

Notice of Proposed Rule Making

NPRM 26-02

16 April 2026

Proposed new Part 19 Subpart H – In-flight Security Officers and Foreign In-flight Security Officers, and amendments to the Civil Aviation Rules

Docket 26/CAR/02

Affected Rules

New rules 19.381 and 19.383 (Part 19, Subpart H)

Rule 19.353

Rule 91.9

Rule 108.53 and 108.55

Rule 140

HANDLING INSTRUCTIONS

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1. Purpose of this NPRM

1. The purpose of this rule-making proposal is to establish a regulatory framework that enables the safe and lawful deployment of in-flight security officers (IFSOs) and foreign in-flight security officers (FIFSOs).
2. The CAA is proposing a new subpart within Civil Aviation Rule Part 19 – Miscellaneous Rules, and related amendments to rules 19.353, 91.9, 108.53, 108.55, and 140 Appendix A.5 giving effect to sections 162A and 162B of the Civil Aviation Act 2023 (the Act), when inserted by the Civil Aviation Amendment Act 2023. These sections will empower the Director to approve items for possession, carriage, and use by IFSOs and to authorise FIFSOs to move through certain security-controlled areas under specific conditions and controls.

A note on terminology

Five terms used in this NPRM

Foreign in-flight security officer (FIFSO) will have the same meaning as in section 5 of the Civil Aviation Act 2023 (the Act), when amended by the Civil Aviation Amendment Act 2023. It refers to an officer authorised by another state under an agreement with New Zealand, travelling on an aircraft with an Air Operator Certificate (AOC) issued by that state.

In-flight security officer (IFSO) has the same meaning as in section 5 of the Act, when amended by the Civil Aviation Amendment Act 2023. It refers to an officer authorised by the Commissioner of Police under section 15A of the Aviation Crimes Act 1972 (as amended by the Aviation Crimes Amendment Act 2007).

Where this NPRM refers to both, the term **F/IFSO** is used.

A **partner State** refers to a State with whom New Zealand has an in-flight security officer arrangement or agreement between New Zealand and that State.

Security-controlled areas refer to the areas that the Director can authorise FIFSOs to move through under s.162B of the Act, namely security areas, sterile areas, and security enhanced areas.

2. Invitation to comment

3. We invite you to make a written submission on the proposed changes. We will consider all submissions before proceeding with changes to the rules.

How to make a submission

4. To make a submission, you can download a submission sheet from website at www.caa.govt.nz and submit your feedback by:

e-mail: docket@caa.govt.nz subject line “Submission on NPRM 26-02”.

mail:	Docket Clerk (NPRM 26-02) Civil Aviation Authority PO Box 3555 Wellington 6140 New Zealand	in person:	Docket Clerk (NPRM 26-02) Civil Aviation Authority Datacom Centre Level 15 55 Featherston Street Wellington 6011
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5. You can request more information on the process by emailing docket@caa.govt.nz or by phoning +64 4 560 9640.
6. CAA will acknowledged receipt of all submissions.

Final date for submissions

7. Submissions must be received by **midday on 4 May 2026**.

Consultation and rule-making process, submissions, and the Official Information Act

8. The Minister has decided to recommend that the Governor-General make these rules under section 63 of the Civil Aviation Act 2023. As part of this process, CAA will conduct a closed consultation on this is NPRM. We are seeking submissions from stakeholders approved by the Minister of Transport.

Your submission

9. Submissions are subject to the Official Information Act 1982 (OIA). If you want all or part of your submission to be treated as confidential or unattributed to your identity in any summary of submissions, you must clearly identify the relevant information and provide reasons. Any request for confidentiality will be considered in accordance with the grounds for withholding information under the OIA; however, the CAA cannot guarantee confidentiality in respect of any submission.
10. A summary of submissions will be provided to submitters and, if appropriate, may also be published on the CAA website at the conclusion of the rule-making process.

Rule-making process

11. Following consultation and any necessary amendments to the proposed rules, the Acting Minister of Transport will request Cabinet approval for the Governor-General to make the rules set out in this proposal. The rules will be published in the *Gazette* and come into force 28 days later.

3. What is the problem and what are we proposing?**Summary of the problem**

12. Parliament has passed legislation enabling foreign and New Zealand in-flight security officer (F/IFSO) operations (the Civil Aviation Amendment Act 2023, the Aviation Crimes Amendment Act 2007) These amend the Civil Aviation Act 2023, the Aviation Crimes Act 1972 and the Arms Act 1983.¹ The Civil Aviation Act (as amended) will provide the Director of Civil Aviation the ability to approve firearms, weapons, ammunition, and other equipment for use by IFSOs under section 162A. Under section 162B, the Director may authorise armed FIFSOs to move through certain security-controlled areas under specific conditions and controls.²
13. The current civil aviation rules prohibit key aspects of F/IFSO operations, including the carriage and discharge of firearms on board aircraft. As a result, New Zealand could not lawfully implement international F/IFSO arrangements despite the enabling legislation being in place.³

¹ The government is currently progressing an Arms Bill through Parliament which, if enacted, will include the provisions currently in the Civil Aviation Amendment Act 2023.

² The Director has no powers to authorise F/IFSOs to act in response to threats on board an aircraft. IFSOs WOULD BE authorised by the Commissioner of Police under s.15A of the Aviation Crimes Act. FIFSOs are authorised by the sending state, which must be the same state that issues the Air Operators Certificate of the aircraft they are working on.

³ Parliament was aware of this issue when enacting the Civil Aviation Amendment Act 2007 and provided for consequential amendments to the Civil Aviation Rules. Those amendments were not carried through when the legislative amendments were later replaced on commencement of the Civil Aviation Act 2023, at a time when the Rules had yet to be rewritten.

