e) Recognition of the aims and aspirations, and the cultural differences, of ethnic and minority groups; and
- (f) Recognition of the employment requirements of women; and
- (g) Recognition of the employment requirements of people with disabilities.

28. In each financial year, the Authority shall—

- (a) Develop and publish an equal employment opportunities programme for the Authority; and
- (b) Ensure that the programme is complied with.

29. For the purposes of **clause 28** of this Schedule, an equal employment opportunities programme is a programme aimed at identifying and eliminating all aspects of policies, procedures, and other institutional barriers, that cause or perpetuate, or tend to cause or perpetuate, inequality in respect of the employment of any people or group of people.

Superannuation or retiring allowances

30. For the purposes of providing superannuation funds or retiring allowances for employees of the Authority, sums by way of subsidy may from time to time be paid into any scheme registered under the Superannuation Schemes Act 1989.

31. Notwithstanding anything in this Act a person who, immediately before becoming an employee of the Authority, is a contributor to the Government Superannuation Fund under Part II or Part IIA of the Government Superannuation Fund Act 1956 shall, for the purposes of that Act, be deemed to be employed in the Government service so long as that person continues to be an employee of the Authority; and that Act shall apply to that person in all respects as if that person's service as an employee of the Authority is Government service.

32. Nothing in **clause 31** of this Schedule entitles any person to become a contributor to the Government Superannuation Fund after that person has once ceased to be a contributor.

33. For the purposes of applying the Government Superannuation Fund Act 1956, in accordance with **clause 31** of this Schedule, to an employee of the Authority who is a contributor to the Government Superannuation Fund, the term ‘controlling authority’, in relation to that employee, means the Authority.

34. No person shall be deemed to be employed in the service of the Crown for the purposes of the State Sector Act 1988 or the Government Superannuation Fund Act 1956 by reason only of that person's appointment or co-option as a member or appointment as an employee of the Authority.

Consultants, Agents, Etc.

35. The Authority may from time to time appoint consultants, agents, specialists, and advisory committees, to advise it in relation to the exercise of its functions and powers, and to exercise such functions and powers as may be delegated under this Act to such persons or committees.

FIRST SCHEDULE—*continued*NEW THIRD SCHEDULE ADDED TO PRINCIPAL ACT—*continued*“THIRD SCHEDULE—*continued*PROVISIONS RELATING TO NEW ZEALAND CIVIL AVIATION AUTHORITY—
continued

36. The Authority may—

- (a) Pay to any such persons or members of committees so appointed such remuneration by way of fees, salary or allowances, and such travelling allowances and expenses, as it thinks fit; and
- (b) Contribute towards the remuneration, travelling allowances, and expenses of any such persons or members of committees, whose employers provide services for the Authority.

Annual Report

37. As soon as practicable after the end of each financial year, the Authority shall prepare an annual report which shall comprise—

- (a) A statement of the Authority's activities during that year; and
 - (b) The annual financial statements of the Authority prepared under Part V of the Public Finance Act 1989, including the management statement forming part thereof; and
 - (c) The performance agreement between the Minister and the Authority for that year; and
 - (d) An analysis of the Authority's performance as compared with the performance agreement; and
 - (e) The audit opinion of the Audit Office prepared under Part V of the Public Finance Act 1989 in respect of the annual financial statements of the Authority; and
 - (f) A statement of the extent to which the Authority's equal employment opportunities programme for the year to which the report relates was complied with; and
 - (g) Such other matters as the Minister in writing may from time to time require.”
-

