

# Questions for your submission

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This submission form is intended to be used alongside the consultation document to guide your feedback. Please give reasons for your answers or in support of your position so that your viewpoint is clearly understood, and also to provide more evidence to support decisions.

You can send us a written submission focusing on the questions in this document that are relevant to you by completing all or part of this submission template.

Please email your written submission to [ca.act@transport.govt.nz](mailto:ca.act@transport.govt.nz) with the word "Submission" in the subject line, or post it to:

Civil Aviation Act Review  
Ministry of Transport  
PO Box 3175  
Wellington 6140

The deadline for all forms of submission is 31 October 2014.

**Your role** [REDACTED] **Royal New Zealand Aero Club Inc.**

**Your name** [REDACTED]

**Your email address** [REDACTED]

*Why is your email needed?*

*Your email address is needed in case we need to contact you with any questions about your submission.*

**1. What is your interest in Civil Aviation Act and Airport Authorities Act Review?**

Are you:

- ☐ A private individual?
- ☐ Part of the transport industry?

**2. If you are part of the sector, please describe your role:**

**RNZAC (otherwise known as Flying New Zealand) represents 43 affiliated Aero clubs from around New Zealand with a total of circa 3200 pilot members. The clubs operate in : Sport and recreation, flight training, Part 135 operations and Part 141 flight testing.**

### Part A: Statutory framework

#### Item A1: Legislative structure

**Question A1a:** Which option do you support?

- ☐ **Option 1:** Amalgamate the Civil Aviation Act and the Airport Authorities Act
- ☐ **Option 2:** Separate the provisions in the Civil Aviation Act into three separate Acts:
  - (i) an Act dealing with safety and security regulation
  - (ii) an Act dealing with airline and air navigation services regulation
  - (iii) an Act dealing with airport regulation
- ☐ **Option 3:** Status Quo – Civil Aviation Act and Airport Authorities Act maintained.
- ☐ **Some other option** (please describe):

**We are not qualified to comment on this aspect.**

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Please state your reasons:

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### Item A2: Purpose statement and objectives

**Question A2a:** Do you support the concepts listed in Part A, paragraph 29 for inclusion in a purpose statement?

Subject area of the Act or Acts	Purpose	Do you support?
Safety and security related	To contribute to a safe and secure civil aviation system	<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/>
Economic - airport related	To facilitate the operation of airports, while having due regard to airport users	<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/>
Economic – airline related	To provide for the regulation of international New Zealand and foreign airlines with due regard to New Zealand's civil aviation safety and security regime and bilateral air services	<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/>
	To enable airlines to engage in collaborative activity that enhances competition, while minimising the risk resulting from anti-competitive behaviour <sup>1</sup>	<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/>
	To provide a framework for international and domestic airline liability that balances the rights of airlines and passengers	<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/>

Please state your reasons:

The aspects above are fundamental to a safe and efficient Civil Aviation sector.

<sup>1</sup> Depending on the outcome of the review, international air carriage competition provisions may be moved out of transport legislation and into the Commerce Act 1986.

## Part A: Statutory framework

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**Question A2b:** What other concepts do you think should be included in the purpose statement of the Act or Acts? (Please specify)

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**Question A2c:** Should the revision of statutory objectives align with the purpose of the Act or Acts?

**Yes**

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**Question A2d:** Do you support the revision of statutory objectives to include a requirement that decision-makers (for example, the Minister, the CAA, and the Secretary of Transport) be required to carry-out their functions in an effective and efficient manner?

**Yes. The margins in the sector are very thin and cannot support the cost associated with inaccurate and/or inefficient rule making, regulation and control. Many aviation operators have foundered financially and even this year we have seen 3 operators of reasonable size go out of business. Efficiency, effectiveness and cost control are critical.**

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### Item A3.4: Independent statutory powers

**Question A3.4:** Should independent statutory powers continue to reside with the Director of Civil Aviation?

☐ Yes

☐ No

Please state your reasons here.