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14. Further there is no regulatory framework guiding the Director's approval and authorisation decisions, which creates inconsistency and uncertainty for operators, partner states, and other agencies.
 15. The proposed new rules and rule amendments would enable FIFSO operations into New Zealand. They would also make the regulatory requirements clear, facilitate reciprocal state-to-state agreements, and enable but not require New Zealand to deploy IFSOs in future.

Summary and scope of the proposals

16. The new rule and amendments would:
 - Make a new Part 19 Subpart H – In-flight Security Officers and Foreign In-flight Security Officers (after Subpart G – Security) to prescribe the matters the Director must consider when approving items for IFSO carriage and use under section 162A, and when authorising FIFSOs or classes of FIFSOs under section 162B of the Act as amended by the Civil Aviation Amendment Act 2023 (rules 19.379, 19.381 and 19.383)
 - amend Part 1 to insert definitions for 'in-flight security officer' and 'foreign in-flight security officer' with reference to the Act
 - amend rule 19.353 to enable delivery of otherwise prohibited items to F/IFSOs
 - amend rules 91.9(a) and 91.9(b) to insert a reference to the Act and the Aviation Crimes Act 1972 so F/IFSOs are not prohibited from discharging a firearm on board an aircraft when authorised
 - amend rule 108.53 to require domestic air operators to include procedures for including IFSO deployment in their security programmes
 - amend rule 108.55 to require air operators with international air operators with an air operator security programme to include procedures for facilitating F/IFSO deployment, as applicable
 - amend rule 140 Appendix A.5 to except articles being carried by a New Zealand Police constable as or on behalf of an in-flight security officer or foreign in-flight security officer, provided those articles are subject to security controls approved by the Director
17. No new or amended offences and penalties, transport instruments, tertiary instruments, or transitional periods are proposed.

4. Proposals in detail

New Part 19 - Subpart H

18. We propose creating a new Subpart H, titled "In-flight security officers and foreign in-flight security officers", to follow Subpart G – Security in Part 19. A dedicated subpart provides a ready reference for all F/IFSO requirements, keeps the new rules clearly distinguished from other authorised person provisions in Part 19, and minimises complexity in the rule set. The subpart contains two rules. See [Section 12](#) for the proposed rule text.

Director's approval of items for IFSO carriage and use

19. Section 162A gives the Director broad authority to approve firearms, weapons, ammunition, and other equipment for IFSO carriage and use on board an aircraft. Proposed rule 19.381 would set out the exercise of that authority, providing operators, partner States, and other agencies with assurance that relevant safety and security factors will be considered.
20. The rule would require the Director to:

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- inform the Commissioner of Police of any training the Director considers IFSOs should receive in relation to approved items, and any information officers should consider when using them
 - consult the Commissioner of Police before imposing conditions on an approval
 - specify the period of an approval, which must not exceed five years, and
 - review any approval if the Police remove an item from service, if there is evidence the item poses unacceptable risk, if a partner state limits or prohibits it, or if ICAO or another relevant international body limits or prohibits it.
21. As proposed, the Director would have to provide the Commissioner of Police an updated list of approved items and conditions after any change.
22. The Director could approve classes of items, or individual or specific items as appropriate. This is so the Director does not have to consider and list all makes and models of a generic item, while retaining the ability to be highly specific where necessary.

Director's authorisation of FIFSOs

23. Section 162B of the Act gives the Director the ability to authorise a person or class of people who are FIFSOs, to move, while carrying a firearm, a weapon, ammunition, or any other equipment, and accompanied by a constable, through specific security-controlled areas. The Director must consult with the Commissioner of Police and other affected parties as the Director considers appropriate.
24. In addition to the requirements set out in the Act, the proposed rule would require the Director, before granting an authorisation, to be satisfied that:
- the officer's authorising agency selection, training, and oversight is appropriate; and
 - any matters raised by the Commissioner of Police or affected parties can be appropriately addressed.
25. The proposed rule would provide that any authorisation of a FIFSO or class of FIFSOs under section 162B would last not more than five years.
26. It would also provide that the Director can decide that an individual is not authorised, despite them falling within an authorised class, and would have to notify the relevant state as soon as possible.
27. Note that the authorisation is not for FIFSOs to perform their duties. Section 162B provides that the FIFSOs' authorisation comes from their sending state and only applies when the aircraft they are operating on is in flight.

Definitions

28. Part 1 – Definitions and Abbreviations would be amended to insert definitions for 'in-flight security officer' and 'foreign in-flight security officer', each referring to section 5 of the Act.

Consequential amendments

29. The following consequential amendments are proposed to remove barriers in existing rules and align cross-references:
- Rule 19.353: amended to except persons facilitating the functions of a F/IFSO, authorised by the Director under section 162B of the Act, from the prohibition on delivering prohibited items to persons subject to security control.

- Rule 91.9(a): amended, to include “...except as provided by the Aviation Crimes Act...”, to reflect s.15B(1) of that Act which provides for IFSOs to possess, carry and use weapons on board an aircraft. This change would be in addition to the existing qualifier “...except as otherwise provided in the Act...”.
- Rule 91.9(b): amended to insert a reference to the Act and the Aviation Crimes Act, ensuring IFSOs authorised under section 15A of the Aviation Crimes Act are not prohibited from discharging a firearm on board when acting in the course of their duties.
- Rule 108.53: amended to require domestic air operators to include procedures for facilitating the deployment of IFSOs in their security programmes (noting that there is no intention to deploy officers on international flights by New Zealand AOC holders, nor on domestic flights within New Zealand).
- Rule 108.55: amended to require international air operators with an air operator security programme to include procedures for facilitating the deployment of in-flight security officers and foreign in-flight security officers, where relevant.
- Rule 140 Appendix A.5: amended to except constables carrying articles as or on behalf of an IFSO or FIFSO where those articles are subject to security controls approved by the Director.

