

Version
as at 28 October 2021



Airport Authorities Act 1966

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry of Transport.

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An Act to consolidate and amend the Local Authorities Empowering (Aviation Encouragement) Act 1929 and its amendments and to confer powers on certain local authorities and other persons in respect of airports

1 Short Title

This Act may be cited as the Airport Authorities Act 1966.

2 Interpretation

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

aircraft and freight activities means the activities undertaken (including the facilities and services provided) to enable, within a security area or areas of the relevant airport, the servicing and maintenance of aircraft and the handling of freight transported, or to be transported, by aircraft; and includes—

- (a) the provision within a security area or areas of the relevant airport, of any 1 or more of the following:
 - (i) hangars:
 - (ii) facilities and services for the refuelling of aircraft, flight catering, and waste disposal:
 - (iii) facilities and services for the storing of freight:
 - (iv) security, customs, and quarantine services for freight:
- (b) the holding of any facilities and assets (including land) acquired or held to provide aircraft and freight activities in the future (whether or not used for any other purpose in the meantime)

airfield activities means the activities undertaken (including the facilities and services provided) to enable the landing and take-off of aircraft; and includes—

- (a) the provision of any 1 or more of the following:
 - (i) airfields, runways, taxiways, and parking aprons for aircraft:
 - (ii) facilities and services for air traffic and parking apron control:
 - (iii) airfield and associated lighting:
 - (iv) services to maintain and repair airfields, runways, taxiways, and parking aprons for aircraft:
 - (v) rescue, fire, safety, and environmental hazard control services:
 - (vi) airfield supervisory and security services:
- (b) the holding of any facilities and assets (including land) acquired or held to provide airfield activities in the future (whether or not used for any other purpose in the meantime)

airport means any defined area of land or water intended or designed to be used either wholly or partly for the landing, departure, movement, or servicing of aircraft; and includes any other area declared by the Minister to be part of the airport; and also includes any buildings, installations, and equipment on or adjacent to any such area used in connection with the airport or its administration

airport authority means a local authority for the time being authorised under section 3 to establish, maintain, operate, or manage an airport; and includes any person or association of persons authorised under subsection (3) of that section to exercise the powers of a local authority

airport company means a company registered under the Companies Act 1993 that is for the time being authorised under section 3(3) to exercise the functions of a local authority under that section

charge includes a fee or due and also includes rent payable under any lease

debt security has the same meaning as in section 8 of the Financial Markets Conduct Act 2013

equity security has the same meaning as in section 8 of the Financial Markets Conduct Act 2013

identified airport activities means any 1 or more of the following, as the case may be:

- (a) airfield activities:
- (b) aircraft and freight activities:
- (c) specified passenger terminal activities

lease includes any form of tenancy and a licence to occupy or use any premises or appliance

local authority means a local authority within the meaning of the Local Government Act 2002

Minister means the Minister of Transport

security area means an area of an airport that the Director has declared to be a security area under section 84 of the Civil Aviation Act 1990

specified airport company means an airport company that, in its last accounting period, received revenue that exceeded \$10 million, or such other amount of revenue that the Governor-General may from time to time prescribe for the purposes of this definition by Order in Council (*see* subsection (2))

specified passenger terminal activities means the activities undertaken (including the facilities and services provided) in relation to aircraft passengers while those passengers are in a security area or areas of the relevant airport; and includes—

- (a) the provision, within a security area or security areas of the relevant airport, of any 1 or more of the following:
 - (i) passenger seating areas, thoroughfares, and airbridges:
 - (ii) flight information and public address systems:
 - (iii) facilities and services for the operation of customs, immigration, and quarantine checks and control:
 - (iv) facilities for the collection of duty-free items:
 - (v) facilities and services for the operation of security and Police services:
- (b) any activities undertaken (including the facilities and services provided) in a passenger terminal to enable the check-in of aircraft passengers, including services for baggage handling:
- (c) the holding of any facilities and assets (including land) acquired or held to provide specified passenger terminal activities in the future (whether or not used for any other purpose in the meantime);—

but does not include the provision of any space for retail activities

substantial customer has the meaning given to that term by section 2A.

- (2) An order made for the purpose of the definition of specified airport company in subsection (1) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

| | | |
|---------------------|--|-------------------------------|
| Publication | PCO must publish it on the legislation website and notify it in the <i>Gazette</i> | LA19 s 69(1)(c) |
| Presentation | The Minister must present it to the House of Representatives | LA19 s 114, Sch 1 cl 32(1)(a) |
| Disallowance | It may be disallowed by the House of Representatives | LA19 ss 115, 116 |

This note is not part of the Act.

Section 2(1) **aircraft and freight activities**: inserted, on 26 November 1997, by section 2 of the Airport Authorities Amendment Act 1997 (1997 No 90).

Section 2(1) **airfield activities**: inserted, on 26 November 1998, by section 2 of the Airport Authorities Amendment Act 1997 (1997 No 90).

Section 2(1) **airport company**: replaced, on 1 July 1994, by section 2 of the Company Law Reform (Transitional Provisions) Act 1994 (1994 No 16).

Section 2(1) **airport company**: amended, on 5 December 2013, by section 14 of the Companies Amendment Act 2013 (2013 No 111).

Section 2(1) **charge**: inserted, on 26 November 1998, by section 2 of the Airport Authorities Amendment Act 1997 (1997 No 90).

Section 2(1) **debt security**: replaced, on 1 December 2014, by section 150 of the Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70).

Section 2(1) **equity security**: replaced, on 1 December 2014, by section 150 of the Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70).

Section 2(1) **identified airport activities**: inserted, on 26 November 1998, by section 2 of the Airport Authorities Amendment Act 1997 (1997 No 90).

Section 2(1) **lease**: inserted, on 26 November 1998, by section 2 of the Airport Authorities Amendment Act 1997 (1997 No 90).

