Civil Aviation Amendment Act 2023

Public Act	2023 No 11
Date of assent	5 April 2023
Commencement	see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Civil Aviation Amendment Act 2023.

2 Commencement

(1) This Act comes into force on a date or dates to be appointed by the Governor-General by Order in Council.

Provisions commenced by Order in Council

Provisions	Commencement date	Order in Council
This Act	23 July 2026	Clause 2 of the Civil Aviation Amendment Act 2023 Commencement Order 2026

This note is not part of the Act.

(2) An Order in Council made under this section 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 *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

3 Principal Act

This Act amends the Civil Aviation Act 2023.

4 Section 5 amended (Interpretation)

In section 5, insert in their appropriate alphabetical order:

foreign in-flight security officer means an enforcement officer or authorised person from a country other than New Zealand who is—

(a) authorised to act on an aircraft that is in flight by the State that has issued the air operating certificate (or its equivalent) under which the air operation is conducted; and

(b) subject to an in-flight security officer arrangement or agreement between New Zealand and the State that has issued the air operating certificate (or its equivalent) under which the air operation is conducted

in-flight security officer means a constable authorised under section 15A of the Aviation Crimes Act 1972

5 Section 56 amended (Rules relating to safety and security)

After section 56(f), insert:

(g) rules providing for in-flight safety and security, including, but not limited to, the following:

(i) the possession, carriage, and use of a firearm, a weapon, ammunition, or any other equipment by an in-flight security officer on board an aircraft operated by an operator certified under Part 119 of the rules:

(ii) the carriage of a firearm, a weapon, ammunition, or any other equipment by a foreign in-flight security officer while entering, transiting, or departing from New Zealand.

6 New sections 162A and 162B and cross-heading inserted

After section 162, insert:

In-flight security

162A Director may approve firearms, weapons, ammunition, and other equipment for carriage and use by in-flight security officers

The Director may approve firearms, weapons, ammunition, and other equipment for carriage and use on board an aircraft by an in-flight security officer.

162B Foreign in-flight security officers

(1) Despite section 11 of the Aviation Crimes Act 1972, the Director may, in accordance with any requirements of the rules, authorise a person or class of persons described in subsection (2) to—

(a) disembark from an aircraft:

(b) board an aircraft:

(c) pass through a—

(i) security area:

(ii) security enhanced area:

(iii) sterile area.

(2) The authorisation under subsection (1) may be of—

(a) a foreign in-flight security officer who is accompanied by a constable and is carrying a firearm, a weapon, ammunition, or any other equipment; or

(b) a class of foreign in-flight security officers who are accompanied by a constable and are carrying a firearm, a weapon, ammunition, or any other equipment.

(3) Before granting an authorisation under subsection (1), the Director must consult the Commissioner of Police and other affected parties that the Director considers appropriate.

(4) To avoid doubt, the authorisation of a foreign in-flight security officer by the State that has issued the air operating certificate (or its equivalent) under which the air operation is conducted applies only while the aircraft is in flight.

7 Amendments to other legislation

Amend the enactments specified in the Schedule as set out in that schedule.

Schedule
Amendments relating to in-flight security

s 7

Arms Act 1983 (1983 No 44)

In section 2, insert in their appropriate alphabetical order:

> **foreign in-flight security officer** has the same meaning as in section 5 of the Civil Aviation Act 2023
>
> **in-flight security officer** has the same meaning as in section 5 of the Civil Aviation Act 2023

In section 3(2)(a)(vii), replace ":" with "; or".

After section 3(2)(a)(vii), insert:

> (viii) an in-flight security officer or a foreign in-flight security officer:

Aviation Crimes Amendment Act 2007 (2007 No 88)

In section 4(1), definition of **foreign in-flight security officer**, replace "section 2 of the Civil Aviation Act 1990" with "section 5 of the Civil Aviation Act 2023".

In section 4(1), replace the definition of **in-flight security officer** with:

> **in-flight security officer** means a constable authorised under section 15A

In section 10, replace new section 15B with:

15B In-flight security officers may possess, carry, and use firearms, weapons, ammunition, and other equipment in certain circumstances

(1) Despite section 11, an in-flight security officer may, on board an aircraft operated by an operator certified under Part 119 of the Civil Aviation Rules, possess, carry, and use a firearm, a weapon, ammunition, or other equipment that the Director of Civil Aviation has approved under section 162A of the Civil Aviation Act 2023 if—

(a) the officer is on duty; and

(b) the aircraft is in flight.

(2) Despite section 11(1A), an in-flight security officer may, in a landside security area, a sterile area, or a security enhanced area declared by the Director in accordance with Part 5 of the Civil Aviation Act 2023, possess, carry, and use a firearm, a weapon, ammunition, or other equipment that the Director of Civil Aviation has approved under section 162A of the Civil Aviation Act 2023 if the officer—

(a) is on duty; and

(b) is accompanying a foreign in-flight security officer or class of foreign in-flight security officers authorised under section 162B of the Civil Aviation Act 2023.

Legislative history

28 March 2023	Divided from Civil Aviation Bill (Bill 61–2), third reading
5 April 2023	Royal assent

This Act is administered by the Ministry of Transport.

Wellington, New Zealand:
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