



# Transport and Regional Services Legislation Amendment (Application of Criminal Code) Regulations 2002 (No. 1 )<sup>1</sup>

Statutory Rules 2002 No. 1<sup>2</sup>

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I, PETER JOHN HOLLINGWORTH, 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*, the *Airports Act 1996*, the *Interstate Road Transport Act 1985*, the *Navigation Act 1912* and the *Stevedoring Levy (Collection) Act 1998*.

Dated 14 FEB 2002 2002

PETER HOLLINGWORTH  
Governor-General

By His Excellency's Command

JOHN ANDERSON  
Minister for Transport and Regional Services

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**1 Name of Regulations**

These Regulations are the *Transport and Regional Services Legislation Amendment (Application of Criminal Code) Regulations 2002 (No. 1)*.

**2 Commencement**

These Regulations commence on gazettal.

**3 Amendment of Air Navigation (Aerodrome Flight Corridors) Regulations**

Schedule 1 amends the Air Navigation (Aerodrome Flight Corridors) Regulations.

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- 4 Amendment of Air Navigation (Aircraft Noise) Regulations 1984**  
Schedule 2 amends the *Air Navigation (Aircraft Noise) Regulations 1984*.
- 5 Amendment of Air Navigation (Checked Baggage) Regulations 2000**  
Schedule 3 amends the *Air Navigation (Checked Baggage) Regulations 2000*.
- 6 Amendment of Air Navigation (Coolangatta Airport Curfew) Regulations 1999**  
Schedule 4 amends the *Air Navigation (Coolangatta Airport Curfew) Regulations 1999*.
- 7 Amendment of Air Navigation (Fuel Spillage) Regulations 1999**  
Schedule 5 amends the *Air Navigation (Fuel Spillage) Regulations 1999*.
- 8 Amendment of Airports Regulations 1997**  
Schedule 6 amends the *Airports Regulations 1997*.
- 9 Amendment of Airports (Control of On-Airport Activities) Regulations 1997**  
Schedule 7 amends the *Airports (Control of On-Airport Activities) Regulations 1997*.
- 10 Amendment of Airports (Environment Protection) Regulations 1997**  
Schedule 8 amends the *Airports (Environment Protection) Regulations 1997*.

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- 4 *Transport and Regional Services Legislation Amendment (Application of Criminal Code) Regulations 2002 (No. )* 2002,

- 11**      **Amendment of Airports (Protection of Airspace) Regulations 1996**  
Schedule 9 amends the *Airports (Protection of Airspace) Regulations 1996*.
- 12**      **Amendment of Interstate Road Transport Regulations 1986**  
Schedule 10 amends the *Interstate Road Transport Regulations 1986*.
- 13**      **Amendment of Navigation (Coasting Trade) Regulations**  
Schedule 11 amends the *Navigation (Coasting Trade) Regulations*.
- 14**      **Amendment of Navigation (Marine Casualty) Regulations 1990**  
Schedule 12 amends the *Navigation (Marine Casualty) Regulations 1990*.
- 15**      **Amendment of Navigation (River Murray Traffic) Regulations**  
Schedule 13 amends the *Navigation (River Murray Traffic) Regulations*.
- 16**      **Amendment of Stevedoring Levy (Collection) Regulations 1998**  
Schedule 14 amends the *Stevedoring Levy (Collection) Regulations 1998*.

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## Schedule 1      Amendments of Air Navigation (Aerodrome Flight Corridors) Regulations

(regulation 3)

### [1]      Regulation 1

*substitute*

#### 1      Name of Regulations

These Regulations are the *Air Navigation (Aerodrome Flight Corridors) Regulations 1994*.

### [2]      Subregulation 3 (1)

*omit*

runway, except in accordance with an instruction or approval given under subregulation (2).

*insert*

runway.

### [3]      After subregulation 3 (4)

*insert*

(5) It is a defence to a prosecution under subregulation 5 (1) that the defendant was acting in accordance with an instruction or approval given under subregulation (2).

*Note* A defendant bears an evidential burden in relation to whether or not he or she was acting in accordance with an instruction or approval (see subsection 13.3 (3) of the *Criminal Code*).

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**[4] After subregulation 5 (2)**

*insert*

- (3) An offence against subregulation (1) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

**Schedule 2      Amendments of *Air Navigation  
(Aircraft Noise) Regulations  
1984***

(regulation 4)

**[1]      Regulation 2, after definition of *derived version***

*insert*

***engage in conduct*** means:

- (a) do an act; or
- (b) omit to perform an act.

**[2]      Subregulation 9 (1)**

*omit*

must not engage in air navigation unless:

*insert*

may engage in air navigation only if:

**[3]      Subregulation 9 (1A)**

*omit*

must not engage in air navigation unless

*insert*

may engage in air navigation only if

**[4]      Subregulation 9 (2)**

*omit everything before paragraph (a), insert*

- (2) An aircraft that is not a subsonic jet aircraft or a supersonic aircraft may engage in air navigation only if:



**[5] Subregulation 9 (3)**

*omit*

offence and is punishable, upon conviction, by a fine not exceeding \$2,000.