Section 2(1) **local authority**: replaced, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 2(1) **Minister**: replaced, on 20 July 1973, by section 6(1) of the Ministry of Transport Amendment Act 1973 (1973 No 6).

Section 2(1) **Minister**: amended, on 1 September 1990, pursuant to section 102(1) of the Civil Aviation Act 1990 (1990 No 98).

Section 2(1) **security area**: inserted, on 26 November 1998, by section 2 of the Airport Authorities Amendment Act 1997 (1997 No 90).

Section 2(1) **security area**: amended, on 10 August 1992, pursuant to section 46(3) of the Civil Aviation Amendment Act 1992 (1992 No 75).

Section 2(1) **specified airport company**: inserted, on 26 November 1998, by section 2 of the Airport Authorities Amendment Act 1997 (1997 No 90).

Section 2(1) **specified airport company**: amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 2(1) **specified passenger terminal activities**: inserted, on 26 November 1998, by section 2 of the Airport Authorities Amendment Act 1997 (1997 No 90).

Section 2(1) **substantial customer**: inserted, on 26 November 1998, by section 2 of the Airport Authorities Amendment Act 1997 (1997 No 90).

Section 2(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

2A Meaning of substantial customer

- (1) For the purposes of this Act, **substantial customer**, in relation to an airport company, means any person that paid, or was liable to pay, that airport company in relation to identified airport activities in that airport company's last accounting period an amount that exceeded 5% of the revenue paid or payable to that airport company during that accounting period in relation to those activities.

- (2) A person is deemed to be a substantial customer of an airport company for the purposes of this Act if—
- (a) that person has been authorised in writing to represent, and exercise the powers of a substantial customer under this Act in relation to, a number of persons that in aggregate paid, or were liable to pay, that airport company in relation to identified airport activities in the airport company's last accounting period an amount that exceeded 5% of the revenue paid or payable to that airport company during that accounting period in relation to those activities; and
 - (b) that person has produced those authorisations to that airport company for inspection by it; and
 - (c) those authorisations have not been withdrawn.
- (3) A person who is deemed to be a substantial customer under subsection (2) may exercise all the powers of a substantial customer under this Act and any regulations made under this Act and must be treated in all respects as if that person were a substantial customer.

Section 2A: inserted, on 26 November 1998, by section 3 of the Airport Authorities Amendment Act 1997 (1997 No 90).

3 Airport authorities may establish and carry on airports

- (1) Any local authority, with the prior consent of, and in accordance with any conditions prescribed by, the Governor-General by Order in Council, may establish, improve, maintain, operate, or manage airports (including the approaches, buildings, and other accommodation, and equipment and appurtenances for any such airports) and may acquire land for any such purpose either within or without its district or region.
- (2) Any local authority empowered to carry out any undertaking under this section may carry on or cause to be carried on in connection therewith any subsidiary business or undertaking.
- (3) The powers conferred on local authorities by this section may, with the prior consent of, and in accordance with conditions prescribed by the Governor-General by Order in Council, be exercised by any person or association of persons referred to in the Order in Council.
- (4) Any Order in Council under this section may be at any time in like manner amended or revoked.
- (5) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- (5) *[Repealed]*

Legislation Act 2019 requirements for secondary legislation made under this section

Publication PCO must publish it on the legislation website and notify it in the *Gazette* LA19 s 69(1)(c)

| | | |
|---------------------|--|-------------------------------|
| Presentation | The Minister must present it to the House of Representatives | LA19 s 114, Sch 1 cl 32(1)(a) |
| Disallowance | It may be disallowed by the House of Representatives | LA19 ss 115, 116 |

This note is not part of the Act.

Section 3(1): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 3(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 3(5): repealed, on 1 July 1998, by section 16(1) of the Local Government Amendment Act (No 3) 1996 (1996 No 83).

3A Powers of Crown and local authorities

- (1) Notwithstanding any other enactment or rule of law—
- (a) the Minister for State-Owned Enterprises and the Minister of Finance (on behalf of the Crown); and
 - (b) any local authority; and
 - (c) any local authorities, jointly; and
 - (d) those Ministers (on behalf of the Crown) and any local authority or local authorities, jointly—
- may form a company that is, or is intended to become, an airport company; and may subscribe for, hold, acquire, and dispose of any equity securities or debt securities issued by any such company.
- (2) Nothing in subsection (1) limits the persons who may subscribe for, hold, acquire, or dispose of any equity securities or debt securities issued by a company that is, or is intended to become, an airport company.
- (3) *[Repealed]*
- (4) The Minister of Finance may from time to time, from a Crown Bank Account (out of money appropriated by Parliament for the purpose), pay for the acquisition on behalf of the Crown of any equity securities or debt securities under subsection (1).
- (5) The Minister for State-Owned Enterprises and the Minister of Finance, on behalf of the Crown, may from time to time exercise all or any of the Crown's rights and powers as the holder of any equity securities or debt securities acquired under subsection (1).
- (6) Notwithstanding any other enactment or rule of law, the Crown or any local authority may transfer to an airport company, on such terms and conditions as the Crown or local authority thinks fit, the business or undertaking of any airport authority, and any real or personal property owned by the Crown or local authority which at the time of transfer is being used for the purposes of an airport or is held for future use for the purposes of an airport.
- (6A) Nothing in sections 40 to 42 of the Public Works Act 1981 shall apply to the transfer of land to an airport company under this Act, but sections 40 and 41 of

