Airports (Cost Recovery for Processing of International Travellers) Bill

17 August 2010

ATTORNEY-GENERAL

LEGAL ADVICE

CONSISTENCY WITH THE NEW ZEALAND BILL OF RIGHTS ACT 1990:

AIRPORTS (COST RECOVERY FOR PROCESSING OF INTERNATIONAL TRAVELLERS) BILL

1. We have considered whether the Airports (Cost Recovery for Processing of International Travellers) Bill (PCO 13183/6.3) (‘the Bill’) is consistent with the New Zealand Bill of Rights Act 1990 (‘Bill of Rights Act’). We understand that the Bill is likely to be considered by the Cabinet Legislation Committee on Thursday, 19 August 2010.

2. The objective of the Bill is to reduce the Government’s exposure to an unpredictable and unlimited liability in relation to the processing of travellers.

3. The Bill provides for Government cost recovery of aviation security, biosecurity, and customs traveller processing in relation to:

- scheduled international flights arriving at, or departing from, new or re-established international airports; and
- international flights where, on request, travellers are processed in a non-routine manner at any international airport.

The proposed cost recovery regime will ensure that international airports, the beneficiaries of services provided in relation to unscheduled flights, or the persons who request non-routine services factor the costs of aviation security, biosecurity, and customs passenger clearance into their travel and business decisions.

We have concluded that the Bill appears to be consistent with the rights and freedoms affirmed by the Bill of Rights Act. This advice has been prepared by the Public Law Group and the Office of Legal Counsel.

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Office of Legal Counsel

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