

Reprint
as at 1 July 2019



Civil Aviation (Safety and Security) Levies Order 2002 (SR 2002/84)

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 25th day of March 2002

Present:

Her Excellency the Governor-General in Council

Pursuant to section 42A of the Civil Aviation Act 1990, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following order.

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

This order is administered by the Ministry of Transport.

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Order

1 Title

This order is the Civil Aviation (Safety and Security) Levies Order 2002.

Clause 1: amended, on 1 July 2019, by clause 4 of the Civil Aviation (Safety and Security) Levies Amendment Order 2019 (LI 2019/108).

2 Commencement

This order comes into force on 1 May 2002.

Civil Aviation (Safety) Levies Order 2002: confirmed, on 19 December 2002, by section 5 of the Subordinate Legislation (Confirmation and Validation) Act 2002 (2002 No 52).

3 Interpretation

- (1) In this order, unless the context otherwise requires,—

Act means the Civil Aviation Act 1990

aerodrome operator means a holder of an aerodrome operating certificate for an aerodrome from which international civil air passengers depart

agricultural product means an agricultural chemical or other substance intended for plant nourishment, soil treatment, propagation of plant life, or pest control

Authority means the Civil Aviation Authority of New Zealand established under section 72A of the Act

aviation operator means a person who holds a valid certificate of registration issued under section 9(1) of the Act for an aircraft

departing international passenger levy means the levy imposed by clause 9

Director means the person who is for the time being the Director of Civil Aviation under section 72I of the Act

domestic air passenger operator means an operator who—

- (a) is—
 - (i) a holder of an airline air operator certificate issued in accordance with Part 119 who may conduct domestic passenger operations in accordance with Part 121 or Part 125; or
 - (ii) a foreign air operator who is—
 - (A) approved by the Director to conduct domestic passenger operations within New Zealand; and
 - (B) conducting operations of the kind specified in subparagraph (i); or
 - (iii) a holder of a foreign air operator certificate issued in accordance with Part 129 who may conduct passenger operations on any domestic sector; and
- (b) conducts or intends to conduct a regular air transport passenger service; and
- (c) either—
 - (i) has carried more than 20 000 passengers in the previous 12 months; or
 - (ii) if the operator is a new operator, intends to carry more than 20 000 passengers in the next 12 months

domestic passenger levy means the levy imposed by clause 5 or 5A

domestic sector means the flight sector or leg within New Zealand that is between an aircraft's take-off and its next landing (other than an in-flight emergency)

freight means any property carried on an aircraft from one location for the purpose of being unloaded at another location

international operator means a person who—

- (a) is the holder of an aviation document issued under the Act; and
- (b) operates an aircraft in respect of journeys—
 - (i) beginning in New Zealand and ending outside New Zealand; or
 - (ii) beginning outside New Zealand and ending in New Zealand; or
 - (iii) beginning and ending outside New Zealand with an intermediate stop in New Zealand; or
 - (iv) beginning and ending in New Zealand with an intermediate stop outside New Zealand

maximum certificated take-off weight, in relation to an aircraft, means the weight specified as the maximum take-off weight of the aircraft in a flight manual or airworthiness certificate relating to the aircraft

MCTOW means maximum certificated take-off weight

participation levy means the levy imposed by clause 10

regular air transport passenger service means a service offered by an operator consisting of 4 or more air transport operations for the carriage of passengers between 2 or more aerodromes within any consecutive 28-day period.

- (2) In this order,—
 - (a) a reference to a numbered Part is a reference to the Part so numbered in the Civil Aviation Rules; and
 - (b) except in clauses 10A to 10C and Schedule 2, a reference to a certificate is a reference to a certificate issued under section 9 of the Act.
- (3) Any term or expression that is defined in the Act and used, but not defined, in this order (for example, aerodrome, aircraft, Australian AOC with ANZA privileges, Minister, and operator) has the same meaning as in the Act.

Clause 3(1) **agricultural product**: inserted, on 1 July 2017, by clause 4(1) of the Civil Aviation (Safety) Levies Amendment Order 2017 (LI 2017/108).

Clause 3(1) **domestic passenger levy**: amended, on 4 December 2009, by clause 4 of the Civil Aviation (Safety) Levies Amendment Order 2009 (SR 2009/341).

Clause 3(1) **freight**: inserted, on 1 July 2017, by clause 4(1) of the Civil Aviation (Safety) Levies Amendment Order 2017 (LI 2017/108).

Clause 3(1) **international operator**: replaced, on 1 November 2012, by clause 4(1) of the Civil Aviation (Safety) Levies Amendment Order 2012 (SR 2012/306).

Clause 3(1) **maximum certificated take-off weight**: inserted, on 1 November 2012, by clause 4(2) of the Civil Aviation (Safety) Levies Amendment Order 2012 (SR 2012/306).

Clause 3(2)(b): amended, on 1 July 2017, by clause 4(2) of the Civil Aviation (Safety) Levies Amendment Order 2017 (LI 2017/108).

Clause 3(3): inserted, on 1 July 2019, by clause 5 of the Civil Aviation (Safety and Security) Levies Amendment Order 2019 (LI 2019/108).

3A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1AA have effect according to their terms.

Clause 3A: inserted, on 1 July 2017, by clause 5 of the Civil Aviation (Safety) Levies Amendment Order 2017 (LI 2017/108).

