



# **Aviation Transport Security (Consequential Amendments and Transitional Provisions) Act 2004**

**Act No. 9 of 2004 as amended**

This compilation was prepared on 10 March 2005

**[This Act was amended by Act No. 149 of 2004]**

**Amendments from Act No. 149 of 2004**

[Schedule 2 (item 2) amended Schedule 3 (item 1)  
Schedule 2 (item 2) commenced on 10 March 2005]

**Transitional Provision from Act No. 149 of 2004**

[*see* Schedule 2 (item 3) of Act No. 149 of 2004]

Prepared by the Office of Legislative Drafting and Publishing,  
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# **An Act to deal with consequential and transitional matters arising from the enactment of the *Aviation Transport Security Act 2004*, and for other purposes**

[Assented to 10 March 2004]

The Parliament of Australia enacts:

## **1 Short title**

This Act may be cited as the *Aviation Transport Security (Consequential Amendments and Transitional Provisions) Act 2004*.

## **2 Commencement**

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, on the day or at the time specified in column 2 of the table.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent	10 March 2004
2. Schedules 1, 2 and 3	At the same time as section 3 of the <i>Aviation Transport Security Act 2004</i>	10 March 2005

Note: This table relates only to the provisions of this Act as originally passed by the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- (2) Column 3 of the table is for additional information that is not part of this Act. This information may be included in any published version of this Act.

**3 Schedule(s)**

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

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## **Schedule 1—Air Navigation Act 1920**

**1 Subsection 3(1) (definition of *airport security committee*)**

Repeal the definition.

**2 Subsection 3(1) (definition of *aviation industry participant*)**

Repeal the definition.

**3 Subsection 3(1) (definition of *aviation security*)**

Repeal the definition.

**4 Subsection 3(1) (definition of *aviation security information*)**

Repeal the definition.

**5 Subsection 3(1) (definition of *categorised airport*)**

Repeal the definition.

**6 Subsection 3(1) (definition of *charter aircraft*)**

Repeal the definition.

**7 Subsection 3(1) (definition of *clear*)**

Repeal the definition.

**8 Subsection 3(1) (definition of *domestic air service*)**

Repeal the definition.

**9 Subsection 3(1) (definition of *emergency operations centre*)**

Repeal the definition.

**10 Subsection 3(1) (definition of *protective service officer*)**

Repeal the definition.

**11 Subsection 3(1) (definition of *regular public transport aircraft*)**

Repeal the definition.

**12 Subsection 3(1) (definition of *screen*)**

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Repeal the definition.

**13 Subsection 3(1) (definition of *screening authority*)**

Repeal the definition.

**14 Subsection 3(1) (definition of *screening officer*)**

Repeal the definition.

**15 Subsection 3(1) (definition of *screening point*)**

Repeal the definition.

**16 Subsection 3(1) (definition of *security restricted area*)**

Repeal the definition.

**17 Subsection 3(1) (definition of *sterile area*)**

Repeal the definition.

**18 Subsection 3(1) (definition of *terminal facility*)**

Repeal the definition.

**19 Subsection 3(1) (definition of *terminal operator*)**

Repeal the definition.

**20 Subsection 3(1) (definition of *transceiver*)**

Repeal the definition.

**21 Subsection 3(1) (definition of *uniformed security force*)**

Repeal the definition.

**22 Subsection 3(1) (definition of *unlawful interference with aviation*)**

Repeal the definition.

**23 Subsection 3(1) (definition of *weapon*)**

Repeal the definition.

**24 Section 3AA**

Repeal the section.

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**25 Section 3AD**

Repeal the section.

**26 Section 3AE**

Repeal the section.

**27 Section 3AF**

Repeal the section.

**28 Paragraph 13(a)**

After “the *Civil Aviation Act 1988*, the regulations made under that Act,”, insert “the *Aviation Transport Security Act 2004*, the regulations made under that Act,”.

**29 Subparagraph 13(c)(i)**

After “the *Civil Aviation Act 1988*, the regulations made under that Act,”, insert “the *Aviation Transport Security Act 2004*, the regulations made under that Act,”.

**30 Part 3**

Repeal the Part.

**31 Part 3A**

Repeal the Part.

**32 Paragraph 23A(1)(e)**

Omit “subsection 17(1); or”, substitute “subsection 17(1).”.

**33 Paragraphs 23A(1)(h) to (u)**

Repeal the paragraphs.

**34 Paragraph 26(2)(a)**

Repeal the paragraph.

**35 Section 28**

Repeal the section.

## Schedule 2—Amendment of other Acts

### *Air Services Act 1995*

#### **1 Paragraph 8(1)(f)**

After “the *Air Navigation Act 1920*”, insert “or the *Aviation Transport Security Act 2004*”.

### *Australian Protective Service Act 1987*

#### **2 After subparagraph 13(2)(a)(v)**

Insert:

(va) the *Aviation Transport Security Act 2004* or regulations made under that Act; or

### *Crimes (Aviation) Act 1991*

#### **3 Paragraph 23(2)(b)**

After “*Air Navigation Act 1920* or regulations made under that Act,”, insert “, the *Aviation Transport Security Act 2004* or regulations made under that Act, or”.

### *Sea Installations Act 1987*

#### **4 The Schedule**

Insert in its appropriate alphabetical position, determined on a letter-by-letter basis:

*Aviation Transport Security Act 2004*

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## Schedule 3—Transitional provisions

### 1 Regulations

- (1) The Governor-General may make regulations prescribing matters:
- (a) required or permitted by this Act to be prescribed; or
  - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) In particular, regulations may be made:
- (a) providing for regulations made for the purposes of particular provisions of the old Act to continue to have effect (with any prescribed alterations) for the purposes of the new Act; and
  - (b) providing for aviation security programs approved under the old Act to continue to be taken to be in force (with any prescribed alterations and for such time as is prescribed) as transport security programs under the new Act; and
  - (ba) providing for airport security programs approved under the old Act to continue to be taken to be in force (with any prescribed alterations and for such time as is prescribed) as transport security programs under the new Act; and
  - (bb) providing for ASIC programs and international cargo security programs approved under the old Act to continue to be taken to be in force (with any prescribed alterations and for such time as is prescribed) as transport security programs under the new Act, or as such other programs under the new Act as are prescribed by the regulations; and
  - (c) for other transitional measures in relation to the transition from the old Act to the new Act.
- (3) In this item:
- new Act*** means the *Aviation Transport Security Act 2004*.
- old Act*** means the *Air Navigation Act 1920* as in force immediately before the commencement of this item.

## 2 Aviation security program continuation

Subsection 15(2) (which deals with the obligation for aviation industry participants to comply with the transport security programs of other participants) of the *Aviation Transport Security Act 2004* does not apply in relation to a program continued as a transport security program under paragraph 1(2)(b) of this Schedule.

*[Minister's second reading speech made in—  
House of Representatives on 27 March 2003  
Senate on 10 February 2004]  
(48/03)*