No new or amended offences and penalties are proposed

30. No new or amended offences and penalties are proposed. Existing offences and penalties under the Civil Aviation (Offences) Regulations 2025 (the Regulations) will apply. These relate to Rules 19.353, and 91.9(a) and (b).
31. The proposed rule changes do not alter the scope of these offences or the applicable penalties. The amendments clarify and support the facilitation of F/IFSOs within the existing regulatory framework and enforcement settings and will be given effect through amendments to the rules as set out in [Section 13](#).

5. Why do we need these rules?

The primary legislation requires supporting rules

32. The Civil Aviation Amendment Act 2023 and the Aviation Crimes Amendment Act 2007 introduced rule-making powers (section 56(g)) and Director approval and authorisation powers (sections 162A and 162B). These provisions will be commenced by Order in Council and require supporting rules before they can be used.

Legislative framework

33. The key provisions for this proposal are:
 - **Section 162A** of the Act (as amended), which gives the Director authority to approve firearms, weapons, ammunition, and other equipment that IFSOs may carry, possess, and use.
 - **Section 162B** of the Act (as amended), which provides that the Director may authorise, in accordance with any requirements in the rules, persons or classes of persons who are FIFSOs to move through security-controlled areas while carrying a firearm, a weapon, ammunition, or any other equipment, provided they are accompanied by a constable
 - **Section 163** of the Act which provides that Police constables have and may exercise all or any of the powers conferred on an aviation security officer under civil aviation legislation.

- **Section 5** of the Act (as amended) inserts definitions of IFSOs and FIFSOs.
- **Section 56(g)** of the Act (as amended) enables the Minister to make rules providing for in-flight safety and security, including the possession, carriage, and use of firearms, weapons, ammunition, or any other equipment by F/IFSOs.
- **Section 15A** of the Aviation Crimes Act 1972 (as amended) requires the Commissioner of Police to have regard to the views of the Director of Civil Aviation before authorising IFSOs.

34. The proposed rules would give practical effect to the legislative provisions, once in force.

The status quo and current problems

35. Sections 162A and 162B of the Act confer approval and authorisation powers on the Director. There are no current rules providing for F/IFSO operations.
36. The existing civil aviation rules contain provisions that, in the absence of amendment, directly prohibit activities that are necessary for F/IFSO operations to take place. In particular:
- Rules 91.9(a) and (b) prohibits any person from carrying, permitting the carriage of, or discharging a firearm on board an aircraft.
 - Rule 19.353 prohibits the delivery of firearms, offensive or dangerous weapons, ammunition, explosives, or related items (including imitations) to persons who have undergone security control or placing such items in locations accessible to persons on board an aircraft that has been subject to security control.
37. The rules also impose no obligations on air operators to facilitate F/IFSO deployment. Rule 19.353 contains no exception for persons facilitating F/IFSO operations, and Part 108 does not require air operators to provide for F/IFSO deployment in their security programmes. This absence of regulatory requirements results in inconsistent practices across operators and creates potential safety and security gaps.
38. The effects of maintaining the status quo are that:
- New Zealand is unable to fully implement state-to-state F/IFSO arrangements, despite the enabling legislation having been passed by Parliament
 - the absence of a prescribed framework to guide the Director's approval and authorisation powers limits assurance to operators, partner states, and other agencies that those powers will be exercised in a structured, predictable, and safety- and security-focused manner
 - air operators are not required to address F/IFSO operations in their Air Operator Security Programmes, increasing the risk of uneven operational practices and associated safety and security risks.
39. Rule Part 140 would require AvSec to screen F/IFSOs' firearms, weapons, ammunition and other equipment for those articles to enter security-controlled areas. This would require additional training of aviation security officers, knowledge of the in-flight security officer programme, and specific flight schedules. There is a risk that an aviation security officer could inadvertently raise an alarm on seeing firearms or other weapons at a screening point, causing disruption at the screening point. It could also compromise the covert nature of F/IFSO operations.

6. What are the objectives of the proposed rules and rule amendments?

40. The proposed amendments aim to resolve the issues and effects of the status quo by:

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- maintaining civil aviation safety and security by establishing a framework for consistent, transparent Director decision-making on item approvals and FIFSO authorisations
 - removing existing rule barriers to lawful F/IFSO operations
 - placing appropriate obligations on operators in relation to F/IFSO operations
 - enabling New Zealand to implement state-to-state F/IFSO arrangements with consideration to ICAO standards and recommended practices (SARPs)
 - maintaining the operational conditions required for effective F/IFSO deployment, including covert status
 - providing for safe and secure carriage of weapons by authorised persons through security-controlled areas, while minimising the risk of disruption at screening points or inadvertent compromise of F/IFSO operations.

7. Options and analysis

What options did we identify?

41. We evaluated three sets of options:

- Rule structure: a new standalone subpart within Part 19 (Option 1, preferred) versus incorporating F/IFSO requirements into existing rule Parts (Option 2).
- Director's approval of items under section 162A: a new rule setting out the Director's considerations (Option 1, preferred) versus relying on primary legislation only (Option 2).
- Director's authorisation of FIFSOs under section 162B: no new rule, relying on primary legislation (Option 1); a new rule prescribing what the Director must and may consider (Option 2, preferred); or a new rule with additional prescription of specific assurance requirements (Option 3).

How did we assess the options? (criteria)

42. Options to resolve issues with the status quo have been assessed against the following criteria:

- **Safety:** maintains or improves the safety and security of New Zealand's civil aviation system.
- **Alignment:** aligns with ICAO SARPs to the highest degree practicable.
- **Flexibility:** accommodates different partner-state arrangements and operational or technical variations without redesign.
- **Enabling:** supports operational, economic, or government-to-government objectives associated with FIFSO activity.
- **Clarity:** provides clear rules and decision-making criteria so stakeholders understand how requirements apply and how the Director will assess FIFSO authorisations and item approvals.

Assessment of the proposed changes against the assessment criteria

43. Table 1 below provides a high-level summary of how the proposed package of changes performs against the assessment criteria. That summary draws on the more detailed analysis in Tables 2-4.