4 Application

Nothing in this order applies to the carriage of persons in aircraft operated by—

- (a) the New Zealand Defence Force; or
- (b) the armed forces of any country other than New Zealand.

5 Domestic air passenger operators must pay domestic passenger levy

- (1) A domestic air passenger operator must pay to the Authority a levy calculated at the rate of \$1.60 per passenger carried by the operator on each domestic sector of a regular air transport passenger service flight.
- (2) Despite subclause (1), if the number of passengers actually carried by a domestic air passenger operator in the immediately preceding 12-month period of operation is smaller than 15 000, then, as at the commencement of the next 12-month period, the operator must be regarded as an aviation operator for the purposes of clause 10 and is liable to pay the participation levy instead of the domestic passenger levy.

Clause 5(1): amended, on 1 July 2017, by clause 6 of the Civil Aviation (Safety) Levies Amendment Order 2017 (LI 2017/108).

5A Holder of Australian AOC with ANZA privileges must pay domestic passenger levy

- (1) Subclause (2) applies to an operator if the operator—
 - (a) holds an Australian AOC with ANZA privileges; and
 - (b) conducts or intends to conduct a regular air transport passenger service under the Australian AOC with ANZA privileges; and
 - (c) has complied with section 11B of the Act; and
 - (d) either—
 - (i) has carried more than 20 000 passengers in the previous 12 months; or
 - (ii) if the operator is a new operator, intends to carry more than 20 000 passengers in the next 12 months.
- (2) The operator must pay to the Authority a levy calculated at the rate of \$1.57 per passenger carried by the operator on each domestic sector of a regular air transport passenger service flight.

- (3) To avoid doubt, an operator who is liable to pay a levy under this clause is not required to pay a levy under clause 5.

Clause 5A: inserted, on 4 December 2009, by clause 5 of the Civil Aviation (Safety) Levies Amendment Order 2009 (SR 2009/341).

Clause 5A(2): amended, on 1 July 2017, by clause 7 of the Civil Aviation (Safety) Levies Amendment Order 2017 (LI 2017/108).

6 Counting passengers of certain operators

- (1) In estimating the total number of passengers an operator intends to carry in any 12-month period, only those passengers who are to be carried on a regular air transport passenger service that is operating in accordance with Part 121 or Part 125 or Part 129 may be counted.
- (2) In calculating the total number of passengers for the purposes of clause 5(2), 5A(2), or 10(2), only those passengers who are carried on a regular air transport passenger service that is operating in accordance with Part 121 or Part 125 or Part 129 may be counted.

Clause 6(2): amended, on 4 December 2009, by clause 6 of the Civil Aviation (Safety) Levies Amendment Order 2009 (SR 2009/341).

7 Returns and payment arrangements for domestic passenger levy

- (1) On the first day of each month, a domestic air passenger operator must make a lump sum payment to the Authority of an amount agreed between that domestic air passenger operator and the Authority that reflects the domestic air passenger operator's best estimate of the domestic passenger levy payable for the preceding month.
- (2) On the 20th day of each month, a domestic air passenger operator must—
- (a) submit precise details to the Authority of—
 - (i) the number of domestic sectors flown; and
 - (ii) the number of passengers carried for which the domestic passenger levy is payable on each domestic sector flown; and
 - (iii) the domestic passenger levy payable by that domestic air passenger operator for the preceding month; and
 - (b) pay the amount (if any) equal to the difference between the domestic passenger levy payable by the domestic air passenger operator for the preceding month and the amount paid by the domestic air passenger operator under subclause (1) for that month.
- (3) If the amount paid by the domestic air passenger operator under subclause (1) for the preceding month exceeds the domestic passenger levy payable by the domestic air passenger operator for that month, the domestic air passenger operator must deduct from the next amount to be paid by the domestic air passenger operator under that subclause the amount that has been overpaid.

- (4) A domestic air passenger operator must maintain, and make available to the Authority on request, records of the regular air transport passenger service flights operated by that domestic air passenger operator that show separately—
- (a) the number of passengers carried on domestic sectors flown by the operator; and
 - (b) the number of passengers in each of the categories specified in clause 8 for whom the domestic passenger levy is not payable; and
 - (c) the number of passengers for whom the domestic passenger levy is payable.

- (5) In this clause, **domestic air passenger operator** includes a holder of an Australian AOC with ANZA privileges who is required by clause 5A to pay a levy.

Clause 7(1): amended, on 4 December 2009, by clause 7(1) of the Civil Aviation (Safety) Levies Amendment Order 2009 (SR 2009/341).

Clause 7(5): added, on 4 December 2009, by clause 7(2) of the Civil Aviation (Safety) Levies Amendment Order 2009 (SR 2009/341).

8 Domestic passenger levy not payable for certain passengers

For each regular air transport passenger service flight, a domestic passenger levy is not payable for—

- (a) a member of the crew of that regular air transport passenger service flight:
- (b) a member of the crew of a regular air transport passenger service flight who is being carried on a regular air transport passenger service flight solely for the purposes of positioning that crew member to carry out his or her duties as an employee of the operator:
- (c) a child under the age of 2 years:
- (d) a person who is carried from an aerodrome outside of New Zealand to an aerodrome in New Zealand and who is then carried in the same aircraft with the same flight number to another aerodrome in New Zealand:
- (e) a person who is carried from an aerodrome in New Zealand to another aerodrome in New Zealand and who is then carried in the same aircraft with the same flight number to an aerodrome outside of New Zealand:
- (f) a person who is duly authorised by the Director to exercise, in respect of the regular air transport passenger service flight, a function or power of the Director or a flight examination function.

