



Cabinet Business Committee

Minute of Decision

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Civil Aviation Bill: New Policy Proposals

Portfolio Transport

On 14 June 2021, the Cabinet Business Committee:

Background

- 1 **noted** that in 2016, 2019 and 2020, a number of policy decisions were made (including in principle decisions) on the content of a Civil Aviation Bill [CAB-16-MIN-0568; CAB-16-MIN-0184; NSC-16-MIN-0001; CAB-19-MIN-0167; DEV-19-MIN-0226; DEV-20-MIN-0030; and CAB-20-MIN-0248];
- 2 **noted** that the proposals in the paper under CBC-21-SUB-0059:
 - 2.1 are in addition to the decisions referred to in paragraph 1 above;
 - 2.2 confirm in the principle decisions referred to in paragraph 1 above;
 - 2.3 include matters that Cabinet invited the Minister of Transport to consider further;
- 3 **noted** that the proposals in the paper under CBC-21-SUB-0059 relate to the following:
 - 3.1 the regulation of airports;
 - 3.2 aviation security;
 - 3.3 enforcement in the civil aviation system;

Regulation of Airports

- 4 **noted** that the Civil Aviation Bill will put in place a registration regime for airports that carries over airport authorities' rights and obligations under the airport authorities regime, and will be linked to a register administered by the Secretary for Transport [CAB-20-MIN-0248];
- 5 **agreed** that the Civil Aviation Bill include a new requirement for all registered airport operators to consult on spatial plans;
- 6 **noted** that in June 2020, Cabinet agreed to consult on a licensing regime [CAB-20-MIN-0248], which led to the proposal being refined and targeted to airports where government agencies operate;

- 7 **agreed** that aerodrome operators be required to register if one or more government agencies routinely operate there;
- 8 **agreed** that other aerodrome operators may also apply to be registered airport operators;
- 9 **agreed** that the Civil Aviation Bill include a requirement for airports where government agencies routinely operate to develop an enforceable regulatory undertaking (ERU);
- 10 **agreed** that the Secretary for Transport may direct an airport operator to meet its obligations under the registration regime if the Secretary reasonably believes that the operator is contravening, or is likely to contravene, an ERU or a requirement relating to the preparation of an ERU;
- 11 **agreed** that an ERU be enforceable in court, and that non-compliance with an ERU, by an operator or by an individual acting on the operator's behalf, may result in a court direction, an injunction and/or a fine;
- 12 **agreed** to amend the Immigration Act 2009, the Customs and Excise Act 2018, and the Biosecurity Act 1993 to ensure border agencies must have regard to the ERU when initiating space requirements under those Acts;
- 13 **agreed** that the Civil Aviation Bill provide that airports owned by local authorities should be operated as a commercial undertaking unless the owners determine otherwise;
- 14 **agreed** that the Civil Aviation Bill clarify that the Secretary for Land Information New Zealand is responsible for undertaking the offer-back process for former Crown land transferred to airport companies which are deemed government works, and which remain subject to the offer-back obligations of the Public Works Act 1981;
- 15 **agreed** to include a provision in the Civil Aviation Bill to allow (but not require) the Crown to lodge a caveat on airport land that is transferred;
- 16 **agreed** that all airports are either deemed government works or local works, and that 'airport authority' be omitted from the definition of 'local authority' in the Public Works act 1981;

Aviation Security

- 17 **agreed** to enable the Minister of Transport (the Minister) to declare that an area within a security designated aerodrome is a 'landside security area', if necessary, to:
- 17.1 respond to threats to civil aviation;
 - 17.2 enable New Zealand to be part of a concerted international response to a threat to aviation security;
 - 17.3 support the main or additional purposes of the Civil Aviation Bill, which include implementing obligations under international civil aviation conventions, agreements, and understandings, and preserving New Zealand's national security and national interests;
- 18 **agreed** that landside security areas may be in place for up to 30 days, at which time the Minister's decision must be revoked or a new decision made;

- 19 **agreed** that if permanent intervention is required, the Minister will provide advice to Cabinet for consideration as part of normal policy development processes;
- 20 **agreed** to enable an aviation security officer, for the purpose of detecting any relevant item or substance, to undertake reasonable searches of any person or thing before entering, or when present in a landside security area, with the person's consent;
- 21 **agreed** to enable an aviation security officer, in a landside security area, to seize and detain an item or substance for the purpose of determining whether it is a relevant item or substance, and whether there is a lawful authority or reasonable excuse for the item or substance to be carried into a landside security area;
- 22 **agreed** to introduce new offences for refusing to leave a landside security area when directed to, or being present in that area and not having passed through any required security measure;
- 23 **agreed** that the Civil Aviation Bill confirm that aviation security officers can search vehicles and unattended items, and use explosives detection dogs to perform their functions, duties and powers under civil aviation legislation;
- 24 **agreed** that once any thing has been presented by a person for carriage in the hold of an aircraft (checked baggage);
- 24.1 the person presenting the thing is giving consent to any subsequent search of that thing;
- 24.2 an aviation security officer may search the thing for the purpose of determining whether it contains a relevant item or substance, and whether there is a lawful authority or reasonable excuse for the item or substance to be carried on board the aircraft;

Enforcement in the civil aviation system

- 25 **agreed** that the Civil Aviation Bill include a new offence provision to cover situations where, without reasonable excuse, a person intentionally operates an aircraft in controlled airspace or a restricted area and knows that they do not hold the appropriate authorisation to operate the aircraft in that airspace or are reckless as to that matter;
- 26 **agreed** to remove from the Civil Aviation Bill the previously-approved restriction on administrative action in relation to a notified incident [CAB-16-MIN-0568], because the Bill already contains a test that must be satisfied before the Director of Civil Aviation may take administrative action;
- 27 **agreed** that the Civil Aviation Bill include the power to issue non-disturbance notices, modelled on the relevant Health and Safety at Work Act 2015 provision;
- 28 **agreed** that the Civil Aviation Bill include the penalties for new offences and increased penalties for existing offences that are listed in the right hand column of Appendix 1 to the paper under CBC-21-SUB-0059;

- 29 **agreed** that the Civil Aviation Bill amend the following offence provisions continued from the Civil Aviation Act 1990 to create a separate *mens rea* offence punishable by imprisonment and/or a fine, and a strict liability offence punishable only by a fine:
- 29.1 dangerous activity involving aircraft, aeronautical product or aviation-related service;
 - 29.2 endangerment caused by holder of aviation document;
 - 29.3 acting without necessary aviation document;
 - 29.4 acting without required medical certificate;
- 30 **agreed** that the *mens rea* offence and penalties referred to in paragraph 29.1 above be modelled on section 47 of the Health and Safety at Work Act 2015;

Legislative Implications

- 31 **invited** the Minister to issue drafting instructions to the Parliamentary Counsel Office to give effect to the above paragraphs, including any consequential amendments (including to Civil Aviation Rules), savings and transitional provisions.

