

**Version
as at 5 April 2025**

Civil Aviation Amendment Act 1992

Public Act 1992 No 75
Date of assent 10 August 1992

Civil Aviation Amendment Act 1992: repealed, on 5 April 2025, pursuant to section 487 of the Civil Aviation Act 2023 (2023 No 10).

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Note

Changes authorised by subpart 2 of Part 3 of the Legislation Act 2019 have been made in this consolidation. See the notes at the end of this consolidation for further details.

This Act is administered in the Ministry of Transport.

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An Act to establish a stand alone Civil Aviation Authority, and to amend the Civil Aviation Act 1990 and certain other enactments

BE IT ENACTED by the Parliament of New Zealand as follows:

1 Short Title and commencement

- (1) This Act may be cited as the Civil Aviation Amendment Act 1992, and shall be read together with and deemed part of the Civil Aviation Act 1990 (hereinafter referred to as the principal Act).
- (2) Except as provided in section 35(4) of this Act, this Act shall come into force on the day on which this Act receives the Royal assent.

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35 Repeals

- (1) Section 99(1) of the principal Act is hereby amended by repealing paragraph (a).
- (2) Section 99(1) of the principal Act is hereby amended by repealing paragraph (b).
- (3) Section 99(1) of the principal Act is hereby amended by repealing paragraph (c).
- (4) Subsections (1), (2), and (3) of this section shall come into force on a date to be appointed by the Governor-General by Order in Council; and one or more Orders in Council may be made bringing different subsections into force on different dates.

- (5) No Order in Council shall be made under this section unless the Minister has recommended the making of the order, which recommendation shall be made only if the Minister—
- (a) Has consulted the Authority about the proposed recommendation; and
 - (b) Is satisfied that appropriate rules governing the aviation services specified in the provision to which the order relates are in force under the principal Act.

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39 Amendments to other enactments

The enactments specified in Schedule 2 to this Act are hereby amended in the manner indicated in that Schedule.

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Transitional provisions

42 Transitional provisions relating to employees

- (1) Notwithstanding any other provision of this Act or the principal Act or any provision of the State Sector Act 1988,—
- (a) Every person employed in the Ministry immediately before the commencement of this Act and engaged principally in duties that relate to functions that are functions of the Authority or of the Director is hereby deemed an employee of the Authority; and
 - (b) The terms and conditions of employment of every person who, by virtue of paragraph (a) of this subsection, becomes an employee of the Authority shall, until varied or until a new contract of employment is entered into, be based on the employment contract that applied to that person immediately before the commencement of this Act in respect of that person's employment in the Ministry.
- (2) For the purposes of every enactment, law, award, determination, contract, and agreement at any time relating to the employment of a person who, by virtue of subsection (1) of this section, becomes an employee of the Authority,—
- (a) The contract of employment that applied immediately before the commencement of this Act in respect of that person's employment in the Ministry shall be deemed not to have been broken by that person having so become a person employed by the Authority; and

- (b) Any period recognised by the Secretary as continuous service in the Ministry shall be deemed to have been a period of continuous service in the Authority.
- (3) No person who becomes, by virtue of subsection (1)(a) of this section, a person employed by the Authority shall be entitled to any payment, benefit, or compensation by reason only of that person having ceased to be a person employed in the Ministry.
- (4) No person employed in the Ministry before the commencement of this Act shall be entitled to be paid any compensation for redundancy if—
 - (a) Before the commencement of this Act, he or she was engaged principally on duties relating to the examination, testing, or flight testing of applicants for the grant or renewal of aviation documents in respect of flight crew or aircraft maintenance personnel; and
 - (b) Before the commencement of this Act, he or she was offered employment on or after the commencement of this Act by any person outside the Ministry who is to assume full or partial responsibility for those duties on or after the date of that commencement; and
 - (c) The person assuming responsibility for those duties has agreed to treat service with the Ministry as if it were service with that person and as if it were continuous; and
 - (d) The conditions of employment offered to the employee by the person assuming responsibility for those duties are the same as, or are no less favourable than, the employee's conditions of employment in the Ministry; and
 - (e) The offer of employment by the person assuming the responsibility for those duties is an offer to employ the employee either—
 - (i) Principally on duties that relate to the duties carried out by the person while employed by the Ministry; or
 - (ii) In a capacity that the employee is willing to accept.

43 Contributors to Government Superannuation Fund

- (1) Any person who, immediately before the commencement of this Act, was an officer or employee appointed under the State Sector Act 1988 and was a contributor to the Government Superannuation Fund under the Government Superannuation Fund Act 1956 shall, if the person becomes an employee of Aviation Services Limited (in this section called the company), be deemed to be, for the purposes of the Government Superannuation Fund Act 1956, employed in the Government service so long as that person continues in the service of the company and the Government Superannuation Fund Act 1956 shall apply to that person in all respects as if the service with the company were Government service.