9 International operators must pay departing international passenger levy

- (1) An international operator must pay to the Authority a levy calculated at the rate of \$1.60 for each international civil air passenger departing from New Zealand on an aircraft operated by that operator.
- (2) The levy imposed by subclause (1) is not payable for—

- (a) a member of the crew of any aircraft departing from New Zealand; or
 - (b) a member of the crew of any aircraft being carried on an aircraft departing from New Zealand solely for the purpose of positioning that crew to carry out their duties as employees of an international operator; or
 - (c) a child under the age of 2 years; or
 - (d) a passenger travelling on an aircraft used for the purpose of the New Zealand Defence Force; or
 - (e) a passenger in transit through New Zealand who—
 - (i) does not leave the transit or arrival or departure areas of an aerodrome; or
 - (ii) leaves the transit or arrival or departure areas only because of an interruption to a flight caused by the unserviceability of an aircraft or any other essential facility, or caused by any other delay beyond the control of the passenger or the international operator concerned.
- (3) On the first day of each month, an international operator must make a lump sum payment to the Authority of an amount agreed between that international operator and the Authority that reflects the international operator's best estimate of the departing international passenger levy payable under subclause (1) for the preceding month.
- (4) On the 20th day of each month, an international operator must—
- (a) submit precise details to the Authority of—
 - (i) the number of international civil air passengers for whom the departing international passenger levy is payable by that international operator for the preceding month; and
 - (ii) the amount of departing international passenger levy that is payable by that international operator for that month; and
 - (b) pay the amount (if any) equal to the difference between the departing international passenger levy payable by the international operator for the preceding month and the amount paid by the international operator under subclause (3) for that month.
- (5) If the amount paid by the international operator under subclause (3) for the preceding month exceeds the departing international passenger levy payable by the international operator for that month, the international operator must deduct from the next amount to be paid by the international operator under that subclause the amount that has been overpaid.
- (6) An international operator must maintain, and make available to the Authority on request, records of international passengers departing from New Zealand that show separately—
- (a) the number of international passengers departing; and

- (b) the number of passengers for whom the departing international passenger levy is payable; and
- (c) the number of passengers in each of the categories specified in subclause (2) for whom the departing international passenger levy is not payable.

Clause 9 heading: amended, on 1 October 2005, by clause 4(1) of the Civil Aviation (Safety) Levies Amendment Order 2005 (SR 2005/157).

Clause 9(1): substituted, on 1 October 2005, by clause 4(2) of the Civil Aviation (Safety) Levies Amendment Order 2005 (SR 2005/157).

Clause 9(1): amended, on 1 July 2017, by clause 8 of the Civil Aviation (Safety) Levies Amendment Order 2017 (LI 2017/108).

Clause 9(2)(e)(i): amended, on 1 October 2005, by clause 4(4) of the Civil Aviation (Safety) Levies Amendment Order 2005 (SR 2005/157).

Clause 9(3): amended, on 1 October 2005, by clause 4(3) of the Civil Aviation (Safety) Levies Amendment Order 2005 (SR 2005/157).

Clause 9(4): amended, on 1 October 2005, by clause 4(3) of the Civil Aviation (Safety) Levies Amendment Order 2005 (SR 2005/157).

Clause 9(4)(a)(i): amended, on 1 October 2005, by clause 4(3) of the Civil Aviation (Safety) Levies Amendment Order 2005 (SR 2005/157).

Clause 9(4)(a)(ii): amended, on 1 October 2005, by clause 4(3) of the Civil Aviation (Safety) Levies Amendment Order 2005 (SR 2005/157).

Clause 9(4)(b): amended, on 1 October 2005, by clause 4(3) of the Civil Aviation (Safety) Levies Amendment Order 2005 (SR 2005/157).

Clause 9(5): amended, on 1 October 2005, by clause 4(3) of the Civil Aviation (Safety) Levies Amendment Order 2005 (SR 2005/157).

Clause 9(6): amended, on 1 October 2005, by clause 4(3) of the Civil Aviation (Safety) Levies Amendment Order 2005 (SR 2005/157).

Clause 9(6): amended, on 1 October 2005, by clause 4(5) of the Civil Aviation (Safety) Levies Amendment Order 2005 (SR 2005/157).

10 Aviation operators must pay participation levy

- (1) In this clause,—

financial year means a period that begins on 1 July and ends on the following 30 June

operable, in relation to an aircraft, means that the aircraft is capable of being used for any purpose for which it is authorised to be used under a certificate

pro-rating commencement date means,—

- (a) in any case to which subclause (6)(a) applies, the date in the applicable financial year on which the aircraft was registered; and
- (b) in any case to which subclause (6)(b) or (c) applies, the date in the applicable financial year on which the aircraft became operable

registered, in relation to an aircraft, means that a certificate of registration has been issued under section 9(1) of the Act for the aircraft and continues to be valid.

Application exceptions

- (2) This clause does not apply with respect to an aircraft for a financial year if, at the commencement of the financial year,—
- (a) its aviation operator is a domestic air passenger operator; or
 - (b) its aviation operator holds an Australian AOC with ANZA privileges.
- (3) If the number of passengers carried by an aviation operator in any 12-month period is greater than 20 000, then, as at the commencement of the next 12-month period, the operator must be regarded as a domestic air passenger operator for the purposes of clause 5 and is liable to pay the domestic passenger levy instead of the participation levy.

