



# **Aviation Transport Security Amendment (2015 Measures No. 2) Regulation 2015**

## **Select Legislative Instrument No. 124, 2015**

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I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd),  
Governor-General of the Commonwealth of Australia, acting with the  
advice of the Federal Executive Council, make the following regulation.

Dated 23 July 2015

Peter Cosgrove  
Governor-General

By His Excellency's Command

Warren Truss  
Minister for Infrastructure and Regional Development

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## 1 Name

This is the *Aviation Transport Security Amendment (2015 Measures No. 2) Regulation 2015*.

## 2 Commencement

- (1) Each provision of this instrument 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.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. The whole of this instrument	The day after this instrument is registered.	29 July 2015

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under the *Aviation Transport Security Act 2004*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## Schedule 1—Amendments

### *Aviation Transport Security Regulations 2005*

#### **1 Regulation 5.09**

Omit all the words after “with the Act”, substitute “and these Regulations (in particular, the powers of an eligible customs officer under Division 3A of Part 5 of the Act and Parts 6 and 7 of these Regulations)”.

#### **2 Regulation 6.52 (at the end of the definition of *security officer*)**

Add:  
; or (d) an eligible customs officer.

#### **3 Subregulation 7.01(1)**

Repeal the subregulation, substitute:

- (1) For section 117 of the Act, this Part sets up an infringement notice scheme in relation to alleged offences against the Act and these Regulations as an alternative to prosecution.

#### **4 Regulation 7.02 (at the end of the definition of *authorised person*)**

Add:  
; or (d) an eligible customs officer.

#### **5 Regulation 7.03**

Repeal the regulation, substitute:

#### **7.03 Penalty payable under infringement notice**

The penalty payable under an infringement notice issued under this Part for an alleged offence against the Act or these Regulations is one-fifth of the maximum penalty that a court could impose for the offence.

#### **6 Subregulations 7.04(1) and (2)**

Repeal the subregulations, substitute:

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- (1) If an authorised person (other than an eligible customs officer) believes on reasonable grounds that a person has committed an offence of strict liability against the Act or these Regulations, the authorised person may, subject to subregulation (2), issue to the person an infringement notice for the alleged offence.
- (2) The authorised person must not issue an infringement notice for an alleged offence against subsection 13(1), 46(1), 47(1), 48(1), 54(1), 55(1) or 56(1) of the Act.
- (3) If an authorised person who is an eligible customs officer believes on reasonable grounds that a person has committed an offence against subregulation 3.03(1), 3.07(3), 3.07(3A) or 3.12(1), the authorised person may issue to the person an infringement notice for the alleged offence.

### **7 Subparagraph 7.05(1)(b)(ii)**

Omit “or an aviation security inspector”, substitute “, aviation security inspector or eligible customs officer”.

### **8 Paragraph 7.05(1)(i)**

Omit “greatest”, substitute “maximum”.

## **9 Amendments of listed provisions**

<b>Further amendments</b>			
<b>Item</b>	<b>Provision</b>	<b>Omit</b>	<b>Substitute</b>
1	Paragraph 7.01(2)(a)	offence	alleged offence
2	Paragraph 7.01(2)(b)	an offence	an alleged offence
3	Paragraph 7.01(2)(c)	offence	alleged offence
4	Paragraph 7.01(2)(d)	an offence	an alleged offence
5	Paragraph 7.05(1)(e)	offence (wherever occurring)	alleged offence
6	Subparagraph 7.05(1)(e)(iii)	contravened	that was allegedly contravened
7	Paragraph 7.05(1)(f)	offence	alleged offence
8	Paragraph 7.05(1)(h)	offence (wherever occurring)	alleged offence
9	Paragraph 7.05(1)(i)	offence	alleged offence

## Schedule 1 Amendments

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<b>Further amendments</b>			
<b>Item</b>	<b>Provision</b>	<b>Omit</b>	<b>Substitute</b>
10	Subregulation 7.09(1)	offence (wherever occurring)	alleged offence
11	Subregulation 7.09(2)	same offence	same alleged offence
12	Paragraph 7.10(4)(b)	offence	alleged offence
13	Paragraph 7.10(4)(c)	offence (wherever occurring)	alleged offence
14	Subregulation 7.11(2)	an offence	an alleged offence
15	Paragraph 7.11(2)(c)	offence (first occurring)	alleged offence

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