Rachel Clarke
Committee Secretary

Present:

Rt Hon Jacinda Ardern (Chair)
Hon Grant Robertson
Hon Kelvin Davis
Hon Dr Megan Woods
Hon Chris Hipkins
Hon Carmel Sepuloni
Hon Andrew Little
Hon David Parker
Hon Nanaia Mahuta
Hon Michael Wood

Officials present from:

Office of the Prime Minister
Department of the Prime Minister and Cabinet

Office of the Minister of Transport

Chair
Cabinet

CIVIL AVIATION BILL - NEW POLICY PROPOSALS

Proposal

1. This paper has been referred to Cabinet for further consideration, following Cabinet Economic Development Committee consideration on 12 May and 2 June 2021 [DEV-21-MIN-0095 and DEV-21-MIN-0116 refer].
2. This paper seeks agreement to new policy proposals to address matters that have arisen or require further consideration since previous Cabinet decisions on the content of the Civil Aviation Bill.

Executive summary

3. The Civil Aviation Bill will replace the Civil Aviation Act 1990 and the Airport Authorities Act 1966 with a single, modern statute that will provide a durable platform for the safety, security, and economic regulation of civil aviation.
4. The Bill contains a range of policy proposals and changes which cumulatively will deliver significant benefit to the operation of the aviation sector in terms of safety, security, emissions, and economic outcomes. The majority of these have previously been approved by Cabinet in 2016 and 2019.
5. The process, however, of finalising the last aspects of the Bill has led to some adjustments in policy. This paper is seeking Cabinet's agreement to these policy changes prior to the Bill being completed and introduced.
6. There are proposed amendments to some of the ways in which we regulate airports including:
 - 6.1. establishing a registration regime for airport operators;
 - 6.2. introducing Enforceable Regulatory Undertakings (ERUs) to support collaboration between airport operators and government agencies;
 - 6.3. providing for an exemption for airports from operating as a commercial undertaking if a majority of local authority shareholders agree; and
 - 6.4. clarifying the obligations of airports under the Public Works Act 1981 in respect of airport land.
7. There are proposed policy adjustments to better clarify aviation security officers' search powers, and a new offence for operating aircraft in controlled airspace or restricted areas without authorisation. There are also a number of changes intended to better support enforcement of the civil aviation regime, including:

- 7.1. amendments to the administrative component of the Just Culture provisions;
 - 7.2. a power for the regulator to issue non-disturbance notices; and
 - 7.3. the modernisation and updating of pecuniary fine levels.
8. Finally, this paper reflects revisions to the aviation security proposals following the Cabinet Economic Development Committee's initial consideration on 12 May 2021 [DEV-21-MIN-0095 refers], and additional refinements following the Committee's further consideration on 2 June 2021 [DEV-21-MIN-0116 refers]. The amendments following 12 May 2021 have been made in consultation with the Minister of Justice and the Attorney-General.

Background

The Civil Aviation Bill consolidates, updates and strengthens primary aviation legislation

9. The Civil Aviation Bill (the Bill) repeals and replaces New Zealand's two main pieces of primary aviation legislation – the Civil Aviation Act 1990 (the CA Act) and the Airport Authorities Act 1966 (the AA Act).
10. The current CA Act governs the civil aviation system in New Zealand and sets the overall framework for aviation safety, security and economic regulation in New Zealand. The AA Act provides for local authorities and other persons (for example, airport companies) to be authorised as airport authorities with functions and powers to operate airports.
11. Work on the Bill commenced in 2014 with a public consultation paper, Civil Aviation Act 1990 and Airport Authorities Act 1966 Consultation Document 2014 (the 2014 Review). In October 2016, the previous government agreed [CAB-16-MIN-0568 refers] to policy changes to the CA Act and AA Act to:
 - 11.1. reflect recommendations from the 2014 review;
 - 11.2. reduce the risk of alcohol and drug impairment in the commercial aviation sector [CAB-16-MIN-0184 refers]; and
 - 11.3. improve aviation security as proposed in the Domestic Aviation Security Review [NSC-16-MIN-0001 refers].
12. In April 2019, Cabinet reconfirmed key decisions made by the previous government on the Bill in 2016. It also approved additional and revised policy proposals that arose while working with the Parliamentary Counsel Office on drafting, and agreed to release an exposure draft of the Bill, together with a commentary document, for consultation with industry [CAB-19-MIN-0167 refers].

Context

The Bill is large with a number of complex policy areas

13. This is a large and complex Bill, developed over a number of years. The extended time taken to develop the Bill means that events have reshaped some areas of policy, along with the iterative nature of the drafting process. Subsequent to the release of the exposure draft, Cabinet has also agreed to:
 - 13.1. give effect in domestic legislation, via the Bill, to New Zealand's participation in the Carbon Offsetting and Reduction Scheme for International Aviation [DEV-19-MIN-0226 refers];
 - 13.2. include amendments to create powers to intervene against drones being used to commit offences, and address matters arising from submissions on the exposure draft of the Bill, and from further work on particular provisions in the Bill [DEV-20-MIN-0030 refers]; and
 - 13.3. direct the Ministry of Transport to consult with key stakeholders on proposed changes to the airport authorisation regime [CAB-20-MIN-0248 refers].
14. Cabinet approval is now required for further policy changes arising from the work noted above and other amendments arising from the drafting process. Subject to Cabinet's agreement, these policies will be incorporated into the Bill, scheduled for introduction in mid-2021.

New policy and amendments to previous decisions

Regulation of airports

15. Airports are among the largest infrastructure investments a city or region can make and are a vital part of New Zealand's transport system. Government has important public policy outcomes it seeks to achieve at airports including the safe, secure and efficient facilitation of passengers and goods, and protecting New Zealand from pests and diseases.
16. Our international airports, as the primary gateway to New Zealand, will likely play a key role in rebuilding confidence in New Zealand as a safe destination for trade and travel post COVID-19. Airports are also critical to maintaining movement of goods and freight during the response to, and recovery from, the pandemic.
17. During COVID-19, I have seen government agencies and aviation stakeholders work effectively together in responding to an unprecedented challenge for the aviation industry and New Zealand's borders. I would like this approach to continue as the standard of engagement for future collaboration and spatial planning to facilitate government's operations at airports. The Bill presents an opportunity to implement a framework to support that objective.