- that Act shall after that transfer apply to the land as if the airport company were the Crown and the land had not been transferred under this Act.
- (7) Subject to subsection (7A), if any land proposed to be transferred to an airport company pursuant to subsection (6) is subject to the Reserves Act 1977—
- (a) it may be so transferred without complying with that Act; and
 - (b) on that transfer occurring the land shall no longer be subject to that Act.
- (7A) A local authority cannot transfer to an airport company land that was vested in the local authority under the Reserves Act 1977 (or that is treated by that Act as having been vested in the local authority under that Act) unless—
- (a) the Minister has given his or her written consent to the local authority transferring the land to the airport company and the local authority has given a copy of that consent to the Registrar-General of Land; or
 - (b) the Chief Surveyor of the land district within which the land is situated has given a written certificate that the vesting of the land in the local authority was not done by the Crown and the local authority has given a copy of that certificate to the Registrar-General of Land.
- (7B) In considering whether to give consent for the purposes of subsection (7A), the Minister may take into account any matters he or she considers appropriate.
- (7C) Neither this Act, nor the Reserves Act 1977, limits subsection (7B).
- (8) A certificate, signed by the Chief Surveyor for the land district in which the land is situated, that any land described in the certificate, or described in any document on which the certificate appears, is land to which subsection (7) applies shall be sufficient evidence, in the absence of proof to the contrary, that that subsection applies to the land.

Section 3A: inserted, on 18 December 1986, by section 4 of the Airport Authorities Amendment Act 1986 (1986 No 128).

Section 3A(1)(a): amended, on 1 February 1998, by section 2(1) of the Airport Authorities Amendment Act 1996 (1996 No 93).

Section 3A(2): replaced, on 12 September 1990, by section 27 of the Finance Act (No 2) 1988 (1988 No 128).

Section 3A(3): repealed, on 12 September 1990, by section 27 of the Finance Act (No 2) 1988 (1988 No 128).

Section 3A(4): amended, on 1 July 1989, pursuant to section 83(7) of the Public Finance Act 1989 (1989 No 44).

Section 3A(5): amended, on 1 February 1998, by section 2(2) of the Airport Authorities Amendment Act 1996 (1996 No 93).

Section 3A(6A): inserted, on 10 August 1992, by section 39 of the Civil Aviation Amendment Act 1992 (1992 No 75).

Section 3A(7): amended, on 26 September 2000, by section 4(1) of the Airport Authorities Amendment Act 2000 (2000 No 37).

Section 3A(7A): inserted, on 26 September 2000, by section 4(2) of the Airport Authorities Amendment Act 2000 (2000 No 37).

Section 3A(7B): inserted, on 26 September 2000, by section 4(2) of the Airport Authorities Amendment Act 2000 (2000 No 37).

Section 3A(7C): inserted, on 26 September 2000, by section 4(2) of the Airport Authorities Amendment Act 2000 (2000 No 37).

3AA Provisions relating to holding of securities by Minister

- (1) Equity securities and debt securities issued by an airport company and held in the name of a person described as the Minister for State-Owned Enterprises or the Minister of Finance shall be held by the person for the time being holding the office of Minister for State-Owned Enterprises or Minister of Finance, as the case may be.
- (2) Notwithstanding any other enactment or rule of law, it shall not be necessary to complete or register a transfer of securities upon a change in the person holding the office of Minister or Minister of Finance, as the case may be.
- (3) A Minister may at any time or times, by written notice to an airport company authorise, on such terms and conditions as are specified in the notice, such person as the Minister thinks fit to act as the Minister's representative at any or all of the meetings of shareholders of the airport company or of any class of such shareholders, and any person so authorised shall be entitled to exercise the same powers on behalf of the Minister as the Minister could exercise if present in person at the meeting or meetings.

Section 3AA: inserted, on 10 August 1992, by section 39 of the Civil Aviation Amendment Act 1992 (1992 No 75).

Section 3AA(1): replaced, on 1 February 1998, by section 3 of the Airport Authorities Amendment Act 1996 (1996 No 93).

3B Accounts and annual report

[Repealed]

Section 3B: repealed, on 1 July 2000, by section 5 of the Airport Authorities Amendment Act 1996 (1996 No 93).

3BA Airport companies to disclose aircraft related charges

Every airport company shall, whenever requested to do so by any person, disclose to that person the current aircraft related charges (including landing charges) fixed by the company.

Section 3BA: inserted, on 1 September 1990, by section 101(3) of the Civil Aviation Act 1990 (1990 No 98).

3C Powers of airport companies under Companies Act 1993 not affected

Except as provided in section 3BA, nothing in this Act shall be construed as limiting or affecting the powers, rights, authorities, duties, and obligations that an airport company has under the Companies Act 1993.

Section 3C: replaced, on 1 July 1994, by section 2 of the Company Law Reform (Transitional Provisions) Act 1994 (1994 No 16).

Section 3C heading: amended, on 5 December 2013, by section 14 of the Companies Amendment Act 2013 (2013 No 111).

Section 3C: amended, on 5 December 2013, by section 14 of the Companies Amendment Act 2013 (2013 No 111).

Section 3C: amended, on 1 July 2000, by section 6 of the Airport Authorities Amendment Act 1996 (1996 No 93).

3CA Application of Companies Act 1955 to airport companies

[Repealed]

Section 3CA: repealed, on 5 December 2013, by section 14 of the Companies Amendment Act 2013 (2013 No 111).

3D Airports operated by airport authorities which are not local authorities to be public works, etc

An airport operated or managed by an airport authority which is not a local authority shall—

(a) *[Repealed]*

(b) for the purposes of the Public Works Act 1981, be deemed to be a Government work.

Section 3D: inserted, on 18 December 1986, by section 4 of the Airport Authorities Amendment Act 1986 (1986 No 128).

