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2000B00229



Air Navigation Amendment Regulations 2000 (No. 2)

Statutory Rules 2000 No. *<*

217

I, WILLIAM PATRICK DEANE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Air Navigation Act 1920*.

Dated 10 AUG 2000 2000

WILLIAM DEANE

Governor-General

By His Excellency's Command

JOHN ANDERSON

Minister for Transport and Regional Services



Air Navigation Amendment Regulations 2000 (No. 2)¹

Statutory Rules 2000 No. 2²

217

made under the

Air Navigation Act 1920

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2000, 2

Air Navigation Amendment Regulations 2000 (No. 2)

1

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1 Name of Regulations

These Regulations are the *Air Navigation Amendment Regulations 2000 (No. 2)*.

2

2 Commencement

These Regulations commence on gazettal.

3 Amendment of *Air Navigation Regulations 1947*

Schedule 1 amends the *Air Navigation Regulations 1947*.

Schedule 1 Amendments

(regulation 3)

[1] **Subparagraph 42 (2) (a) (i)**

omit

and Australian Company Number

[2] **Paragraph 42 (2) (g)**

omit

program.

insert

program;

[3] **After paragraph 42 (2) (g)**

insert

- (h) if the applicant has an Australian Business Number — that Australian Business Number;
- (i) if the applicant has a registered business name (however described) under the law of a State or Territory — that business name.

[4] **Regulation 56, after definition of *airside controlled area***

insert

security officer, for an airport, includes a member of a security service for the airport.

security service, for an airport, means a group of persons:

- (a) who are made available by a body to be engaged by the operator of the airport to patrol the airport

in accordance with the directions of the operator of the airport; and

- (b) each of whom, while patrolling the airport:
- (i) wears a uniform; and
 - (ii) carries a transceiver that enables him or her to communicate with other members of the body, the airport operator or the police force of the State or Territory in which the airport is located; and
- (c) each of whom satisfies the requirements of regulation 71A.

special event period means a period declared under regulation 56A to be a special event period.

[5] After regulation 56

insert

56A Special event periods

- (1) The Minister may declare a period to be a special event period.
- (2) A declaration under subregulation (1) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

[6] Regulation 58

substitute

58 Meaning of *person in charge of an area*

For this Subdivision, a person is taken to be in charge of an area of a categorised airport if the person is authorised by the Secretary as a person in charge of the area.

[7] After subregulation 59 (2)

insert

(2A) During a special event period, a person must not intentionally or recklessly enter an area of a categorised airport if the person has been directed not to enter the area by a person in charge of the area.

Penalty: 10 penalty units.

(2B) During a special event period, a person must not intentionally or recklessly remain in an area of a categorised airport if the person has been directed to leave the area by a person in charge of the area.

Penalty: 10 penalty units.

(2C) A direction under subregulation (2A) or (2B) may be given orally or by means of a sign or written communication.

[8] Subregulation 59 (3)

omit

(1) or (2)

insert

(1), (2), (2A) or (2B)

[9] After subregulation 60 (2)

insert

(2A) During a special event period, a person must not intentionally or recklessly take a vehicle into an area of a categorised airport if the person has been directed not to take the vehicle into the area by a person in charge of the area.

Penalty: 10 penalty units.

(2B) During a special event period, a person must not intentionally or recklessly leave a vehicle in an area of a categorised airport if the person has been directed to remove the vehicle from the area by a person in charge of the area.

Penalty: 10 penalty units.

(2C) A direction under subregulation (2A) or (2B) may be given orally or by means of a sign or written communication.

[10] Subregulation 60 (3)

omit

(1) or (2)

insert

(1), (2), (2A) or (2B)

[11] Subregulation 61 (1)

omit

a security sensitive area, or a part of such an area, of the airport

insert

an area of the airport, including a security sensitive area or a part of such an area,

[12] Subregulation 62 (1)

omit

a security sensitive area, or a part of such an area, of the airport

insert

an area of the airport, including a security sensitive area or a part of such an area,

[13] Subregulation 62 (3)

omit

a security sensitive area, or a part of such an area, of the airport

insert

an area of the airport, including a security sensitive area or a part of such an area,

[14] After regulation 62

insert

62A Owner of vehicle must pay costs of storage etc

- (1) If a vehicle is removed under regulation 62, the owner of the vehicle must pay the airport operator the amount reasonably spent by the operator in moving and storing the vehicle.
- (2) The amount payable is a debt due to the operator recoverable in a court of competent jurisdiction.
- (3) An airport operator is not required to return a vehicle to a person claiming it unless the person pays the amount payable to the operator under this regulation.

