



Aviation Transport Security Amendment (Checked Baggage) Regulation 2015

Select Legislative Instrument No. 186, 2015

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 12 November 2015

Peter Cosgrove
Governor-General

By His Excellency's Command

Warren Truss
Minister for Infrastructure and Regional Development

OPC61412 - A

1 Name

This is the *Aviation Transport Security Amendment (Checked Baggage) 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.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	18 November 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Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 Paragraph 2.38(a)

Omit “equipment”, substitute “procedures”.

2 Paragraphs 2.38(b) and (c)

Repeal the paragraphs, substitute:

- (b) procedures to ensure that the requirements of subregulations 4.21(6) and (7) are complied with before the aircraft departs.

3 Subregulation 4.21(1)

Omit “a tag that identifies the relevant flight.”, substitute:

a tag that:

- (a) identifies the relevant flight of the aircraft; or
- (b) if the item is carried on board the aircraft in the circumstances mentioned in paragraph (6)(d)—identifies the original flight referred to in paragraph 4.21B(b).

4 Subregulation 4.21(2)

Omit “subregulation (1)”, substitute “paragraph (1)(a)”.

5 Subregulations 4.21(5), (6), (7) and (8)

Repeal the subregulations, substitute:

- (5) The operator of a prescribed air service commits an offence if any of subregulations (1) to (4) are not complied with in respect of every item of checked baggage that is carried on an aircraft that is operating the prescribed air service.

Penalty: 50 penalty units.

- (6) The operator of a prescribed air service commits an offence if, before an aircraft (the *departing aircraft*) that is operating the prescribed air service departs, every item of checked baggage that is carried on board the departing aircraft is not matched to:
 - (a) a passenger who is on board the departing aircraft; or

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- (b) a passenger who was properly checked in for a flight of an aircraft that has departed; or
 - (c) a passenger who does not re-board, or remain on board, the departing aircraft following diversion of the flight of the aircraft from its scheduled destination to an alternative destination in a circumstance specified in regulation 4.21A; or
 - (d) a passenger who is not on board the departing aircraft in the circumstances specified in regulation 4.21B.

Penalty: 50 penalty units.

- (7) The operator of a prescribed air service commits an offence if, before an aircraft that is operating the prescribed air service departs, every item of checked baggage that cannot be matched to a passenger in accordance with subregulation (6) is not removed from the aircraft.

Penalty: 50 penalty units.

6 Subregulation 4.21A(1)

Omit “subparagraph 2.38(a)(ii) and paragraph 4.21(7)(c)”, substitute “paragraph 4.21(6)(c)”.

7 After regulation 4.21A

Insert:

4.21B Circumstances relating to disruption of flights

For paragraph 4.21(6)(d), the circumstances are that the passenger is not on board the departing aircraft and each of the following applies:

- (a) the departing aircraft is operating a domestic air service;
- (b) the passenger was properly checked in for a flight on a different air service (the *original flight*);
- (c) the passenger was unable to travel on the original flight due to the disruption of that flight by events outside the passenger’s control.