Section 3D(a): repealed, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

4 Additional powers of airport authorities

(1) In the exercise of its powers under section 3, and any other powers which it has, any airport authority may from time to time—

(a) improve, maintain, operate, or manage an airport, whether or not the airport was established under this Act:

(b) improve, maintain, operate, or manage an airport which has been added to, improved, or reconstructed by Her Majesty, or by some other authority, body, or person since the establishment of the airport:

(c) establish, improve, maintain, operate, or manage an airport on any land, whether or not the land is wholly or partly owned by the airport authority:

(d) improve, add to, alter, or reconstruct any airport or any part of an airport maintained or operated by the airport authority:

(e) establish, operate, or manage, or cause to be established, operated, or managed at airports, refreshment rooms, book stalls, booking offices, travel agencies, and such other facilities as may be considered necessary:

- (f) enter into and carry out any agreement or arrangement necessary for the exercise of any power or function conferred on the airport authority by this Act.
- (2) Every airport company may—
 - (a) borrow such amounts of money on such terms and conditions and from such persons as it from time to time thinks fit; and
 - (b) acquire, hold, and dispose of such real and personal property as it from time to time thinks fit.
- (3) Every airport operated or managed by an airport authority must be operated or managed as a commercial undertaking.

Section 4: replaced, on 26 November 1998, by section 4(1) of the Airport Authorities Amendment Act 1997 (1997 No 90).

4A Charges

- (1) Subject to section 4B, every airport company may, notwithstanding the provision of any regulations in force under section 38 or section 100 of the Civil Aviation Act 1990, set such charges as it from time to time thinks fit for the use of the airport operated or managed by it, or the services or facilities associated therewith.
- (2) Any charges set under this section may be charged to persons or classes of persons owning or operating aircraft, or to persons or classes of persons using or otherwise enjoying the benefit of the airport, services, or facilities, or to any other persons.
- (3) Nothing in section 43 of the Commerce Act 1986 applies in relation to the setting and charging of charges by an airport company.
- (4) This section does not limit the application of regulation under Part 4 of the Commerce Act 1986.

Section 4A: inserted, on 26 November 1998, by section 4(1) of the Airport Authorities Amendment Act 1997 (1997 No 90).

Section 4A(4): inserted, on 14 October 2008, by section 32(2) of the Commerce Amendment Act 2008 (2008 No 70).

4B Airport companies must consult concerning charges

- (1) Every airport company must consult with every substantial customer in respect of any charge payable by that substantial customer to the airport company in respect of any or all identified airport activities—
 - (a) before fixing or altering the amount of that charge; and
 - (b) within 5 years after fixing or altering the amount of that charge.
- (2) Every airport company must consult with every substantial customer in respect of any direct charge payable to the airport company by any passenger in respect of any or all identified airport activities—
 - (a) before fixing or altering the amount of that charge; and

- (b) within 5 years after fixing or altering the amount of that charge.
- (3) Notwithstanding subsections (1) and (2), an airport company to which subsection (1) or subsection (2) applies is not required to consult under this section in respect of any charge with a substantial customer who has consented in writing (and not withdrawn that consent) to not being consulted under this section in respect of that charge.

Section 4B: inserted, on 26 November 1998, by section 4(1) of the Airport Authorities Amendment Act 1997 (1997 No 90).

4C Specified airport companies must consult concerning capital expenditure plans

- (1) In this section,—
- identified assets**, in relation to a specified airport company, means the assets of that airport company in relation to identified airport activities
- identified capital expenditure**, in relation to a specified airport company, means capital expenditure in relation to identified airport activities
- related capital expenditure**, in relation to identified capital expenditure, means capital expenditure (whether paid or proposed) which relates to or is connected with that identified capital expenditure.
- (2) A specified airport company must not approve any identified capital expenditure if the amount of that identified capital expenditure (and the amount of any related capital expenditure) will, or is likely to, within the following 5 years exceed an amount which is equal to 20% of the value of the identified assets of that airport company at the commencement of the then current accounting period unless that airport company has consulted with all its substantial customers in respect of that capital expenditure (and all related capital expenditure).
- (3) A specified airport company is not required to consult under subsection (2) in respect of identified capital expenditure (or any related capital expenditure) with a substantial customer who has consented in writing (and not withdrawn that consent) to not being consulted under this section in respect of that identified capital expenditure and any related capital expenditure.

Section 4C: inserted, on 26 November 1998, by section 4(1) of the Airport Authorities Amendment Act 1997 (1997 No 90).

5 Airport authority may act in conjunction with Ministers of Crown and other authorities

- (1) Any airport authority may combine or act in conjunction with the Minister or with any local authority or airport authority and for that purpose may from time to time enter into and carry out such agreements as may seem to it most suited to the circumstances.
- (2) Any agreement under subsection (1) may provide—

- (a) for any party to the agreement to undertake or be responsible for the carrying out of the undertaking to which the agreement relates, and to enter into contracts in connection therewith:
 - (b) for the acquisition by any party to the agreement of any land required for the undertaking:
 - (c) for any such land, or any part thereof, or any property acquired in connection with the undertaking to be vested in any party to the agreement:
 - (d) for the management, control, or maintenance of the undertaking, or any part thereof, to be vested in any party to the agreement:
 - (e) for the apportionment or allocation of the cost of any work in connection with the undertaking, or of any surplus or deficit arising from the operation and management of the undertaking, between the parties to the agreement:
 - (f) for the payment by any party to the agreement of his share of the cost of the undertaking either in one sum or by instalments spread over any period or by yearly or other payments as and when the costs are ascertained:
 - (g) for the payment by any party to the agreement in respect of money payable by that party under the agreement of interest at such rate as may be agreed upon between the parties or, in default of agreement, at such rate as the Minister of Finance approves in that behalf:
 - (h) for the giving by any party to the agreement of security for the payment of any money payable by that party under the agreement:
 - (i) for the setting aside out of the revenue of the undertaking, or for the payment by any party to the agreement, of such money as may be agreed upon to form a fund for the repair, renewal, replacement, or improvement of any property acquired in connection with the undertaking or for the purpose of purchasing additional property in connection with the undertaking:
 - (j) for the setting up of a joint committee to control and manage the airport and providing for the constitution, functions, and powers of any such committee:
 - (k) for such other terms and conditions as may be agreed upon for the purpose of giving effect to the carrying out and general management of the undertaking.
- (3) Where in the opinion of the Minister of Finance and the Minister any work or scheme of development or reconstruction to be executed or carried out at or in connection with any airport in accordance with an agreement entered into under this section is of both national and local importance, that agreement shall be deemed to be an agreement entered into under section 224 of the Public

Works Act 1981, and the provisions of that section, as far as they are applicable and with the necessary modifications, shall apply accordingly.