*insert*

offence.

Penalty: 20 penalty units.

**[6] After subregulation 9 (3)**

*insert*

(4) Strict liability applies:

- (a) for paragraph (1) (a) — to the physical element that an aircraft complies with Chapter 3 standards; and
- (b) for paragraph (1) (b) — to the physical element that an aircraft complies with Chapter 3 standards, to the physical element that a permission is in force under regulation 9A, and to the physical element that an aircraft is permitted under regulation 10A or 10B to engage in air navigation; and
- (c) for paragraph (1) (c) — to the physical element that a noise standard applied to the aircraft under regulation 6A, or is expressed in the Annex applicable to the aircraft of the class to which it belongs; and
- (d) for subregulation (1A) — to the physical element that a permission was granted under regulation 9AA for the aircraft to engage in air navigation; and
- (e) for paragraph (2) (b) — to the physical element that a permission was in force under regulation 9A or 9AB for an aircraft to engage in air navigation; and

- (f) for paragraph (2) (c) — to the physical element that a noise standard applied to the aircraft under regulation 6A or is expressed in the Annex applicable to the aircraft of the class to which it belongs.

*Note* A person can be criminally responsible for an offence even if he or she is mistaken about, or ignorant of, the existence or content of an Act or subordinate legislation; see sections 9.3 and 9.4 of the *Criminal Code*.

**[7] Subregulation 9AB (4)**

*substitute*

- (4) A person commits an offence if:
- (a) a notice issued under subregulation 9AB (2) sets out conditions; and
  - (b) the person engages in conduct; and
  - (c) the person's conduct results in a breach of any of the conditions.

Penalty: 20 penalty units.

**[8] Subregulation 10 (4)**

*omit*

possible

*insert*

possible, and in any case within 14 days,

**[9] Subregulation 10 (4), penalty**

*substitute*

Penalty: 5 penalty units.

---

**[10] After subregulation 10 (4), including the penalty***insert*

- (4A) An offence against subregulation (4) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

**[11] Subregulation 10BA (5)***substitute*

- (5) An operator of an aircraft commits an offence if:
- (a) a notice issued under subregulation 10BA (3) sets out conditions; and
  - (b) the operator engages in conduct; and
  - (c) the operator's conduct results in a breach of any of the conditions.

Penalty: 20 penalty units.

- (5A) An offence against subregulation (5) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

**[12] Paragraph 10D (2) (a)***substitute*

- (a) the operator is guilty of an offence punishable by a maximum fine of 20 penalty units; and

**[13] After subregulation 10D (2)***insert*

- (3) An offence against paragraph (2) (a) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

**[14] Subregulation 11 (2A)***substitute*

(2A) A person who ceases to be an inspector must not fail to return his or her identity card to the Secretary as soon as practicable, but in any case within 14 days after receiving notice of the cessation or termination of his or her appointment under these Regulations.

Penalty: 1 penalty unit.

(2B) An offence against subregulation (2A) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

(2C) It is a defence to a prosecution under subregulation (2A) that the defendant had a reasonable excuse for failing to return the relevant identity card.

*Note* A defendant bears an evidential burden in relation to whether or not he or she had a reasonable excuse (see subsection 13.3 (3) of the *Criminal Code*).

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**Schedule 3      Amendments of Air Navigation  
(Checked Baggage)  
Regulations 2000**  
(regulation 5)

**[1]      Subregulation 6 (1)**

*omit*

, except exempt items,

**[2]      After subregulation 6 (1), including the penalty**

*insert*

(1A) An offence against subregulation (1) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

(1B) It is a defence to a prosecution under subregulation (1) that the items not screened or cleared were exempt items.

*Note* A defendant bears an evidential burden in relation to whether or not the items were exempt items (see subsection 13.3 (3) of the *Criminal Code*).

**[3]      After subregulation 7 (2), including the penalty**

*insert*

(3) An offence against subregulation (1) or (2) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

**[4] After subregulation 8 (2), including the penalty***insert*

(2A) An offence against subregulation (2) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

**[5] After subregulation 10 (1), including the penalty***insert*

(1A) An offence against subregulation (1) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

**[6] Regulation 11***omit*

A terminal

*insert*

(1) A terminal

**[7] Regulation 11***after the penalty, insert*

(2) An offence against subregulation (1) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

**[8] Subregulation 13 (1)***omit*

must not

*insert*

may

---

**[9] Subregulation 13 (1)**

*omit*

unless:

*insert*

only if:

**[10] After subregulation 13 (3), including the penalty**

*insert*

- (4) An offence against subregulation (1) or (3) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

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**Schedule 4      Amendments of Air Navigation  
(Coolangatta Airport Curfew)  
Regulations 1999**  
(regulation 6)

**[1]      Subregulation 5 (1), after definition of *domestic passenger jet aircraft***

*insert*

***engage in conduct*** means:

- (a) do an act; or
- (b) omit to perform an act.

**[2]      Regulation 8**

*substitute*

**8      Prohibition on taking off or landing during curfew periods**

- (1) An operator of an aircraft must not engage in conduct that results in an aircraft taking off from, or landing at, Coolangatta Airport during a curfew period.