Cabinet has approved changes to the airport authorisation process

18. In 2020, Cabinet agreed that airport authorisation will move from a system of authorisation through an Order in Council to a system of administrative approval (“registration”) by the Secretary for Transport. This is consistent with the Secondary Legislation Act 2021.
19. Airport operators, if they transition to the registration regime, will retain their existing rights and obligations under the AA Act, carried over in updated form.
20. Some aerodrome operators (at aerodromes where government agencies routinely operate) will be required to register, while others will have the option of registering if they believe the balance of rights and obligations would be beneficial to their operations.

My officials consulted key stakeholders on a licensing regime but subsequently removed this option from consideration

21. Cabinet directed the Ministry of Transport to carry out consultation with targeted stakeholders on a comprehensive airport licensing proposal [CAB-20-MIN-0248 refers]. Cabinet also authorised me, as Minister of Transport, to refine the licensing framework to reflect stakeholder feedback.
22. Consultation has shown that airports, airlines, and government agencies agree that further work to strengthen collaboration across the board would enhance the good relationships already in existence. However, industry stakeholders expressed low levels of support for a licensing regime, especially one where government could potentially direct commercial decisions.

I propose to introduce additional requirements for airports

23. Under the Bill, registered airport operators will be required to consult with government agencies on their spatial plans. This will bring government and aviation stakeholders to the table early in the planning process, even at airports where government agencies are not routinely present.
24. In place of a full licensing regime for all airports, I propose to introduce a new requirement, called an enforceable regulatory undertaking (ERU). This will only apply to security designated or border airports, where government agencies routinely operate. An ERU must outline how the airport will facilitate agencies’ delivery and infrastructure needs. It will also require agencies to present a joined-up view of their collective needs at an airport to the airport operator.
25. ERUs will be developed five-yearly, and be endorsed by the relevant agencies that operate at each airport. ERUs will require this subset of airports to engage with agencies, through forums such as the Border Executive Board, to outline how they intend to meet their obligations under civil aviation and border legislation. In the future, this could include health requirements.

26. ERUs will ultimately be accepted by the Secretary for Transport, and be supported by scaled enforcement tools such as fines, direction notices and court orders. Compliance with ERUs will be the responsibility of both the airport operator and any officer of the operator.
27. To integrate this approach across government agencies, I propose to amend the Biosecurity Act 1993, the Immigration Act 2009, and the Customs and Excise Act 2018 to ensure that, when new space requirements are declared or agreed to, agencies will have regard to the ERU. However, it will not alter or limit agencies' powers under those Acts.

Requirement for airports to act commercially

28. The current AA Act requires that airports operated or managed by an airport authority must be run as commercial undertakings. Such a requirement, however, might not be possible or appropriate for all airports.
29. Prior to COVID-19, some of our larger airports were among the highest earning businesses in New Zealand. This is not the case for several of our smaller regional airports who are unable to earn sufficient revenue to be commercially viable and to fund maintenance and future capital investment.
30. The exposure draft of the Bill proposed removing the requirement for airports to act commercially. Instead, airport authorities would be able to choose the basis on which they operate – whether that is as a profit making entity or as a primarily public service venture.
31. Taking into consideration the submissions on the exposure draft, I recommend retaining the default requirement that airports operate commercially. This should help ensure that the appropriate investment in airport infrastructure continues.
32. There should also be, however, an exception to this requirement – recognising that some airports have no reasonable prospect of operating as a profitable business, and that local authority objectives may be public benefit rather than commercial. This exception could be triggered by provisions in the airport company's constitution or a determination by the owners.

Public Works Act obligations in relation to airport land

33. Most of New Zealand's airports were established by central and local government in the first part of the 20th century. Many were built on land acquired by the government using its Public Works Act 1981 (PWA) powers of land acquisition. This land is therefore subject to sections 40 and 41 of the PWA which require the Crown or local authorities to undertake a process of offering back the land to its former owners, or their successors, when it is no longer required for a public work (for example, when it is sold).

34. In the 1980s and 1990s, the government, through the Ministry of Transport, commenced a programme to privatise airports by selling the assets to “airport companies” established under the AA Act. In order to facilitate this the AA Act was amended to allow local and central government to transfer land to an airport company, without having to comply with the offer-back requirements set out in sections 40 and 41 of the PWA.
35. However, the AA Act stipulates that, after the transfer, those offer-back requirements continue to apply to the land as if the airport company were the Crown. Under the AA Act¹, airports operated or managed by an airport authority, that is not a local authority, are deemed to be government works.

There is a lack of clarity about who undertakes the offer-back process

36. While the AA Act is clear that former Crown land transferred to airport companies remains subject to the offer-back obligations under the PWA, the legislation is not clear as to who is responsible for undertaking the offer-back process – airport companies or the Chief Executive (CE) of Land Information New Zealand (LINZ), as is the case for Crown-owned land.
37. The Bill provides an opportunity to clarify the law. There are strong policy reasons for the CE of LINZ to be the responsible party for administering the obligations under the PWA for deemed government works, specifically:
 - 37.1. the powers in the PWA have been described as draconian. The exercise of such powers requires the scrutiny and accountability of central or local government and should reside with an institution that is accountable to the electorate;
 - 37.2. the airport companies are conferred many other benefits and powers through their designation as either a government work or local work. While airports may be operated as commercial undertakings, their legislated powers and status are unique, reflecting that they are essential infrastructure;
 - 37.3. government is best placed to assess whether surplus airport land meets the three steps set out in section 40(1) including if the land is required for another public work; and
 - 37.4. the Crown is best placed to undertake the offer-back process of surplus land which is a deemed government work in relation to Treaty of Waitangi claims.
38. Airport companies have commercial incentives that potentially conflict with PWA objectives of ensuring the rights of former owners and their successors are preserved. The PWA does not set out clear criteria for when section 40 is triggered, and whether the offer-back obligations might apply. If airport companies were to run the offer-back process, commercial incentives may lead them to adopt a more liberal interpretation of these provisions than what the Crown might hold, which may negatively impact on the rights of former owners.

¹ And also the Auckland Airport Act 1987 and Wellington Airport Act 1990

39. Subject to Cabinet's agreement, I propose to:
- 39.1. clarify that it is the Crown (i.e. the CE of LINZ as its agent) who is responsible for the offer-back process and decision making where the airport is a deemed government work;
 - 39.2. include a provision based on section 31 of the Crown Research Institutes Act 1992 to allow (but not require) the Crown to lodge a caveat on airport land that transferred;
 - 39.3. make all airports either government works or local works (where the local authority retains control) and to clarify, where required, that government works require the Minister to compulsorily acquire land, or grant leases or easements over land held for a government work on the airport's behalf under the PWA; and
 - 39.4. omit **airport authority** from the definition of **local authority** from the PWA, removing ambiguity that suggests that airport companies are at the same time local authorities and operate government works.