44. Options considered but not proposed are discussed in [Section 9](#), with full assessment tables at [Annex 3](#).

- ✓ ✓ Meets the criteria
- ✓ Partially meets the criteria
- ✗ Does not meet the criteria.

Table 1: Proposed changes – new Part 19, Subpart H and consequential amendments

<p>✓ ✓ Safety</p> <ul style="list-style-type: none"> - Requires the Director to apply a risk-proportionality test before approving items for IFSO carriage and use (rule 19.381). Mandatory review triggers ensure approvals are revisited if risk circumstances change. F/IFSO operations may not lawfully proceed unless items are approved and FIFSOs authorised. <p>✓ ✓ Alignment</p> <ul style="list-style-type: none"> - Implements ICAO Annex 17 Standards 4.7.4, 4.7.5, and 4.7.7. Consequential amendments remove existing rule barriers without creating non-conformance with other ICAO Annexes. Detailed ICAO alignment analysis is at Annex 2. <p>✓ ✓ Flexibility</p> <ul style="list-style-type: none"> - High-level requirements are set in the rules; operational detail is left to inter-agency protocols and operator procedures. Approval of classes of items and classes of F/IFSOs accommodates changes in equipment or personnel without requiring rule amendments. The framework is jurisdiction-agnostic and can accommodate any partner state. <p>✓ ✓ Enabling</p> <ul style="list-style-type: none"> - Creates the legal mechanism for New Zealand to implement state-to-state F/IFSO arrangements, removing existing rule barriers and establishing Director decision-making frameworks. Section 162B expressly requires the Director to act ‘in accordance with any requirements of the rules.’ <p>✓ Clarity</p> <ul style="list-style-type: none"> - Director decision-making criteria are prescribed in rules and apply consistently to all applications. A dedicated subpart within Part 19 provides a consolidated reference. Complete clarity for all stakeholders depends also on complementary inter-agency protocols and security programme procedures being in place.
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Assessment of preferred option: rule structure

45. The preferred option is a new subpart within Part 19 (Subpart H). An alternative option (incorporating F/IFSO requirements into existing rule Parts) was considered and assessed as less effective.

Table 2: Assessment of preferred rule structure option

Criteria	Assessment
Safety	✓ ✓ A dedicated subpart provides a single point of reference for Director decision-making. The risk-proportionality test in rule 19.381 ensures consistent safety assessment of items before approval.
Alignment	✓ ✓ A dedicated subpart clearly implements Annex 17 Standards 4.7.4-4.7.7 as a coherent package, making compliance visible and accessible.
Flexibility	✓ ✓ A self-contained framework within Part 19 (aviation security) enables F/IFSO operations and signals their context to all users.

Enabling	✓ ✓ Provides a clear, self-contained framework that enables F/IFSO operations and supports state-to-state arrangements. Placing requirements within Part 19 (aviation security) signals their context and purpose to all users.
Clarity	✓ ✓ A single subpart provides a clear, self-contained reference. Director decision-making criteria are easy to locate.

Assessment of preferred option: Director's approval of items (section 162A)

46. The preferred option is a new rule setting out a risk-proportionality test with mandatory review triggers and conditions (rule 19.381). An alternative (a more prescriptive rule specifying detailed criteria) was considered and assessed as less flexible.

Table 3: Assessment of preferred option for Director approval of items

Criteria	Assessment
Safety	✓ ✓ The Director must apply a risk-proportionality test before approving any item. Mandatory review triggers (rule 19.381(f)) ensure approvals are revisited if risk changes. Conditions may be imposed after Police consultation.
Alignment	✓ ✓ Gives effect to ICAO Annex 17 Standard 4.7.4 (special authorisation for law enforcement officers carrying weapons on board). The rule makes the authorisation process explicit.
Flexibility	✓ ✓ The Director may approve classes of items. The proportionality framework accommodates familiar items and novel equipment without rule redesign.
Enabling	✓ ✓ A proportionality-based approach enables items to be submitted for approval against a clear test. Conditions and review triggers provide assurance without creating barriers.
Clarity	✓ The test, conditions, and review triggers are prescribed. Police, operators, and partner states understand the basis for approvals.

Assessment of preferred option: Director's authorisation of FIFSOs (section 162B)

47. The preferred option is a new rule prescribing the form and duration of authorisations (rule 19.383). Two alternatives were considered: no new rule (relying on primary legislation only) and a rule with additional prescription of specific assurance requirements.

Table 4: Assessment of options for Director authorisation of FIFSOs

Criteria	Assessment
Safety	✓ ✓ Authorisations must be time limited. Director can exclude individuals from a class. Safety oversight maintained without prescribing criteria that may not suit all partner states.
Alignment	✓ ✓ Supports Standards 4.7.5 and 4.7.7. Provides the rules-based framework expressly contemplated by section 162B.
Flexibility	✓ ✓ Prescribes form and duration only. Director retains full substantive discretion, accommodating any partner state.
Enabling	✓ ✓ Provides the mechanism for state-to-state arrangements. Time limits, written authorisations, and the exclusion power give partner states confidence.

Clarity	✓ ✓ Authorisation requirements (form, duration, exclusion) are clear and accessible. Substantive matters dealt with between agencies, consistent with the confidential nature of F/IFSO operations.
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8. Who will be affected by the proposed changes?

48. The CAA has identified the following parties that will be affected by the proposed rule amendments contained in this NPRM:

- The Acting Minister of Transport
- The Ministry of Transport
- New Zealand Police
- The Civil Aviation Authority Board
- Air New Zealand
- Affected Part 129 operators (AOC holders from States operating F/IFSO operations into New Zealand, and relevant ANZA operators)
- New Zealand Airline Pilots Association
- Affected aerodrome operators

Compliance costs

49. The proposed rules operationalise the F/IFSO framework established by the Civil Aviation Amendment Act 2023. They do not impose requirements beyond those anticipated and intended by the Act. Any additional requirements arising from operational procedures are expected to be minor.

