



Aviation Transport Security Amendment (Security Controlled Airports) Regulations 2019

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 12 December 2019

David Hurley
Governor-General

By His Excellency's Command

Peter Dutton
Minister for Home Affairs

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1 Name

This instrument is the *Aviation Transport Security Amendment (Security Controlled Airports) Regulations 2019*.

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. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table	The day after this instrument is registered.	19 December 2019
2. Schedule 1	A single time to be fixed by the Minister by notifiable instrument. However, if the provisions do not commence within the period of 12 months beginning on the day after this instrument is registered, they commence on the day after the end of that period.	19 December 2020
3. Schedule 2	A single time to be fixed by the Minister by notifiable instrument. A notifiable instrument must not specify a time that occurs on or before the commencement of the provisions covered by table item 2. However, if the provisions do not commence within the period of 12 months beginning on the day after this instrument is registered, they commence on the later of: (a) the start of the day after the end of that period; and (b) immediately after the commencement of the provisions covered by table item 2.	19 December 2020 (paragraph (b) applies)

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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—Security controlled airport categories

Aviation Transport Security Regulations 2005

1 Regulation 1.03 (definition of *designated airport*)

Repeal the definition.

2 Regulation 1.05A (example)

Repeal the example, substitute:

Note 1: For example, a tier 1 security controlled airport is a security controlled airport that has been assigned the category tier 1 by the Secretary under subsection 28(6) of the Act.

Note 2: See regulation 3.01B for the categories of security controlled airports prescribed for the purposes of section 28A of the Act.

3 Regulation 3.01B

Repeal the regulation, substitute:

3.01B Categories of security controlled airports

For the purposes of section 28A of the Act, the following categories of security controlled airports are prescribed:

- (a) designated airport;
- (b) tier 1;
- (c) tier 2;
- (d) tier 3.

Note: The Secretary may assign a particular security controlled airport a category prescribed by this regulation (see subsection 28(6) of the Act).

4 Regulation 4.01 (subparagraph (a)(i) of the definition of *operational period*)

Omit “category 1 security controlled airport”, substitute “designated airport”.

5 Paragraph 4.02(2)(b)

Omit “category 1 security controlled airport”, substitute “designated airport”.

6 Paragraphs 4.09(3)(a) and (b)

Repeal the paragraphs, substitute:

- (a) in the case of a person arriving at a designated airport or a tier 1 or tier 2 security controlled airport:
 - (i) the person is entering the area after disembarking from a screened air service; and
 - (ii) all persons on board the service received clearance to board at a designated airport or a tier 1 or tier 2 security controlled airport; or
- (b) in the case of a person arriving at a tier 3 security controlled airport:
 - (i) the person is entering the area after disembarking from a screened air service; and
 - (ii) all persons on board the service received clearance to board at a designated airport or a tier 1, tier 2 or tier 3 security controlled airport.

Schedule 2—Screened air services

Aviation Transport Security Regulations 2005

1 Regulation 1.03 (definition of *regular public transport operation*)

Omit “the carriage of people, or both people and goods, of an air service”, substitute “a service of providing air transportation of people, or both people and goods,”.

2 Subregulation 3.01A(1) (definition of *maximum weight*)

Repeal the definition.

3 Subparagraph 3.01C(2)(c)(i)

Omit “maximum weight”, substitute “seating capacity”.

4 Paragraph 3.01C(2)(d)

Omit “maximum weight”, substitute “seating capacity”.

5 Subregulations 4.02(1), (1A) and (2)

Repeal the subregulations, substitute:

- (2) An operation of an aircraft is a *screened air service* if:
- (a) all of the following apply in relation to the operation:
 - (i) the operation is a regular public transport operation or an open charter operation;
 - (ii) the aircraft has a seating capacity of 40 or more persons;
 - (iii) the operation operates from a designated airport or a tier 1 or tier 2 security controlled airport; or
 - (b) all of the following apply in relation to the operation:
 - (i) the operation operates from a designated airport;
 - (ii) the aircraft departs from the same apron as an aircraft (the *other aircraft*) that is operating a screened air service to which paragraph (a) applies;
 - (iii) the aircraft is scheduled to depart within the operational period of the other aircraft.

6 Subregulation 4.02(4)

Repeal the subregulation.