Aviation security – landside search powers at security designated aerodromes

40. Aerodromes can be divided into two main areas: the public areas, where access is not restricted ('landside'); and the security areas, where access is restricted to authorised people ('airside'). Currently, the Director of Civil Aviation (the Director) declares whether an area is a security area.
41. The Bill confirms the aviation security officers' power to search unattended items and vehicles. I propose the Bill will also explicitly allow for a power for me, as Minister of Transport, to declare landside security areas at security designated aerodromes. The concept of a landside security area is new.

The current aviation security regime does not provide sufficient levers for government to respond to landside threats

42. The Police and the 'authorised aviation security provider' (currently the Aviation Security Service (AvSec) are jointly responsible for preventing aviation-related crimes at security designated aerodromes.
43. In cases of a heightened threat environment of the kind that may justify landside security areas, it is anticipated that Police resources would be in high demand and required elsewhere. This may result in increased reliance on aviation security officers providing security in the landside areas for short periods of time.
44. New Zealand Police is supportive of developing broader enforcement capability across the sector, particularly for AvSec. Police considers the risks posed to aviation at a time of heightened security risk could be better managed through shared enforcement powers.

45. AvSec has the expertise and presence at airports to search for threats to any part of the security designated aerodrome or navigation installation, including landside areas. However, AvSec currently only has the legal authority to search passengers or crew in the landside to determine whether or not a threat is present, leaving a gap.
46. One of the particular challenges faced in the aviation sector is the ever-evolving nature and scale of security risks. It is essential that our regulatory settings allow for a measured and proportionate response to changing security threats, in a manner that seeks to minimise intrusions on personal freedoms.
47. The events of 15 March 2019 highlighted limitations of our current regime. The Director directed AvSec to undertake security screening of aircraft flying out of Christchurch airport [REDACTED]. This was in response to New Zealand's heightened national terrorism threat level, and requests from pilots for greater security on their services. However, the Director was unable to change security settings in landside areas, and Christchurch district Police resources were deployed elsewhere in the region and not available to substantively fulfil a landside security role.
48. Government relied on the aerodrome operator, Christchurch International Airport Limited, to move security screening points to enable security screening aligned to the new passenger threshold. Implementing this temporary additional screening arrangement was challenging for the airport operator, unsustainable for AvSec, increased costs to airlines, and inconvenienced travellers and retailers at the airport.

Aviation (including airports) remains an attractive target for extremist attacks

49. New Zealand's national terrorism threat level is assessed as **MEDIUM**; a terrorist attack is feasible and could well occur. This assessment was last reviewed by the Combined Threat Assessment Group (CTAG) in February 2021. While terrorism is not the only form of threat to aviation, this highlights the general need for national systems to prepare for shifts in the threat environment.

Withheld for security reasons

50. [REDACTED]

51. The Ministry of Transport, the Civil Aviation Authority, and CTAG continually review New Zealand's aviation security settings to ensure they remain fit for purpose. In line with this, changes might be acute and short-term, or represent more long-term changes to New Zealand's security needs.

52. I acknowledge that other transport infrastructure, for example train stations and sea ports, may also require greater security measures in future. However, this is beyond the scope of the Civil Aviation Bill.

Withheld to maintain effective conduct of public affairs

53.

[REDACTED]

54.

[REDACTED]

I propose to introduce enabling provisions in the Bill to ensure aviation security are flexible to protect and enhance the aviation system under future settings

55. In order to ensure aviation security services can be conducted in a manner that protects passengers, staff and the public at airports, and is adaptive to changing threats and threat levels, I propose to allow:

55.1. me, as the Minister of Transport, to declare that a specified area within an aerodrome is a 'landside security area';

55.1.1. This decision would be made if necessary, to respond to threats to civil aviation, changes to New Zealand's national security settings, to fulfil our international obligations or to align with an international response to an aviation security threat.

55.1.2. I would take advice from security agencies, the Director, and any other person as the case may require.

55.2. landside security areas to be in place for up to 30 days. After 30 days, the declaration would lapse and I would need to make a new decision if the situation required landside security areas to be in place any longer; and

55.3. an aviation security officer to search, with consent, any person or thing before entering, or when present in a landside security area for a relevant item or substance (i.e. something that may pose a risk to aviation safety or security).

56. The purpose of a landside security area at a security designated aerodrome would be two-fold:

56.1. to identify and control areas within a security designated aerodrome that should be subject to higher levels of scrutiny for such time as needed to respond to a changed threat environment; and

56.2. to signal through clear signage that, within that area, any person (including passengers, crew or any other person) may be asked to be searched (or have the bags or other items with them searched), even if they are not intending to move into an airside area.

57. Landside security areas would be another tool for government to respond to security threats and support the initiatives undertaken by airport operators.

What would this mean in practice?

58. Officials anticipate different scenarios where landside security areas might be implemented. However, no immediate changes would be seen when the Bill is enacted. This proposal enables targeted, short-term extensions to the current landside security regime only if and when needed.

59. Landside security areas could be declared in response to short-term increases to the threat level, such as in the weeks following the 15 March 2019 terrorist attacks.

Withheld for security reasons

60. [Redacted]

61. This approach to landside security areas is efficient to implement, and does not require AvSec's funding model to be substantively reviewed.

Withheld for security reasons

62. [Redacted]

63. [Redacted]

64. In the case of changes that indicate an enduring need for landside security, I expect to bring advice to Cabinet for its consideration as part of normal policy development processes.

Withheld for security reasons

65. [Redacted]

Withheld for security reasons

[Large redacted block]

RELEASED BY THE MINISTER OF TRANSPORT

Withheld for security reasons

66.

[REDACTED]

Withheld for security reasons



67. The Ministry has not modelled the costs of implementing either option. Costs will vary depending on the resources required to establish and maintain the area or areas. I am not proposing any changes to AvSec's funding model as a result of this proposal.

What does entering a landside security area mean for people at airports?

68. If someone is in a landside security area, aviation security officers could then ask to search that person and/or their belongings. If the person consents, AvSec would then be able to search for 'relevant items or substances'. If a person does not consent to the search, they would be asked to leave the area (or they would be refused entry to the area).

69. Consistent with the existing approach to airside security areas, it will become an offence only if the person refuses to leave a landside security area when directed, or if they have entered a landside security area and have not been through a required screening point upon entry.

70. All current protections for individuals (including consent) will continue to apply.

What can aviation security officers do with relevant items or substances?

71. Under this proposal, aviation security officers will have the same power to seize and detain things in landside security areas as they currently do during searches in an airside security area. If a relevant item is seized or detained, it may be handed to Police for further action.