Full levy

- (4) A participation levy is payable for a financial year for an aircraft if,—
- (a) at the commencement of the financial year, the aircraft is both registered and operable; or
 - (b) all of the following are true:
 - (i) at the commencement of the financial year, the aircraft is registered but not operable;
 - (ii) a full or pro-rated participation levy was paid for the aircraft for the preceding financial year;
 - (iii) the aircraft becomes operable before 1 October of the financial year.
- (5) The participation levy under subclause (4) for a financial year—
- (a) is determined by selecting, in the first column of Schedule 1, the category to which the aviation operator's aircraft belongs and referring to the amount in the corresponding row of the second column of that schedule; and
 - (b) is payable for an aircraft by the person who is its aviation operator,—
 - (i) in any case to which subclause (4)(a) applies, at the commencement of the financial year; and
 - (ii) in any case to which subclause (4)(b) applies, at the date on which the aircraft becomes operable.

Pro-rated levy

- (6) A pro-rated participation levy is payable in respect of an aircraft for a financial year if,—
- (a) at the commencement of the financial year, the aircraft is not registered, but on any day before the end of the financial year, the aircraft becomes registered; or
 - (b) all of the following are true:

- (i) at the commencement of the financial year, the aircraft is registered but not operable;
 - (ii) a full or pro-rated participation levy was paid for the aircraft for the preceding financial year;
 - (iii) the aircraft becomes operable on or after 1 October of the financial year; or
- (c) all of the following are true:
- (i) at the commencement of the financial year, the aircraft is registered but not operable;
 - (ii) no participation levy was paid for the aircraft for the preceding financial year;
 - (iii) the aircraft becomes operable during the financial year.
- (7) The pro-rated participation levy is determined in accordance with the following formula:

$$a \times b \div 365 = c$$

where—

- a is the amount of the full year's participation levy that would have been payable if subclause (4) applied
 - b is the number of days in the period beginning on the pro-rating commencement date and ending on the next occurrence of 30 June
 - c is the pro-rated participation levy amount.
- (8) The pro-rated participation levy under subclause (6) for a financial year is payable for an aircraft by the person who is its aviation operator on the pro-rating commencement date.

Authority to fix payable dates

- (9) The Authority may fix the dates by which participation levies are payable by specifying within how many days after the following dates the levies must be paid:
- (a) for cases to which subclause (4)(a) applies, 1 July of a financial year; and
 - (b) for cases to which subclause (4)(b) or (6)(b) or (c) applies, the date on which the aircraft becomes operable; and
 - (c) for cases to which subclause (6)(a) applies, the date on which the aircraft becomes registered.

Clause 10: replaced, on 1 July 2017, by clause 9 of the Civil Aviation (Safety) Levies Amendment Order 2017 (LI 2017/108).

10A Definitions and application

- (1) In clauses 10B and 10C,—

certificate means a certificate issued under any of Parts 115, 119, 129, and 137

certificate holder means a person to whom a certificate has been issued.

- (2) Clauses 10B to 10D do not apply with regard to—
- (a) a certificate issued under Part 119 if the holder is a domestic air passenger operator who is liable to pay a domestic passenger levy; or
 - (b) operations or flights that are conducted under a certificate issued under Part 129 and that are subject to a domestic passenger levy or a departing international passenger levy.

Clause 10A: inserted, on 1 July 2017, by clause 10 of the Civil Aviation (Safety) Levies Amendment Order 2017 (LI 2017/108).

10B Certificate holders must file quarterly return

- (1) A certificate holder must file a return with the Authority for each quarter of a financial year in relation to each certificate the holder holds in that quarter in accordance with the following:

Period covered by return	Date return is due
1 July to 30 September	1 November
1 October to 31 December	1 February
1 January to 31 March	1 May
1 April to 30 June	1 August

- (2) The return must include the following information:
- (a) in the case of a certificate issued under Part 115,—
 - (i) the total numbers of tandem parachute descents, tandem hang glider flights, and tandem paraglider flights conducted under the authority of the certificate in the quarter, aggregated and reported by parachute, hang glider, or paraglider used; and
 - (ii) the total number of hours flown for all other operations, excluding parachute-drop aircraft operations, conducted under the authority of the certificate in the quarter, aggregated and reported by aircraft; and
 - (b) in the case of a certificate issued under Part 119,—
 - (i) for freight-only flight operations, the total number of tonnes of freight on board at departures conducted under the authority of the certificate, aggregated and reported by aircraft; and
 - (ii) for all other operations conducted under the authority of the certificate, the total number of hours flown—
 - (A) in operations conducted under Part 121, aggregated and reported by aircraft; and
 - (B) in operations conducted under Part 125, aggregated and reported by aircraft; and

- (C) in operations conducted under Part 135, aggregated and reported by aircraft; and
 - (c) in the case of a certificate issued under Part 129, the total number of tonnes of freight on board at departure from a New Zealand airport in freight-only flight operations, aggregated and reported by aircraft; and
 - (d) in the case of a certificate issued under Part 137, the total number of tonnes of agricultural product dispensed in operations conducted under the authority of the certificate.
- (3) The certificate holder must keep all the holder's records related to the subject matter of the return for a period of not less than 7 years, and make them available to the Authority on request.

