

Civil Aviation Act Review - Stakeholder Briefing

Chairperson	Bruce Johnson, General Manager Aviation and Maritime, Ministry of Transport
Date/Time	10:30am – 12:30pm, 6 June 2013
Location	Level 6, Ministry of Transport, 89 The Terrace, Wellington
Invited participants	Air New Zealand
	Aircraft Owners and Pilots Association
	Airways NZ
	Board of Airline Representatives of New Zealand
	Canterbury Aero Club
	Gliding New Zealand
	New Zealand Air Line Pilots' Association
	New Zealand Airports Association, including Auckland, Wellington, Christchurch, Nelson and Dunedin Airports
	New Zealand Aviation Federation
	New Zealand Aviation Industry Association
	New Zealand Warbirds
	Royal New Zealand Aero Club
Society Licensed Aircraft Engineers and Technologists	
Ministry of Transport	Glen-Marie Burns, Manager Aviation and Security; Bev Driscoll, Principal Adviser; Sonya van de Geer, Principal Adviser, Bronwyn Lauten, Adviser
Civil Aviation Authority	John Kay, General Manager Policy and System Interventions; Felicity Steel, Senior Adviser

Agenda

1. Meet and greet
2. Context of the Civil Aviation Act Review
3. Review timeframes
4. Key areas of the Act to be reviewed
5. Roundtable conversation - area of interest, initial comments
6. Conversation about engagement opportunities

Background

Resources:

Appendix 1: Civil Aviation Act 1990 – what is it and what does it cover?

Appendix 2: A3 key areas of the Act covered to be covered by the Review

What is the Civil Aviation Act and what does it cover?

APPENDIX A

The Civil Aviation Act 1990 (Act) covers a wide range of activities within the civil aviation system.

The Act sets out a safety and security framework for the civil aviation system and establishes the Civil Aviation Authority (CAA) and Aviation Security Service (Avsec). It specifies the functions performed by CAA and Avsec and gives them the powers necessary to do so.

The Act sets out the requirements and responsibilities for the operation of and participation within the civil aviation system. In this system, every participant shares a responsibility for safety and security. Aviation organisations, pilots, engineers, air traffic controllers and aircraft owners are each responsible for meeting the relevant statutory safety and security standards.

The Act empowers the Minister of Transport to make civil aviation rules that all:

- pilots
- engineers
- aircraft operators
- airlines
- air traffic providers
- aerodrome operators and
- regulated air cargo agents, follow to keep aviation safe and secure.

The Act empowers the Director of Civil Aviation to check compliance with these rules¹ and enables the Director to take action if they are not.

An objective of the Act is to ensure New Zealand's meets its obligations under international aviation agreements. The Act makes the Minister of Transport responsible for administering New Zealand's participation in the Convention on International Civil Aviation. The Act also provides for the CAA to enter into agreements including - technical cooperation arrangements- with the civil aviation authorities of other countries.

The Act sets out the framework for economic regulation of foreign and New Zealand international airlines in the areas of licensing, non-scheduled services and international air services competition, along with the corresponding duties and powers of the Minister of Transport and Secretary for Transport.

The Act also empowers the Minister of Transport to establish, maintain and operate aerodromes. The Act sets out the high level arrangements for Crown and joint venture airports – that is, airports jointly owned by the Crown and local authorities.

The Act prescribes airline liability and consumer protection for loss and delay.

¹ Rules set the minimum standards for entering, and operating within, the system.