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**Yes but with some plain English guidelines around this so pilots and operators don't need a law degree to get some solid and transparent guidance out of the process.**

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**The reasonableness of how the current powers are applied are very much dependent on the incumbent Director and an independent process below court action should be in place to allow decisions to be re-visited.**

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### Entry into the system

#### Item B1: Provisions relating to fit and proper person assessment

**Question B1a:** Which option do you support?

- ☐ **Option 1:** Status quo – no change to the matters which the Director should consider when undertaking a fit and proper person test
- ☐ **Option 2:** Align the fit and proper person test in the act with other transport legislation (Ministry of Transport preferred option)
- ☐ **Some other option** (please describe):

**Whilst we are not aware of the current FPP process being criticised to any great extent, we can see the logic in alignment with other similar requirements within the Ministry.**

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**What is required is a clear outline of what is acceptable so that people entering the sector can make judgements as to whether it is an intelligent decision to spend many thousands of dollars on flight training before they apply for a licence only to find they don't meet the requirement.**

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**We are strongly in favour of the graduated system of FPP as the level of licence gets higher.**

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Please state your reasons here.

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## Part B: Safety and security

**Question B1b:** Are there any issues with the provisions in Part 1 or 1A of the Civil Aviation Act 1990 that you think should be addressed? If so, what options do you propose to address the issue(s)?

[illegible]

### Participant obligations

**Question B2:** Are there any issues in relation to participant obligations and Director's powers in Part 2 of the Civil Aviation Act 1990 that you think should be addressed? If so, what options do you propose to address the issue(s)?

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### Medical certification

#### Item B3: Certification pathways and stable conditions

**Question B3a:** Which option do you support?

- ☐ **Option 1:** Status quo – two pathways for medical certification
- ☐ **Option 2:** Develop a third pathway for medical certification for individuals affected by stable, long-term or fixed conditions.
- ☐ **Some other option** (please describe):

**We support option 2. Whilst the number of contentious cases is low as a percentage, the way they are currently handled needs considerable work.**

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**Stable long term conditions should not be revisited at subsequent medical certificate issue. This is highly inefficient and pointless.**

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Please state your reasons

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**Question B3b:** What savings would likely occur from a third pathway to medical certification?

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**Efficiencies would accrue which will reduce costs both to the applicant and to the medical division of CAA.**

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### Item B4: Provision for the recognition of overseas and other Medical Certificates

**Question B4a:** Should the Act allow the Director to recognise medical certificates issued by an ICAO contracting State?

- ☐ Yes
- ☐ Yes, but only those without any operational endorsements issued by States with a robust aviation medical certification regime
- ☐ No

Please state your reasons

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**Yes, but only from reputable states. Operational endorsements are fine as long as they are issued by a reputable state.**

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**Question B4b:** Should the Director of Civil Aviation or the State that has issued the medical certificate provide oversight?

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**The state that issues the medical should provide oversight. If we accept a reputable certificate issue, then re-issue or any endorsements that may be added during the validity period of the medical should also be acceptable from the issuing state.**

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## Part B: Safety and security

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**Question B4c:** If you agree that the Director of Civil Aviation should provide oversight, what provisions in Part 2A of the Civil Aviation Act should apply?

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### Item B5: Medical Convener

**Question B5a:** Which is your preferred option?

- ☐ **Option 1:** Status quo continue: Medical Convenor retained (Ministry of Transport preferred option)
- ☐ **Option 2:** Status quo continues and a separate fee for the Medical Convener is charged to applicants
- ☐ **Option 3:** Disestablish Medical Convener role
- ☐ **Other option:** please describe

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**We support a modified option 2. The convener process should be independent from CAA and should compel the convener to consult with the applicant's personal medical advisors/specialists. It should not simply be an academic review of the evidence. Health is highly individualised and cases that appear similar on paper can be quite different in practice.**

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**We believe the applicant should pay.**

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Please state your reasons here

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## Part B: Safety and security

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**Question B5b:** How much would you be prepared to pay to have your case reviewed by the Medical Convenor?

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**The fee should be sufficient to prevent frivolous applications but not si high as to be prohibitive to genuine applicants.**

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Are there any other issues with the provisions in Part 2A of the Civil Aviation Act that you think should be addressed? If so, what options do you propose to address the issue(s)?

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### Offences and penalties

#### Item B6: Penalty levels

**Question B6a:** Which is your preferred option?

- ☐ **Option 1:** Status quo – penalty levels remain unchanged
- ☐ **Option 2:** Increase penalty levels
- ☐ **Other option:** Please describe

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**Question B6b:** If you consider that increases to penalty levels are necessary, which penalties, and by how much?