Clause 10B: inserted, on 1 July 2017, by clause 10 of the Civil Aviation (Safety) Levies Amendment Order 2017 (LI 2017/108).

10C Certificate holders must pay operations safety levies quarterly

- (1) A certificate holder must, for each certificate for which a return is required under clause 10B, pay operations safety levies for each quarter referred to in clause 10B(1) calculated in accordance with this clause and Schedule 2.
- (2) The levy amount for a quarter for a holder of a certificate issued under Part 115 is the total of—
- (a) the amount for operations described as category A operations in the first column of Schedule 2 calculated in accordance with the instructions in the corresponding row of the third or fourth column of the schedule, according to the time period to which operations relate; and
 - (b) the amount or amounts for operations described as category B operations in the first column of Schedule 2 calculated by—
 - (i) selecting in the second column of the schedule the subcategory or subcategories of aircraft used in the operations; and
 - (ii) for each subcategory selected, applying the instructions in the corresponding row of the third or fourth column of the schedule, according to the time period to which operations relate.
- (3) The levy amount for a quarter for a holder of a certificate issued under Part 137 is the amount for operations described as category C operations in the first column of Schedule 2 calculated by—
- (a) selecting in the second column of the schedule the subcategory applicable to the certificate holder; and
 - (b) for the subcategory selected, applying the instructions in the corresponding row of the third or fourth column of the schedule, according to the time period to which operations relate.
- (4) The levy amount for a quarter for a holder of a certificate issued under Part 119 is the total of—

- (a) the amount for operations described as category D operations in the first column of Schedule 2 calculated by—
 - (i) selecting in the second column of the schedule the subcategory applicable to the certificate holder; and
 - (ii) for the subcategory selected, applying the instructions in the corresponding row of the third or fourth column of the schedule, according to the time period to which operations relate;
 - (b) the amount or amounts for operations described as category E operations in the first column of the schedule calculated by—
 - (i) selecting in the second column of the schedule the subcategory or subcategories of aircraft used in the operations; and
 - (ii) for each subcategory selected, applying the instructions in the corresponding row of the third or fourth column of the schedule, according to the time period to which operations relate.
- (5) The levy amount for a quarter for a holder of a certificate issued under Part 129 is the amount for operations described as category D operations in the first column of Schedule 2 calculated by—
- (a) selecting in the second column of the schedule the subcategory applicable to the certificate holder; and
 - (b) for the subcategory selected, applying the instructions in the corresponding row of the third or fourth column of the schedule, according to the time period to which operations relate.
- (6) In calculating the amounts for operations described as category C or category D operations in the first column of Schedule 2, the Authority must,—
- (a) for the first 3 quarters in any financial year, calculate the amounts on the basis of the Authority's reasonable estimate of the tonnes of agricultural product that will be applied under the relevant certificate in the financial year or the tonnes of freight that will be carried under the relevant certificate in the financial year in order to select the appropriate subcategory in the second column of the schedule; and
 - (b) after the end of the financial year,—
 - (i) calculate any amounts for category C and category D operations in the final quarter on the basis of the actual total tonnage of agricultural product applied under the relevant certificate in the financial year and the actual total tonnage of freight carried under the relevant certificate in the financial year; and
 - (ii) recalculate the amounts for category C and category D operations in the first 3 quarters on the basis of those actual totals; and

- (iii) make any adjustments arising from differences between the amounts as initially calculated for the first 3 quarters and the recalculated amounts.
- (7) The Authority may fix the dates by which the quarterly operations safety levies are payable by specifying within how many days after the due date of any quarterly return the levies must be paid.

Clause 10C: inserted, on 1 July 2017, by clause 10 of the Civil Aviation (Safety) Levies Amendment Order 2017 (LI 2017/108).

10D Treatment of part tonnes or part hours

- (1) To avoid doubt, in aggregating hours or tonnes for the purposes of a return under clause 10B, portions of an hour or a tonne must be included in the calculation.
- (2) In calculating operations safety levies for the purposes of clause 10C, a total number of hours or tonnes must be rounded to the nearer half-hour or half-tonne, with .25 or .75 of an hour or a tonne being rounded up.

Clause 10D: inserted, on 1 July 2017, by clause 10 of the Civil Aviation (Safety) Levies Amendment Order 2017 (LI 2017/108).

10E Domestic passenger security levies

- (1) A domestic passenger security levy is imposed by this clause for the purpose of enabling the Authority to carry out its function to continue the Aviation Security Service under section 72B(2)(ca) of the Act.
- (2) A person described in subclause (3) must, in respect of an air operation conducted in New Zealand on an aircraft with a passenger seating capacity of 90 or more passengers, pay to the Authority the appropriate domestic passenger security levy specified in the table in subclause (4) for each passenger carried on each domestic sector of the operation.

- (3) The persons are—

- (a) a holder of an aviation document:
- (b) a holder of an Australian AOC with ANZA privileges.