Privacy and Bill of Rights implications have been considered during policy development

72. Table 1 provides an overview of the key considerations made when determining the need for, and scope of, aviation security officers' search powers.

Table 1. Overview of key privacy and Bill of Rights considerations during policy development for landside security areas

Area of consideration	How I propose to address this in the Civil Aviation Bill
<p>Can aviation security officers search for electronic data?</p>	<ul style="list-style-type: none"> The Civil Aviation Bill will explicitly prohibit aviation security officers from collecting or searching electronic data. Cell phones, laptops and other devices may go through an x-ray machine for the purposes of aviation security, but the security review is limited to the hardware – it cannot then be checked for electronic contents.
<p>Does AvSec collect personal information as a matter of performing searches?</p>	<ul style="list-style-type: none"> AvSec do not search for personal information, nor do they collect it intentionally. In the event that personal information is inadvertently or incidentally collected while performing its functions, AvSec has operational procedures in place to manage this. Any requirements relating to the collection of personal information are outlined in the Privacy Act 2020, and apply to AvSec as they do to other agencies.
<p>What can AvSec search for?</p>	<ul style="list-style-type: none"> AvSec are only empowered under the Bill to search for “relevant items or substances”: dangerous goods, weapons, or other things specified in a direction (e.g. powders, liquids, aerosols and gels on international flights). They do not have authority under civil aviation legislation to search for items beyond this.
<p>What is the difference between screening and searching?</p>	<ul style="list-style-type: none"> The Bill removes the distinction between “screening” and “searching” and uses search to refer to all screening procedures. This is because under the Bill of Rights Act 1990, screening has been determined to be a subset of search (i.e. it is a less-invasive form of search). Instead, the draft Bill distinguishes between these two forms of search as those that require explicit consent (e.g. a pat-down search), and those that do not (e.g. passing through a body scanner at a screening point).

Power to search vehicles and unattended items, and use explosive detector dogs

73. I propose that the Bill clarify that, at a security designated aerodrome, an aviation security officer can search vehicles and unattended items, and use aviation security dogs (which search for explosives) to support any aviation security functions, duties and powers.
74. This formalises Cabinet’s 2016 in principle agreement, and is consistent with further work undertaken and reflected in the 2019 exposure draft of the Bill [CAB-16-MIN-0568 refers].

Hold baggage searches

75. In 2016, Cabinet agreed to amend the CA Act to make it explicit that aviation security officers can search hold baggage (checked luggage) without the consent of the passenger, where there is a risk to aviation safety or security that requires an immediate response [CAB-16-MIN-0568 refers].
76. However, in order to determine whether there is a risk to aviation safety or security, aviation security officers need to be able to search hold baggage. For example, aviation security officers may use x-ray technologies to ensure a bag does not contain items that may pose a threat to an aircraft. Then, if a suspicious item is indicated, they will open the bag to confirm whether the item needs to be removed before the bag can be carried on the aircraft.
77. Therefore, for operational and technical reasons, I propose replacing the earlier agreement to instead allow aviation security officers to search hold baggage, without having to first establish whether there is risk to aviation security requiring an immediate response. Rather than doing this without consent, I propose that a passenger is considered to consent by presenting a thing for carriage on board an aircraft.

Comparison of search powers

78. There are three different types of search powers at play in an airport. I set out below a comparison between the powers of an aviation security officer, a Police Officer, and a private property owner (e.g. an airport operator).

Aviation security officers

Area	Who or what can be searched
Airside	A person or thing immediately before, or present in, a sterile area or security enhanced area.
Landside	A person or thing immediately before, or present in, a landside security area.
Anywhere in the aerodrome	Any place within the aerodrome; a crew member or passenger, and any thing in their possession; a thing to be carried on an aircraft; any thing that is unattended; a vehicle; an aircraft.

79. The Civil Aviation Bill currently proposes that, at a security designated aerodrome, an aviation security officer may search (for the purpose of detecting a relevant item or substance):
80. The aviation security search powers are also subject to consent of the person, or person in possession of the thing. At a screening point, this consent is taken to be given unless the person explicitly withdraws that consent. However, in all other cases this consent must be expressly given. Consent is not required in relation to an unattended item, or if an AvSec officer has reasonable grounds to suspect that anything (other than a person) presents an imminent risk to aviation safety and security and that the risk requires immediate action.

81. The proposed powers are a largely a continuation of the current AvSec powers. The only extension to the current powers, is the exercise of powers in relation to non-passengers or crew in the landside area. Currently, AvSec are able to search a passenger or crew member and anything in their possession in a landside area. However, this proposal extends this to any person in a specified, discrete, landside security area.

Police

82. Under the Bill (and current aviation legislation), Police have, and may exercise, all or any of the powers conferred on an aviation security officer.
83. In addition, Police have a range of search powers available to them under the Search and Surveillance Act 2012. This includes searching for drugs or controlled substances that an aviation security officer is unable to search for.

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Private property owners

84. Private property owners have no specific powers of search other than asking for consent to search a person's possessions. This is often phrased as a condition of entry to the building or property – i.e. you may enter the property, provided you consent to the bag search upon entry. This is true for other similar settings as well, such as sports stadiums or shops. If a person refuses that consent, the property owner is within their rights to ask the person to leave, or can refuse entry.

Enforcement in the civil aviation system

Airspace management

85. Controlled airspace is designated as the airspace where there is a need for an air traffic control service to be provided for the safety and efficiency of aircraft operations.
86. Restricted areas are a type of special use airspace that may be established in the public interest, for safety or security reasons, or for national security.
- 86.1. The public interest includes areas protected for conservation purposes, and special events (for example, the America's Cup).
- 86.2. Safety or security reasons include areas prescribed for police, fire, or search and rescue operations.
87. Failure to observe protocols around controlled airspace and restricted areas use can be very disruptive to aviation operations. For example, in the six months to December 2018, Airways recorded 53 instances of drones operating in controlled airspace without authorisation. In all of these cases, the drones were close enough to an aircraft or air traffic control tower to be sighted by pilots or traffic controllers. In some of these instances, Airways closed the airspace for up to half an hour to ensure the safety of other air traffic.
88. International experience (for example, Gatwick Airport incursions in December 2018) has demonstrated that the economic and social impact of these events can be significant, even when no people or infrastructure are harmed.
89. The Bill carries over existing general offences relating to careless operation of an aircraft, dangerous activity involving an aircraft and endangerment caused by the holder of an aviation document. The conduct involved in breaching airspace requirements could, in some circumstances, be captured by one or other of these offence provisions. However, the existing offences do not capture all potential unauthorised incursions and their associated risks.
90. I propose that the Bill include a new offence provision to cover situations where, without reasonable excuse, a person intentionally operates an aircraft in controlled airspace or a restricted area without authorisation. An offence would be committed where that person knows they do not hold, or is reckless as to whether they hold, authorisation to operate the aircraft in the airspace or area in question.