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### Item B7: Acting without the necessary aviation document

**Question B7:** Which is your preferred option?

- ☐ **Option 1:** Status quo
- ☐ **Option 2:** Amend the provision to separate out the offences (Ministry of Transport preferred option)
- ☐ **Other option:** Please describe

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**Bring clarity to the situation.**

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Please state your reasons

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### Appeals

#### Item B8: Appeals process

**Question B8a:** Should a specialist aviation panel or tribunal be established in addition to the current District Court process?

☐ Yes

☐ No

Please state your reasons:

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**Yes. There needs to be a facility that operates below the court level which would be quicker and less expensive.**

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**Questions B8b:** How much would you be prepared to pay for a panel review?

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**It should be sufficient to prevent frivolous applications but not so high as to prevent genuine applications.**

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### Rules and regulatory frameworks

#### Item B9: Rule making

**Question B9a:** What enhancements could be made to the rule-making process?

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**There needs to be a much more responsive rule making process. The current system is very slow and cumbersome and any unintended consequences take years to get corrected. There are many examples.**

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**The sector is being held back by the current cumbersome system which in some circumstances is incapable of keeping up with technology changes for example.**

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**Delegation of rule making is certainly an option to be investigated and should be integrated with sector consultation and buy-in.**

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**Question B9b:** Which is your preferred option?

- ☐ **Option 1:** Status quo – no change
- ☐ **Option 2:** Power for Civil Aviation Authority Board (CAA Board) to make temporary rules
- ☐ **Option 3:** Power to enable the Minister to delegate some of his/her rule-making powers to the Director or CAA Board
- ☐ **Option 4:** Creation of a new tertiary level of legislation (e.g. Standards)
- ☐ **Some other option:** Please describe

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**See above.**

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**Question B9c:** If you prefer Option 3 (Delegation of some of the Minister's rule-making powers to the CAA Board or Director), what matters should the Director or CAA Board be delegated to make rules for?

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**This would require extensive consultation with the various sector interest groups. All would have their own preferences.**

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**Question B9d:** Is a 'first principles' review of rule-making required to consider the out of scope options (paragraphs 183 – 187) in more detail?

☐ **Yes**

☐ **No**

Please state your reasons:

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### Item B10: Possible amendments to Part 3

**Question B10:** What matters should the Minister take into account when making rules?  
Please specify and state your reasons.

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**Safety, efficiency, effectiveness, moving with technology gains, security, facilitating access to overseas markets.**

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### Information management

#### Item B11: Accident and incident reporting

**Question B11a:** What are the barriers to fully reporting accidents and incidents to CAA?

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**Deep rooted suspicion and fear of prosecution. Also dissatisfaction with a particular area of CAA operations affects attitudes to others.**

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**For example a pilot who considers they have had rough treatment from one sector of CAA is unlikely to fully cooperate with another.**

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**We consider that the principles of just culture should apply to accident and incident reporting. Given the situation where the rule maker is also the policeman gives rise to the thought that CAA might not be the best recipient of the raw data under just culture. Either that or the just culture framework needs to be both very clear and well publicised. A large education programme incorporating a multi faceted approach to circulating information would need to be undertaken to achieve a mind-set change for sector participants.**

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**Question B11b:** What could be done to overcome the barriers in Question B11a?

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**See above**

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### Item B12: Accessing personal information for fit and proper person assessments

**Question B12a:** What information does the Director need to undertake a fit and proper person assessment?

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**Question B12b:** Should the Director be able to compel an organisation to provide information about a person in order to undertake a fit and proper person test?

☐ Yes

☐ No

Please state your reasons:

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**Yes. The sector does not need patently unsuitable people and the Director should be given the power to carry out checks as he/she sees fit. This is in the context of clearer guidelines being available to prospective participants.**

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### Security

#### Item B13: Search powers

**Question B13a:** Should the Aviation Security Service (Avsec) be allowed to search unattended items in the landside part of the aerodrome?

☐ **Yes**

☐ **No**

Please state your reasons here.

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**Yes**

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**Question B13b:** Should Avsec be allowed to search vehicles, in the landside part of the aerodrome, using non-invasive tools such as Explosive Detector Dogs (EDD)?