- (4) The domestic passenger security levies are as follows:

Date of carriage of passenger	Domestic passenger security levy
On or after 1 July 2019 but before 1 July 2020	\$6.23
On or after 1 July 2020 but before 1 July 2021	\$6.42
On or after 1 July 2021	\$6.57

- (5) However, the levy imposed by this clause is not payable in respect of the following:
- (a) a member of the crew of an aircraft:
 - (b) a member of the crew of an aircraft who is being carried on the aircraft solely for the purposes of positioning the crew member to carry out the crew member's duties as an employee of the operator:

- (c) a child under the age of 2 years:
- (d) a person who is carried from an aerodrome outside New Zealand to an aerodrome in New Zealand and who is then carried in the same aircraft to another aerodrome in New Zealand:
- (e) a person who is carried from an aerodrome in New Zealand to another aerodrome in New Zealand and who is then carried in the same aircraft to an aerodrome outside New Zealand.

Clause 10E: inserted, on 1 July 2019, by clause 6 of the Civil Aviation (Safety and Security) Levies Amendment Order 2019 (LI 2019/108).

10F Returns and payment arrangements for domestic passenger security levies

- (1) On the first day of each month, an operator who is liable to pay domestic passenger security levies under clause 10E must make a lump sum payment to the Authority of an amount agreed between the operator and the Authority that reflects the operator's best estimate of the domestic passenger security levies payable under that clause for the preceding month.
- (2) On the 20th day of each month, an operator who is liable to pay domestic passenger security levies under clause 10E must—
 - (a) submit precise details to the Authority of—
 - (i) the number of domestic sectors flown by the operator during the preceding month; and
 - (ii) the number of passengers carried for which the domestic passenger security levy is payable on each domestic sector flown; and
 - (iii) the domestic passenger security levies payable by the operator for the preceding month; and
 - (b) pay the amount (if any) equal to the difference between the domestic passenger security levies payable by the operator for the preceding month and the amount paid by the operator under subclause (1) for that month.
- (3) If the amount paid by the operator under subclause (1) for the preceding month exceeds the domestic passenger security levies payable by the operator for that month, the operator must deduct from the next amount to be paid by the operator under that subclause the amount that has been overpaid.
- (4) An operator who is liable to pay domestic passenger security levies under clause 10E must maintain, and make available to the Authority on request, records of the domestic air passenger operations conducted by the operator that show, separately,—
 - (a) the number of passengers carried on domestic sectors flown by the operator; and

- (b) the number of passengers in each of the categories specified in clause 10E(5) for whom domestic passenger security levies are not payable; and
- (c) the number of passengers for whom domestic passenger security levies are payable.

Clause 10F: inserted, on 1 July 2019, by clause 6 of the Civil Aviation (Safety and Security) Levies Amendment Order 2019 (LI 2019/108).

10G International passenger security levies

- (1) An international passenger security levy is imposed by this clause for the purpose of enabling the Authority to carry out its function to continue the Aviation Security Service under section 72B(2)(ca) of the Act.
- (2) An international operator must pay to the Authority the appropriate international passenger security levy specified in the table in subclause (3) for each person described in subclause (4) in respect of—
 - (a) an air operation departing from New Zealand; and
 - (b) an air operation transiting through New Zealand.
- (3) The international passenger security levies are as follows:

Date of passenger departure or date passenger is in transit	International passenger security levy
On or after 1 July 2019 but before 1 July 2020	\$11.98
On or after 1 July 2020 but before 1 July 2021	\$12.59
On or after 1 July 2021	\$13.12

- (4) The persons are—
 - (a) each international civil air passenger departing from New Zealand on an aircraft operated by the international operator; and
 - (b) each international civil air passenger who is in transit through New Zealand on an aircraft operated by the international operator and who—
 - (i) does not leave the transit or arrival or departure areas of an aerodrome; or
 - (ii) leaves the transit or arrival or departure areas only because of an interruption to a flight caused by—
 - (A) the unserviceability of an aircraft or any other essential facility; or
 - (B) any other delay beyond the control of the passenger or the international operator.
- (5) However, the levy imposed by this clause is not payable in respect of the following:
 - (a) a member of the crew of an aircraft departing from, or transiting through, New Zealand:

- (b) a member of the crew of an aircraft being carried on an aircraft departing from, or transiting through, New Zealand solely for the purposes of positioning the crew member to carry out the crew member's duties as an employee of an international operator:
 - (c) a child under the age of 2 years:
 - (d) a passenger travelling on an aircraft used for the purposes of the New Zealand Defence Force:
 - (e) a passenger travelling on any aircraft being used specifically for the military, diplomatic, or ceremonial purposes of any Government:
 - (f) a passenger on an aircraft departing from an international airport to which section 7 of the Airports (Cost Recovery for Processing of International Travellers) Act 2014 applies.
- (6) In this clause and clause 10H, **international operator** means a person who operates an aircraft in respect of journeys—
- (a) beginning in New Zealand and ending outside New Zealand; or
 - (b) beginning outside New Zealand and ending in New Zealand; or
 - (c) beginning and ending outside New Zealand, with an intermediate stop in New Zealand; or
 - (d) beginning and ending in New Zealand, with an intermediate stop outside New Zealand.

Clause 10G: inserted, on 1 July 2019, by clause 6 of the Civil Aviation (Safety and Security) Levies Amendment Order 2019 (LI 2019/108).