SECOND SCHEDULE
ENACTMENTS AMENDED

Section 33

Enactment	Amendment
1975, No. 9—The Ombudsmen Act 1975	By inserting in Part II of the First Schedule, in its appropriate alphabetical order, the following item: “The New Zealand Civil Aviation Authority.”
1966, No. 51—The Airport Authorities Act 1966	By inserted in section 3A (as inserted by section 4 of the Airport Authorities Amendment Act 1986), after subsection (6), the following subsection: “(6A) Nothing in sections 40 to 42 of the Public Works Act 1981 shall apply to the transfer of land to an airport company under this Act, but sections 40 and 41 of that Act shall after that transfer apply to the land as if the airport company were the Crown and the land had not been transferred under this Act.” By inserting, after section 3A (as so inserted), the following section: “3AA. Provisions relating to holding of securities by Minister— (1) Equity securities and debt securities issued by an airport company and held in the name of a person described as the Minister or Minister of Finance shall be held by the person for the time being holding the office of Minister or Minister of Finance, as the case may be. “(2) Notwithstanding any other enactment or rule of law, it shall not be necessary to complete or register a transfer of securities upon a change in the person holding the office of Minister or Minister of Finance, as the case may be. “(3) A Minister may at any time or times, by written notice to an airport company authorise, on such terms and conditions as are specified in the notice, such person as the Minister thinks fit to act as the Minister’s representative at any or all of the meetings of shareholders of the airport company or of any class of such shareholders, and any person so authorised shall be entitled to exercise the same powers on behalf of the Minister as the Minister

SECOND SCHEDULE—*continued*
 ENACTMENTS AMENDED—*continued*

Enactment	Amendment
1966, No. 51—The Airport Authorities Act 1966— <i>continued</i>	<p>could exercise if present in person at the meeting or meetings.”</p> <p>By omitting from section 3B(1) (as so inserted) the words “each year ending with the 31st day of March”, and substituting the words “its financial year”.</p> <p>By inserting, after section 3c (as so inserted), the following section:</p> <p>“3CA. Application of Companies Act 1955 to airport companies— (1) Notwithstanding the Companies Act 1955, but subject to subsection (3) of this section, an airport company may be formed under this Act or reconstituted as if the reference to the figure ‘7’ in section 13 (1) of the Companies Act 1955 were a reference to the figure ‘2’.</p> <p>“(2) In the application of the Companies Act 1955 to an airport company, the following provisions of the Companies Act 1955 shall, subject to subsection (3) of this section, be construed as if references therein to 7 members were references to 2 members:</p> <p>“(a) Section 41, as to carrying on business when the number of members is reduced below a legal minimum:</p> <p>“(b) Section 217 (d) as to winding up by the Court when the number of members is reduced below the legal minimum:</p> <p>“(c) Section 219 (a) (i), as to the presentation of a winding up petition by a contributory when the number of members is reduced below the legal minimum.</p> <p>“(3) Subsection (1) and subsection (2) of this section shall have effect only if all equity securities in the airport company are held by—</p> <p>“(a) A Minister of the Crown or his or her nominee; or</p>

SECOND SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*

Enactment	Amendment
1966, No. 51—The Airport Authorities Act 1966— <i>continued</i>	<p>“(b) A local authority within the meaning of the Local Government Act 1974 or its nominee; or</p> <p>“(c) Any combination of persons referred to in paragraphs (a) and (b) of this subsection,—</p> <p>and shall cease to have effect upon the transfer of any equity securities in the airport company to any other person.”</p>
1987, No. 195—The Auckland Airport Act 1987	<p>By inserting after section 4, the following sections:</p> <p>“4A. Provisions relating to holding of securities by Minister—(1) Equity securities and debt securities issued by the Company and held in the name of a person described as one of the Ministers shall be held by the person from the time being holding the office of that Minister.</p> <p>“(2) Notwithstanding any other enactment or rule of law, it shall not be necessary to complete or register a transfer of securities upon a change in the person holding the office of the shareholding Minister.</p> <p>“(3) A Minister may at any time or times, by written notice to the Company authorise, on such terms and conditions as are specified in the notice, such person as the Minister thinks fit to act as the Minister’s representative at any or all of the meetings of shareholders of the Company or of any class of such shareholders, and any person so authorised shall be entitled to exercise the same powers on behalf of the Minister as the Minister could exercise if present in person at the meeting or meetings.</p> <p>“4B. Application of Companies Act 1955 to airport company—(1) Notwithstanding the Companies Act 1955, but subject to subsection (3) of this section, the company may be formed or</p>