91. This offence would apply to all classes of aircraft. However, in the case of unlawful drone activity, I note that this new offence is complementary to additional work being done by the Ministry of Transport, in collaboration with the Civil Aviation Authority.
92. Cabinet agreed in March 2021 to public consultation on measures to update the regulatory settings for drone use [CAB-21-MIN-0074 refers]. The Ministry is currently progressing this consultation on a series of complementary regulatory measures such as registration, basic pilot competency and remote identification. These measures are designed to achieve the long term objective set by the Government for the full integration of drones into the civil aviation system, and will complement the penalty-based mechanism discussed above.

Just Culture restriction on enforcement action

93. Just Culture' is a concept widely promoted by international regulators for ensuring good levels and quality of incident reporting. Incident reporting is an important feature of the aviation system. Access to accurate safety information contained in these reports allows the Civil Aviation Authority (CAA) to identify high and emerging areas of risk throughout the aviation system. This provides a more proactive, evidence-based approach to accident prevention.
94. It fosters a culture of openness and transparency whereby incidents that are openly and fully reported are exempt from enforcement or administrative action unless reckless or repetitive at risk behaviour is demonstrated, or it is in the public interest or interest of aviation safety to do so.
95. The Bill contains a number of separate provisions that explicitly limit administrative action to cases where the Director considers it necessary in the interests of aviation safety to suspend, revoke or impose conditions on a person's aviation document.
96. For law enforcement action, no similar protection exists elsewhere so it is necessary to provide a Director power of discretion. However, the inclusion of a further test for the exercise of administrative powers would add complexity that could compromise the Director's ability to protect the safety of the system through administrative action.
97. I therefore propose removing the administrative component from the Just Culture protections in the Bill.

Power to issue non-disturbance notice

98. The Bill provides an opportunity to update regulator powers to bring them into line with the Health and Safety at Work Act 2015 (HSWA) and other overlapping legislation. In the initial draft, the power to issue non-disturbance notices was not included.
99. Further analysis has shown that the power could be a valuable tool for the purposes of aviation accident and incident investigation. There are circumstances where the equivalent power under the HSWA would not be available to the CAA because the event did not come within the scope of the Authority's designation as the HSWA regulator for aircraft in operation.

100. I propose that the Bill include the power to issue non-disturbance notices, modelled on the relevant HSWA provision.

Fine levels for offences

101. Fine levels for offences under the current legislation had not been reviewed in the decades since its enactment. The Ministry of Transport reviewed the fines for all existing and new offences in the Bill using a financial penalty categorisation tool developed in consultation with the Ministry of Justice.
102. The purpose of the categorisation tool is to test whether financial penalty levels adequately reflect the significance of the offence, provide an effective deterrent, are proportionate and are in line with penalties for similar offending under other comparable, recent legislation such as the HSWA.
103. The general effect has been to significantly increase existing maximum fines for offences that involve serious risk, offending that involves fraud or deception, and misconduct by individuals or entities in positions of responsibility.
104. Appendix 1 lists all new and increased financial penalties for offences in the Bill and compares the increased penalties for offences carried over from the CA Act with the existing CA Act penalties.

Amendments to offence provisions

105. The Bill continues the existing CA Act strict liability offence: Dangerous activity involving aircraft, aeronautical product or aviation-related service. This is, arguably, the most important single civil aviation offence provision, and is the most commonly prosecuted. The penalties for this offence include imprisonment for a maximum of two years. We consider that strict liability is the right standard for an offence within a regulatory system that has a strong public welfare aspect.
106. Because of the centrality of the offence to the civil aviation regulatory regime, and because there is no case on record in which a sentence of imprisonment has been imposed, I propose that the strict liability offence be retained but the penalty of imprisonment be removed. The fine level for the offence is set at that for comparable strict liability offending under the Health and Safety at Work Act 2015 (HSWA).
107. I propose also that a separate mens rea offence be created, modelled on section 47 of the HSWA (Reckless conduct in respect of duty). Aviation activities often come with aviation and workplace responsibilities that interact or overlap, and section 47 is a good model for ensuring that comparable sanctions apply to comparable offending under both statutes. In line with section 47, the maximum penalties would be, for an individual, five years imprisonment and/or a fine of \$300,000, and for any other person, a fine of \$3 million.
108. Officials have identified several further offence provisions that should be separated into an imprisonable mens rea offence (retaining the existing 12 month maximum term from the CA Act) and a fine-only strict liability offence:

108.1. Endangerment caused by holder of aviation document.

108.2. Acting without necessary aviation document.

108.3. Acting without required medical certificate.

109. I propose that these clauses be amended accordingly.

Consultation

Government stakeholders

110. The following government agencies have been consulted on this paper: Land Information New Zealand, New Zealand Police, Te Kawa Mataaho Public Service Commission, the Civil Aviation Authority, the Combined Threat Assessment Group, the Commerce Commission, the Department of Conservation, the Department of Corrections, the Department of Internal Affairs (Local Government), the Department of the Prime Minister and Cabinet, the Ministry for Primary Industries, the Ministry of Defence, the Ministry of Foreign Affairs and Trade, the Ministry of Health, the Ministry of Justice, the New Zealand Customs Service, the Office of the Privacy Commissioner, the Transport Accident Investigation Commission, the Treasury, the Ministry of Business, Innovation, and Employment (Immigration, Radio Spectrum, Competition and Consumer, Tourism, and Workplace Relations and Safety), and WorkSafe New Zealand.

111. The Privacy Commissioner does not believe the paper contains sufficient evidence of the need for further powers, or the presenting risk, for the powers AvSec has airside to be extended to landside areas, especially when considering the similar risk that must be presented at other crowded places such as rail stations or ferry terminals.

Withheld for security reasons

112. The Ministry of Transport considers that international experience, coupled with domestic experience post-March 15 [REDACTED]

[REDACTED] provides sufficient rationale to include an enabling regime in legislation, so that New Zealand can respond to threats to aviation as and when required. [REDACTED]

[REDACTED]

Withheld for security reasons

Financial implications

113. There are no additional financial implications arising as a result of these policy proposals. However, the Bill will give rise to implementation costs, such as transitional costs for airports and for the CAA and AvSec. Costs for the CAA and AvSec will be considered as part of those agencies' funding reviews. The next funding review is due to kick off following the Minister of Transport's report-back to Cabinet on funding reviews in mid-to-late 2021.

