

Chair
Cabinet Legislation Committee

AIRPORT AUTHORITIES (AUCKLAND TRANSPORT) ORDER 2020

Proposal

1. This paper proposes that the Cabinet Legislation Committee (the Committee) authorises the submission to the Executive Council of the Airport Authorities (Auckland Transport) Order 2020 (the Order).
2. The Order will confer airport authority status on Auckland Transport.

Airport Authorities Act 1966

3. Airport authority status is conferred by Order in Council under the Airport Authorities Act 1966 (the Act).
4. An airport authority is defined as a local authority authorised under section 3 of the Act to establish, maintain, operate, or manage airports. Airport authorities have powers in respect of approaches, buildings, and other accommodation, and equipment and appurtenances for airports, and may acquire land for any such purpose.
5. The powers conferred on local authorities by Order in Council may be exercised by any person or association of persons referred to in the Order in Council. Conditions may be attached to the Order in Council.
6. The benefits to an airport company in obtaining airport authority status include:
 - 6.1 becoming a network utility operator under the Resource Management Act 1991, which enables the authority to apply to become a requiring authority and thereby seek designations to protect land and airspace
 - 6.2 being deemed a government work for the purposes of the Public Works Act 1981, which allows the authority to apply to the Minister of Lands for the compulsory acquisition of land
 - 6.3 having the power to make bylaws for the “good rule and management of the airport” (other than prescribing charges by bylaw). A bylaw made by an airport company must be approved by the Governor-General by Order in Council.

Claris Aerodrome and Okiwi Station Airfield, Great Barrier Island

7. Auckland Council (the Council) has airport authority status by virtue of the Airport Authorities (Auckland Council) Order 2006.

8. The Council wishes to move the administration of the two aerodromes on Great Barrier Island to Auckland Transport. Auckland Transport is a council-controlled organisation of the Council, pursuant to section 38 of the Local Government (Auckland Council) Act 2009.
9. The Order will enable Auckland Transport to exercise the powers to improve, maintain, operate, and manage the Claris and Okiwi aerodromes.
10. The existing Order in Council approving Auckland Council as an airport authority will be revoked at the same time as the new Order comes into force. Auckland Council does not presently operate any aerodromes other than the Claris and Okiwi aerodromes.

Timing and the 28-day rule

11. The Order has been drafted to come into force on 1 April 2020. In order to meet the 28-day rule, the Order will need to be considered by the Committee by 18 February 2020.

Compliance

12. The Order complies with:
 - 12.1. the principles of the Treaty of Waitangi
 - 12.2. the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993
 - 12.3. the principles and guidelines set out in the Privacy Act 1993
 - 12.4. relevant international standards and obligations
 - 12.5. *LAC Guidelines (2018 Edition)*, a publication of the Legislation Design and Advisory Committee.

Regulations Review Committee

13. There are no grounds for the Regulations Review Committee to draw the proposed Order to the attention of the House under Standing Order 319(2).

Certification by Parliamentary Counsel

14. The Parliamentary Counsel Office has certified the Order as being in order for submission to the Executive Council.

Regulatory Impact Assessment

15. The Regulatory Quality Team at the Treasury has determined that a Regulatory Impact Assessment is not required for this paper as it is expected to have only minor impacts on businesses, individuals or not-for-profit entities.

Publicity

16. No publicity is planned.

Proactive release

17. Following Cabinet consideration of this paper, I intend to release it on the Ministry of Transport website.

Consultation

18. The Department of Internal Affairs, the Ministry for the Environment, Land Information New Zealand, the Civil Aviation Authority and the Treasury have been consulted. The Department of the Prime Minister and Cabinet has been informed.

Recommendations

19. I recommend that the Committee:
 1. **note** that the Airport Authorities (Auckland Transport) Order 2020 (the Order) will give airport authority status to Auckland Transport
 2. **note** that the Order will revoke Auckland Council's status as an airport authority
 3. **authorise** the submission of the Order to the Executive Council
 4. **note** that the Order commences on 1 April 2020.

Hon Phil Twyford
Minister of Transport

Dated: _____