50. Compliance costs are expected to be modest and proportionate to the scale of the activity. The main categories of cost are:

- **Security programme amendments.** Part 119 operators and relevant Part 129 operators will need to amend their Air Operator Security Programmes to include F/IFSO facilitation procedures. This is a one-off administrative cost and is within operators' established capability and routine practice.
- **Director approvals and authorisations.** The costs associated with the Director's approval of items and authorisation of F/IFSOs will be borne by the CAA. These are administrative functions, and no charging mechanism is proposed at this stage.
- **Operational costs of F/IFSO deployment.** Costs associated with deployment – including escorting, storage and management of equipment, and inter-agency coordination – will be managed by agencies through inter-agency protocols. These costs are not imposed by the rules; they are inherent in the F/IFSO programme and anticipated by the enabling legislation.

51. The choice of regulatory structure does not materially affect compliance costs, as the same substantive obligations apply to the same parties under the Act.

9. Options considered but not proposed

52. Three alternative options were evaluated and not proposed. A summary of the reasons each was not preferred is below. The detailed assessment tables are at Annex 3.

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53. Rule structure (Option 2: incorporate into existing Parts). This option would distribute F/IFSO requirements across multiple existing rule Parts rather than creating a dedicated subpart. It was not preferred because it would fragment the regulatory framework, require complex cross-referencing, and make future updates more difficult and error prone.
 54. Director's approval of items (Option 2: more prescriptive rule). This option would specify detailed satisfaction criteria in advance rather than applying a proportionality test. It was not preferred because prescriptive criteria may not adapt to novel items and risk being outpaced by operational change, reducing the Director's flexibility.
 55. Director's authorisation of FIFSOs (Option 1: no new rule; Option 3: additional prescription). Option 1 would rely on primary legislation alone, but section 162B expressly contemplates rules and this option would provide no publicly accessible framework. Option 3 would add detailed substantive requirements, but these may be incompatible with different partner-state frameworks and could expose sensitive operational matters.

10. About the rule change process

Authority to make Civil Aviation Rules

56. The authority to make rules can be found in sections 52(1), 53(1), 56(g), 60(d,) and 63(1) of the Act.
57. CAA is consulting on the rules on behalf of the Acting Minister of Transport who has the authority to recommend to the Governor-General that they make Civil Aviation Rules, as provided in section 63 of the Act.
58. Further background information about the rules and the legislative matters that must be considered when making a rule can be found in [Annex 1](#) and [Annex 2](#) of this NPRM.

Regulatory Impact Statement

59. A Regulatory Impact Statement is not required. The proposed rules operationalise primary legislation and do not themselves impose additional requirements beyond those provided for by the Act. Any additional requirements that will arise from operational procedures established under the rules are expected to be minor.
60. Compliance costs are discussed at paragraph 45 to 47 above. The Ministry of Transport's policy advice associated with the primary legislative change was prepared as part of the Cabinet process for the Civil Aviation Amendment Act 2007, which was replaced by the Civil Aviation Amendment Act 2023 upon the replacement of the Civil Aviation Act 1990.

11. Proposed Definitions

[Note: Inserted texts are shaded, deleted texts are struck through and shaded]

Part 1 – Definitions and Abbreviations

The following new definitions are to be inserted in alphabetical order within Part 1 – Definitions and Abbreviations:

- foreign in-flight security officer has the meaning given to it by section 5 of the Act
- in-flight security officer has the meaning given to it by section 5 of the Act

12. Proposed Part 19, Subpart H – In-flight security officers and foreign in-flight security officers

[Note: Inserted texts are shaded, deleted texts are struck through and shaded]

The following new subpart is inserted after rule 19.359

19.379 Applicability

This subpart prescribes rules governing the Director's approval of firearms, ammunition, weapons and other equipment for carriage and use by in-flight security officers, and the Director's authorisation of foreign in-flight security officers.

19.381 Director's approval of weapons for use by in-flight security officers

(a) The Director may (see section 162A of the Act) approve a firearm, weapon, ammunition or other equipment for carriage and use on board an aircraft by an in-flight security officer only if the Director is satisfied that the item, when used in the course of the officer's duties, does not pose a risk to the safety of the aircraft, crew, or passengers which is disproportionate to the anticipated risk.

(b) The Director must inform the Commissioner of Police:

- (1) of any training that the Director considers in-flight security officers should receive related to the carriage or use of approved items on board an aircraft in order to ensure the safety of aircraft, crew, and passengers; and
- (2) of any information that the Director considers officers should take into consideration when using approved items.

(c) The Director may give an approval subject to conditions.

(d) The Director must consult the Commissioner of Police before imposing conditions.

(e) The Director must specify the period for which an approval is granted, which must not exceed 5 years.

(f) The Director must review any approval if:

- (1) the New Zealand Police remove an approved item from service;
- (2) there is evidence that an approved item poses an unacceptable risk if used as intended;

(3) a State with which New Zealand has an in-flight security officer arrangement or agreement limits or prohibits the use or carriage of an approved item; or

(4) ICAO or another relevant international organisation or body limits or prohibits the use or carriage of an approved item.

(g) The Director must supply to the Commissioner of Police a current list of approved items and conditions as soon as possible after any change.

19.383 Director's authorisation of foreign in-flight security officers

(a) Any authorisation of a foreign in-flight security officer (or a class of officers) issued by the Director under section 162B of the Act must state the period for which the authorisation is valid, which must not exceed 5 years.

(b) Before issuing an authorisation the Director must be satisfied that:

(1) the authorising agency's selection, training, and oversight of officers' performance is appropriate; and

(2) any matters raised by the Commissioner of Police and other relevant parties under section 162B(3) can be appropriately addressed.

