



CIVIL AVIATION (SAFETY) LEVIES AMENDMENT ORDER 1997

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 9th day of June 1997

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 42A of the Civil Aviation Act 1990, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following order.

ORDER

1. Title and commencement—(1) This order may be cited as the Civil Aviation (Safety) Levies Amendment Order 1997, and is part of the Civil Aviation (Safety) Levies Order 1995* (“the principal order”).

(2) This order comes into force on 11 July 1997.

2. Interpretation—Clause 2 of the principal order is amended by inserting, after the definition of the term “aviation operator”, the following definition:

“ ‘Departing international passenger levy’ means the levy imposed by clause 4A (1):”.

3. Air passenger operators to pay passenger levy—Clause 4 (1) of the principal order is amended by omitting the expression “\$1.80”, and substituting the expression “\$2.15”.

4. Aerodrome operators to pay departing international passenger levy—The principal order is amended by inserting, after clause 4, the following clause:

“4A. (1) Every holder of an aerodrome operating certificate in respect of an aerodrome from which international civil air passengers depart (in this clause referred to as an “aerodrome operator”), must pay to the Authority a levy calculated at the rate of \$1 for each international passenger departing from that aerodrome.

“(2) The levy imposed by subclause (1) is not payable in respect of—

“(a) Any member of the crew of any aircraft departing from New Zealand; or

“(b) Any member of the crew of any aircraft being carried on an aircraft departing from New Zealand solely for the purposes of positioning that crew to carry out their duties as employees of an international operator; or

“(c) Any child under the age of 2 years; or

“(d) Any passenger travelling on an aircraft used for the purposes of the New Zealand Defence Force; or

“(e) Any passenger in transit through New Zealand who—

“(i) Does not leave the transit/arrival/departure areas of the aerodrome; or

“(ii) Leaves the transit/arrival/departure areas only because of an interruption to a flight caused by unserviceability of an aircraft or other essential facility or caused by any other delay beyond the control of the passenger or the international operator concerned.

“(3) On the first day of each month, every aerodrome operator must make a lump sum payment to the Authority of an amount agreed between that aerodrome operator and the Authority that reflects the aerodrome operator’s best estimate of the departing international passenger levy payable under subclause (1) for the preceding month.

“(4) On the 20th day of each month, every aerodrome operator must—

“(a) Submit precise details to the Authority of the number of international civil air passengers in respect of whom the departing international passenger levy is payable, and the departing international passenger levy payable by that aerodrome operator, for the preceding month; and

“(b) Pay the amount (if any) equal to the difference between the departing international passenger levy payable by the aerodrome operator for the preceding month and the amount paid by the aerodrome operator under subclause (3) in respect of that month.

“(5) If the amount paid by the aerodrome operator under subclause (3) in respect of the preceding month exceeds the departing international passenger levy payable by the aerodrome operator for that month, the aerodrome operator must deduct from the next amount to be paid by the aerodrome operator under that subclause the amount that has been overpaid.

“(6) Every aerodrome operator must maintain, and make available to the Authority on request, records of international passengers departing from the aerodrome showing separately—

“(a) The number of international passengers departing; and

“(b) The number of passengers in respect of whom the departing international passenger levy is payable; and

“(c) The number of passengers in each of the categories specified in subclause (2) in respect of whom the departing international passenger levy is not payable.”

5. Goods and services tax—Clause 7 of the principal order is amended by inserting, after subclause (1), the following subclause:

“(1A) The rate of the departing international passenger levy specified in clause 4A (1) is inclusive of goods and services tax under the Goods and Services Tax Act 1985.”

6. Second Schedule amended—The Second Schedule of the principal order is amended—

- (a) By omitting from the second column of the item relating to the Heavy category the expression “4,000”, and substituting the expression “10,000”; and
- (b) By omitting from the second column of the item relating to the Medium Heavy category the expression “1,200”, and substituting the expression “2,400”; and
- (c) By omitting from the second column of the item relating to the Medium category the expression “600”, and substituting the expression “1,000”; and
- (d) By omitting from the second column of the item relating to the Medium Light category the expression “300”, and substituting the expression “400”.

MARIE SHROFF,
Clerk of the Executive Council.

EXPLANATORY NOTE

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

This order, which comes into force on 11 July 1997, amends the Civil Aviation (Safety) Levies Order 1995.

Clause 2 inserts a definition of the new departing international passenger levy (see *clause 4*).

Clause 3 increases from \$1.80 to \$2.15 the levy payable by air passenger operators in respect of each passenger on a domestic flight.

Clause 4 introduces a new levy. The new levy is payable to the Civil Aviation Authority by every holder of an aerodrome operating certificate in respect of an aerodrome from which international civil air passengers depart. The levy is calculated at the rate of \$1 for each international passenger departing from the aerodrome. The levy is not payable for certain specified categories of departing international passengers, for example, air crew. Aerodrome operators are required to keep records relating to the numbers of international passengers departing and the number of passengers in respect of whom the levy is payable or not payable.

Clause 5 amends *clause 7* of the principal order to provide that the rate of the departing international passenger levy is inclusive of goods and services tax.

Clause 6 amends the Second Schedule of the principal order. The Second Schedule sets out the amounts of the annual participation levies payable by aviation operators. The annual levy per aircraft for the heavy, medium heavy, medium, and medium light categories are increased from \$4,000, \$1,200, \$600, and \$300, respectively, to \$10,000, \$2,400, \$1,000, and \$400, respectively.

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This order is administered in the Ministry of Transport.