Human rights, gender and disability implications

114. Any impacts on human rights will be assessed by Ministry of Justice when they undertake the Bill of Rights Act vet of the Bill prior to Cabinet approving it for introduction to the House.

Legislative implications

115. If Cabinet agrees to the recommendations below, these will then be reflected in the Civil Aviation Bill.

Regulatory Impact Analysis

116. The Regulatory Impact Analysis (RIA) requirements apply to the airport registration. The Ministry of Transport has prepared the Regulatory Impact Statement (RIS), "Achieving better public policy outcomes at airports" relating to the proposed registration regime for airports.

117. The RIS has been reviewed by the Ministry of Transport's Regulatory Impact Assessment Panel as partially meeting the quality assurance criteria. The RIS sets out a clear policy problem, which has particular significance in the context of New Zealand's COVID-19 recovery. The RIS demonstrates efficient and effective engagement with relevant stakeholders, and their concerns and views have been reflected in the analysis. [REDACTED]

[REDACTED] Cabinet does not have the full information available to take decisions on the proposal.

Information subject to an obligation of confidence, and release is likely to prejudice the supply of similar information in future.

Climate Implications of Policy Assessment

118. The Climate Implications of Policy Assessment (CIPA) team has been consulted and confirms that the CIPA requirements do not apply to this paper. At this stage, the CIPA framework does not apply to Cabinet papers seeking approval from Cabinet Legislation Committee.

Population implications

119. The proposals have no population impacts.

Proactive release

120. I intend to proactively release this paper and associated papers when the Bill is introduced.

Recommendations

121. The Minister of Transport recommends that the Cabinet Economic Development Committee:
 1. **note** that previous governments have made policy decisions (including in principle decisions) on the content of a Civil Aviation Bill [CAB-16-MIN-0568; CAB-16-MIN-0184; NSC-16-MIN-0001; CAB-19-MIN-0167; DEV-19-MIN-0226; DEV-20-MIN-0030; and CAB-20-MIN-0248 refer];
 2. **note** that the proposals in the paper:
 - 2.1. are in addition to the decisions referred to in paragraph 1 above;
 - 2.2. confirm in the principle decisions referred to in paragraph 1 above;
 - 2.3. include matters that Cabinet directed the Minister to consider further.
 3. **note** that the proposals in the paper relate to the following:
 - 3.1. The regulation of airports.
 - 3.2. Aviation security.
 - 3.3. Enforcement in the civil aviation system.

Regulation of airports

4. **note** that the Civil Aviation Bill will put in place a registration regime for airports that carries over airport authorities' rights and obligations under the airport authorities regime, and will be linked to a register administered by the Secretary for Transport [CAB-20-MIN-0248 refers];
5. **agree** that the Bill will include a new requirement for all registered airport operators to consult on spatial plans;
6. **note** that Cabinet agreed to consult on a licensing regime in June 2020, which led to the proposal being refined and targeted to airports where government agencies operate [CAB-20-MIN-0248 refers];
7. **agree** that aerodrome operators will be required to register if one or more government agencies routinely operate there;
8. **agree** that other aerodrome operators may also apply to be registered airport operators;
9. **agree** that the Civil Aviation Bill will include a requirement for airports where government agencies routinely operate to develop an enforceable regulatory undertaking (ERU);
10. **agree** that the Secretary may direct an airport operator to meet its obligations under the registration regime if the Secretary for Transport reasonably believes that the

operator is contravening, or is likely to, contravene an ERU or a requirement relating to the preparation of an ERU;

11. **agree** that an ERU will be enforceable in court: non-compliance with an ERU, by an operator or by an individual acting on the operator's behalf, may result in a court direction, an injunction and/or a fine;
12. **agree** to amend the Immigration Act 2009, Customs and Excise Act 2018, and Biosecurity Act 1993 to ensure border agencies must have regard to the ERU when initiating space requirements under those Acts;
13. **agree** that the Civil Aviation Bill provide that airports should be operated as a commercial undertaking unless the owners determine otherwise;
14. **agree** that the Civil Aviation Bill clarify that the Chief Executive of Land Information New Zealand is responsible for undertaking the offer-back process for former Crown land transferred to airport companies which are deemed government works, and which remains subject to the offer-back obligations of the Public Works Act 1981;
15. **agree** to include a provision in the Civil Aviation Bill to allow (but not require) the Crown to lodge a caveat on airport land that is transferred;
16. **agree** that all airports are either deemed government works or local works and to omit **airport authority** from the definition of **local authority** in the Public Works act 1981;

Aviation security

17. **agree** to enable the Minister of Transport to declare that an area within a security designated aerodrome is a 'landside security area', if necessary, to:
 - 17.1. respond to threats to civil aviation;
 - 17.2. enable New Zealand to be part of a concerted international response to a threat to aviation security;
 - 17.3. support the main or additional purposes of the Bill, which include implementing obligations under international civil aviation conventions, agreements, and understandings, and preserving New Zealand's national security and national interests;
18. **agree** landside security areas may be in place for up to 30 days, at which time the Minister's decision must be revoked or a new decision made;
19. **agree** if permanent intervention is required, the Minister of Transport will provide advice to Cabinet for consideration as part of normal policy development processes;
20. **agree** to enable an aviation security officer, for the purpose of detecting any relevant item or substance, to undertake reasonable searches of any person or thing before entering, or when present in a landside security area, with the person's consent;
21. **agree** to enable an aviation security officer, in a landside security area, to seize and detain an item or substance for the purpose of determining whether it is a relevant

item or substance and whether there is a lawful authority or reasonable excuse for the item or substance to be carried into a landside security area;

22. **agree** to introduce new offences for refusing to leave a landside security area when directed to, or being present in that area and not having passed through any required security measure;
23. **agree** that the Civil Aviation Bill confirm that aviation security officers can search vehicles and unattended items, and use explosives detection dogs to perform their functions, duties and powers under civil aviation legislation;
24. **agree** that, once any thing has been presented by a person for carriage in the hold of an aircraft (checked baggage);
 - 24.1. the person presenting the thing is giving consent to any subsequent search of that thing; and
 - 24.2. an aviation security officer may search the thing for the purpose of determining whether it contains a relevant item or substance and whether there is a lawful authority or reasonable excuse for the item or substance to be carried on board the aircraft;

Enforcement in the civil aviation system

25. **agree** that the Civil Aviation Bill include a new offence provision to cover situations where, without reasonable excuse, a person intentionally operates an aircraft in controlled airspace or a restricted area and knows that they do not hold the appropriate authorisation to operate the aircraft in that airspace or are reckless as to that matter;
26. **agree** to remove from the Civil Aviation Bill the previously-approved restriction on administrative action in relation to a notified incident [CAB-16-MIN-068 refers] because the Bill already contains a test that must be satisfied before the Director of Civil Aviation may take administrative action;
27. **agree** that the Civil Aviation Bill include the power to issue non-disturbance notices, modelled on the relevant HSWA provision;
28. **agree** that the Civil Aviation Bill include the penalties for new offences and increased penalties for existing offences that are listed in the right hand column of Appendix 1;
29. **agree** that the Civil Aviation Bill amend the following offence provisions continued from the Civil Aviation Act 1990 to create a separate mens rea offence punishable by imprisonment and/or a fine, and a strict liability offence punishable only by a fine:
 - 29.1. Dangerous activity involving aircraft, aeronautical product or aviation-related service.
 - 29.2. Endangerment caused by holder of aviation document.
 - 29.3. Acting without necessary aviation document.
 - 29.4. Acting without required medical certificate.