(c) The Director may determine that a foreign in-flight security officer is not authorised despite falling within an authorised class, and must notify the relevant State as soon as possible after making the determination.

13. Consequential amendments

[Note: Inserted texts are shaded, deleted texts are ~~struck through and shaded~~]

Proposed amendment to rule 19.353

Except where authorised by the Director under rule 91.9 or when facilitating the exercise of functions by a foreign in-flight security officer authorised by the Director under section 162B of the Act, a person must not deliver any of the following items to a person who has been subject to security control, or place any of the following items in a location that is accessible to any person on board an aircraft that has been subject to security control:

(a) a firearm

(b) a dangerous or offensive weapon or instrument of any kind whatever

(c) ammunition

(d) an explosive substance or device, or an injurious substance or device of any kind whatsoever that could be used to endanger the safety of the aircraft or of the persons on board

(e) an imitation of an item or substance specified in paragraphs (a) to (d).

Proposed amendments to rule 91.9

91.9 Carriage and discharge of firearms

(a) Except as otherwise provided in the Act, in the Aviation Crimes Act, or in paragraphs (c) and (e), a person must not –

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- (1) carry a firearm in an aircraft; or
 - (2) cause a firearm to be carried in an aircraft; or
 - (3) permit a firearm to be carried in an aircraft.

(b) Except as provided in the Act, in the Aviation Crimes Act, or in paragraph (d), a person must not discharge a firearm while on board an aircraft.

Proposed amendments to rule 108

108.53 Security requirements – domestic

(b)(11) an unauthorised person is prevented from entering the flight crew compartment of the air operator's aircraft during flight; and

(b)(12) the air operator facilitates the deployment of in-flight security officers, where the air operator is subject to an in-flight security officer arrangement or agreement between New Zealand and another State.

108.55 Security requirements – international

(b)(18) an unauthorised person is prevented from entering the flight crew compartment of the air operator's aircraft during flight; and

(b)(19) the air operator facilitates the deployment of in-flight security officers and foreign in-flight security officers, where relevant.

Proposed amendments to rule 140

Appendix A.5 Searching of the person

The [authorised aviation security service] provider must—

(b)(2) ensure that its aviation security officers do not allow any person to enter a sterile area unless an officer searches that person, except:

(i) if the person is specifically exempted by Cabinet; or

(ii) a constable carrying articles as an in-flight security officer or on behalf of a foreign in-flight security officer where those articles are subject to security controls approved by the Director; and...

14. Next steps after consultation

61. Once consultation has closed, we will analyse the submissions and consider whether to recommend changes to the proposals considering the submissions received.
62. The Acting Minister of Transport will consider officials' recommendations and seek Cabinet's agreement to recommend to the Governor-General that she makes those rules.

Annex 1: Background information about Rules and how this NPRM was developed

Background to the Civil Aviation Rules

The Civil Aviation Act 2023 (the Act) establishes the statutory framework governing the aviation system.

The Civil Aviation Rules (the Rules) are made under the Act and prescribe detailed requirements and technical standards that aviation participants must comply with to meet their obligations under the Act.

The Rules are divided into Parts, and each Part contains a series of individual rules that relate to a particular aviation activity. Some rules empower the use of a transport instrument or a CAA notice that can be used to set mandatory requirements such as performance standards, conditions, operating requirements, procedures, and technical specifications.

Rules, transport instruments, and CAA notices are secondary legislation under the Legislation Act 2019. Under that Act, the rules and transport instruments must be presented to the House of Representatives. The House of Representatives may, by resolution, disallow any secondary legislation. The Regulations Review Committee is the select committee responsible for considering rules under that Act.

Advisory Circulars accompany many rule Parts and contain information about standards, practices, and procedures that the Director has established to be an acceptable means of compliance with the associated rule. An advisory circular may also contain guidance material to facilitate compliance with the rule requirements.

Development of this NPRM

This proposal was developed with input from CAA regulatory policy, operational policy, and CAA's Legal teams. It draws on joint engagement with the Ministry of Transport and New Zealand Police and reflects policy decisions agreed by the Director.

Given the sensitivity of the subject matter, the Acting Minister of Transport intends to recommend the Governor-General makes these rules under section 63(1) of the Act, as this process does not impose specific requirements for public notification of intent to make rules or to undertake consultation.

However, the Acting Minister of Transport has authorised a targeted consultation with identified stakeholders for a two-week period.

The regulatory options and policy conclusions informing this NPRM were set out in a policy paper approved by the Deputy Chief Executive, Strategy and Policy (CAA) on 10 March 2026.

Annex 2: Legal authority to make the rules, and the legislative matters that must be considered when making Rules

The Minister's powers to make the proposed rules in this NPRM are set out in the following table.

Table A2.1: Powers to make rules under the Act

Section	Provision
52(1)	<p>The Minister may make rules relating to civil aviation for all or any of the following purposes (among other purposes):</p> <ul style="list-style-type: none"> (a) regulating aviation participants, aircraft, aeronautical products, and aviation places, and people and things carried, or to be carried, in aircraft (b) regulating people, activities, and things in relation to the safety and security of civil aviation (c) regulating the effect or potential effect of civil aviation on people, activities, and things (d) providing for the implementation of New Zealand's obligations under the Convention (e) providing for anything this Act says may or must be provided for by rules (f) providing for anything incidental that is necessary for carrying out, or giving full effect to, this Act.
53(1)	<p>The Minister may make rules under section 52 relating to the designation, classification, and certification of all or any of the following (among other things):</p> <ul style="list-style-type: none"> (b) aerodromes and aeronautical products.
56(g)	<p>The Minister may make rules providing for in-flight safety and security, including, but not limited to:</p> <ul style="list-style-type: none"> (i) the possession, carriage, and use of a firearm, weapon, ammunition, or any other equipment by an in-flight security officer on board an aircraft operated by an operator certified under Part 119 (ii) the carriage of a firearm, weapon, ammunition, or any other equipment by a foreign in-flight security officer while entering, transiting, or departing from New Zealand.
60(d)	<p>The Minister may make rules providing for the conditions of operation of foreign aircraft and international flights to, from, or within New Zealand.</p>
63(1)	<p>63 Governor-General may make rules</p> <ul style="list-style-type: none"> (1) Despite anything in this Part, the Governor-General may, by Order in Council, on the recommendation of the Minister, make, amend, or revoke a rule for any of the purposes for which the Minister may make, amend, or revoke a rule under this Part. (2) Before making a recommendation under subsection (1), the Minister must— <ul style="list-style-type: none"> (a) be satisfied that the rule will, to the extent that is practicable, facilitate conformity with the applicable standards of ICAO relating to aviation safety and security; and