Penalty: 45 penalty units.

- (2) It is a defence to a prosecution under subregulation (1) that the take-off or landing was permitted under Part 3.

*Note* A defendant bears an evidential burden in relation to whether or not the take-off or landing was permitted under Part 3 (see subsection 13.3 (3) of the *Criminal Code*).



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**[3] Subregulation 13 (2)**

*substitute*

- (2) An operator of an aircraft must not fail to notify the Secretary under subregulation (1).

Penalty: 10 penalty units.

- (3) For subregulation (2), strict liability applies to the physical element that notification was required by subregulation (1).

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

**[4] Subregulation 22 (3)**

*substitute*

- (3) An operator must not fail to comply with a notice under subregulation (1).

Penalty: 10 penalty units.

- (3A) For subregulation (3), strict liability applies to the physical element that a notice was given under subregulation (1).

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

**[5] Regulation 23**

*omit*

knowingly or recklessly

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## Schedule 5      **Amendment of *Air Navigation (Fuel Spillage) Regulations 1999***

(regulation 7)

### [1]      **Regulation 14**

*substitute*

#### **14      Offence — aircraft mentioned in notice starting a flight**

- (1) If the Secretary issues a grounding notice for an aircraft to the aircraft's operator, the operator must ensure that the aircraft does not start a flight.

Penalty: 45 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

- (3) An offence against subregulation (1) is an infringement notice offence, and if an infringement notice is issued for such an offence, the penalty payable under the notice is 9 penalty units.

- (4) It is a defence to a prosecution under subregulation (1) that, before the flight, the Secretary gave permission in writing for the aircraft to start the flight, or that the Secretary withdrew the grounding notice.

*Note* A defendant bears an evidential burden in relation to whether or not the Secretary gave permission in writing, or withdrew the grounding notice (see subsection 13.3 (3) of the *Criminal Code*).

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## Schedule 6      **Amendments of Airports Regulations 1997**

(regulation 8)

**[1]      Subregulation 3.22 (1)**

*omit*

An airport-operator company

*insert*

For section 60 of the Act, an airport-operator company

**[2]      Subregulation 3.22 (3), note**

*substitute*

*Note* An airport-operator company that fails to comply with this regulation commits an offence against subsection 60 (4) of the Act. That subsection provides for a penalty of 50 penalty units for each such offence. Strict liability applies to the physical element that the person is required to keep and retain records and to give information under subsection 60 (1) of the Act. For *strict liability*, see section 6.1 of the *Criminal Code*.

**[3]      Subregulation 3.23 (2)**

*omit*

Within 14 days

*insert*

For section 60 of the Act, within 14 days

**[4] Subregulation 3.23 (2), note***substitute*

*Note* An airport-operator company that fails to comply with this regulation commits an offence against subsection 60 (4) of the Act. That subsection provides for a penalty of 50 penalty units for each such offence. Strict liability applies to the physical element that the person is required to keep and retain records and to give information under subsection 60 (1) of the Act. For *strict liability*, see section 6.1 of the *Criminal Code*.

**[5] Subregulation 3.24 (1)***omit*

The Minister may,

*insert*

For section 60 of the Act, the Minister may,

**[6] Subregulation 3.24 (4), note***substitute*

*Note* An airport-operator company that fails to comply with this regulation commits an offence against subsection 60 (4) of the Act. That subsection provides for a penalty of 50 penalty units for each such offence. Strict liability applies to the physical element that the person is required to keep and retain records and to give information under subsection 60 (1) of the Act. For *strict liability*, see section 6.1 of the *Criminal Code*.

**[7] Subregulation 3.25 (1)***omit*

The Minister may,

*insert*

For section 60 of the Act, the Minister may,

---

**[8] Subregulation 3.25 (4), note**

*substitute*

*Note* An airport-operator company that fails to comply with this regulation commits an offence against subsection 60 (4) of the Act. That subsection provides for a penalty of 50 penalty units for each such offence. Strict liability applies to the physical element that the person is required to keep and retain records and to give information under subsection 60 (1) of the Act. For *strict liability*, see section 6.1 of the *Criminal Code*.

**[9] Subregulation 3.26 (1)**

*omit*

An airport-operator company

*insert*

For section 60 of the Act, an airport-operator company

**[10] Subregulation 3.26 (2), note**

*substitute*

*Note* An airport-operator company that fails to comply with this regulation commits an offence against subsection 60 (4) of the Act. That subsection provides for a penalty of 50 penalty units for each such offence. Strict liability applies to the physical element that the person is required to keep and retain records and to give information under subsection 60 (1) of the Act. For *strict liability*, see section 6.1 of the *Criminal Code*.

**[11] Subregulation 8.02 (4), at the foot**

*insert*

*Note* An airport-operator company that fails to comply with this regulation commits an offence against subsection 156 (5) of the Act. That subsection provides for a penalty of 50 penalty units for each such offence.

**[12] Subregulation 8.03 (3), note***substitute*

*Note* An airport-operator company that fails to comply with this regulation commits an offence against subsection 156 (5) of the Act. That subsection provides for a penalty of 50 penalty units for each such offence.