30. **agree** that the mens rea offence and penalties referred to in recommendation 27.1. be modelled on section 47 of the Health and Safety at Work Act 2015;

Drafting the Civil Aviation Bill

31. **invite** the Minister of Transport to issue drafting instructions to the Parliamentary Counsel Office to give effect to recommendations 4 - 28, including any consequential amendments (including to Civil Aviation Rules), savings and transitional provisions.

Hon Michael Wood
Minister of Transport

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RESTRICTED

Appendix 1. Civil Aviation Bill: fines for new offences and fines that have increased for existing offences carried over from the Civil Aviation act 1990

Indvl = individual OP = other person (replaces the term "body corporate") All = any individual or other person		Existing maximum fine	CA Bill maximum fine
Failure to notify emergency breach of Act, or regulations or rules	All	\$5,000	\$15,000
Failure to provide identifying information	Indvl OP	\$10,000 \$50,000	\$30,000 \$100,000
Operating aircraft in careless manner	Indvl OP	\$7,000 \$35,000	\$30,000 \$100,000
Dangerous activity involving aircraft etc	Mens rea offence	New offence	\$300,000 \$3,000,000
	Strict liability offence	Indvl OP	\$10,000 \$100,000
Operating aircraft in controlled airspace or restricted area without authorisation	Indvl OP	New offence	\$10,000 \$100,000
Communicating false information affecting safety	Indvl OP	\$10,000 \$100,000	\$120,000 \$1,000,000
Failure to notify accident or incident	Indvl OP	\$10,000 \$50,000	\$30,000 \$100,000
Failure to cease conducting air operations in New Zealand	Indvl OP	\$10,000 \$100,000	\$60,000 \$200,000
Endangerment caused by holder of aviation document	Indvl OP	\$10,000 \$100,000	\$150,000 \$1,500,000
Acting without necessary aviation document	Indvl OP	\$10,000 \$100,000	\$90,000 \$300,000
Applying for aviation document while disqualified	Indvl OP	\$2,000 \$20,000	\$15,000 \$50,000
Failing to disclose information relevant to granting or holding of aviation document	Indvl OP	\$10,000 \$50,000	\$30,000 \$100,000
Failure to provide information to Director relating to Australian AOCs with ANZA privileges	Indvl OP	\$5,000 \$25,000	\$30,000 \$100,000
Acting without required medical certificate	Indvl	\$10,000	\$30,000
Fraudulent, misleading, or false statements to obtain medical certificate	Indvl	\$10,000	\$30,000
Failure to disclose medical information	Indvl	\$5,000	\$30,000
Offence to carry out activity while authorisation withdrawn or after authorisation revoked	Indvl	\$5,000	\$10,000
Offence to fail to comply with Director's requirement to withdraw or revoke authorisation	Indvl	\$10,000	\$37,500
Power to require drivers to stop vehicles in security enhanced areas for searching	Indvl	\$1,000	\$2,500
Refusal to give particulars or to leave security area or security enhanced area	security area	\$2,000	\$2,500
	security enhanced area	\$5,000	\$5,000

RESTRICTED

Indvl = individual OP = other person (replaces the term "body corporate") All = any individual or other person		Existing maximum fine	CA Bill maximum fine
Being present in a security area or enhanced security area without being searched or when not authorised Fine Infringement fee	Indvl	New offence	\$2,500 \$1,000
Impersonation of aviation security officer	Indvl	\$2,000	\$10,000
Obstruction of aviation security officer	Indvl	\$2,000	\$7,500
Threatening or assaulting aviation security officer or authorised security person	Indvl	New offence	\$15,000
Obstruction or interference with aviation security dog	Indvl	New offences	\$5,000
Killing or injuring aviation security dog	Indvl		\$15,000
Carrying on scheduled international air service without licence or contrary to licence	Indvl	\$10,000	\$30,000
	OP	\$100,000	\$200,000
Operating unauthorised non-scheduled international flight or carrying on non-scheduled international flight contrary to licence	Indvl	\$10,000	\$30,000
	OP	\$100,000	\$200,000
Powers of Minister to prohibit disclosure of information, documents, and evidence	Indvl	\$4,000	\$7,500
	OP	\$12,000	\$25,000
Compliance with regulatory undertaking	Indvl OP	New offence	\$50,000 \$250,000
Sale of alcohol at international airports	All	\$1,000	\$2,500
Offence for failing to provide inspector with correct name and residential address	Indvl	New offence	\$10,000
Offence to hinder or obstruct inspector	Indvl	New offence	\$10,000
	OP		\$50,000
Offence to impersonate inspector	Indvl	New offence	\$10,000
Failure to comply with inspection or monitoring request	Indvl	\$10,000	\$60,000
	OP	\$100,000	\$200,000
Compliance with non-disturbance notice	Indvl	New offence	\$50,000
	OP		\$200,000
Compliance with enforceable undertaking	Indvl	New	\$50,000
	OP	offence	\$250,000
Offences relating to breach of notice given by Minister on national security grounds	Indvl	\$10,000	\$60,000
	OP	\$100,000	\$200,000
Communicating false or misleading information	Indvl	\$10,000	\$30,000
	OP	\$50,000	\$100,000
Obstruction of persons duly authorised by Director	Indvl	\$2,000	\$7,500
	OP	\$10,000	\$25,000
Trespass	Indvl	\$2,000	\$2,500
Failure to maintain accurate records	Indvl	\$5,000	\$15,000
	OP	\$30,000	\$50,000
Breach of emergency rule, prohibition, or of condition imposed by Director	Indvl	\$5,000	\$30,000
	OP	\$30,000	\$100,000
Flight over foreign country without authority or for improper purpose	Indvl	\$10,000	\$60,000
	OP	\$100,000	\$200,000