



# **Aviation Legislation Amendment (2008 Measures No. 1) Act 2008**

**No. 86, 2008**

**An Act to amend legislation relating to aviation,  
and for related purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)



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## **An Act to amend legislation relating to aviation, and for related purposes**

*[Assented to 20 September 2008]*

The Parliament of Australia enacts:

### **1 Short title**

This Act may be cited as the *Aviation Legislation Amendment (2008 Measures No. 1) Act 2008*.

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## **2 Commencement**

This Act commences on the day on which it receives the Royal Assent.

## **3 Schedule(s)**

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## **Schedule 1—Amendments**

### *Aviation Transport Security Act 2004*

#### **1 Section 9**

Insert:

*airline* has the meaning given by subsection 134(2).

#### **2 Section 9**

Insert:

*Australian international carriage* has the meaning given by subsection 134(2).

#### **3 Section 9**

Insert:

*Australian operator* has the meaning given by subsection 134(2).

#### **4 Section 9**

Insert:

*bilateral arrangement* has the meaning given by subsection 134(2).

#### **5 Section 9**

Insert:

*foreign country* has the meaning given by subsection 134(2).

#### **6 At the end of subsection 133(1)**

Add:

Note: See section 134 for the extra-territorial operation of regulations.

#### **7 At the end of the Act**

Add:

### 134 Extra-territorial operation of regulations

- (1) Any provisions of the regulations may be expressed to apply to and in relation to any of the following:
- (a) Australian aircraft;
  - (b) aircraft (other than Australian aircraft) engaged in Australian international carriage;
  - (c) passengers on board, and members of the crew of, aircraft referred to in paragraph (a) or (b);
- while the aircraft are outside Australian territory.
- (2) In this Act:

***airline*** means a person engaged in the provision of air services.

***Australian international carriage*** means the carriage of passengers or freight, or both passengers and freight, whether within or outside Australian territory, by an aircraft that:

- (a) is operated by an airline that is designated, nominated or otherwise similarly authorised by Australia under a bilateral arrangement to engage in such carriage; or
- (b) is operated by an airline incorporated in Australia; or
- (c) is operated by an airline having its principal place of business in Australia; or
- (d) is operated by an Australian operator and is subject to section 15A or 17 of the *Air Navigation Act 1920*; or
- (e) is operated jointly by:
  - (i) an airline referred to in paragraph (a), (b) or (c); and
  - (ii) another person;but is under the control of the airline referred to in subparagraph (i) of this paragraph; or
- (f) is subject to section 15A or 17 of the *Air Navigation Act 1920* and is operated jointly by:
  - (i) an Australian operator; and
  - (ii) another person;but is under the control of the Australian operator.

***Australian operator*** means an aircraft operator who:

- (a) if the operator is an individual:
  - (i) is an Australian citizen; or



- (ii) is ordinarily resident in Australia; or
- (b) if the operator is a body corporate:
  - (i) is incorporated in Australia; or
  - (ii) has its principal place of business in Australia.

***bilateral arrangement*** means an agreement or arrangement between:

- (a) Australia, or an entity or organisation nominated or otherwise similarly authorised by Australia to enter into the agreement or arrangement; and
  - (b) a foreign country;
- under which the carriage by air of passengers or freight, or both passengers and freight, between Australia and the foreign country is permitted.

***foreign country*** includes any region:

- (a) that is part of a foreign country; or
  - (b) that is under the protection of a foreign country; or
  - (c) for whose international relations a foreign country is responsible.
- (3) For the purposes of this section:
- (a) an aircraft is taken to be subject to section 15A of the *Air Navigation Act 1920* if the aircraft would be taken to be subject to that section under paragraph 27(3)(c) of that Act; and
  - (b) an aircraft is taken to be subject to section 17 of the *Air Navigation Act 1920* if the aircraft would be taken to be subject to that section under paragraph 27(3)(d) of that Act.

## ***Civil Aviation Act 1988***

### **8 After paragraph 23(1)(a)**

Insert:

- (ab) in accordance with the *Aviation Transport Security Regulations 2005*, including any conditions subject to which those regulations permit the carriage of those goods; or

### **9 After paragraph 23(2)(a)**

Insert:

- (ab) in accordance with the *Aviation Transport Security Regulations 2005*, including any conditions subject to which those regulations permit the carriage or consignment of those goods; or

**10 After paragraph 23(2A)(a)**

Insert:

- (ab) in accordance with the *Aviation Transport Security Regulations 2005*, including any conditions subject to which those regulations permit the carriage or consignment of those goods; or

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[*Minister's second reading speech made in—  
House of Representatives on 26 June 2008  
Senate on 28 August 2008*]

(142/08)

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