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**Schedule 7      Amendments of Airports  
(Control of On-Airport  
Activities) Regulations 1997**  
(regulation 9)

**[1]      Subregulations 118 (1) and (2)**

*substitute*

- (1) A person must not park a vehicle in a designated no-parking area.

Penalty: 3 penalty units.

- (2) A person must not park a vehicle in a designated limited no-parking area in contravention of the posted conditions of parking in the area.

Penalty: 3 penalty units.

*Note* For the meaning of *in contravention of the posted conditions of parking* in an area, see subregulation 115 (2).

**[2]      After subregulation 118 (3), including the penalty**

*insert*

- (3A) An offence against subregulation (1), (2) or (3) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

- (3B) It is a defence to a prosecution under subregulation (1) or (2) that the person who parked the vehicle:

- (a) was the driver of an emergency vehicle and was attending an emergency; or  
(b) was directed by an authorised person to park the vehicle in the area.

---

*Note* A defendant bears an evidential burden in relation to whether or not he or she was the driver of an emergency vehicle attending an emergency, or was directed by an authorised person to park the vehicle in the area (see subsection 13.3 (3) of the *Criminal Code*).

**[3] Subregulations 119 (1) and (2)**

*substitute*

- (1) A person must not stop a vehicle in a designated no-standing area.

Penalty: 3 penalty units.

- (2) A person must not stop a vehicle in a designated limited no-standing area in contravention of the posted conditions of stopping in the area.

Penalty: 3 penalty units.

*Note* For the meaning of *in contravention of the posted conditions of stopping* in an area, see subregulation 115 (2).

**[4] After subregulation 119 (3), including the penalty**

*insert*

- (3A) An offence against subregulation (1), (2) or (3) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

- (3B) It is a defence to a prosecution under subregulation (1) that the person who stopped the vehicle:

- (a) was the driver of an emergency vehicle and was attending an emergency; or  
(b) was directed by an authorised person to stop the vehicle in the area.

*Note* A defendant bears an evidential burden in relation to whether or not he or she was the driver of an emergency vehicle attending an emergency, or was directed by an authorised person to stop the vehicle in the area (see subsection 13.3 (3) of the *Criminal Code*).



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**[5] After subregulation 120 (2), including the penalty**

*insert*

(2A) An offence against subregulation (2) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

**[6] After subregulation 123 (2), including the penalty**

*insert*

(2A) An offence against subregulation (2) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

**[7] After subregulation 129 (3), including the penalty**

*insert*

(3A) An offence against subregulation (3) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

**[8] Subregulation 130 (1)**

*substitute*

(1) A person must not drive, stop or park a vehicle within 3 metres of an aircraft.

Penalty: 3 penalty units.

(1A) An offence against subregulation (1) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

(1B) It is a defence to a prosecution under subregulation (1) that:

(a) the vehicle:

(i) was of a kind normally used for servicing, refuelling, loading, unloading, towing or pushing the aircraft; and

(ii) was being used to do so; or

(b) the vehicle was an emergency vehicle and was being used in connection with an emergency on the aircraft or in the vicinity of the aircraft.

*Note* A defendant bears an evidential burden in relation to the capabilities and use of the vehicle mentioned in subregulation (1B) (see subsection 13.3 (3) of the *Criminal Code*).

**[9] After subregulation 131 (2), including the penalty**

*insert*

(2A) An offence against subregulation (2) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

**[10] Regulation 137**

*substitute*

**137 Prohibition of gambling at regulated airports**

(1) A person must not engage in a gambling activity on a regulated airport.

Penalty: 10 penalty units.

(2) An offence against subregulation (1) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

- 
- (3) It is a defence to a prosecution under subregulation (1) that the gambling activity was engaged in in accordance with a continued gambling authority or a gambling permission.

*Note* A defendant bears an evidential burden in relation to whether the gambling activity was engaged in in accordance with a continued gambling authority or a gambling permission (see subsection 13.3 (3) of the *Criminal Code*).

**[11] After subregulation 142 (1), including the penalty**

*insert*

- (1A) An offence against subregulation (1) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

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## Schedule 8      **Amendments of Airports (Environment Protection) Regulations 1997**

(regulation 10)

**[1]      After subregulation 4.05 (1), including the penalty**

*insert*

(1A) An offence against subregulation (1) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

**[2]      Subregulation 5.18 (2)**

*substitute*

(2) The operator must report the contravention to an airport environment officer:

- (a) before the end of 24 hours after the event; or
- (b) if the operator learns of the contravention after the event — before the end of 24 hours after the operator learns of the event.

**[3]      After subregulation 5.18 (3), including the note**

*insert*

(4) It is a defence to a prosecution that the defendant knew that the contravention had already been reported, in writing, to an airport environment officer.

*Note* A defendant bears an evidential burden in relation to whether he or she was known that the contravention had already been reported, in writing, to an airport environment officer (see subsection 13.3 (3) of the *Criminal Code*).

---

**[4] Subregulation 6.01 (4)**

*omit*

airport unless the information was provided by the airport-lessee company.