- (4) If default is made by an airport authority for more than 14 days in the payment of any amount due by it under an agreement entered into under this section, the amount in respect of which default has been made together with interest at such rate as may be prescribed in the agreement or, if no rate is prescribed, at such rate as the Minister of Finance approves shall be recoverable as a debt due by the airport authority to the party to whom the amount is payable under the agreement.
- (5) A certificate under the hand of the Controller and Auditor-General shall, until the contrary is proved, be sufficient evidence of the amount in respect of which default has been made as aforesaid and of the date on which it was payable.
- (6) Any money set aside or paid for any purpose referred to in paragraph (i) of subsection (2) may be applied for any such purpose or for such other purposes as may be approved by the parties to the agreement and any such money may be invested and the proceeds of the investment applied in such manner as may be agreed upon by those parties.

Section 5(1): amended, on 1 April 1988, by section 2(a) of the Airport Authorities Amendment Act 1988 (1988 No 49).

Section 5(1): amended, on 18 December 1986, by section 6 of the Airport Authorities Amendment Act 1986 (1986 No 128).

Section 5(3): amended, on 1 April 1988, by section 2(b) of the Airport Authorities Amendment Act 1988 (1988 No 49).

Section 5(3): amended, on 1 February 1982, pursuant to section 248(1) of the Public Works Act 1981 (1981 No 35).

6 Leasing powers of airport authorities

- (1) Any airport authority may grant a lease of all or any part of any land, buildings, or installations vested in the airport authority for any purpose that will not interfere with the safe and efficient operation of the airport.
- (2) Leases under subsection (1) may be granted by private contract or otherwise to any person for such consideration and on such terms and conditions as the airport authority may determine:

provided that no lessee shall erect or make structural alterations to any building or other installation without first obtaining the approval in writing of the airport authority and in no case shall that authority give its approval if the erection or structural alteration of a building or installation will interfere with the use and enjoyment of the land as an airport.
- (3) If at any time during the term of any such lease the property demised or any part thereof is required by the airport authority for the purposes of the airport, the airport authority may terminate the lease as to the whole of the demised property or as to so much thereof as is required as aforesaid.

- (4) No action shall lie in any court for the payment of damages or compensation in respect of the termination of any lease under subsection (3) except an action for the payment of compensation provided for in the lease in accordance with this section.
- (5) Any such lease may contain a provision requiring the airport authority to pay to the lessee on the termination of the lease under subsection (3) compensation for improvements effected by the lessee during the term of the lease.
- (6) Compensation for improvements effected by the lessee shall be such amount as may be agreed upon between the parties or, failing agreement, be such amount as may be determined by arbitration under the Arbitration Act 1996 and this subsection shall be deemed to be a submission within the meaning of that Act.
- (7) In the exercise of any of the powers conferred by this section, any airport authority shall ensure that the granting of any lease, or the erection, alteration, or removal of any building, equipment, or appurtenances under any lease, or the construction of any road or access-way, or the subdivision of any land for the purposes of this section, shall not affect the safe operation of aircraft on or over the airport and, in this respect, shall consult with and have regard to the directions of the Civil Aviation Authority of New Zealand.
- (8) The provisions of Parts 8 to 12 of the Public Works Act 1981, Part 21 of the Local Government Act 1974, and section 11 and Part 10 of the Resource Management Act 1991 shall not apply to the subdivision of any airport under the provisions of this section or to the laying out of any access roads to the land so subdivided.
- (9) *[Repealed]*

Section 6(6): amended, on 1 July 1997, pursuant to section 18 of the Arbitration Act 1996 (1996 No 99).

Section 6(7): amended, on 1 February 1998, by section 7 of the Airport Authorities Amendment Act 1996 (1996 No 93).

Section 6(8): replaced, on 23 July 1993, by section 2(1) of the Airport Authorities Amendment Act 1993 (1993 No 72).

Section 6(8): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 6(9): repealed, on 26 November 1998, by section 5 of the Airport Authorities Amendment Act 1997 (1997 No 90).

7 Local authorities may assist airport authorities

Subject to the provisions of this section, any local authority may, for the purpose of assisting airport authorities in the exercise of their powers and functions as such,—

- (a) make grants of money, loans, or grant leases of land at such rental, for such term, and on such terms and conditions as it thinks fit, to any airport authority which is a local authority:

- (b) with the prior approval of the Minister of Internal Affairs, make grants of money, loans, or grant leases of land at such rental, for such term, and on such terms and conditions as it thinks fit, to any airport authority which is not a local authority.

8 Financial provisions

[Repealed]

Section 8: repealed, on 1 July 1998, by section 16(1) of the Local Government Amendment Act (No 3) 1996 (1996 No 83).

