

**Reprint  
as at 27 November 2010**



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

Anand Satyanand, Governor-General

**Order in Council**

At Wellington this 2nd day of November 2009

Present:  
His Excellency the Governor-General in Council

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

- (a) on the advice and with the consent of the Executive Council;  
and
- (b) on the recommendation of the Minister of Transport made—

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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

**This order is administered by the Ministry of Transport.**

- (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,—
- makes the following order.

### Contents

	Page
1 Title	2
2 Commencement	2
3 Principal order amended	2
4 Interpretation	3
5 New clause 5A inserted	3
5A Holder of Australian AOC with ANZA privileges must pay domestic passenger levy	3
6 Counting passengers of certain operators	3
7 Returns and payment arrangements for domestic passenger levy	3
8 Aviation operators must pay participation levy	4
9 GST included	4

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### Order

- 1 Title**  
This order is the Civil Aviation (Safety) Levies Amendment Order 2009.
- 2 Commencement**  
This order comes into force on 4 December 2009.  
Civil Aviation (Safety) Levies Amendment Order 2009: confirmed, on 27 November 2010, by section 9 of the Subordinate Legislation (Confirmation and Validation) Act 2010 (2010 No 127).
- 3 Principal order amended**  
This order amends the Civil Aviation (Safety) Levies Order 2002.

#### **4 Interpretation**

The definition of **domestic passenger levy** in clause 3(1) is amended by adding “or 5A”.

#### **5 New clause 5A inserted**

The following clause is inserted after clause 5:

##### **“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 \$1.66 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.”

#### **6 Counting passengers of certain operators**

Clause 6(2) is amended by inserting “, 5A(2),” after “5(2)”.

#### **7 Returns and payment arrangements for domestic passenger levy**

- (1) Clause 7(1) is amended by omitting “under clause 5”.
- (2) Clause 7 is amended by adding the following subclause:
- “(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.”

**8 Aviation operators must pay participation levy**

- (1) Clause 10(1) is amended by omitting “other than a domestic air passenger operator”.
- (2) Clause 10 is amended by inserting the following subclause after subclause (1):  
“(1A) Subclause (1) does not apply to an aviation operator who is—  
“(a) a domestic air passenger operator; or  
“(b) the holder of an Australian AOC with ANZA privileges.”

**9 GST included**

Clause 12(1) is amended by omitting “clause 5” and substituting “clauses 5 and 5A”.

Rebecca Kitteridge,  
Clerk of the Executive Council.

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**Explanatory note**

*This note is not part of the order, but is intended to indicate its general effect.*

This order, which comes into force on 4 December 2009, amends the Civil Aviation (Safety) Levies Order 2002 to prescribe a domestic passenger levy of \$1.66 per passenger payable by operators operating aircraft under Australian AOCs with ANZA privileges.

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Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in *Gazette*: 5 November 2009.

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## **Contents**

- 1 General
  - 2 Status of reprints
  - 3 How reprints are prepared
  - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
  - 5 List of amendments incorporated in this reprint (most recent first)
- 

## **Notes**

### **1 *General***

This is a reprint of the Civil Aviation (Safety) Levies Amendment Order 2009. The reprint incorporates all the amendments to the order as at 27 November 2010, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

### **2 *Status of reprints***

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

### **3 *How reprints are prepared***

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

#### **4 Changes made under section 17C of the Acts and Regulations Publication Act 1989**

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5 *List of amendments incorporated in this reprint  
(most recent first)***

Subordinate Legislation (Confirmation and Validation) Act 2010 (2010 No 127): section 9

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