- (2) Subject to the Government Superannuation Fund Act 1956, nothing in subsection (1) of this section shall entitle any such person to become a contributor to the Government Superannuation Fund after that person has once ceased to be a contributor.
- (3) For the purposes of applying the Government Superannuation Fund Act 1956, in accordance with subsection (1) of this section, to a person who is in the service of the company and is a contributor to the Government Superannuation Fund the term **controlling authority**, in relation to that person, means the company.

44 Transitional provisions relating to performance agreement

Notwithstanding section 72F of the principal Act (as inserted by section 31 of this Act), for the financial year of the Authority commencing on the 1st day of July 1992, the Authority shall give to the Minister a draft performance agreement not later than 1 month after the commencement of this Act.

45 Transitional provisions relating to functions to be contracted out by Ministry

At the request of the Secretary and on such terms and conditions as it may agree with the Secretary, the Authority may—

- (a) Provide administrative support services in respect of the Aviation Security Service:
- (b) *[Repealed]*
- (c) Carry out other specified civil aviation functions usually carried out by the Ministry.

Paragraph (b) was repealed, as from 13 August 1996, by section 35 Civil Aviation Amendment Act 1996 (1996 No 91).

46 Savings

- (1) Where, before the commencement of this Act, the Ministry or any officer of the Ministry has become a party to any proceedings under the principal Act, the proceedings may be continued, completed, and enforced as if the Authority or the Director, as the case may require, were that party.
- (2) Where, before the commencement of this Act, the Ministry or any officer of the Ministry has commenced an action under the principal Act or regulations made under that Act, the action may be continued, completed, and enforced as if the Authority or the Director, as the case may require, had commenced it.
- (3) Every reference to the Director of Civil Aviation in any Act, regulation, rule, order, other enactment, agreement, deed, instrument, application, notice, or other document whatever, being a reference that was, immediately before the commencement of this Act, required by virtue of section 102(2) of the principal Act to be read as a reference to the Secretary, shall hereafter be read as a reference to the Director.

- (4) Every reference to the Civil Aviation Authorities in any Act, regulation, rule, order, other enactment, agreement, deed, instrument, application, notice, or other document whatever, being a reference that was, immediately before the commencement of this Act, required by virtue of section 102(4) of the principal Act to be read as a reference to the Secretary, shall hereafter be read as a reference to the Authority.
- (5) Every authority given by the Secretary under section 24 of the principal Act and every sign containing a declaration in the name of the Secretary under section 84 of that Act (being a sign erected at the commencement of this Act) shall hereafter have effect as if it were an authority given by the Director or a declaration in the name of the Director, as the case may be.

47 Transfer of Crown assets and liabilities to Authority

Part 4 of the State-Owned Enterprises Act 1986 (except sections 27 to 27D) shall apply in respect of the Crown's civil aviation assets and liabilities as if—

- (a) The Minister was the shareholding Minister for a State enterprise; and
- (b) The Authority were a State enterprise.

Schedule 1
New Schedule 3 added to principal Act

Section 38

Schedule 2 Enactments amended

Section 39

Enactment	Amendment
1991, No 116- The Civil Aviation Amendment Act 1991	<p>By repealing section 4.</p> <p>By adding to section 8(1) the words “and for the purposes of the principal Act shall be deemed to be regulations made also under that Act”.</p> <p>By repealing subsection (1) of section 9, and substituting the following subsections:</p> <p>(1) Subject to this section, the Authority may from time to time, either generally or particularly, delegate to any person any of the Authority’s functions or powers under any regulations continued in force by, or made under, section 8 of this Act.</p> <p>(1A) Subject to this section, the Director may from time to time, either generally or particularly, delegate to any person any of the Director’s functions or powers under any regulations continued in force by, or made under, section 8 of this Act.</p> <p>(1B) No delegation under this section shall include-</p> <p style="padding-left: 40px;">(a) The power to delegate under this section; or</p> <p style="padding-left: 40px;">(b) The power to suspend or cancel any licence, rating, permit, certificate, or other document.</p> <p>By omitting from section 9(3) the word “Secretary”, and substituting the words “Authority or the Director, as the case may be”.</p> <p>By omitting from subsection (4) and also from subsection (5) of section 9 the word “Secretary”, and substituting in each case the words “Authority or the Director”.</p> <p>By omitting from section 9(6) the word “Secretary” where it first occurs, and substituting the word “person”.</p> <p>By omitting from section 9(6) the words “office as Secretary”, and substituting the words “that office”.</p> <p>By omitting from section 10(1) the word “Secretary”, and substituting the word “Authority”.</p>

Schedule 3

Provisions of principal Act where references to Ministry or secretary are substituted

Section 40

Schedule 4

Provisions of principal Act where references to persons other than individuals are to be read as references to bodies corporate

Section 41

Consolidation notes

1 *General*

This is a consolidation of the Civil Aviation Amendment Act 1992 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *About this consolidation*

This consolidation is not an official version of the legislation under section 78 of the Legislation Act 2019.

3 *Amendments incorporated in this consolidation*

Civil Aviation Act 2023 (2023 No 10): section 487