

## **EXPLANATORY STATEMENT**

### **Select Legislative Instrument 2009 No. 274**

Issued by the Authority of the Minister for Infrastructure, Transport, Regional  
Development and Local Government

*Aviation Transport Security Act 2004*

*Aviation Transport Security  
(Consequential Amendments and Transitional Provisions) Act 2004*

*Air Navigation Act 1920*

*Aviation Transport Security Amendment Regulations 2009 (No. 4)  
Air Navigation Amendment Regulations 2009 (No. 2)*

Section 133 of the *Aviation Transport Security Act 2004* (the ATSA), item 1 of Schedule 3 to the *Aviation Transport Security (Consequential Amendments and Transitional Provisions) Act 2004* (the Transitional Act) and section 26 of the *Air Navigation Act 1920* provide, in part, that the Governor General may make regulations prescribing matters required or permitted by those Acts to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to those Acts.

The Regulations repeal a number of redundant provisions from the *Aviation Transport Security Regulations 2005* (the ATSR) and the *Air Navigation Regulations 1947* (the ANR).

Following the events of September 11 2001 and the change in the aviation security environment the ATSA and the ATSR were developed to strengthen aviation security.

The ATSA and the ATSR establish minimum security requirements for civil aviation in Australia by imposing obligations on persons engaged in civil aviation related activities. The purpose of the aviation legislation framework is to provide one regulatory framework to safeguard against unlawful interferences with aviation.

The ATSR commenced in 2005 and provided transitional arrangements for transport security programs (TSPs), aviation security identification cards (ASICs), aviation security inspectors' identity cards, requirements for airside areas and security zones, and other notifications and requirements for checked baggage screening.

The Transitional Act commenced in 2004, and provides the power to make and repeal the transitional regulations that are in place under the ATSR.

The purpose of these transitional arrangements was to provide a period of time for those aviation industry participants that were covered under the ANR to make the necessary arrangements, and meet the new requirements as set out in the ATSR.

The Regulations repeal the transitional arrangements in the ATSR and Part 7 of the ANR.

The Regulations are legislative instruments for the purposes of the *Legislative Instruments Act 2003*.

The amendments contained in the *Aviation Transport Security Amendment Regulations 2009 (No. 4)* commenced on the day after they were registered on the Federal Register of Legislative Instruments.

The amendments contained in the *Air Navigation Amendment Regulations 2009 (No. 2)* commenced on the day after they were registered on the Federal Register of Legislative Instruments.

These regulations have been settled in consultation with the relevant divisions of the Department of Infrastructure, Transport, Regional Development and Local Government.