SECOND SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*

Enactment	Amendment
1987, No. 195—The Auckland Airport Act 1987— <i>continued</i>	<p>reconstituted as if the reference to the figure '7' in section 13 (1) of the Companies Act 1955 were a reference to the figure '2'.</p> <p>“(2) In the application of the Companies Act 1955 to the company, the following provisions of the Companies Act 1955 shall, subject to subsection (3) of this section, be construed as if references therein to 7 members were references to 2 members:</p> <p>“(a) Section 41, as to carrying on business when the number of members is reduced below the legal minimum.</p> <p>“(b) section 217 (d), as to winding up by the court when the number of members is reduced below the legal minimum.</p> <p>“(c) Section 219 (a) (i), as to the presentation of a winding-up petition by a contributory when the number of members is reduced below the legal minimum.</p> <p>“(3) Subsection (1) and subsection (2) of this section shall have effect only if all equity securities in the airport company are held by—</p> <p>“(a) A Minister of the Crown or his or her nominee; or</p> <p>“(b) A local authority within the meaning of the Local Government Act 1974 or its nominee; or</p> <p>“(c) Any combination of persons referred to in paragraphs (a) and (b) of this subsection,—</p> <p>and shall cease to have effect upon the transfer of any equity securities in the airport company to any other person.”</p> <p>By inserting in section 7, after subsection (4), the following subsection:</p> <p>“(4A) Where land has been transferred to the company under this Act, sections</p>

SECOND SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*

Enactment	Amendment
1987, No. 195—The Auckland Airport Act 1987— <i>continued</i>	40 and 41 of the Public Works Act 1981 shall, after that transfer, apply to the land as if the company were the Crown and the land had not been transferred under this Act.”
1990, No. 56—The Wellington Airport Act 1990	<p>By inserting after section 4, the following sections:</p> <p>“4A. Provisions relating to holding of securities by Minister—(1) Equity securities and debt securities issued by the Company and held in the name of a person described as one of the Ministers shall be held by the person from the time being holding the office of that Minister.</p> <p>“(2) Notwithstanding any other enactment or rule of law, it shall not be necessary to complete or register a transfer of securities upon a change in the person holding the office of the shareholding Minister.</p> <p>“(3) A Minister may at any time or times, by written notice to the Company authorise, on such terms and conditions as are specified in the notice, such person as the Minister thinks fit to act as the Minister’s representative at any or all of the meetings of shareholders of the Company or of any class of such shareholders, and any person so authorised shall be entitled to exercise the same powers on behalf of the Minister as the minister could exercise if present in person at the meeting or meetings.</p> <p>“4B. Application of Companies Act 1955 to airport company—(1) Notwithstanding the Companies Act 1955, but subject to subsection (3) of this section, the company may be formed or reconstituted as if the reference to the figure ‘7’ in section 13(1) of the Companies Act 1955 were a reference to the figure ‘2’.</p>

SECOND SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*

Enactment	Amendment
1990, No. 56—The Wellington Airport Act 1990— <i>continued</i>	<p>“(2) In the application of the Companies Act 1955 to the company, the following provisions of the Companies Act 1955 shall, subject to subsection (3) of this section, be construed as if references therein to 7 members were references to 2 members:</p> <p>“(a) Section 41, as to carrying on business when the number of members is reduced below the legal minimum:</p> <p>“(b) Section 217 (d), as to winding up by the Court when the number of members is reduced below the legal minimum:</p> <p>“(c) Section 219 (a) (i), as to the presentation of a winding up petition by a contributory when the number of members is reduced below the legal minimum.</p> <p>“(3) Subsection (1) and subsection (2) of this section shall have effect only if all equity securities in the airport company are held by—</p> <p>“(a) A Minister of the Crown or his or her nominee; or</p> <p>“(b) A local authority within the meaning of the Local Government Act 1974 or its nominee; or</p> <p>“(c) Any combination of persons referred to in paragraph (a) and paragraph (b) of this subsection,—and shall cease to have effect upon the transfer of any equity securities in the airport company to any other person.”</p> <p>By inserting in section 8, after subsection 4, the following subsection:</p> <p>“(4A) Where land has been transferred to the company under this Act, sections 40 and 41 of the Public Works Act 1981 shall, after that transfer, apply to the land as if the company were the Crown</p>