*insert*

airport.

**[5] After subregulation 6.01 (4), including the penalty**

*insert*

(4A) It is a defence to a prosecution under subregulation (4) that the information was provided by the airport-lessee company.

*Note* A defendant bears an evidential burden in relation to whether the information was provided by the airport-lessee company (see subsection 13.3 (3) of the *Criminal Code*).

**[6] Subregulation 6.02 (4), penalty**

*omit*

**[7] After subregulation 6.02 (4)**

*insert*

(5) An airport-lessee company that fails to comply with this regulation commits an offence.

Penalty: 50 penalty units.

(6) An offence against subregulation (5) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

**[8] Subregulation 6.04 (2), penalty**

*omit*

**[9] After subregulation 6.04 (2)**

*insert*

- (3) An airport-lessee company that fails to comply with this regulation commits an offence.

Penalty: 50 penalty units.

- (4) An offence against subregulation (3) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

**[10] Subregulation 7.05 (1), at the foot**

*insert*

*Note* An operator of an undertaking that fails to comply with this regulation commits an offence against subsection 132 (2) of the Act. That subsection provides for a penalty of 250 penalty units for each such offence.

**[11] Subregulation 7.06 (2), at the foot**

*insert*

*Note* An operator of an undertaking that fails to comply with this regulation commits an offence against subsection 132 (2) of the Act. That subsection provides for a penalty of 250 penalty units for each such offence.

---

**Schedule 9      Amendments of Airports  
(Protection of Airspace)  
Regulations 1996**

(regulation 11)

**[1]      Subregulation 7 (1), note 1**

*omit*

**[2]      Subregulation 7 (1), note 2**

*omit*

*Note 2*

*insert*

*Note*

**[3]      Subregulation 7 (2), at the foot**

*insert*

*Note* A person who carries out a controlled activity without the approval of the Secretary commits an offence against section 183 of the Act. That section provides for a penalty of 250 penalty units for each such offence.

**[4]      Regulation 8, note**

*substitute*

*Note* A building authority who fails to comply with this regulation commits an offence against section 186 of the Act. That section provides for a penalty of 50 penalty units for each such offence.

**[5] Subregulation 14 (4), note***substitute*

*Note* A person who carries out a controlled activity otherwise than in accordance with a condition of an approval commits an offence against section 185 of the Act. That section provides for a penalty of 250 penalty units for each such offence.



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## Schedule 10 Amendments of *Interstate Road Transport Regulations 1986*

(regulation 12)

### [1] Subregulation 2 (1), after definition of *D-value*

*insert*

*engage in conduct* means:

- (a) do an act; or
- (b) omit to perform an act.

### [2] Regulation 5B

*substitute*

#### 5B Tampering with road speed governors etc

- (1) A person must not engage in conduct in relation to a vehicle to which regulation 5A applies if the result is to enable the vehicle's maximum road speed capability to exceed 100 kilometres per hour.

Penalty: 5 penalty units.

- (2) For subregulation (1), strict liability applies in relation to the physical element that regulation 5A applies to a vehicle.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

### [3] After subregulation 12C (6), including the penalty

*insert*

- (7) An offence against subregulation (4) or (6) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

**[4] Regulation 12E**

*substitute*

**12E False statement of gross vehicle mass**

- (1) The owner of a motor vehicle commits an offence if, in an application made in accordance with the approved form under section 9 of the Act:
  - (a) the owner makes a statement to the effect that the vehicle, in conjunction with any trailer that may be drawn by the vehicle, is being operated within the manufacturer's gross vehicle mass or gross combination mass; and
  - (b) the statement is false or misleading.

Penalty: 10 penalty units.

- (2) Strict liability applies to the physical element that a form was an approved form under section 9 of the Act.

*Note* A person can be criminally responsible for an offence even if he or she is mistaken about, or ignorant of, the existence or content of an Act or subordinate legislation; see sections 9.3 and 9.4 of the *Criminal Code*.

**[5] After subregulation 12H (6), including the note**

*insert*

- (7) An offence against subregulation (2) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

**[6] Subregulation 12I (3)**

*omit*

without reasonable excuse

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**[7] Subregulation 12I (3), penalty**

*substitute*

Penalty: 30 penalty units.

**[8] Subregulation 12I (3A)**

*omit*

, without reasonable excuse,

**[9] Subregulation 12I (3B)**

*omit*

, without reasonable excuse,

**[10] Subregulation 12I (3B), penalty**

*substitute*

Maximum penalty: for the driver of a vehicle other than a B-double — 30 penalty units.

**[11] After subregulation 12I (4)**

*insert*

- (5) An offence against subregulation (3) or (3B) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

- (6) It is a defence to a prosecution under subregulation (3) that the defendant had a reasonable excuse.

*Note* A defendant bears an evidential burden in relation to whether or not he or she had a reasonable excuse (see subsection 13.3 (3) of the *Criminal Code*).

**[12] Subregulation 12K (2), penalty**

*substitute*

Maximum penalty: for the driver of a vehicle other than a B-double — 20 penalty units.

