

Powers of Entry and Inspection – Operational Policy

1. Purpose

This operational policy:

- outlines the inspector powers of entry and inspection under the Civil Aviation Act 2023 (CA Act 2023); and
- explains our approach to using powers of entry and inspection.

2. Scope

This policy applies to inspectors appointed by the Director under the CA Act 2023 when exercising powers of entry and inspection for the purpose of performing any function of the regulator or an inspector under the CA Act 2023.

This policy does not cover powers of entry by consent or warrant under section 288 which are detailed under the [Use of Search Powers – Procedure](#).

Inspectors are expected to use their judgement and discretion where the word ‘**should**’ is used in this policy, e.g., ‘The inspector *should*...’

All mandatory standards within this procedure are identified by ‘**must**’, e.g., ‘The inspector *must*...’

3. Definitions

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.

Aviation place: a place where an activity is being carried out, or is customarily carried out, by or on behalf of an aviation participant acting in that capacity.

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

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

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.

Home: a place occupied by someone as a dwelling house and includes any garden, yard, garage, outhouse, or other part of a home.

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

4. Inspector powers of entry and inspection

4.1 Under the CA Act 2023, inspectors have a range of powers of entry and inspection. Where authorised, these powers can be used to perform a function of the Director, the Civil Aviation Authority (CAA), or an inspector under section 284 of the CA Act 2023, including:

- exercising control over entry into, activities within, and exit from the civil aviation system through aviation documents or other instruments (s 32(2)(b));
- monitoring and investigating the performance and competence of aviation participants (s 32(2)(c));
- monitoring, investigating, and enforcement in relation to matters under civil aviation legislation (s 32(2)(d));
- issuing warnings, reports, or guidance, or making comments about aviation participants or people who engage in conduct in relation to civil aviation legislation (s 32(2)(h)); or
- co-operating with, or providing advice or assistance to, aviation participants (s 32(2)(i)).

4.2 Under section 284(1) of the CA Act 2023, in support of the Director's, the CAA's, or the inspector's functions, an inspector may, at any reasonable time, enter and inspect any aviation place and:

- conduct examinations, tests, inquiries, and inspections;
- be accompanied and assisted by any other person and bring into the aviation place any equipment necessary;
- take photographs and measurements and make sketches and recordings;
- require that an aviation place or any place or thing is not disturbed pending examination, testing, inquiry, or inspection;
- require the aviation participant to produce information relating to the aviation place, (including about the activities or persons in that place);

- require the aviation participant to produce information about the participant's compliance with relevant civil aviation legislation; and
- require the aviation participant to make or provide statements.

4.3 In most situations, inspectors enter aviation places and inspect with cooperation and prior arrangement from the aviation participant. Even in these situations, the inspector is still using powers of entry and inspection and should ensure they are following any requirements in this policy and related procedures.

4.4 Powers of inspection can also be used if the inspector, or the aviation participant the inspector is dealing with, is not at the aviation place. For example, an inspector can require the production of information relating to the participant's compliance with civil aviation legislation via letter or email rather than needing to be at the aviation place to ask for this information to be produced. However, the exercise of any powers of inspection under section 284 of the CA Act 2023 must be for the purpose of performing a function of the Director, the CAA, or an inspector, even if the inspector is not at the aviation place (refer to [4.1](#) of this policy).

4.5 These powers of entry and inspection are subject to an inspector's appointment under section 331 of the CA Act 2023.

5. When can powers of entry be used?

5.1 Under section 284 of the CA Act 2023, an inspector may, at any reasonable time, enter any aviation place.

5.2 Aviation place, defined under section 7 of the CA Act 2023, is a place where an activity is or was being carried out, or is customarily carried out, by or on behalf of an aviation participant acting in that capacity. Aviation place includes:

- an aircraft (whether or not in operation) and any aerodrome, navigation installation, or communications installation used specifically for aviation purposes;
- a place from which an aircraft is operated and any place where any aircraft, or any aeronautical product is; or
- a place where an aircraft, or any part of or debris from an aircraft, has fallen.

5.3 An inspector can also exercise their powers of entry and inspection in situations where the place is no longer an aviation place, or the aviation participant has ceased operations at the place.

5.4 Under section 285 of the CA Act 2023, an inspector must not, except with the consent of an occupier or with a warrant, enter an:

- aviation place or former aviation place that is, or is within, a home, a marae, or a building associated with a marae; or

- aviation place or former aviation place through a home, a marae, or a building associated with a marae.

5.5 An inspector who enters a home or marae under section 285 may exercise their powers under section 284 of the CA Act 2023. Inspectors should refer to the [Entry and Inspection – Procedure](#) for the process to follow when entering a home or marae under section 285.

6. Principles to guide our use of powers of entry and inspection

6.1 The CA Act 2023 gives inspectors a wide range of powers to enter any aviation place and inspect. These powers can only be used when carrying out a function of the Director, the CAA, or an inspector (refer to [4.2](#) of this policy).

6.2 Before and while using powers of entry and inspection, inspectors should determine if:

- it is lawful and reasonable to use their powers;
- the information sought is relevant to the inspector’s work (e.g., required for the inspection, could be of evidential value); and
- any risks to our people’s health, safety, and wellbeing in executing these powers have been identified and managed, engaging with others as needed.

6.3 It is important that powers of entry and inspection are used in a reasonable manner. Examples of situations where it would be unreasonable for an inspector to use powers of entry and inspection include:

- access to an aviation place whilst not on duty;
- reasons unrelated to activity being undertaken at the aviation site; or
- personal gain or interest.

6.4 Inspectors should refer to and use any relevant procedures or work tools when undertaking specific powers of entry and inspection.

7. Using powers of entry and inspection without notice

7.1 Powers of entry and inspection enable inspectors to enter with or without notice. However, in most circumstances, aviation participants should be given prior notice of an inspector visit as this supports sector relationships; encouraging aviation participants to better participate by having time to plan, while managing any impact on daily business.

7.2 However, the powers of entry and inspection may also be used without informing the aviation participants prior to arrival. Inspectors may consider using powers of entry and inspection without prior notice if reasonable to do so. Examples of when include:

- there is a risk of the information not being a true and correct record if the visit is announced (e.g., information may be withheld or concealed);
- there is a risk to safety or security outcomes that requires prompt attention for which notice may be impracticable or impossible;
- they have previously advised the aviation participant that they may return without notice in connection with the current work project; or
- there is a risk that the aviation participant will avoid or evade the visit if notice is given or simply alter their ordinary business activities so that the CAA does not get a realistic presentation of the operation.

8. Measure of effectiveness

8.1 This policy is effective when inspectors understand their powers of entry and inspection, and use them lawfully, reasonably, and appropriately aligned with this policy.

8.2 CAA'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.

8.3 Our performance is also subject to external monitoring and review by organisations such as the Ministry of Transport, Audit New Zealand and ICAO.

9. Document control

Title	Powers of Entry and Inspection – Operational Policy
Effective date	05/04/2025
Author	Zara Mortimer, Senior Advisor Operational Policy
Approver	Authority Leadership Team
Quality Approver	Sarah Tetlow, Advisor Quality Systems and Assurance
Owner	John Kay - Deputy Chief Executive System Practice and Design
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Revision	Date	Description of change
1.0	05/04/2025	Created operational policy to reflect new powers of entry and inspection under the Civil Aviation Act 2023.