9 Bylaws

- (1) Any local authority or airport authority may, in respect of the airport which it operates, make such bylaws as it thinks fit for all or any of the following purposes:
 - (a) the good rule and management of the airport:
 - (b) the more effectual carrying out of the functions and powers of the airport authority in respect of the airport:
 - (c) protecting any property used in connection with the airport from damage or injury:
 - (d) prescribing precautions to be taken for the protection of persons or property from accident or damage:
 - (e) regulating traffic, whether pedestrian or vehicular, and the provision and use of parking places for vehicles at the airport:
 - (f) prescribing the times, terms, and conditions upon which the public may enter or be in or upon the airport:
 - (ff) providing for the establishing and maintaining of facilities at the airport for the reception and storage of lost property, and, after publicising the sale in what the authority considers to be a fair and reasonable manner, providing for the sale by way of auction of any such property that is unclaimed after being held by the authority for not less than 3 months:
provided that in the case of lost property which is perishable or valueless the bylaws may provide for the disposal of the property in such manner as may be determined by the authority:
 - (g) prescribing charges for the use of parking spaces for vehicles or for the admission of members of the public to the airport or to any land adjacent to the airport owned or controlled by the airport authority:
 - (h) prescribing charges for the use of the airport or any part thereof for air pageants, sports meetings, and such other matters in respect of which no charge is prescribed by regulations under the Civil Aviation Act 1990:
 - (i) prescribing charges in respect of the commercial use of any part of the airport, including the delivery of goods to or from the airport and the

provision of services at the airport, in respect of which no charge is prescribed under the Civil Aviation Act 1990:

- (ia) prescribing charges in respect of aviation security services provided at the airport, in respect of which no charge is prescribed under the Civil Aviation Act 1990:
- (j) generally for the administration of the airport, or for the control of trading activities thereon or for the management of any business ancillary thereto that may be carried on pursuant to this Act:

provided that an airport authority which is an airport company shall not have the power to make bylaws for the purposes set out in paragraphs (g) to (j).

- (1A) Subject to any direction given by the Auditor-General either in respect of airport authorities generally or in respect of any specific airport authority, the proceeds of every sale made pursuant to bylaws made under paragraph (ff) of subsection (1), after deducting the costs of the sale, and any lost money which is unclaimed, shall be paid into such bank account as may be kept by the authority and shall thereupon form part of its funds.
- (2) The power conferred by this section to prescribe charges for admission to any premises shall not be limited by the provisions of the Reserves Act 1977 restricting the number of days in any year on which charges may be made for admission to recreation reserves; nor shall any day in respect of which charges are made under bylaws made under this section be taken into account for the purpose of determining the days on which charges may be made under that Act.
- (3) All bylaws made by a local authority under this section shall be made in accordance with the Act under which the local authority is constituted and, except as otherwise provided by this section, the provisions of that Act shall apply accordingly in respect of any such bylaws.
- (4) A bylaw made under this section by a local authority shall not have any force or effect until it has been approved by the Minister.
- (4A) *[Repealed]*
- (5) A bylaw made under this section by an airport authority which is not a local authority shall not have any force or effect until it has been approved by the Governor-General by Order in Council.
- (6) An order under subsection (5)—
 - (a) must set out the approved bylaw in a schedule of the order; and
 - (b) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- (7) For the purposes of the Land Transport Act 1998, any bylaw made under subsection (1)(e) or (g) is to be treated as being made by the authority under section 22AB of the Land Transport Act 1998.

- (8) Every person who commits a breach of any bylaw in force under this section is liable on conviction to a fine not exceeding \$500 and, where the breach is a continuing one, to a further fine not exceeding \$50 for every day or part of a day during which the breach has continued.
- (9) Where a person commits a continuing breach of any bylaw, then, notwithstanding anything in any other Act, the District Court may, on application by the airport authority, grant an injunction restraining the further continuance of the breach by that person.
- (10) An injunction may be granted under subsection (9),—
- (a) notwithstanding that proceedings for the offence constituted by the breach have not been taken; or
 - (b) where the person is convicted of such an offence, either,—
 - (i) in the proceedings for the offence, in substitution for or in addition to any penalty awarded for the offence; or
 - (ii) in subsequent proceedings.

Legislation Act 2019 requirements for secondary legislation made under this section

| | | |
|---------------------|--|-------------------------------|
| Publication | PCO must publish it on the legislation website and notify it in the <i>Gazette</i> | LA19 s 69(1)(c) |
| Presentation | The Minister must present it to the House of Representatives | LA19 s 114, Sch 1 cl 32(1)(a) |
| Disallowance | It may be disallowed by the House of Representatives | LA19 ss 115, 116 |

This note is not part of the Act.

Section 9(1)(ff): inserted, on 13 December 1968, by section 2(1) of the Airport Authorities Amendment Act 1968 (1968 No 66).

Section 9(1)(ff): amended, on 17 December 2016, by section 6 of the Statutes Amendment Act 2016 (2016 No 104).

Section 9(1)(h): amended, on 1 February 1998, by section 8(1) of the Airport Authorities Amendment Act 1996 (1996 No 93).

Section 9(1)(i): amended, on 1 February 1998, by section 8(1) of the Airport Authorities Amendment Act 1996 (1996 No 93).

Section 9(1)(ia): inserted, on 1 September 1990, by section 101(3) of the Civil Aviation Act 1990 (1990 No 98).

Section 9(1) proviso: inserted, on 18 December 1986, by section 7(1) of the Airport Authorities Amendment Act 1986 (1986 No 128).

Section 9(1A): inserted, on 13 December 1968, by section 2(2) of the Airport Authorities Amendment Act 1968 (1968 No 66).

Section 9(1A): amended, on 1 July 2001, pursuant to section 52 of the Public Audit Act 2001 (2001 No 10).

Section 9(2): amended, on 1 April 1978, pursuant to section 125(1) of the Reserves Act 1977 (1977 No 66).

Section 9(4): replaced, on 18 December 1986, by section 7(2) of the Airport Authorities Amendment Act 1986 (1986 No 128).

Section 9(4A): repealed, on 18 December 1986, by section 7(2) of the Airport Authorities Amendment Act 1986 (1986 No 128).

Section 9(5): replaced, on 18 December 1986, by section 7(2) of the Airport Authorities Amendment Act 1986 (1986 No 128).

