

2008

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

**Aviation Legislation Amendment (2008
Measures No. 1) Bill 2008**

No. , 2008

(Infrastructure, Transport, Regional Development and Local Government)

**A Bill for an Act to amend legislation relating to
aviation, and for related purposes**

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1 **A Bill for an Act to amend legislation relating to**
2 **aviation, and for related purposes**

3 The Parliament of Australia enacts:

4 **1 Short title**

5 This Act may be cited as the *Aviation Legislation Amendment*
6 *(2008 Measures No. 1) Act 2008*.

7 **2 Commencement**

8 This Act commences on the day on which it receives the Royal
9 Assent.

10 **3 Schedule(s)**

11 Each Act that is specified in a Schedule to this Act is amended or
12 repealed as set out in the applicable items in the Schedule

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concerned, and any other item in a Schedule to this Act has effect according to its terms.

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Schedule 1—Amendments

Aviation Transport Security Act 2004

1 Section 9

Insert:

airline has the meaning given by subsection 134(2).

2 Section 9

Insert:

Australian international carriage has the meaning given by subsection 134(2).

3 Section 9

Insert:

Australian operator has the meaning given by subsection 134(2).

4 Section 9

Insert:

bilateral arrangement has the meaning given by subsection 134(2).

5 Section 9

Insert:

foreign country has the meaning given by subsection 134(2).

6 At the end of subsection 133(1)

Add:

Note: See section 134 for the extra-territorial operation of regulations.

7 At the end of the Act

Add:

1 **134 Extra-territorial operation of regulations**

- 2 (1) Any provisions of the regulations may be expressed to apply to and
3 in relation to any of the following:
4 (a) Australian aircraft;
5 (b) aircraft (other than Australian aircraft) engaged in Australian
6 international carriage;
7 (c) passengers on board, and members of the crew of, aircraft
8 referred to in paragraph (a) or (b);
9 while the aircraft are outside Australian territory.

10 (2) In this Act:

11 *airline* means a person engaged in the provision of air services.

12 *Australian international carriage* means the carriage of
13 passengers or freight, or both passengers and freight, whether
14 within or outside Australian territory, by an aircraft that:

- 15 (a) is operated by an airline that is designated, nominated or
16 otherwise similarly authorised by Australia under a bilateral
17 arrangement to engage in such carriage; or
18 (b) is operated by an airline incorporated in Australia; or
19 (c) is operated by an airline having its principal place of business
20 in Australia; or
21 (d) is operated by an Australian operator and is subject to
22 section 15A or 17 of the *Air Navigation Act 1920*; or
23 (e) is operated jointly by:
24 (i) an airline referred to in paragraph (a), (b) or (c); and
25 (ii) another person;
26 but is under the control of the airline referred to in
27 subparagraph (i) of this paragraph; or
28 (f) is subject to section 15A or 17 of the *Air Navigation Act*
29 *1920* and is operated jointly by:
30 (i) an Australian operator; and
31 (ii) another person;
32 but is under the control of the Australian operator.

33 *Australian operator* means an aircraft operator who:

- 34 (a) if the operator is an individual:
35 (i) is an Australian citizen; or

- 1 (ii) is ordinarily resident in Australia; or
2 (b) if the operator is a body corporate:
3 (i) is incorporated in Australia; or
4 (ii) has its principal place of business in Australia.

5 ***bilateral arrangement*** means an agreement or arrangement
6 between:

- 7 (a) Australia, or an entity or organisation nominated or otherwise
8 similarly authorised by Australia to enter into the agreement
9 or arrangement; and
10 (b) a foreign country;
11 under which the carriage by air of passengers or freight, or both
12 passengers and freight, between Australia and the foreign country
13 is permitted.

14 ***foreign country*** includes any region:

- 15 (a) that is part of a foreign country; or
16 (b) that is under the protection of a foreign country; or
17 (c) for whose international relations a foreign country is
18 responsible.

19 (3) For the purposes of this section:

- 20 (a) an aircraft is taken to be subject to section 15A of the *Air*
21 *Navigation Act 1920* if the aircraft would be taken to be
22 subject to that section under paragraph 27(3)(c) of that Act;
23 and
24 (b) an aircraft is taken to be subject to section 17 of the *Air*
25 *Navigation Act 1920* if the aircraft would be taken to be
26 subject to that section under paragraph 27(3)(d) of that Act.

27 ***Civil Aviation Act 1988***

28 **8 After paragraph 23(1)(a)**

29 Insert:

- 30 (ab) in accordance with the *Aviation Transport Security*
31 *Regulations 2005*, including any conditions subject to which
32 those regulations permit the carriage of those goods; or

33 **9 After paragraph 23(2)(a)**

34 Insert:

1 (ab) in accordance with the *Aviation Transport Security*
2 *Regulations 2005*, including any conditions subject to which
3 those regulations permit the carriage or consignment of those
4 goods; or

5 **10 After paragraph 23(2A)(a)**

6 Insert:
7 (ab) in accordance with the *Aviation Transport Security*
8 *Regulations 2005*, including any conditions subject to which
9 those regulations permit the carriage or consignment of those
10 goods; or