☐ **Yes**

☐ **No**

Please state your reasons here.

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**Yes**

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## Part B: Safety and security

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**Question B13c:** Do you support the use of EDD within a landside environment of an airport, including public car parks and airport terminals generally? In particular, do you consider it appropriate for EDD to be used around people, including non-passengers?

☐ **Yes**

☐ **No**

Please state your reasons:

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**Yes**

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### Issue B15: Security check procedures and airport identity cards

**Question 15:** Do you have any comments regarding Security Check Determinations (sections 77F and G) and the Airport Identity Card regime?

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### Item B16: Alternative terminal configurations

**Question B16a:** Should alternative airport designs or configurations be allowed in the future, for example, a common departure terminal?

☐ Yes

☐ No

Please state your reasons here.

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**Question B16b:** If yes, how should processing costs be funded?

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## Part C: Carriage by air - airline liability

### Items

#### Item C1: The necessity of specific domestic airline liability provisions

**Question C1a:** Should air carriers continue to be presumed liable for loss caused by delay in exchange for a limit on that liability?

☐ Yes

☐ No

Please state your reasons:

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**Question C1b:** The Civil Aviation Act delay provisions relate to passenger delay. Should there be a presumption of fault for delay in the carriage of baggage as well?<sup>2</sup>

☐ Yes

☐ No

Please state your reasons here:

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<sup>2</sup> Note that the Carriage of Goods Act appears to cover the loss of or damage *to* baggage but not losses/damages resulting *from* delayed baggage. So the passenger would need to seek redress under the Consumer Guarantees Act.

## Part C: Carriage by air - airline liability

### Item C2: The effectiveness of specific domestic airline liability provisions

**Question C2a:** Which is your preferred option?

- ☐ **Option 1:** Status quo and potential educational measures developed (Ministry of Transport preferred option)
- ☐ **Option 2:** Strengthen the consumer protection provisions in the Act
- ☐ **Other option:** Please describe

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Please state your reasons:

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**Question C2b:** Do you think that educational measures are necessary? If so, what should they be?

- ☐ **Yes** (please tick one or more below)
  - ☐ Online information on the provisions in the Civil Aviation Act.
  - ☐ A 'Know Your Rights' pamphlet or other printed materials for passengers.
  - ☐ Government departments working with carriers to introduce a 'Customers Charter' or something similar.
  - ☐ Other. Please specify:

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☐ **No**

## Part C: Carriage by air - airline liability

Please state your reasons here:

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**Question C2c:** Do you think that stronger protection provisions are necessary in the Civil Aviation Act 1990?

☐ **Yes**

☐ **No**

☐ Please state your reasons here:

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**Question C2d:** If you answered yes to question C2c, what do you think should be included in the Act?

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## Part C: Carriage by air - airline liability

### Item C3: The limit on liability for damage caused by delay

**Question C3a:** Which is your preferred option?

- ☐ **Option 1:** Status quo – liability is capped at an amount representing 10 times the sum paid for the carriage
- ☐ **Option 2:** Revise the domestic liability limit for damage caused by delay
- ☐ **Other option:** Please describe

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Please state your reasons:

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**Question C3b:** If you selected Option 2 for Question C3a, what do you consider would be an appropriate liability limit for domestic air carriage and why?

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## Part D: Airline licensing and competition

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### International air services licensing

#### Item D1: Commercial non-scheduled services

**Question D1a:** Which is your preferred option?

- ☐ **Option 1:** Status quo – the Act continues not to specify the precise scope of ‘non-scheduled services’
- ☐ **Option 2:** Remove the need for case-by-case authorisation for services that do not follow a systematic pattern and provide explicitly for authorisation of supplementary services or a systematic series of flights (Ministry of Transport preferred option)
- ☐ **Some other option** (please describe):

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Please state your reasons:

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## Part D: Airline licensing and competition

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**Question D1b:** Do you agree with the proposal to remove the need for authorisation of services that do not follow a systematic pattern?

☐ **Yes**

☐ **No**

Please state your reasons:

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**Question D1c:** If you answered yes to Question D1b, which approach to determining what is systematic do you prefer?