Section 9(6): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 9(7): replaced, on 10 May 2011, by section 100(3) of the Land Transport (Road Safety and Other Matters) Amendment Act 2011 (2011 No 13).

Section 9(8): inserted, on 18 December 1986, by section 7(2) of the Airport Authorities Amendment Act 1986 (1986 No 128).

Section 9(8): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 9(9): inserted, on 18 December 1986, by section 7(2) of the Airport Authorities Amendment Act 1986 (1986 No 128).

Section 9(9): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 9(10): inserted, on 18 December 1986, by section 7(2) of the Airport Authorities Amendment Act 1986 (1986 No 128).

9A Regulations requiring disclosure of information by airport companies

(1AAA) This section applies to each of the following airport companies until the end of the last day of the financial year that is referred to in section 56F of the Commerce Act 1986 in relation to that company:

- (a) the company (as defined in section 2 of the Auckland Airport Act 1987) that operates Auckland International Airport (including any subsidiary of, or successor to, that company that operates all or part of the airport):
- (b) the company (as defined in section 2 of the Wellington Airport Act 1990) that operates Wellington International Airport (including any subsidiary of, or successor to, that company that operates all or part of the airport):
- (c) the airport company (as defined in section 2 of this Act) that operates Christchurch International Airport (including any subsidiary of, or successor to, that company that operates all or part of the airport).

(1AAB) After the end of that day, this section does not apply to that company, and references in this section to every airport company are references to every company other than that company.

(1) The Governor-General may from time to time, by Order in Council, make regulations for any or all of the following purposes:

- (a) requiring every airport company, or every airport company of a specified class or classes (and, in particular, every specified airport company), to make publicly available information in relation to its identified airport activities or any of them, or any class or classes of its identified airport activities:
- (b) requiring every airport company, or every airport company of a specified class or classes (and, in particular, every specified airport company), to complete, within a time prescribed by the regulations, financial state-

- ments (in this section referred to as **disclosure financial statements**) and financial forecasts (in this section referred to as **disclosure financial forecasts**), or either of them, in relation to its identified airport activities or any of them, or any class or classes of its identified airport activities:
- (c) requiring every airport company to make publicly available, in the manner prescribed by these regulations and within the time prescribed by these regulations, any disclosure financial statements and disclosure financial forecasts, that the airport company is required to complete:
 - (d) prescribing the information and other matters that must be included in disclosure financial statements and disclosure financial forecasts:
 - (e) prescribing the certificates and reports that must be prepared in relation to the information, or any specified information, contained in disclosure financial statements and disclosure financial forecasts:
 - (f) prescribing any standard or standards that disclosure financial statements and disclosure financial forecasts must comply with:
 - (g) prescribing any methodology or methodologies that must be used in completing disclosure financial statements and disclosure financial forecasts:
 - (h) enabling the making of guidelines by a person or persons specified by the regulations in relation to the completion of, or the use of any methodology or methodologies (including, without limitation, any methodologies relating to the valuation of assets) in, disclosure financial statements and disclosure financial forecasts:
 - (i) providing that compliance with the guidelines is deemed to constitute compliance with the relevant requirements of the regulations:
 - (j) prescribing the certificates, reports, and statutory declarations that must be prepared in relation to disclosure financial statements and disclosure financial forecasts or in relation to statements, forecasts, reports, agreements, particulars and information supplied to the Secretary for Transport under section 9C:
 - (k) exempting, or providing for the exemption (in accordance with prescribed criteria and after such public notification as is prescribed) of, any person or persons, or any class or classes of persons, from all or any of the requirements of the regulations.
- (2) Regulations made under subsection (1) may require or prescribe different requirements or matters in relation to—
- (a) different classes of airport company (and, in particular, in relation to specified airport companies); and
 - (b) the disclosure financial statements and disclosure financial forecasts of different classes of airport company (and, in particular, of specified airport companies).

- (3) No guidelines are permitted to be made pursuant to regulations made under subsection (1)(h) except after consultation with such persons, representative groups within the aviation industry or elsewhere, substantial customers of airport companies, government departments, and Crown agencies as the person or persons making the guidelines think appropriate.
- (4) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- (5) If the regulations under subsection (1)(h) enable the making of guidelines by specified persons,—
- (a) the guidelines are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements); and
 - (b) the regulations must contain a statement to that effect.
- (6) If the regulations under subsection (1)(k) authorise a person to grant exemptions,—
- (a) an exemption is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons; and
 - (b) the regulations must contain a statement to that effect.

Legislation Act 2019 requirements for secondary legislation referred to in subsection (4)

| | | |
|---------------------|--|-------------------------------|
| Publication | PCO must publish it on the legislation website and notify it in the <i>Gazette</i> | LA19 s 69(1)(c) |
| Presentation | The Minister must present it to the House of Representatives | LA19 s 114, Sch 1 cl 32(1)(a) |
| Disallowance | It may be disallowed by the House of Representatives | LA19 ss 115, 116 |

This note is not part of the Act.

Legislation Act 2019 requirements for secondary legislation referred to in subsection (5)(a) and (6)(a)

| | | |
|---------------------|--|-----------------------------|
| Publication | See the relevant publication, presentation, and disallowance table in the secondary legislation referred to in subsection (4) | LA19 ss 73, 74, Sch 1 cl 14 |
| Presentation | The Minister must present it to the House of Representatives, unless a transitional exemption applies under Schedule 1 of the Legislation Act 2019 | LA19 s 114, Sch 1 cl 32 |
| Disallowance | It may be disallowed by the House of Representatives | LA19 ss 115, 116 |

This note is not part of the Act.

Section 9A: inserted, on 26 November 1998, by section 6 of the Airport Authorities Amendment Act 1997 (1997 No 90).

Section 9A(1AAA): inserted, on 14 October 2008, by section 32(3) of the Commerce Amendment Act 2008 (2008 No 70).