62B Airport operator may sell vehicle

- (1) This regulation applies if:
 - (a) a vehicle is removed under regulation 62; and
 - (b) the amount mentioned in regulation 62A is not paid to the airport operator within 14 days after the vehicle is removed.
- (2) The airport operator may give notice of intention to sell, or otherwise dispose of, the vehicle.

- (3) A notice under subregulation (2) must be published in a daily newspaper circulating generally in the area served by the airport.
- (4) If the amount mentioned in regulation 62A is not paid to the airport operator within 14 days after the notice is published, the operator may sell, or otherwise dispose of, the vehicle.
- (5) If a vehicle is sold under this regulation, the airport operator must give the proceeds of the sale, less the reasonable cost of moving, storing and selling the vehicle, to the Commonwealth.

[15] Regulation 63

omit

In relation to

insert

- (1) For

[16] Regulation 63

insert

- (2) During a special event period, if an airport operator is unable to provide a uniformed security force to implement the measures mentioned in paragraphs (1)(a), (b), (c) and (d), those measures must be implemented as if the words 'uniformed security force' in each of those paragraphs were replaced by the words 'security service'.

Note 'Uniformed security force' has the meaning given by section 3AF of the Act.

[17] Regulation 65

omit

In relation to

insert

(1) For

[18] Regulation 65

insert

(2) During a special event period, if an airport operator is unable to provide a uniformed security force to implement the measures mentioned in paragraphs (1) (a), (b), (c) and (d), those measures must be implemented as if the words 'uniformed security force' in each of those paragraphs were replaced by the words 'security service'.

Note 'Uniformed security force' has the meaning given by section 3AF of the Act.

[19] Regulation 66

omit

In relation to

insert

(1) For

[20] Regulation 66

insert

(2) During a special event period, if an airport operator is unable to provide a uniformed security force to implement the measures mentioned in subparagraphs (1) (a) (i), (ii), (iii) and (iv), those measures must be implemented as if the words 'uniformed security force'

in each of those subparagraphs were replaced by the words 'security service'.

Note 'Uniformed security force' has the meaning given by section 3AF of the Act.

[21] After regulation 71

insert

71A Qualifications of security service personnel

To be qualified to be a member of a security service for an airport for the purposes of this Part, a person must:

- (a) hold a Certificate II training qualification in accordance with the National Security Industry Competency Standards for Security Officers — Security Officer Standards (Guarding), published by Property Services Industry Training Advisory Body Ltd (Australian Business Number 67 062 779 186) in November 1998; and
- (b) if the law of the State or Territory in which the airport is located provides for licensing security agents (however described), hold such a licence.

Notes

1. These Regulations amend Statutory Rules 1947 No. 112, as amended by 1947 No. 162; 1948 No. 69; 1949 Nos. 6 and 70; 1950 No. 69; 1952 Nos. 30, 46 and 87; 1953 No. 44; 1954 Nos. 26, 32 and 119; 1955 No. 29; 1956 No. 16; 1957 No. 12; 1958 No. 77; 1960 Nos. 21, 96 and 99; 1961 No.102; 1964 Nos. 61 and 128; 1965 No. 33; 1966 No. 5; 1967 No. 65; 1969 No.4; 1970 Nos. 21 and 214; 1971 No. 31; 1972 No. 166; 1973 Nos. 182 and 247; 1974 Nos. 36, 54 and 96; 1975 No. 32; 1976 Nos. 67, 77, 11 and 124; 1977 No. 124; 1978 No. 140; 1980 Nos. 67, 106, 136, 187, 204, 247 and 269; 1981 Nos. 32, 77, 253 and 308; Act No. 76, 1981; Statutory Rules 1982 No. 270; 1983 Nos. 39, 149 and 202; 1984 Nos. 208 and 314; 1985 Nos. 203, 276, 300 and 329; 1986 Nos. 141, 284 and 357; 1987 Nos. 207 and 278; 1988 Nos. 159 and 378; 1989 No. 400; 1990 Nos. 255, 299 and 432; 1991 Nos. 74 and 193; 1992 Nos. 104, 153, 221 and 316; 1993 Nos. 265, 318 and 369; 1994 Nos. 148 and 384; 1995 Nos. 29, 342 and 443; 1996 Nos. 113 and 340; 1997 Nos. 336 and 413; 1998 No. 321; 1999 No. 351; 2000 No. 96.
2. Made by the Governor-General on *the Commonwealth of Australia Gazette* on *2000*, and notified in *2000*.

10 August
11 August