☐ **Approach 1:** use the same threshold for authorisation by the Secretary as is used for requiring an foreign air operator certificate (that is, more than two take-offs or landings within New Zealand in any consecutive 28 day period, or more than eight take-offs or landings within New Zealand in any consecutive 365 day period)

☐ **Approach 2:** explicitly define systematic as some other number of services on the same route over a particular time.

Please state your reasons:

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## Part D: Airline licensing and competition

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**Question D1d:** If you selected Approach 2, how should the term systematic be defined?

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### Item D2: Allocation decisions for New Zealand international airlines

**Question D2:** Which is your preferred option?

- ☐ **Option 1:** Status quo – the Minister of Transport continues to consider licensing decisions for New Zealand airlines that involve allocating both limited and unlimited rights
- ☐ **Option 2:** Status quo and Secretary to consider licensing decisions for New Zealand airlines involving unlimited rights under delegation
- ☐ **Option 3:** Amend the Act to allow the Secretary to consider licensing decisions for New Zealand airlines involving unlimited rights (Ministry of Transport preferred option)
- ☐ **Some other option** (please describe):

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Please state your reasons:

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### Item D3: Public notice

**Question D3a:** Which is your preferred option?

- ☐ **Option 1:** Status quo – the Act provides for a 21 day submission period when an application for a new, amended or renewed scheduled international air service licence by a New Zealand airline is received.
- ☐ **Option 2:** Amendment to the Act to:
  - reduce the 21 day submission period, for example, to 14 days or 10 days
  - require notice to be given only when limited air services rights for routes or capacity are being allocated.

(Ministry of Transport preferred option)

- ☐ **Some other option** (please describe):

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Please state your reasons here:

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## Part D: Airline licensing and competition

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**Question D3b:** What is the appropriate submission period to balance the desirability of allowing third parties to make representations with reducing delay for airlines that are planning and implementing services?

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### Item D4: Transferring licences

**Question D4:** Which is your preferred option?

- ☐ **Option 1:** Status quo – Sections 87K and 87Y retained.
- ☐ **Option 2:** Repeal sections 87K and 87Y, and amend sections 87J, 87Q and 87X (Ministry of Transport preferred option)
- ☐ **Some other option** (please describe):

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Please state your reasons here:

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## Part D: Airline licensing and competition

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### Item D5: Airline operations from countries with which New Zealand does not have an Air Services Agreement

**Question D5:** Which is your preferred option?

- ☐ **Option 1:** Status quo – the Act continues to provide for the licensing of foreign international airlines of countries with which New Zealand does not have an Air Services Agreement or similar arrangement (Ministry of Transport preferred option)
- ☐ **Option 2:** Repeal – the Act ceases to provide for the licensing of foreign international airlines of countries with which New Zealand does not have an Air Services Agreement or similar arrangement
- ☐ **Some other option** (please describe):

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Please state your reasons:

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### International air carriage competition

#### Item D6: Authorisation of contracts, arrangements and understandings between airlines

**Question D6a:** Which is your preferred option?

- ☐ **Option 1:** Amended Civil Aviation Act regime – amend the existing provisions to explicitly require an assessment of costs and benefits, specify the process for making a decision, and provide for conditions to be attached to any approval
- ☐ **Option 2:** Commerce Act – the authorisation of contracts, arrangements and understandings between airlines will be considered and made under the Commerce Act
- ☐ **Some other option** (please describe):

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Please state your reasons:

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**Question D6b:** How do the two options meet the criteria in paragraph 96?

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## Part D: Airline licensing and competition

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**Question D6c:** What are the costs, benefits, and risks of the two options?

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**Question D6d:** Under each option, how do you envisage the decision-making process working? (For example, under Option 1 who would undertake the competition analysis and what information gathering powers would be required to undertake this analysis?)