**[13] After subregulation 12K (2), including the penalty**

*insert*

(2A) An offence against subregulation (2) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

**[14] Subregulation 12L (1)**

*omit*

, without reasonable excuse,

**[15] Subregulation 12L (1), penalty**

*substitute*

Maximum penalty: 10 penalty units.

**[16] After subregulation 12L (2)**

*insert*

(3) An offence against subregulation (1) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

(4) It is a defence to a prosecution under subregulation (1) that the defendant had a reasonable excuse.

*Note* A defendant bears an evidential burden in relation to whether or not he or she had a reasonable excuse (see subsection 13.3 (3) of the *Criminal Code*).

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**[17] Regulation 12ZAB**

*substitute*

**12ZAB Certain B-doubles not to be operated**

- (1) A person may operate a B-double that does not comply with the requirements of this Division only if, under regulation 12ZB, the B-double is taken to comply with those requirements.

Penalty: 5 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

**[18] Subregulation 15 (1), penalty**

*substitute*

Penalty: 5 penalty units.

**[19] Subregulation 15 (4), penalty**

*substitute*

Penalty: 5 penalty units.

**[20] After subregulation 15 (4), including the penalty**

*insert*

- (5) An offence against subregulation (4) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

**[21] Subregulation 17 (1), penalty**

*substitute*

Penalty: 3 penalty units.

**[22] Subregulation 17 (2), penalty**

*substitute*

Penalty: 5 penalty units.

**[23] Subregulation 17 (3), penalty**

*substitute*

Penalty: 3 penalty units.

**[24] After subregulation 17 (3), including the penalty**

*insert*

(4) An offence against subregulation (1), (2) or (3) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

**[25] Subregulation 20 (1), penalty**

*substitute*

Penalty: 3 penalty units.

**[26] Subregulation 20 (2), penalty**

*substitute*

Penalty: 5 penalty units.

**[27] After subregulation 20 (2), including the penalty**

*insert*

(3) An offence against subregulation (1) is an offence of strict liability.

- 
- (4) Strict liability applies in subregulation (2) to the physical element that a declaration was made or forwarded for the purposes of subregulation (1).

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

**[28] Subregulation 22 (1), penalty**

*substitute*

Penalty: 3 penalty units.

**[29] Subregulation 22 (2), penalty**

*substitute*

Penalty: 3 penalty units.

**[30] Subregulation 22 (3), penalty**

*substitute*

Penalty: 5 penalty units.

**[31] After subregulation 22 (3), including the penalty**

*insert*

- (4) An offence against subregulation (1), (2) or (3) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

**[32] Subregulation 23B (1)**

*omit*

except where the registration certificate has been stolen, lost or destroyed,

**[33] Subregulation 23B (1), penalty**

*substitute*

Penalty: 5 penalty units.

**[34] Subregulation 23B (2)**

*omit*

except where the registration label has been stolen, lost or destroyed,

**[35] Subregulation 23B (2), penalty**

*substitute*

Penalty: 5 penalty units.

**[36] After subregulation 23B (2), including the penalty**

*insert*

- (3) An offence against subregulation (1) or (2) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

- (4) It is a defence to a prosecution under subregulation (1) or (2) that the registration certificate or registration label has been stolen, lost or destroyed.

*Note* A defendant bears an evidential burden in relation to the question whether or not a certificate or label has been stolen, lost or destroyed (see subsection 13.3 (3) of the *Criminal Code*).

**[37] Subregulation 24 (1)**

*omit*

except where a registration plate issued in respect of the motor vehicle or trailer has been stolen, lost or destroyed,



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**[38] Subregulation 24 (1), penalty**

*substitute*

Penalty: 3 penalty units.

**[39] Subregulation 24 (2), penalty**

*substitute*

Penalty: 3 penalty units.

**[40] After subregulation 24 (2), including the penalty**

*insert*

- (3) An offence against subregulation (1) or (2) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

- (4) It is a defence to a prosecution under subregulation (1) that the registration plate has been stolen, lost or destroyed.

*Note* A defendant bears an evidential burden in relation to the question whether or not a registration plate has been stolen, lost or destroyed (see subsection 13.3 (3) of the *Criminal Code*).

**[41] Subregulation 26 (1)**

*omit*

who, without reasonable excuse:

*insert*

who:

**[42] Subregulation 26 (1)**

*omit*

\$500.

*insert*

5 penalty units.

**[43] Subregulation 26 (2)**

*omit*

who, without reasonable excuse:

*insert*

who:

**[44] Subregulation 26 (2)**

*omit*

\$500.

*insert*

5 penalty units.

**[45] Subregulation 26 (3)**

*omit*

who, without reasonable excuse:

*insert*

who:

**[46] Subregulation 26 (3)**

*omit*

\$500.

*insert*

5 penalty units.

**[47] Subregulation 26 (4)**

*substitute*

- (4) A person must not engage in conduct that results in damage to, or the alteration, defacement or destruction of, a certificate of registration, registration label, or registration plate issued by a Registration Authority for a motor vehicle or trailer.

Penalty: 5 penalty units.

