



Aviation Transport Security Amendment (Domestic Air Cargo—Regional Airports) Regulations 2021

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 24 June 2021

David Hurley
Governor-General

By His Excellency's Command

Karen Andrews
Minister for Home Affairs

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1 Name

This instrument is the *Aviation Transport Security Amendment (Domestic Air Cargo—Regional Airports) Regulations 2021*.

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.	26 June 2021
2. Schedule 1	The day after this instrument is registered.	26 June 2021
3. Schedule 2, Part 1	Immediately after the commencement of Schedule 2 to the <i>Aviation Transport Security Amendment (Domestic Cargo) Regulations 2020</i> .	1 July 2021
4. Schedule 2, Part 2	1 July 2022.	1 July 2022

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Aviation Transport Security Regulations 2005

1 Regulation 1.03

Insert:

foreign consignment security declaration has the meaning given by subregulation 4.41D(3).

2 Regulation 4.41D

Before “A *security declaration*”, insert “(1)”.

3 Regulation 4.41D

After “a document that”, insert “is covered by subregulation (3) or that”.

4 At the end of regulation 4.41D

Add:

- (2) To avoid doubt:
 - (a) a document issued by a known consignor and described in paragraphs (1)(a) and (c) is a *security declaration* even if the information described in subparagraph (1)(c)(vi):
 - (i) is not included by the known consignor at the time of issue; and
 - (ii) is later included in the document by a RACA or a cargo examining aircraft operator; and
 - (b) the RACA or cargo examining aircraft operator does not issue the document merely by including that information in the document.
- (3) This subregulation covers a document (the *foreign consignment security declaration*) that:
 - (a) relates to cargo that originates overseas; and
 - (b) is issued by a person with functions like those of a known consignor, a RACA or a cargo examining aircraft operator, when the cargo is in the possession of the person overseas; and
 - (c) is in English or can be readily translated into English by a RACA, or a cargo examining aircraft operator, who handles the cargo in Australia; and
 - (d) includes details of how the person assessed the cargo; and
 - (e) states that the cargo does not contain an unauthorised explosive.

5 Paragraph 4.41F(7)(a)

After “a security declaration”, insert “, except a foreign consignment security declaration,”.

6 Subregulation 4.41G(3) (paragraph (b) of the definition of *loading person*)

Repeal the paragraph, substitute:

- (b) an aircraft operator of a prescribed air service; or

Schedule 2—Amendments commencing later

Part 1—Stage 1 amendments

Aviation Transport Security Regulations 2005

1 At the end of subregulation 4.41A(2)

Add:

- ; (c) the cargo is to be loaded onto the aircraft at:
- (i) a designated airport; or
 - (ii) a tier 1 security controlled airport.

2 In the appropriate position in Part 10

Insert:

Division 19—Amendments made by the Aviation Transport Security Amendment (Domestic Air Cargo—Regional Airports) Regulations 2021

10.43 Application of new paragraph 4.41A(2)(c)

Paragraph 4.41A(2)(c), as added by Part 1 of Schedule 2 to the *Aviation Transport Security Amendment (Domestic Air Cargo—Regional Airports) Regulations 2021*, applies to cargo that is to be loaded onto an aircraft after the commencement of that Part.

Part 2—Stage 2 amendments

Aviation Transport Security Regulations 2005

3 At the end of paragraph 4.41A(2)(c)

Add:

- ; or (iii) a tier 2 security controlled airport; or
- (iv) Bankstown Airport; or
- (v) Essendon Fields Airport.

4 At the end of Division 19 of Part 10

Add:

10.44 Application of amended paragraph 4.41A(2)(c)

Paragraph 4.41A(2)(c), as amended by Part 2 of Schedule 2 to the *Aviation Transport Security Amendment (Domestic Air Cargo—Regional Airports) Regulations 2021*, applies to cargo that is to be loaded onto an aircraft after the commencement of that Part.