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### Item D7: Commission Regimes (section 89)

**Question D7:** Which is your preferred option?

- ☐ **Option 1:** Status quo – the Act provides for a Commission Regime to be issued and retains the current Commission Regimes
- ☐ **Option 2:** Repeal and reissue – the Act provides for a Commission Regime to be issued and revises the current Commission Regime
- ☐ **Option 3:** Complete repeal - repeal the existing Commission Regime and section 89 (Ministry of Transport preferred option)
- ☐ **Some other option** (please describe):

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Please state your reasons:

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### Item D8: Authorisation of unilateral tariffs by the Minister

**Question D8:** Which is your preferred option?

- ☐ **Option 1:** Status quo – the Act continues to provide for authorisation of single airline tariffs
- ☐ **Option 2:** Amended provision – replace section 90 with a provision similar to regulation 19A(4) of the Australian Air Navigation Regulations 1947 (Ministry of Transport preferred option)
- ☐ **Option 3:** Complete repeal – the Act ceases to provide for authorisation of single airline tariffs
- ☐ **Some other option** (please describe):

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Please state your reasons:

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### Airport Authorities Act

#### Item E1: Specified airport companies

**Question E1a:** Which is your preferred option?

- ☐ **Option 1:** Status quo – specified airport companies are defined as an airport company that in its last accounting period received revenue exceeding \$10 million.
- ☐ **Option 2:** Revise the threshold – specified airport companies are defined as an airport company that in its last accounting period received revenue exceeding \$15 million.
- ☐ **Option 3:** Amend the threshold to be based on revenue from identified airport activities – for example, specified airport companies are defined as an airport company that in its last accounting period received revenue from identified airport activities exceeding \$10 million.
- ☐ **Option 4:** Amend the threshold from annual revenue to passenger movements – for example, airport company that in its last accounting period had in excess of one-million passenger movements (Ministry of Transport preferred option)
- ☐ **Some other option** (please describe):

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Please state your reasons:

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**Question E1b:** Is changing the threshold for a 'specified airport company' the most effective way to distinguish between airports that are in a position to exercise significant market power and those which are not?

☐ **Yes**

☐ **No**

Please state your reasons:

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### Item E2: Redundant provisions

**Question E2a:** What impact, if any, would removing section 3BA have?

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**Question E2b:** Do you support repealing section 3BA?

☐ Yes

☐ No

Please state your reasons:

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**Question E2c:** What impact, if any, would removing sections 4(2) and 4A have for airports that are not regulated under the Commerce Act 1986?

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**Question E2d:** Do you support repealing sections 4(2) and 4A for airports that are not regulated under the Commerce Act 1986?

☐ **Yes**

☐ **No**

Please state your reasons here:

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### Item E3: Consultation on certain capital expenditure

**Question E3a:** Which is your preferred option?

- ☐ **Option 1:** Status quo - specified airport companies are required to consult substantial customers before approving certain capital expenditures
- ☐ **Option 2:** Require all airport companies to consult on certain capital expenditures (Ministry of Transport preferred option)
- ☐ **Some other option** (please describe):

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Please state your reasons:

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**Question E3b:** Under the status quo, to what extent do airport companies that are not 'specified' consult on capital expenditure? Please give examples.

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**Question E3c:** What would be the costs and benefits of expanding this provision to cover all airport companies?

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### Item E4: Threshold for consultation on certain capital expenditure

#### Options for amending the threshold for consultation on certain capital expenditures

Passenger volumes	OR Annual revenue	Option 1	Option 2	Option 3
< 1 million	< \$10 million	> \$5 million	10% of identified airport assets (excluding land)	The lower of 30% of identified airport assets or \$30 million
> 1 million but < 3 million	> \$10 million but < \$50 million	> \$10 million		
> 3 million	> \$50 million	> \$30 million		

**Question E4:** Which is your preferred option?

- ☐ **Option 1:** Stepped thresholds
- ☐ **Option 2:** 10 percent of identified airport assets (excluding land)
- ☐ **Option 3:** The lower of 30 percent of identified airport assets or \$30 million
- ☐ **Some other option** (please describe):

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Please state your reasons:

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**Question E4b:** If you prefer Option 1, where do you consider the thresholds for consultation should be set and why?

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### Item E5: Termination of leases without compensation or recourse for compensation

**Question E5:** Which is your preferred option?

- ☐ **Option 1:** Status quo - airport authorities may terminate a lease at any time if the property is required for the “purposes of the airport”, and lessees may not seek redress through the Courts for damages or compensation, except where compensation is provided for under the lease.
- ☐ **Option 2:** Amend the Act to clarify the reasons for which airport authorities can terminate leases without compensation or recourse for compensation
- ☐ **Some other option** (please describe):

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Please state your reasons:

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Question E5b: Are there any other issues with section 6 of the Airport Authorities Act that you think should be addressed? If so, what options do you propose to address the issue(s)?