	<p>(b) be satisfied that the rule is not inconsistent with New Zealand’s international obligations relating to aviation safety and security; and</p> <p>(c) have regard to, and give the weight that the Minister considers appropriate in each case to, the criteria specified in section 72.</p> <p>(3) The Minister may amend or revoke a rule or an amendment to a rule made by Order in Council under subsection (1) as if the Minister had made the rule or the amendment to the rule under this Part.</p> <p>(4) An order made under this section—</p> <p>(a) is secondary legislation; and</p> <p>(b) must be published as part of the rules as if the Minister had made the rule or the amendment to the rule.</p> <p>(5) An order made under this section—</p> <p>(a) is not required to be drafted by the PCO under section 67(d)(i) of the Legislation Act 2019; but</p> <p>(b) may be drafted by the PCO under an agreement under section 67(d)(iii) of that Act, and in that case, must be published as required by subsection (4)(b) despite section 69(1)(c) of the Legislation Act 2019.</p> <p>(6) If, under the Legislation Act 2019, the order is not required to be published, the Minister must serve a copy of it on the persons (if any) whom the Minister considers appropriate.</p> <p>(7) An order to which subsection (6) applies—</p> <p>(a) has effect only in relation to a person on whom it is served under subsection (6); and</p> <p>(b) comes into force in relation to the person immediately after it is served on the person (even though it is not published).</p> <p>(8) Service under subsection (6) may be effected in any way the Minister considers appropriate.</p>
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Under section 61(2) and 63(2), before making a rule or recommending that the Governor-General makes a rule, the Minister must:

- be satisfied that the rule will, to the extent that is practicable, facilitate conformity with the applicable standards of ICAO relating to aviation safety and security
- be satisfied that the rule is not inconsistent with New Zealand's international obligations relating to aviation safety and security
- have regard to and give the weight that the Minister considers appropriate in each case, to the criteria specified in section 72.

An analysis of the matters the Minister must have regard to under section 72 is set out in the following table.

Table A2.2: Matters to be considered by the Minister before making a rule

Section	Criteria	Consideration
72(a)	The main and additional purposes of the Act.	<p>The proposed rules advance the Act's main purpose (section 3) – a safe and secure civil aviation system – by establishing a structured framework for Director decision-making on item approvals and FIFSO authorisations. The risk-proportionality test in rule 19.381 directly addresses the safety implications of armed personnel on board aircraft, ensuring items are assessed before approval and subject to mandatory review.</p> <p>The rules also advance the following additional purposes (section 4):</p> <p>(a) Contributing to resilience and security: the rules enable New Zealand to participate in international aviation security cooperation by establishing the regulatory mechanism for F/IFSO arrangements with partner states.</p> <p>(b) Promoting effectiveness and efficiency: a dedicated subpart consolidates F/IFSO requirements in a single location, reducing complexity for operators and the Director. Approval of classes of items and classes of FIFSOs reduces administrative burden.</p> <p>(c) Implementing international obligations: the rules give effect to New Zealand's obligations under ICAO Annex 17, specifically Standards 4.7.4 (authorisation for law enforcement officers to carry weapons on board), 4.7.5 (deployment of IFISOs on aircraft of another state), and 4.7.7 (requirement that IFISOs be government employees meeting criteria established by the authorising government). New Zealand must consider requests from other states to deploy FIFSOs on flights to and from New Zealand.</p> <p>(d) Preserving national security and national interests: the F/IFSO framework supports broader government objectives relating to international security partnerships and bilateral arrangements.</p> <p>(e) Adverse effects on people, property, and the environment: the risk-proportionality test and mandatory review triggers in rule 19.381 address the potential for harm from items carried by IFISOs. The framework ensures</p>

		items are assessed and conditions imposed before any approval is granted.
72(b)	The recommended practices of ICAO relating to aviation safety and security.	<p>The proposed rules align with the recommended practices of ICAO Annex 17 (Aviation Security), relating to in-flight security officers.</p> <p>Standard 4.7.4 requires each Contracting State to ensure that IFSOs are government employees who are specially selected, trained, and authorised by the government of the State of the operator to be deployed on flights of that State's aircraft operators. Proposed rule 19.381 gives effect to this standard by requiring the Director to apply a risk-proportionality test before approving items, and to inform the Commissioner of Police on training matters.</p> <p>Standard 4.7.5 provides that States shall not permit the deployment of IFSOs on an aircraft of another state unless agreed between the relevant states. The F/IFSO framework is designed to operate within state-to-state arrangements, and proposed rule 19.383 requires authorisations to be time-limited and documented.</p> <p>Standard 4.7.7 requires that IFSOs meet criteria for selection, training, and qualification established by the authorising government. The proposed rules do not prescribe these criteria in detail, as they are matters for the sending State and the Commissioner of Police, but the Director retains the ability to exclude individuals from an authorised class under rule 19.383(b).</p> <p>Recommended Practice 4.7.8 provides that states should give due consideration to requests from other states to deploy IFSOs on flights to, from, or within the state. The proposed framework enables this consideration by establishing a rules-based authorisation process.</p>
72(c)	The level of risk existing to aviation safety in each proposed activity or service.	The carriage and use of firearms, weapons, ammunition, and other equipment on board aircraft poses direct risks to aircraft integrity, crew, and passengers. These risks are heightened in the confined, pressurised environment of an aircraft in flight. The proposed rules address this risk by requiring the Director to apply a risk-proportionality test before approving any item (rule 19.381(a)), and by establishing mandatory review triggers if risk circumstances change (rule 19.381(f)). The ability to impose conditions (rule 19.381(c)-(d)) provides an additional mechanism for risk mitigation specific to individual items or classes of items.