SECOND SCHEDULE—*continued*
 ENACTMENTS AMENDED—*continued*

Enactment	Amendment
1990, No. 56—The Wellington Airport Act 1990— <i>continued</i>	and the land had not been transferred under this Act.”
1990, No. 99—The Transport Accident Investigation Commission Act 1990	<p>By inserting in section 2, after the definition of the term “accident”, the following definition:</p> <p>“‘Authority’ means the New Zealand Civil Aviation Authority established by section 72A of the Civil Aviation Act 1990.”</p> <p>By repealing the definition of the term “Secretary” in section 2.</p> <p>By omitting from sections 8 (2), 9 (1), 10, 13, and 14 the word “Secretary” wherever it occurs, and substituting in each case the word “Authority”.</p>
1991, No. 116—The Civil Aviation Amendment Act 1991	<p>By repealing section 4.</p> <p>By adding to section 8 (1) the words “and for the purposes of the principal Act shall be deemed to be regulations made also under that Act”.</p> <p>By adding to section 8 the following subsection:</p> <p>“(5) Every reference to the Secretary in any regulation continued in force by subsection (1) of this section or made under subsection (3) of this section shall be read as a reference to the Director.”</p> <p>By repealing subsection (1) of section 9, and substituting the following subsections:</p> <p>“(1) Subject to this section, the Authority may from time to time, either generally or particularly, delegate to any person any of the Authority’s functions or powers under any regulations continued in force by, or made under, section 8 of this Act.</p> <p>“(1A) Subject to this section, the Director may from time to time, either generally or particularly, delegate to any person any of the Director’s functions or powers under any regulations continued in force by, or made under, section 8 of this Act.</p>

SECOND SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*

Enactment	Amendment
1991, No. 116—The Civil Aviation Amendment Act 1991— <i>continued</i>	<p>“(1B) No delegation under this section shall include—</p> <p>“(a) The power to delegate under this section; or</p> <p>“(b) The power to suspend or cancel any licence, rating, permit, certificate, or other document.”</p> <p>By omitting from section 9 (3) the word “Secretary”, and substituting the words “Authority or the Director, as the case may be”.</p> <p>By omitting from subsection (4) and also from subsection (5) of section 9 the word “Secretary”, and substituting in each case the words “Authority or the Director”.</p> <p>By omitting from section 9 (6) the word “Secretary” where it first occurs, and substituting the word “person”.</p> <p>By omitting from section 9 (6) the words “office as Secretary”, and substituting the words “that office”.</p> <p>By omitting from section 10 (1) the word “Secretary”, and substituting the word “Authority”.</p>

THIRD SCHEDULE

Section 34

PROVISIONS OF PRINCIPAL ACT WHERE REFERENCES TO MINISTRY OR
SECRETARY ARE SUBSTITUTED

PART I

PROVISIONS OF PRINCIPAL ACT WHERE REFERENCES TO SECRETARY ARE TO
BE READ AS REFERENCES TO AUTHORITY

Sections 26 (3), 26 (4), 27 (1), 27 (2), 34 (2), 66 (2), 67 (2) (b), 68 (2), 73 (1),
73 (2), 74 (1), 74 (3), 75 (1), and 75 (2).

PART II

PROVISIONS OF PRINCIPAL ACT WHERE REFERENCES TO SECRETARY ARE TO
BE READ AS REFERENCES TO DIRECTOR

Sections 6 (1) (a), 6 (3), 7 (3), 9 (1), 9 (2), 10, 11, 18 (2), 18 (3), 20, 24,
45 (2), 50 (1), 58 (1), 59 (2), 61 (2), 62 (4), 63, 64 (5), 71, and 79 (2).

PART III

PROVISIONS OF PRINCIPAL ACT WHERE REFERENCES TO SECRETARY TO BE
READ AS REFERENCES TO AUTHORITY OR DIRECTOR

Sections 28 (5), 30 (b) (viii), and 52 (1) (c).

PART IV

PROVISIONS OF PRINCIPAL ACT WHERE REFERENCES TO SECRETARY OMITTED

Sections 66 (2), 67 (2) (b), 68 (1), and 68 (2).