

Chair
Cabinet Legislation Committee

AIRPORT AUTHORITIES (WEST AUCKLAND AIRPORT COMPANY LIMITED) ORDER 2020

Proposal

1. This paper proposes that the Cabinet Legislation Committee (the Committee) authorises the submission to the Executive Council of the Airport Authorities (West Auckland Airport Company Limited) Order 2020 (the Order).
2. The Order will confer airport authority status on West Auckland Airport Company Limited (the company).

Airport Authorities Act 1966

3. Airport authority status is conferred by Order in Council under the Airport Authorities Act 1966 (the Act).
4. An airport authority is defined as a local authority authorised under section 3 of the Act to establish, maintain, operate, or manage airports. Airport authorities have powers in respect of approaches, buildings, and other accommodation, and equipment and appurtenances for airports, and may acquire land for any such purpose.
5. The powers conferred on local authorities by Order in Council may be exercised by any person or association of persons (which includes entities such as the company) referred to in the Order in Council. Conditions may be attached to the Order in Council.
6. The benefits to an airport company in obtaining airport authority status include:
7. becoming a network utility operator under the Resource Management Act 1991, which enables the authority to apply to become a requiring authority and thereby seek designations to protect land and airspace
8. being deemed a government work for the purposes of the Public Works Act 1981, which allows the authority to apply to the Minister of Lands for the compulsory acquisition of land
9. having the power to make bylaws for the “good rule and management of the airport” (other than prescribing charges by bylaw). A bylaw made by an airport company must be approved by the Governor-General by Order in Council.

West Auckland (Parakai) airport

10. West Auckland Airport, Parakai, is a small airport situated in Auckland's northwest. The airport is predominantly used for skydiving, flight training, and private recreational flying.
11. The airport is privately owned by the company. The company sees benefits in holding the powers of an airport authority for operating the airport and managing and planning for its future needs.
12. Airport authority status will enable the company to continue to improve, maintain, operate, and manage the West Auckland Airport at Parakai. The Order makes it clear that the powers conferred on the company relate only to the operation of that airport.

Consultation with the community

13. Ministry of Transport officials consulted with the Parakai community on the proposal to grant airport authority status to the company. The Ministry received submissions both for and against.
14. Those who supported the proposal noted that the airport is an asset to community, which deserves to operate under a regulatory regime designed for the operation and management of airports.
15. Those opposed were concerned that granting airport authority status may result in more aircraft, and larger aircraft, using the airport, causing problems such as noise and air pollution. It is considered that these concerns are best dealt with through resource management regulation.

Timing and the 28-day rule

16. The Order has been drafted to come into force on 1 April 2020. In order to meet the 28-day rule, the Order will need to be considered by the Committee by 18 February 2020.

Compliance

17. The Order complies with:
18. the principles of the Treaty of Waitangi
19. the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993
20. the principles and guidelines set out in the Privacy Act 1993
21. relevant international standards and obligations
22. *LAC Guidelines (2018 Edition)*, a publication of the Legislation Design and Advisory Committee.

Regulations Review Committee

23. There are no grounds for the Regulations Review Committee to draw the proposed Order to the attention of the House under Standing Order 319(2).

Certification by Parliamentary Counsel

24. The Parliamentary Counsel Office has certified the Order as being in order for submission to the Executive Council.

Regulatory Impact Analysis

25. The Regulatory Quality Team at the Treasury has determined that a Regulatory Impact Assessment is not required for this paper as it is expected to have only minor impacts on businesses, individuals or not-for-profit entities.

Publicity

26. The Ministry of Transport will inform stakeholders of the decision when published in the *Gazette*.

Proactive release

27. Following Cabinet consideration of this paper, I intend to release it on the Ministry of Transport website.

Consultation

28. The Department of Internal Affairs, the Ministry for the Environment, Land Information New Zealand, the Civil Aviation Authority and the Treasury have been consulted. The Department of the Prime Minister and Cabinet has been informed.

Recommendations

29. I recommend that the Committee:
1. **note** that the Airport Authorities (West Auckland Airport Company Limited) Order 2020 (the Order) will give airport authority status to West Auckland Airport Company Limited
 2. **authorise** the submission of the Order to the Executive Council
 3. **note** that the Order commences on 1 April 2020.

Hon Phil Twyford
Minister of Transport

Dated: _____