Section 9A(1AAB): inserted, on 14 October 2008, by section 32(3) of the Commerce Amendment Act 2008 (2008 No 70).

Section 9A(4): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 9A(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 9A(6): inserted, on 28 October 2021, by regulation 89 of the Legislation Act (Amendments to Legislation) Regulations 2021 (LI 2021/247).

9B Validity of certain arrangements not affected by failure to consult on capital expenditure

A failure by a specified airport company to comply with section 4C does not affect the validity or enforceability of any deed, agreement, right, or obligation entered into, obtained, or incurred by that specified airport company.

Section 9B: inserted, on 26 November 1998, by section 6 of the Airport Authorities Amendment Act 1997 (1997 No 90).

9C Information to be supplied to Secretary for Transport

- (1) Every airport company that is required by regulations made under section 9A to make any financial statement, financial forecast, or other information publicly available—
 - (a) must supply to the Secretary for Transport, within 30 days after the day on which any such statement, forecast, or other information is so made available, a copy of that financial statement, financial forecast, or other information:
 - (b) must, if the Secretary for Transport, for the purpose of monitoring the airport company's compliance with those regulations, gives to the airport company a notice in writing requesting further statements, forecasts, reports, agreements, particulars, and other information, supply to the Secretary for Transport, within 30 days after the day on which the request is given to that airport company (or within such additional time as the Secretary for Transport allows) the requested statements, forecasts, reports, agreements, particulars, and other information.
- (2) All statements, forecasts, reports, agreements, particulars, and information supplied to the Secretary for Transport under paragraph (a) or paragraph (b) of subsection (1) must be verified by statutory declaration in the form prescribed, and by the person or persons prescribed, by regulations made under section 9A(1)(j).

Section 9C: inserted, on 26 November 1998, by section 6 of the Airport Authorities Amendment Act 1997 (1997 No 90).

9D Offences

- (1) Every person commits an offence against this section who—
 - (a) fails, without reasonable excuse, to comply with any information disclosure requirements prescribed in regulations made under section 9A; or
 - (b) fails, without reasonable excuse, to comply with the requirements of section 9C(1)(a) or with a request made under section 9C(1)(b).

- (2) Every person commits an offence against this section who makes a false declaration under section 9C(2) in relation to any statement, forecast, report, agreement, particulars, or information supplied under section 9C(1).
- (3) Every person who commits an offence against subsection (1) is liable on conviction to a fine not exceeding \$200,000 and, if the offence is a continuing one, to a further fine not exceeding \$10,000 for every day or part of a day during which the offence is continued.
- (4) Every person who commits an offence against subsection (2) is liable on conviction to a fine not exceeding \$20,000.

Section 9D: inserted, on 26 November 1998, by section 6 of the Airport Authorities Amendment Act 1997 (1997 No 90).

Section 9D(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 9D(4): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

10 Repeals and savings

- (1) The enactments specified in the Schedule are hereby repealed.
- (2) All references to an aviation authority or to a recognised aviation authority in any Act, regulation, rule, bylaw, order, other enactment, agreement, deed, instrument, application, notice, or other document whatsoever in force at the commencement of this Act shall, unless the context otherwise requires, be read as references to an airport authority.

Schedule

Enactments repealed

s 10

**Local Authorities Empowering (Aviation Encouragement) Act 1929 (1929 No 9)
(1957 Reprint, Vol 8, p 435)**

**Local Authorities Empowering (Aviation Encouragement) Amendment Act 1960
(1960 No 35)**

**Local Authorities Empowering (Aviation Encouragement) Amendment Act 1965
(1965 No 93)**

Statutes Amendment Act 1936 (1936 No 58) (1957 Reprint, Vol 8, p 441)

Amendment(s) incorporated in the Act(s).

Notes

1 *General*

This is a consolidation of the Airport Authorities Act 1966 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Legislation Act (Amendments to Legislation) Regulations 2021 (LI 2021/247): regulation 89

Secondary Legislation Act 2021 (2021 No 7): section 3

Statutes Amendment Act 2016 (2016 No 104): Part 2

District Court Act 2016 (2016 No 49): section 261

Companies Amendment Act 2013 (2013 No 111): section 14

Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70): section 150

Criminal Procedure Act 2011 (2011 No 81): section 413

Land Transport (Road Safety and Other Matters) Amendment Act 2011 (2011 No 13): section 100(3)

Commerce Amendment Act 2008 (2008 No 70): section 32

Local Government Act 2002 (2002 No 84): section 262

Public Audit Act 2001 (2001 No 10): section 52

Airport Authorities Amendment Act 2000 (2000 No 37)

Airport Authorities Amendment Act 1997 (1997 No 90)

Arbitration Act 1996 (1996 No 99): section 20

Airport Authorities Amendment Act 1996 (1996 No 93)

Local Government Amendment Act (No 3) 1996 (1996 No 83): section 16(1)

Company Law Reform (Transitional Provisions) Act 1994 (1994 No 16): section 2

Airport Authorities Amendment Act 1993 (1993 No 72)

Civil Aviation Amendment Act 1992 (1992 No 75): sections 39, 46(3)

Resource Management Act 1991 (1991 No 69): section 362

Civil Aviation Act 1990 (1990 No 98): sections 101(3), 102(1)
Public Finance Act 1989 (1989 No 44): section 83(7)
Finance Act (No 2) 1988 (1988 No 128): section 27
Airport Authorities Amendment Act 1988 (1988 No 49)
Airport Authorities Amendment Act 1986 (1986 No 128)
Public Works Act 1981 (1981 No 35): section 248(1)
Reserves Act 1977 (1977 No 66): section 125(1)
Ministry of Transport Amendment Act 1973 (1973 No 6): section 6(1)
Airport Authorities Amendment Act 1968 (1968 No 66)