



Airports (Cost Recovery for Processing of International Travellers) Act 2014

Public Act 2014 No 3
Date of assent 14 February 2014
Commencement see section 2

Contents

	Page
1 Title	2
2 Commencement	2

Part 1 Preliminary provisions

3 Purpose	2
4 Interpretation	3
5 Act binds the Crown	4

Part 2 Cost recovery

Liability for charges

6 Application of sections 7 and 8	5
7 Liability to pay for establishment of traveller processing capacity	5
8 Liability to pay for traveller processing at new and re-established international airports	6
9 Payment for non-routine processing	6

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 for Primary Industries.

10	Exemption from prescribed charges for aviation security processing	6
	<i>Cost recovery</i>	
11	Regulations	7
12	Requirements for regulations	8
13	Consultation requirements for making regulations	8
14	Consultation before Act in force	9
15	Methods of cost recovery	9
16	Exemptions, waivers, and refunds	9
17	Prescribed charges to constitute debt due to the Crown	10
18	Penalties for failure to pay prescribed charge	10
19	Waiver of penalty	10
20	Obligation to pay prescribed charge not suspended by dispute	10
	<i>Consequential amendments</i>	
21	Consequential amendments to other enactments	11
	Schedule	12
	Consequential amendments to other enactments	

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Airports (Cost Recovery for Processing of International Travellers) Act 2014.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

Part 1
Preliminary provisions

3 Purpose

The purpose of this Act is to enable the Crown to recover some of its costs incurred in—

- (a) establishing or re-establishing at an airport the capacity to process travellers arriving in, or departing from, New Zealand on an international flight; and
- (b) processing international travellers at new and re-established international airports; and

- (c) processing international travellers at an international airport in other than a routine manner.

4 Interpretation

In this Act, unless the context otherwise requires,—

agency means, in relation to the processing of travellers under—

- (a) the Biosecurity Act 1993, the Ministry for Primary Industries:
- (b) the Customs and Excise Act 2018, Customs:
- (c) the Civil Aviation Act 1990, the Aviation Security Service

Aviation Security Service means the Aviation Security Service established and continued by the Civil Aviation Authority under section 72B(2)(ca) of the Civil Aviation Act 1990

chief executive means one of the following:

- (a) in relation to the Ministry for Primary Industries, the Director-General:
- (b) in relation to Customs, the Comptroller of Customs:
- (c) in relation to the Aviation Security Service, the General Manager of the Aviation Security Service

cost recovery period means—

- (a) a period prescribed as the cost recovery period under section 11 that begins as stated in section 6(2); or
- (b) if no period is prescribed, 3 years beginning as stated in section 6(2)

Customs has the meaning given to it in section 5(1) of the Customs and Excise Act 2018

Director-General means the chief executive of the Ministry for Primary Industries

due date means the date that is 20 working days after the date on which the invoice requiring the payment of a prescribed charge would have been delivered in the ordinary course of the post or the date on which the invoice is actually received, whichever is later

grace period means—

- (a) a period prescribed as the grace period under section 11 that begins as stated in section 6(3); or
- (b) if no period is prescribed, 6 months beginning as stated in section 6(3)

international airport means an airport at which scheduled international flights arrive or depart

Minister means the Minister for Primary Industries

operator, in relation to an international airport, means the holder of an aerodrome operating certificate issued in relation to the international airport in

accordance with a rule made under section 30 or 34A of the Civil Aviation Act 1990

prescribed charge means a charge prescribed or provided for by regulations made under section 11

processing, in relation to a traveller, means—

- (a) the activities carried out at international airports by the Ministry for Primary Industries under the Biosecurity Act 1993 to—
 - (i) determine what goods are in the possession or control of the traveller; and
 - (ii) ascertain whether any or all of the goods may be cleared for entry into New Zealand under section 26 of that Act; or
- (b) the activities carried out at international airports by the Aviation Security Service under the Civil Aviation Act 1990 to—
 - (i) screen the traveller and the traveller's baggage; and
 - (ii) ensure the safety and security of the civil aviation system; or
- (c) the activities carried out at international airports by Customs under the Customs and Excise Act 2018 to—
 - (i) determine the traveller's eligibility to enter or leave New Zealand; and
 - (ii) establish whether goods in the traveller's possession are dutiable, prohibited imports or exports, or otherwise subject to the control of Customs

scheduled international flight means a flight that is—

- (a) performed by an aircraft for the transportation of people between New Zealand and 1 or more points in a country or territory other than New Zealand; and
- (b) one of a regular or frequent series of flights, whether or not in accordance with a published timetable; and
- (c) open to use by members of the public

traveller means a passenger or another person who arrives in, or departs from, New Zealand on an international flight.

Section 4 **agency** paragraph (b): amended, on 1 October 2018, by section 443(3) of the Customs and Excise Act 2018 (2018 No 4).

Section 4 **Customs**: amended, on 1 October 2018, by section 443(3) of the Customs and Excise Act 2018 (2018 No 4).

Section 4 **processing** paragraph (c): amended, on 1 October 2018, by section 443(3) of the Customs and Excise Act 2018 (2018 No 4).

5 Act binds the Crown

This Act binds the Crown.

Part 2

Cost recovery

Liability for charges

6 Application of sections 7 and 8

- (1) Sections 7 and 8 apply to an airport—
 - (a) that begins operating as an international airport; or
 - (b) that ceases operating as an international airport during a cost recovery period that applies to the airport but later resumes operating as an international airport; or
 - (c) other than an airport described in paragraph (b), that ceases operating as an international airport but later resumes operating as an international airport, if it resumes operating as an international airport after the expiry of the grace period.
- (2) The cost recovery period in relation to an airport described in subsection (1)—
 - (a) begins on the day that the airport begins operating as an international airport; and
 - (b) begins again on the day that the airport resumes operating as an international airport (if applicable).
- (3) The grace period in relation to an airport described in subsection (1)(c) begins on the day following the day on which the international airport ceases operating as an international airport.

7 Liability to pay for establishment of traveller processing capacity

- (1) The operator of an international airport to which this section applies must pay any prescribed charge relating to the costs incurred by an agency in establishing or re-establishing the capacity to process travellers at the airport, whether the costs are incurred before or after the airport begins or resumes operating as an international airport.
- (2) Examples of the costs referred to in subsection (1) are the costs that the agency incurs in doing all or any of the following:
 - (a) recruiting and training staff:
 - (b) purchasing, leasing, and installing equipment:
 - (c) leasing any part of the airport and making physical alterations to that part.