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### Item E6: Bylaw making powers

**Question E6a:** Which is your preferred option?

- ☐ **Option 1:** Status quo – the existing bylaw making powers of airport companies, airport authorities, and local authorities are retained
- ☐ **Option 2:** Repeal some bylaw making powers
- ☐ **Some other option** (please describe):

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Please state your reasons:

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**Question E6b:** For what purposes do you consider it necessary for local authorities, airport authorities, and airport companies to have bylaw making powers, and why?

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**Question E6c:** If airport authorities did not have bylaw making powers, how would or could they manage the matters covered by section 9(1)(a-ff) of the Airport Authorities Act?

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**Question E6d:** If bylaw making powers are retained, what is the appropriate level of oversight for local authorities, airport authorities and airport companies seeking to make bylaws?

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### Item E7: Information disclosure and specifying what “publicly available” means.

**Question E7a:** What are the costs and benefits of the current information disclosure regime under section 9A of the Act?

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**Question E7b:** Which is your preferred option?

- ☐ **Option 1:** Status quo – the Act does not specify what “publically available” means in section 9A
- ☐ **Option 2:** Specifying what publicly available means in section 9A (Ministry of Transport preferred option)
- ☐ **Some other option** (please describe):

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Please state your reasons:

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### Item F1: Airways' statutory monopoly

Section 35 of the Civil Aviation Amendment Act 1992 provides for the repeal of Airways' statutory monopoly on a date to be appointed by the Governor-General by Order in Council.

We recommend:

- repeal of Section 35 of the Civil Aviation Amendment Act 1992; and
- the retention of Section 99 of the Civil Aviation Act 1990 (which provides for Airways to be the sole provider of area control services, approach control services, and flight information services).

**Question F1:** Do you agree with our recommendation?

☐ **Yes**

☐ **No**

Please state your reasons:

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### Item F3: Length of time before the Director can revoke an aviation document because of unpaid fees or charges

**Question F3:** Which is your preferred option?

- ☐ **Option 1:** Status quo – the Director of Civil Aviation may revoke an aviation document if the related fee or charge is overdue by six months
- ☐ **Option 2:** Reduce the threshold from six to four months
- ☐ **Some other option** (please describe):

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**Option 2**

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Please state your reasons:

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**Of the fee is not being paid because of financial difficulty then the risk is that they are not carrying out critical functions such as maintenance for the same reason. This has safety implications.**

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### Item F4: Power to stop supplying services until overdue fees and charges have been paid

**Question F4:** Which is your preferred option?

- ☐ **Option 1:** Status quo – Section 41(4) the Civil Aviation Act provides for the CAA, the Director and other persons to decline to process an application or provide a service under the Act until the appropriate fee or charge has been paid (or arrangements for payment made).
- ☐ **Option 2:** Amend section 41(4) to clarify its intention – to explicitly provide for the CAA, the Director and other persons to decline to process an application or provide a service under the Act until the appropriate fee or charge or outstanding debt has been paid (or arrangements for payment made).
- ☐ **Some other option** (please describe):

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**Option 2**

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Please state your reasons:

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### Item F5: The Civil Aviation Authority's ability to audit operators that collect levies

**Question F5:** Which is your preferred option?

- ☐ **Option 1:** Status quo – the Act does not allow the CAA to require an audit of operators from which it collects levies.
- ☐ **Option 2:** Amend section 42B to include a power for the CAA to require an audit of operators from which it collects levies at the CAA's own cost
- ☐ **Some other option** (please describe):

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Please state your reasons:

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### Item F6: Fees and charges for medical costs

**Question F6:** Which is your preferred option?

- ☐ **Option 1:** Status quo – section 38(1)(b) of the Civil Aviation Act allows the Governor-General to make regulations prescribing the fees and charges for the purpose of reimbursing the CAA for “costs directly associated with” the Director and Convener’s functions under Part 2A of the Act.
- ☐ **Option 2:** Clarify section 38(1)(b) that this section is intended to cover a broad range of services and corporate overheads associated with the Director and Convener’s functions under Part 2A of the Act
- ☐ **Some other option** (please describe):

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Please state your reasons:

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