72(d)	The nature of the activity or service for which the rule is being established.	<p>F/IFSO operations are a specialised, security-sensitive activity involving armed personnel operating in controlled and sterile aviation environments. The activity requires coordination between multiple agencies (Police, CAA, operators, and partner state agencies) and operates within state-to-state arrangements.</p> <p>Rules are necessary to establish a transparent and consistent framework for Director’s decision-making, to remove existing rule barriers that currently prohibit these operations, and to impose appropriate obligations on operators.</p>
72(e)	The level of risk existing to aviation safety and security in New Zealand in general.	<p>New Zealand's aviation system operates in an international environment in which state-to-state security cooperation is both expected and, under ICAO Annex 17, required. The absence of a credible F/IFSO framework carries risks, including the inability to fulfil international obligations and potential consequences for broader bilateral relationships. The proposed rules mitigate these risks by establishing the regulatory mechanism needed to support F/IFSO operations.</p>
72(f)	The need to maintain and improve aviation safety and security, including personal security.	<p>Aviation safety and security are maintained through the risk-proportionality test for item approvals (rule 19.381), mandatory review triggers, the ability to impose conditions, and time-limited authorisations with Director exclusion powers (rule 19.383).</p> <p>Security is improved by removing gaps in the current rules and aligning New Zealand's regulatory framework with ICAO Annex 17 Standards, enabling participation in international aviation security cooperation.</p>
72(g)	The costs of implementing measures for which the rule is being proposed.	<p>Compliance costs are expected to be minor.</p> <p>Security programme amendments by affected Part 119 and Part 129 operators are a one-off administrative cost within existing capability.</p> <p>Director approval and authorisation functions are borne by the CAA, with no proposed charging mechanism.</p> <p>Operational deployment costs (escorting, equipment management, inter-agency coordination) are inherent in the F/IFSO programme and anticipated by the enabling legislation, not imposed by the rules.</p>
72(h)	The international circumstances in respect of aviation safety and security; and mutual recognition of safety certifications in accordance with the ANZA	<p>The proposed rules implement internationally recognised ICAO Annex 17 Standards for IFSO and directly support New Zealand's capacity to enter into and give effect to state-to-state F/IFSO arrangements. The framework is</p>

	mutual recognition agreements.	jurisdiction-agnostic and consistent with the approach of comparable states. ANZA mutual recognition provisions are not engaged by this proposal, as F/IFSO operations are a security-specific matter governed by state-to-state arrangements rather than operator certification.
72(i)	Any other matters that the Minister or Director considers appropriate in the circumstances.	Not applicable.

Annex 3: Detailed assessment of options not proposed

The following tables set out the detailed assessment of options that were considered but not preferred, as summarised in the body of this NPRM.

Table A3.1: Rule structure – option not preferred

Criteria	Option 2: incorporate into other existing rule Parts
Safety	✓ Safety considerations can be embedded in amended rules but distributed across Parts with no single point of reference for the Director, operators, or partner states.
Alignment	✓ ICAO alignment achievable through amendments, but the connection to Annex 17 is less transparent.
Flexibility	✗ Future updates would require changes across multiple Parts, increasing the risk of errors and gaps.
Enabling	✓ Operational objectives can be met, but a fragmented approach creates complexity for operators and partner states trying to understand New Zealand's requirements.
Clarity	✗ Requirements spread across Parts are harder to locate and cross-reference, with risk of inconsistency.

Table A3.2: Director's approval of items – option not preferred

Criteria	Option 2: more prescriptive rule
Safety	✓ ✓ Detailed criteria provide high safety assurance but may not adapt to novel or unanticipated items. Risk of rules being outpaced by operational change.
Alignment	✓ ✓ Gives effect to ICAO Annex 17 Standard 4.7.4 (special authorisation for law enforcement officers carrying weapons on board). The rule makes the authorisation process explicit.
Flexibility	✓ Defined criteria provide certainty but may constrain the Director's ability to assess novel items or changing operational needs without further rule amendments.

Enabling	✓ Operational objectives achievable, but prescriptive criteria may delay approval, particularly for less-common items.
Clarity	✓ Detailed criteria provide transparency, but complexity may make the rule harder to apply consistently across item types.

Table A3.3: Director’s authorisation of FIFSOs – options not preferred

Criteria	Option 1: no new rule	Option 3: new rule with additional prescription
Safety	✓ Director has power to authorise but no prescribed process. Consistency depends on internal practice.	✓ ✓ Highest prescribed safety assurance, but detailed requirements may be incompatible with different state frameworks and could slow authorisation.
Alignment	✗ Does not visibly implement Annex 17 Standards 4.7.5 and 4.7.7. Compliance not publicly demonstrated.	✓ Implements Annex 17, but highly prescriptive criteria may conflict with the flexibility contemplated by Standard 4.7.7.
Flexibility	✓ ✓ Full Director discretion to tailor approach to any applicant state.	✗ Prescriptive requirements reduce flexibility and may not suit all partner states or operational contexts.
Enabling	✗ Does not give effect to section 162B's expectation of a rules-based framework. Limited assurance to partner states.	✓ Operational objectives achievable but detailed requirements may complicate or delay individual authorisations.
Clarity	✗ No publicly accessible framework. Partner states have no basis for understanding Director decision-making.	✓ Transparent, but detailed criteria may expose sensitive operational matters and constrain flexible response.