

Administrative Action – Operational Policy

1. Purpose

This policy explains what administrative action is and provides principles to guide decisions to take administrative action under the Civil Aviation Act 2023 (CA Act 2023).

2. Scope

This policy applies to:

- the Director and all Civil Aviation Authority (CAA) staff who hold the delegation to suspend, impose conditions on, or revoke an aviation document under sections 96-100¹ of the CA Act 2023;
- inspectors who issue improvement notices under section 298 of the CA Act 2023, and CAA staff who hold the delegation to vary or cancel notices under section 308;
- the Director and all CAA staff who hold the delegation to detain, seize, prohibit, or impose conditions in relation to an aircraft, aerodrome, or aeronautical product under sections 313-315 of the CA Act 2023; and
- inspectors who exercise powers under sections 284-291 to support the Director to fulfil their functions under section 32 and decide whether to take administrative action under sections 96-100 or 313-315.

This policy does not cover:

- Action under section 101 of the CA Act 2023 to amend or revoke an aviation document if requested to do so in writing by the holder of the aviation document.
- Action under section 102 of the CA Act 2023 to suspend an aviation document if a fee, charge or levy is not paid by the prescribed or fixed date.
- Action under sections 316-321 of the CA Act 2023 to seize, detain, or destroy aircraft without a person on board.

¹ The power to revoke an aviation document under section 98 of the CA Act 2023 must be exercised by the Director and cannot be delegated.

Decision-makers are expected to use their judgement and discretion where the word **'should'** is used in this policy e.g., 'The Director *should*...'

All mandatory standards within this policy are identified by **'must'** e.g., 'The Director *must*...'

3. Definitions

Administrative action: the use of statutory powers under the CA Act 2023 to mitigate or eliminate an aviation safety or security risk.

Aerodrome: any defined area of land or water intended or designed to be used, either wholly or partly, for the landing, departure, or surface movement of aircraft, including any other areas, buildings, installations, and equipment that are on or adjacent to the defined area and used in connection with that area or its administration. Where an airport operator is registered in respect of the aerodrome, it includes any area included under [section 222\(3\)\(b\) or 223](#)

Aeronautical product: anything that comprises or is intended to comprise any part of an aircraft or that is, or is intended to be, installed in or fitted or supplied to an aircraft. It includes fuel and other similar consumable items necessary for the operation of the aircraft.

Aircraft: any machine that can derive support in the atmosphere from the reactions of the air otherwise than by the reactions of the air against the surface of the earth.

Aviation document: any licence, permit, certificate, or other document issued under the CA Act 2023 to or in respect of any person, aircraft, aerodrome, aeronautical procedure, aeronautical product, or aviation related service.

Aviation participant: a person who operates, maintains, services, or does any other act in respect of an aircraft, aerodrome, or aeronautical product. It also includes a person who provides an aviation-related service.

Civil aviation legislation: the Civil Aviation Act 2023 and any secondary legislation (regulations, rules, transport instruments) made under it.

Contravention: the act of doing something that a law or rule does not allow, or omitting to do something that a law or rule requires.

Decision-maker: the Director of Civil Aviation, Acting Director (s 33), or any person who holds a relevant delegation under section 460 from the Director to exercise powers under sections 96-100 and/or 313-315 of the CA Act 2023. Also includes inspectors who issue improvement notices under section 298 of the CA Act 2023, and any person who holds a relevant delegation to who vary or cancel notices under section 308.

Director: the person who is the Director of Civil Aviation under section 31 of the CA Act 2023. It also includes an Acting Director appointed under section 33 and those delegated under section 460 of the CA Act 2023. The power to revoke an aviation document under section 98 is held by the Director and cannot be delegated.

Document holder: in relation to any aviation document, a document holder includes any person lawfully entitled to exercise privileges in respect of that document.

Inspector: a person appointed under section 331 of the CA Act 2023.

4. What administrative action is and why it is taken

4.1 For this policy, administrative action refers to the use of the following statutory powers:

- imposing conditions on, or suspending part or all of, an aviation document under sections 96 and 97 of the CA Act 2023;
- imposing permanent conditions on, or revoking, an aviation document under section 98 of the CA Act 2023;
- issuing improvement notices under section 298 of the CA Act 2023; and
- detaining, seizing, prohibiting, or imposing conditions in relation to an aircraft, aerodrome, or aeronautical product under sections 313-315 of the CA Act 2023.

4.2 The decision to take administrative action is not used to punish an individual or organisation, but rather to mitigate or eliminate an aviation safety or security risk.

5. Principles that guide decisions to take administrative action

5.1 Decisions to take administrative action are made on a case-by-case basis having regard to the relevant statutory provisions, what is proportionate to the aviation risk, and the steps required to either mitigate or eliminate the aviation safety or security risk. Administrative action should be timely to ensure that any known aviation risk is managed as soon as is reasonably possible.

5.2 In deciding whether to take administrative action, the decision-maker considers:

- the particular administrative action being considered and if the relevant statutory requirements to take the administrative action have been met and the obligations associated with taking that action;
- whether there has been a contravention of civil aviation legislation;
- whether the available information and data suggests that the participant's attitude towards security or safety performance and compliance is below the required standard;

- whether other interventions, such as education, assessments, or requests for seeking voluntary compliance, have been or are expected to be unsuccessful;
- if the available information is sufficient and credible and, if not, what actions are needed to gain the information needed (e.g., action under ss 284-291 of the CA Act 2023 to obtain more information);
- the duration and severity of the event(s) that gave rise to the safety or security concern and the likelihood of the safety or security risk continuing or being repeated;
- the circumstances of the situation, including whether immediate action is required to mitigate a serious risk to aviation safety or security; and
- the compliance history and behaviour of the aviation participant, and if there is evidence of a systemic or widespread problem, or a pattern of poor conduct.

6. The Director and inspectors will act in accordance with the CAA's Regulatory Decisions – Operational Policy

6.1 In all cases, the Director and inspectors will act and make decisions in accordance with the CAA's [Regulatory Decisions – Operational Policy](#), and ensure that:

- inspectors make it clear when they are using their powers under the CA Act 2023, and what powers they're using;
- each case is considered on its merits and all statutory requirements for the proposed action are met;
- decisions are made without unnecessary delay and clear reasons are provided for the decision;
- the document holder is kept informed during the decision-making process and given an opportunity to comment before a final decision is made where required and practical;
- conflicts of interest are managed in accordance with CAA's Conflicts of Interest Policy; and
- it is clear what decisions can be appealed and/or reviewed. This will be detailed in the relevant Administrative Action procedures.

7. Measure of Effectiveness

7.1 This policy is successful when relevant CAA staff understand the way decisions to take administrative action are reached, and the policy is applied to all administrative action decisions.

- 7.2 The Authority’s quality assurance and control processes assess our adherence to this policy to ensure that the principles and the approaches in it, are being adopted.
- 7.3 Our performance is also subject to external monitoring and review by organisations such as the Ministry of Transport, Audit New Zealand and the ICAO.

8. Document Control

Title	Administrative Action – Operational Policy
Effective date	05/04/2025
Author	Tracey Ayre, Principal Advisor, Operational Policy
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Owner	John Kay, Deputy Chief Executive, System, Strategy and Policy
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Revision	Date	Description of change
1.0	05/04/2025	New policy to reflect the CA Act 2023, and to replace the S15A Investigations Policy while keeping the intent of that policy.