

## Q and A – Civil Aviation Bill

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### **Why has the Bill taken so long?**

This is a large and complex Bill, containing roughly 400 clauses. The Parliamentary Counsel Office in conjunction with the Ministry of Transport and the Civil Aviation Authority have been working hard to ensure that new policy is reflected accurately in the Bill.

### **What are the main changes?**

Some of the main changes include:

- reordering and restructuring the legislation, including combining the Civil Aviation Act and Airport Authorities Act into one statute
- new provisions relating to drug and alcohol management
- new provisions relating to the protection of safety information (Just Culture principles)
- clarification of aviation security powers
- new provisions relating to the authorisation of airline cooperative agreements.

A more complete list of the main policy proposals is available in the commentary document on our website.

### **When will the Bill be introduced to Parliament and passed?**

Subject to government priorities, we are aiming for the Bill to be introduced within the next 12 months. It could be passed in mid/late 2020.

### **Just Culture**

#### **Q/ What is Just Culture?**

Just Culture is an internationally promoted principle that a person should not be unduly punished for minor and inadvertent infringements of civil aviation law, as a result of openly and honestly reporting safety-related information.

The primary aim of the provisions is to increase the accurate and timely reporting of incidents to the Civil Aviation Authority, to ensure it has the best information to target safety improvements in the aviation system.

**Q/ Could the Just Culture protections be open to abuse?**

The Just Culture provisions are not a protection against any and all behaviour. They are not intended to protect individuals or operators who are found to be grossly or wilfully negligent.

**Drug and alcohol regulation**

**Q/ What are the new drug and alcohol provisions proposed under the new bill?**

The provisions state that commercial aviation operators involved in safety sensitive activities must develop drug and alcohol management plans, which include random testing of safety sensitive workers. The Director of Civil Aviation will also have a power to undertake non-notified drug and alcohol testing.

**Q/ How does this change from existing regulations?**

The Civil Aviation Act does not currently contain any provisions relating to drug and alcohol regulation. However, Civil Aviation Rules do have a requirement for adventure aviation operators to establish a programme for monitoring and managing risks associated with drug and alcohol use.

**Q/ Are employee rights diminished under the proposed legislation?**

As is normal practice for all legislation, prior to introduction, the Bill will be scrutinised by the Ministry of Justice to assess whether it meets Bill of Rights requirements.

**Q/ What workplace safety improvements are expected under the proposed regulations?**

The provisions are being implemented to ensure the risks associated with drugs and alcohol are managed, to ensure the safety of passengers and aviation workers.

**Airline cooperative arrangements (alliances)**

**Q/ What is the proposed change to authorising Airline cooperative arrangements (alliances)**

The Bill contains provisions which provide for a more robust regime for the authorisation of airline cooperative arrangements, including:

- setting an explicit and clear requirement that the Minister assesses whether the arrangements are in the public interest, taking into account the main and additional purposes of the Act

- providing for a time limit and conditions to be attached to any approval (and for approval to be varied or revoked).

**Q/ Why is this change being proposed?**

The current provisions in the Civil Aviation Act have not kept pace with current business practice in relation to airline cooperative arrangements. In particular, the specific statutory criteria in the Civil Aviation Act are more suited to assessing agreements on tariffs as opposed to broader cooperative agreements.

**Q/ Will this change provide for effective competition within the aviation sector?**

The changes will ensure a more robust process that will better support statutory decision making regarding airline cooperation, to support an efficient airline industry in the public interest.

**Security provisions**

**Q/ What are the proposed changes to aviation security under the Bill?**

The Bill will not fundamentally alter current security settings within the aviation sector. Proposed amendments aim to:

- clarify the powers of aviation security officers and ensure they are clear about their authority to act; and
- clarify Avsec's power to deal with dangerous goods.

**Q/ Do any of these proposed changes impact individual rights?**

The Bill continues to strike a good balance between the rights of individuals, the facilitation of passengers and goods through our airports and the security of New Zealand's aviation system.

As is normal practice for all legislation, prior to introduction, the Bill will be scrutinised by the Ministry of Justice to assess whether it meets Bill of Rights requirements.