10H Returns and payment arrangements for international passenger security levies

- (1) On the first day of each month, an international operator who is liable to pay international passenger security levies under clause 10G must make a lump sum payment to the Authority of an amount agreed between the international operator and the Authority that reflects the international operator's best estimate of the international passenger security levies payable under clause 10G for the preceding month.
- (2) On the 20th day of each month, an international operator who is liable to pay international passenger security levies under clause 10G must—
 - (a) submit precise details to the Authority of—
 - (i) the international passenger security levies payable by the international operator for the preceding month; and
 - (ii) the number of international civil air passengers who—
 - (A) departed from New Zealand on an aircraft operated by the international operator in the preceding month; and

- (B) transited through New Zealand on an aircraft operated by the international operator in the preceding month; and
- (b) pay the amount (if any) equal to the difference between the international passenger security levies payable by the international operator for the preceding month and the amount paid by the international operator under subclause (1) for that month.
- (3) If the amount paid by the international operator under subclause (1) for the preceding month exceeds the international passenger security levies payable by the international operator for that month, the international operator must deduct from the next amount to be paid by the international operator under that subclause the amount that has been overpaid.
- (4) An international operator who is liable to pay international passenger security levies under clause 10G must maintain, and make available to the Authority on request, records of the international air passenger operations conducted by the international operator that show, separately,—
- (a) the number of international civil air passengers who departed from New Zealand on an aircraft operated by the international operator; and
- (b) the number of international civil air passengers who transited through New Zealand on an aircraft operated by the international operator; and
- (c) the number of passengers in each of the categories specified in clause 10G(5) for whom international passenger security levies are not payable; and
- (d) the number of passengers for whom international passenger security levies are payable.

Clause 10H: inserted, on 1 July 2019, by clause 6 of the Civil Aviation (Safety and Security) Levies Amendment Order 2019 (LI 2019/108).

10I Authority may approve other arrangements for payment of levies

Despite clauses 5, 5A, 7, 9, 10, 10C, 10F, and 10H, the Authority may approve other arrangements for the payment of levies by any operator, including arrangements for payment in advance.

Clause 10I: inserted, on 1 July 2019, by clause 6 of the Civil Aviation (Safety and Security) Levies Amendment Order 2019 (LI 2019/108).

10J Payments in advance to be credited towards total levies

If, in relation to any levies payable under this order, any payment is made in advance, that payment must be credited towards the total levies payable.

Clause 10J: inserted, on 1 July 2019, by clause 6 of the Civil Aviation (Safety and Security) Levies Amendment Order 2019 (LI 2019/108).

11 Forms

The Authority may provide forms to be used for—

- (a) providing information to the Authority under this order:

(b) paying the domestic passenger levy and the participation levy.

12 Levies exclusive of GST

All rates of levy set by this order are exclusive of goods and services tax.

Clause 12: replaced, on 1 July 2017, by clause 11 of the Civil Aviation (Safety) Levies Amendment Order 2017 (LI 2017/108).

13 Revocation

The Civil Aviation (Safety) Levies Order 1995 (SR 1995/114) is revoked.

Schedule 1AA

Transitional, savings, and related provisions

cl 3A

Schedule 1AA: inserted, on 1 July 2017, by clause 12 of the Civil Aviation (Safety) Levies Amendment Order 2017 (LI 2017/108).

Part 1

Provisions relating to Civil Aviation (Safety) Levies Amendment Order 2017

1 Interpretation

In this Part, **amending order** means the Civil Aviation (Safety) Levies Amendment Order 2017.

2 Existing levies

Any amount owing as a levy under this order on the date on which the amending order came into force continues to be owed and may be enforced in any manner in which it could have been enforced before that date.

Part 2

Provision relating to Civil Aviation (Safety and Security) Levies Amendment Order 2019

Schedule 1AA Part 2: inserted, on 1 July 2019, by clause 7 of the Civil Aviation (Safety and Security) Levies Amendment Order 2019 (LI 2019/108).

3 References to previous Title

Every reference in any enactment and in any document to the Civil Aviation (Safety) Levies Order 2002 must, unless the context otherwise provides, be read as a reference to the Civil Aviation (Safety and Security) Levies Order 2002.

Schedule 1AA clause 3: inserted, on 1 July 2019, by clause 7 of the Civil Aviation (Safety and Security) Levies Amendment Order 2019 (LI 2019/108).

Schedule 1 Participation levies

cl 10(1)

Schedule 1: replaced, on 1 November 2012, by clause 9 of the Civil Aviation (Safety) Levies Amendment Order 2012 (SR 2012/306).

Category (MCTOW)	Annual levy per aircraft (\$)
Heavy (exceeding 100 000 kg)	11,900
Medium heavy (exceeding 13 600 kg but not exceeding 100 000 kg)	2,900
Medium (exceeding 5 700 kg but not exceeding 13 600 kg)	1,200
Medium light (exceeding 2 730 kg but not exceeding 5 700 kg)	480
Light (exceeding 1 000 kg but not exceeding 2 730 kg)	100
Very light (not exceeding 1 000 kg)	70

Schedule 2 Operations safety levies

cl 10C

Schedule 2: inserted, on 1 July 2017, by clause 13 of the Civil Aviation (Safety) Levies Amendment Order 2017 (LI 2017/108).

