



Aviation Transport Security Amendment (2009 Measures No. 2) Act 2010

No. 14, 2010

An Act to amend the *Aviation Transport Security Act 2004*, and for related purposes

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

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No. 14, 2010

An Act to amend the *Aviation Transport Security Act 2004*, and for related purposes

[Assented to 11 March 2010]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Aviation Transport Security Amendment (2009 Measures No. 2) Act 2010*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	11 March 2010
2. Schedule 1	A single day to be fixed by Proclamation. However, if any of the provision(s) do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	11 September 2010

Note: This table relates only to the provisions of this Act as originally passed by both Houses of the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- (2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

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Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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

Repeal the definition, substitute:

cargo means goods (other than baggage or stores) that:

- (a) are transported by aircraft; or
- (b) are intended to be transported by aircraft; or
- (c) are, in accordance with the regulations, regarded as being reasonably likely to be transported by aircraft.

2 Section 9 (definition of *certified*)

Omit “by an aircraft operator”, substitute “by a regulated air cargo agent, by an accredited air cargo agent or by an aircraft operator”.

3 Paragraph 44C(2)(g)

Repeal the paragraph, substitute:

- (g) the circumstances in which cargo may be certified by:
 - (i) all regulated air cargo agents, all accredited air cargo agents or all aircraft operators; or
 - (ii) one or more specified classes of regulated air cargo agents, accredited air cargo agents or aircraft operators;
or
 - (iii) one or more specified regulated air cargo agents, accredited air cargo agents or aircraft operators;

4 Subsection 44C(3)

Omit “paragraph (2)(a), (b) or (d)”, substitute “paragraph (2)(a), (b), (d) or (g)”.

5 Transitional—transport security programs

- (1) This item applies if, immediately before the commencement of this item, a transport security program included the definition of *cargo* in section 9 of the *Aviation Transport Security Act 2004* (as in force immediately before the commencement of this item).

- (2) From the commencement of this item, the transport security program is taken to be amended as if it instead included the definition of *cargo* in section 9 of that Act (as in force immediately after the commencement of this item).
- (3) This item does not prevent a variation or cancellation of the transport security program after the commencement of this item.

6 Saving—regulations prescribing requirements for examining, certifying and clearing cargo

The amendments made by items 3 and 4 do not affect the validity of any regulations in force immediately before the commencement of those items for the purposes of section 44C of the *Aviation Transport Security Act 2004*.

[Minister's second reading speech made in—
House of Representatives on 29 October 2009
Senate on 26 November 2009]

(211/09)

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