**[48] Subregulation 26 (5)**

*substitute*

- (5) This subregulation applies to:
- (a) a certificate in a form that resembles the approved form for a certificate of registration under this Division, and is deceptive or likely to deceive; and
  - (b) a label in a form that resembles the approved form for a registration label under this Division, and is deceptive or likely to deceive; and
  - (c) a plate the specifications of which resemble the specifications of a registration plate under this Division, and is deceptive or likely to deceive.
- (6) Any person who prints or manufactures a certificate, label or plate to which subregulation (5) applies is guilty of an offence.

Penalty: 5 penalty units.

- (7) Any person who has in his or her possession a certificate, label or plate to which subregulation (5) applies is guilty of an offence.

Penalty: 5 penalty units.

- (8) An offence against subregulation (1), (2), (3), (6) or (7) is an offence of strict liability.

*Note* For **strict liability**, see section 6.1 of the *Criminal Code*.

- (9) It is a defence to a prosecution under subregulation (1), (2), (3) (6) or (7) that the defendant had a reasonable excuse.

*Note* A defendant bears an evidential burden in relation to whether or not he or she had a reasonable excuse (see subsection 13.3 (3) of the *Criminal Code*).

- (10) It is a defence to a prosecution under subregulation (4) that the alteration, damage, defacement or destruction of a certificate of registration, registration label, or registration plate was done in accordance with these Regulations or a direction lawfully given by a Registration Authority.

*Note* A defendant bears an evidential burden in relation to the matters set out in subregulation (10) (see subsection 13.3 (3) of the *Criminal Code*).

**[49] Regulation 28**

*omit*

Where:

*insert*

- (1) If:

**[50] Regulation 28, penalty**

*substitute*

Penalty: 3 penalty units.

**[51] Regulation 28**

*after the penalty, insert*

- (2) An offence against subregulation (1) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

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**[52] Subregulation 29 (1), penalty**

*substitute*

Penalty: 5 penalty units.

**[53] After subregulation 29 (2)**

*insert*

- (3) An offence against subregulation (1) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

**[54] Regulation 29A**

*substitute*

**29A Vehicle to be operated according to registration**

- (1) The owner of a motor vehicle or trailer may operate the motor vehicle or trailer, or allow it to be operated, only if it is operated as a vehicle of the type for which charge has been paid or, under subsection 5 (2) of the Charge Act, is taken to have been paid, in respect of its registration.

Penalty: 10 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

- (3) It is a defence to a prosecution under subregulation (1) that the defendant had a reasonable excuse.

*Note* A defendant bears an evidential burden in relation to whether or not he or she had a reasonable excuse (see subsection 13.3 (3) of the *Criminal Code*).

**[55] Subregulation 51B (1), penalty**

*substitute*

Penalty: 5 penalty units.

**[56] Subregulation 51B (2), penalty**

*substitute*

Penalty: 5 penalty units.

**[57] After subregulation 51B (3)**

*insert*

(4) An offence against subregulation (1) or (2) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

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## Schedule 11      Amendments of Navigation (Coasting Trade) Regulations

(regulation 13)

### [1]      Regulation 1

*substitute*

#### 1      Name of Regulations

These Regulations are the *Navigation (Coasting Trade) Regulations 1937*.

### [2]      Subregulation 4 (1), after definition of *authorised officer*

*insert*

*engage in conduct* means:

- (a) do an act; or
- (b) omit to perform an act.

### [3]      Subregulation 32 (1), at the foot

*insert*

Penalty: 1 penalty unit.

### [4]      Subregulation 32 (2)

*substitute*

- (2) A person must not engage in conduct that results in the defacement or destruction of a current ‘Ship’s Copy’ of a licence.

Penalty: 1 penalty unit.

**Schedule 12 Amendments of *Navigation*  
(*Marine Casualty*) Regulations  
1990**

(regulation 14)

**[1] Subregulation 4 (1)**

*omit*

practicable

*insert*

practicable, and in any case within 24 hours,

**[2] Subregulation 4 (2)**

*omit*

practicable,

*insert*

practicable, and in any case within 24 hours,

**[3] Subregulation 7 (2)**

*omit*

practicable

*insert*

practicable, and in any case within 24 hours,

**[4] Subregulation 7 (2), penalty**

*substitute*

Penalty: 1 penalty unit.



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**[5] Subregulation 7 (3)**

*omit*

practicable.

*insert*

practicable, and in any case within 24 hours.

**[6] Subregulation 7 (3), penalty**

*substitute*

Penalty: 1 penalty unit.

**[7] After subregulation 7 (3), including the penalty**

*insert*

(4) An offence against subregulation (2) or (3) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

**[8] Subregulation 24 (2)**

*omit*

practicable

*insert*

practicable, and in any case within 24 hours,

**[9] Subregulation 24 (2), penalty**

*substitute*

Penalty: 1 penalty unit.

**[10] Subregulation 24 (3)**

*omit*

practicable.

*insert*

practicable, and in any case within 24 hours.

**[11] Subregulation 24 (3), penalty**

*substitute*

Penalty: 1 penalty unit.