Operations category	Subcategory	Levies for any period beginning on or after 1 July 2017 and ending not later than 30 June 2018	Levies for any period beginning on or after 1 July 2018
Category A: Operations conducted under a certificate issued under Part 115 (adventure aviation) effecting a tandem parachute descent, a tandem hang glider flight, or a tandem paraglider flight		For each descent or flight of the total descents or flights—\$0.80	For each descent or flight of the total descents or flights—\$1.60
Category B: Operations conducted under a certificate issued under Part 115 (adventure aviation) but not in category A, excluding parachute-drop aircraft operations	Using a very light aircraft (not more than 1 000 kg MCTOW)	For each hour of the total hours flown—\$1.75	For each hour of the total hours flown—\$3.50
	Using a light aircraft (more than 1 000 kg but not more than 2 730 kg MCTOW)	For each hour of the total hours flown—\$2.75	For each hour of the total hours flown—\$5.50
	Using a medium light or heavier aircraft (more than 2 730 kg MCTOW)	For each hour of the total hours flown—\$4.25	For each hour of the total hours flown—\$8.50
Category C: Operations conducted under a certificate issued under Part 137 (agricultural) dispensing agricultural product	More than 0 tonnes but not more than 10 000 tonnes dispensed under the certificate in the relevant financial year	For each tonne of the total tonnes of agricultural product dispensed—\$0.44	For each tonne of the total tonnes of agricultural product dispensed—\$0.87

Operations category	Subcategory	Levies for any period beginning on or after 1 July 2017 and ending not later than 30 June 2018	Levies for any period beginning on or after 1 July 2018
Category D: Freight-only flight operations conducted under a certificate issued under Part 119 or Part 129 (foreign)	More than 10 000 tonnes but not more than 50 000 tonnes dispensed under the certificate in the relevant financial year	For each tonne of the total tonnes of agricultural product dispensed—\$0.37	For each tonne of the total tonnes of agricultural product dispensed—\$0.73
	More than 50 000 tonnes dispensed under the certificate in the relevant financial year	For each tonne of the total tonnes of agricultural product dispensed—\$0.33	For each tonne of the total tonnes of agricultural product dispensed—\$0.65
	More than 0 tonnes but not more than 10 000 tonnes of freight carried under the certificate in the relevant financial year	For each tonne of the total tonnes of freight on board at departure—\$1.50	For each tonne of the total tonnes of freight on board at departure—\$3.00
	More than 10 000 tonnes but not more than 50 000 tonnes of freight carried under the certificate in the relevant financial year	For each tonne of the total tonnes of freight on board at departure—\$1.30	For each tonne of the total tonnes of freight on board at departure—\$2.60
	More than 50 000 tonnes of freight carried under the certificate in the relevant financial year	For each tonne of the total tonnes of freight on board at departure—\$1.00	For each tonne of the total tonnes of freight on board at departure—\$2.00
	Using aircraft to which Part 135 applies (helicopters or small aeroplanes)	For each hour of the total hours flown—\$3.25	For each hour of the total hours flown—\$6.50
Category E: Operations conducted under a certificate issued under Part 119 but not in category D	Using aircraft to which Part 121 (large aeroplanes) or Part 125 (medium aeroplanes or small aeroplanes operating SEIFR) applies	For each hour of the total hours flown—\$2.75	For each hour of the total hours flown—\$5.50

Marie Shroff,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 28 March 2002.

Civil Aviation (Safety) Levies Amendment Order 2012 (SR 2012/306)

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 1st day of October 2012

Present:

His Excellency the Governor-General in Council

Pursuant to section 42A of the Civil Aviation Act 1990, His Excellency the Governor-General makes the following order, acting—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Transport made—
 - (i) at the request and with the concurrence of the Civil Aviation Authority; and
 - (ii) after being satisfied about the matters specified in subsection (3) of that section.

Order

1 Title

This order is the Civil Aviation (Safety) Levies Amendment Order 2012.

2 Commencement

This order comes into force on 1 November 2012.

3 Principal order

This order amends the Civil Aviation (Safety) Levies Order 2002 (the **principal order**).

10 Transitional provision

- (1) Despite clause 8, an annual participation levy determined in accordance with this clause is payable by every aviation operator that—
 - (a) was liable to pay an annual participation levy on 1 July 2012; or
 - (b) became liable to pay an annual participation levy after 1 July 2012 and before 1 November 2012.

- (2) The levy is payable—
- (a) in respect of the financial year ending on 30 June 2013; and
 - (b) on or before 30 November 2012.
- (3) The levy must be determined in accordance with the following formula:

$$\frac{(a \times b)}{12} + \frac{(c \times 8)}{12} = d$$

where—

- a is the annual participation levy that applied prior to the commencement of this order
- b is the number of whole months between the date on which the aviation operator becomes liable to pay an annual participation levy and 31 October 2012
- c is the annual participation levy that applies from the commencement of this order
- d is the levy payable on or before 30 November 2012.

Michael Webster,
for Clerk of the Executive Council.

Date of notification in *Gazette*: 4 October 2012.

Reprints notes

1 *General*

This is a reprint of the Civil Aviation (Safety) Levies Order 2002 that incorporates all the amendments to that order as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Civil Aviation (Safety and Security) Levies Amendment Order 2019 (LI 2019/108)

Civil Aviation (Safety) Levies Amendment Order 2017 (LI 2017/108)

Civil Aviation (Safety) Levies Amendment Order 2012 (SR 2012/306)

Civil Aviation (Safety) Levies Amendment Order 2009 (SR 2009/341)

Civil Aviation (Safety) Levies Amendment Order 2005 (SR 2005/157)

Subordinate Legislation (Confirmation and Validation) Act 2002 (2002 No 52): section 5