Policy Area	Sections of the Act	Description
Governance and Institutional Arrangements		
1	Governance of the Civil Aviation System	Primarily sections 72(A) – (O); and Sections 14, 14A, 14B, 14C, and Section 22 (Delegations)
<i>Formulate a purpose statement which appropriately reflects the breadth and intent of the Act, and objectives and functions contained within. Ensure that the roles, functions, duties and powers of those responsible for the governance of different aspects of the civil aviation system are clear, concise and appropriate aligned, and support/enhance a capable and effective Ministry of Transport (Secretary of Transport), Civil Aviation Authority (including the Aviation Security Service), and Director of Civil Aviation.</i>		
2	Fees and Charges	Sections 38 - 42D
<i>Review the purpose for which fees and charges are provided for and review the scope of activities that levies can fund. This work is separate from, but complementary to the next CAA Funding Review.</i>		
3	Rules and Regulations	Primarily sections 28 - 37, and 100
<i>Consider Rules as part of wider regulatory system and whether and how the system should be reflected in legislation. Consider the purpose and function of advisory circulars. The review will also assess how well the regulatory framework supports the move to a risk-based regulatory approach, and consider whether the implementation of Standards and Recommended Practices can be streamlined.</i>		
4	Security	Primarily section 76 – 87, and interrelationship with the Aviation Crimes Act
<i>Review aviation security provisions to ensure they are current and effective. Separately, the Board of the CAA is undertaking a review of Avsec's business and funding model, as well as the quality and effectiveness of Avsec's services. The results of this review will inform the Civil Aviation Act review.</i>		
5	Conventions	Sections 104-113. (Cape Town Convention)
<i>Consider whether other aviation-related Conventions to which New Zealand is a party to need legislative authority.</i>		
Entry and participant requirements		
6	Entry into the Civil Aviation system	Section 6-11J
<i>Review entry requirements, including aviation documents, grants, renewals and fit and proper person testing, as well as Australia New Zealand Aviation mutual recognition requirements to ensure they are current and effective. The review will also consider opportunities to refine existing requirements to deliver a better focused risk measurement tool, targeted at controlling access to participation in the New Zealand and international civil aviation environments.</i>		
7	Functions, powers and duties of participants in the Civil Aviation System	Sections 12-27. (Excludes Sections 14, 14A, 14B, 14C)
<i>Review functions, powers and duties of participants, suspending/imposing conditions, and powers of the Director to ensure they are all current and effective.</i>		
8	Offence and Penalties	Primarily sections 43-72 and 96-99C
<i>Review offences and penalties provisions relating to unruly passengers, miscellaneous offences, and rights of appeal to ensure they are current and effective.</i>		
9	Medical Certification	Sections 27A - 26R (excluding the Medical Convenor process - see below)
		Section 27A - 27R*
<i>Review medical certification provisions- in particular; address interpretation and application ambiguities in these provisions to better support capable and effective regulatory oversight.</i>		
<i>Review Medical Convenor purpose, function, and effectiveness to determine the Convenor's future status.</i>		
Information management		
10	Reporting, Gathering/Collation, and Aircraft Register	Primarily sections 10(3), 15, 72B, 73, and Rule Part 12
<i>Determine the appropriate legislative settings to enable the Civil Aviation Authority to collect, collate, report on and use all data and information available to ensure aviation safety and regulatory efficiency.</i>		
Consumer Protection		
11	International/Domestic carriage by Air	Section 91A - 91M*
<i>Confirm that international carriages by air provisions are up to date. Determine whether an appropriate level of domestic consumer protections provisions are provided for in the Act, and the interrelationship of these with consumer protections provided elsewhere.</i>		
Air Carriage		
12	International Air Carriage Competition	Sections 88-91
<i>Review competition provisions to enhance decision-making transparency, improve processes, and include criteria to more explicit reference that costs and benefits should be taken into account. This will also inform a report back to Cabinet on whether the Commerce Act exemption for international aviation should remain in place.</i>		
13	International Air Services Licensing	Sections 87A - 87G
<i>Review licensing section to ensure licensing provisions are relevant, effective and transparent.</i>		
Joint Venture Airports/Airport Authorities Act		
14	Aerodrome Facilities and Joint Venture Airports	Sections 92-95
<i>Review Aerodrome/Joint Venture Airport provisions to assess the relevance of the provisions in the Act, and to improve clarity and consistency of requirements.</i>		
15	Airport Authorities Act	Airport Authorities Act 1966 (all)
<i>Review the Airport Authorities Act in its entirety. Assess the relationship between Civil Aviation Act and Airport Authorities Act. Consider whether the provisions in the Airport Authorities Act are still necessary/appropriate, and if so, whether these could be included in the Civil Aviation Act or another statute.</i>		