**[12] After subregulation 24 (3), including the penalty**

*insert*

(4) An offence against subregulation (2) or (3) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

**[13] Subregulation 33 (1)**

*omit*

, without reasonable excuse, refuse or

**[14] Subregulation 33 (1), penalty**

*substitute*

Penalty: 10 penalty units.

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**[15] After subregulation 33 (1), including the penalty**

*insert*

(1AA) An offence against subregulation (1) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

(1AB) It is a defence to a prosecution under subregulation (1) that the defendant had a reasonable excuse.

*Note* A defendant bears an evidential burden in relation to whether or not he or she had a reasonable excuse (see subsection 13.3 (3) of the *Criminal Code*).

**[16] Subregulation 33 (2)**

*omit*

## Schedule 13 Amendments of Navigation (River Murray Traffic) Regulations

(regulation 15)

### [1] Regulation 1

*substitute*

#### 1 Name of Regulations

These Regulations are the *Navigation (River Murray Traffic) Regulations 1936*.

### [2] Subregulation 21 (2), at the foot

*insert*

*Note* The owner or master of a steamship to which these Regulations apply who contravenes any of these Regulations commits an offence against section 258 of the *Navigation Act 1912*. That section provides for a penalty not exceeding \$10 000 or not exceeding 2 years imprisonment or both if the offender is a natural person, or not exceeding \$20 000 if the offender is a corporation.

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## Schedule 14      **Amendment of Stevedoring Levy (Collection) Regulations 1998**

(regulation 16)

### [1]      **Regulation 9**

*substitute*

#### **9            Information to be given to an inspector**

- (1) If an inspector asks a responsible person for information about the loading and unloading of ships, as described in subsection 7(1) of the Act, the responsible person must give the information to the inspector.

Penalty: 10 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

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### **Notes**

1. These Regulations amend (in Schedule 1) Statutory Rules 1994 No. 438, as amended by 1995 No. 445; 1996 No. 37.

These Regulations also amend (in Schedule 2) Statutory Rules 1984 No. 188, as amended by 1985 No. 301; 1986 No. 233; 1988 Nos. 163 and 277; 1990 No. 397; 1991 No. 428; 1992 No 341; 1994 No. 305; 1996 No. 209; 2000 No. 361.

These Regulations also amend (in Schedule 3) Statutory Rules 2000 No. 95.

These Regulations also amend (in Schedule 4) Statutory Rules 1999 No. 352, as amended by 2001 No. 145.

These Regulations also amend (in Schedule 5) Statutory Rules 1999 No. 91, as amended by 2001 No. 73.

These Regulations also amend (in Schedule 6) Statutory Rules 1997 No. 8, as amended by 1997 Nos. 103, 104, 113, 177, 199, 269 and 367; 1998 Nos. 51, 70, 97, 160, 208 and 320; 2000 Nos. 193 and 269; 2001 No. 222.

These Regulations also amend (in Schedule 7) Statutory Rules 1997 No. 57, as amended by 1997 Nos. 105 and 178; 1998 Nos. 98, 118 and 207; 1999 Nos. 77, 290 and 291; 2000 Nos. 24, 195, 250 and 340; 2001 Nos. 146, 170 and 287.

These Regulations also amend (in Schedule 8) Statutory Rules 1997 No. 13, as amended by 1997 Nos. 112 and 201; 1998 Nos. 96, 209 and 349.

These Regulations also amend (in Schedule 9) Statutory Rules 1996 No. 293, as amended by 1999 No. 113; 2001 No. 55.

These Regulations also amend (in Schedule 10) Statutory Rules 1986 No. 291, as amended by 1986 No. 386; 1987 No. 141; 1988 No. 152; 1990 Nos. 144 and 435; 1991 No. 343; 1992 No. 350; 1994 Nos. 94 and 255; 1995 Nos. 5 and 151; 1996 No. 250; 1999 Nos. 11 and 133; 2001 No. 15.

These Regulations also amend (in Schedule 11) Statutory Rules 1937 No. 104, as amended by 1938 No. 78; 1940 No. 97; 1941 Nos. 5 and 23; 1942 Nos. 209 and 520; 1944 No. 133; 1945 No. 39; 1947 No. 30; 1948 No. 112; 1950 No. 90; 1953 No. 80; 1954 No. 39; 1963 No. 97; 1971 No. 63; 1974 No. 83; 1975 No. 114; 1978 No. 133; 1979 No. 202; 1981 No. 368; 1985 No. 254; 1986 No. 270; 1987 No. 229; 1988 No. 239; 1989 No. 381; 1990 No. 314; 1991 No. 411; 1997 No. 420.

These Regulations also amend (in Schedule 12) Statutory Rules 1990 No. 257, as amended by 1991 No. 462; 2001 No. 16.

These Regulations also amend (in Schedule 13) Statutory Rules 1938 No. 81, as amended by 1939 No. 69; 1940 No. 260; 1950 No. 2.

These Regulations also amend (in Schedule 14) Statutory Rules 1998 No. 226, as amended by 1998 No. 350.

2. Notified in the *Commonwealth of Australia Gazette* on / 2002.

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21 February