



Aviation Transport Security Amendment (Cargo) Act 2015

No. 165, 2015

An Act to amend the *Aviation Transport Security Act 2004*, and for related purposes

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

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No. 165, 2015

An Act to amend the *Aviation Transport Security Act 2004*, and for related purposes

[Assented to 2 December 2015]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Aviation Transport Security Amendment (Cargo) Act 2015*.

2 Commencement

- (1) Each provision of this Act 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 Act	A single day to be fixed by Proclamation. However, if the provisions do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	2 June 2016

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Aviation Transport Security Act 2004

1 Section 9 (paragraphs (c) and (ca) of the definition of aviation industry participant)

Repeal the paragraphs, substitute:

- (c) a known consignor; or
- (ca) a regulated agent; or

2 Section 9

Insert:

known consignor means a person approved as a known consignor in accordance with regulations made under section 44C.

regulated agent means a regulated air cargo agent or an accredited air cargo agent.

3 Subsection 20(4)

Repeal the subsection.

4 Section 44A

Omit:

The regulations may provide for cargo to be examined by regulated air cargo agents, accredited air cargo agents and aircraft operators.

substitute:

The regulations may provide for cargo to be examined by known consignors, regulated agents and aircraft operators.

5 Section 44A

Omit:

- (d) requirements in relation to regulated air cargo agents, accredited air cargo agents and aircraft operators.

substitute:

- | |
|---|
| (d) requirements relating to known consignors, regulated agents and aircraft operators. |
|---|

6 Subsections 44B(2) and (3)

Repeal the subsections, substitute:

- (2) Cargo *receives clearance* if:
- (a) after being examined, the cargo has been handled in accordance with regulations, made under section 44C, that deal with how cargo that has been examined is to be handled in order to receive clearance; or
 - (b) the following subparagraphs are satisfied:
 - (i) regulations made under section 44C provide, or the Secretary by written notice provides, that the cargo may receive clearance without being examined;
 - (ii) the cargo has been handled in accordance with regulations, made under section 44C, that deal with how cargo that has not been examined is to be handled in order to receive clearance.
- (3) Cargo is *cleared* at a particular time if:
- (a) the cargo has received clearance; and
 - (b) since receiving clearance, the cargo has at all times been handled in accordance with regulations, made under section 44C, that deal with how cargo is to be handled after receiving clearance in order to maintain its status as cleared.

7 After paragraph 44C(1)(a)

Insert:

- (aa) establish a scheme under which certain persons that carry on a business that includes handling, or making arrangements for transport, of cargo are approved as known consignors;

8 At the end of paragraph 44C(1)(b)

Add:

Note: Regulated air cargo agents are a kind of regulated agent: see the definition of *regulated agent* in section 9.

9 At the end of paragraph 44C(1)(c)

Add:

Note: Accredited air cargo agents are a kind of regulated agent: see the definition of *regulated agent* in section 9.

10 Subparagraph 44C(1)(d)(i)

Omit “all regulated air cargo agents, all accredited air cargo agents”, substitute “all known consignors, all regulated agents”.

11 Subparagraphs 44C(1)(d)(ii) and (iii)

Omit “regulated air cargo agents, accredited air cargo agents”, substitute “known consignors, regulated agents”.

12 Paragraph 44C(1)(e)

Repeal the paragraph.

13 Paragraph 44C(1)(f)

Omit “regulated air cargo agent, an accredited air cargo agent”, substitute “known consignor, a regulated agent”.

14 Subparagraph 44C(1)(g)(i)

Omit “all regulated air cargo agents or all accredited air cargo agents”, substitute “all known consignors or all regulated agents”.

15 Subparagraphs 44C(1)(g)(ii) and (iii)

Omit “regulated air cargo agents or accredited air cargo agents”, substitute “known consignors or regulated agents”.

16 Subparagraph 44C(2)(a)(i)

Omit “all regulated air cargo agents, all accredited air cargo agents”, substitute “all known consignors, all regulated agents”.

17 Subparagraphs 44C(2)(a)(ii) and (iii)

Omit “regulated air cargo agents, accredited air cargo agents”, substitute “known consignors, regulated agents”.

18 Subparagraph 44C(2)(g)(i)

Omit “all regulated air cargo agents, all accredited air cargo agents”, substitute “all known consignors, all regulated agents”.

19 Subparagraphs 44C(2)(g)(ii) and (iii)

Omit “regulated air cargo agents, accredited air cargo agents”, substitute “known consignors, regulated agents”.

20 After paragraph 44C(2)(g)

Insert:

(ga) how cargo is to be handled (including methods, techniques or equipment to be used) in order to receive clearance;

(gb) how cargo is to be handled (including methods, techniques or equipment to be used) after receiving clearance in order to maintain its status as cleared;

21 After paragraph 44C(2)(h)

Insert:

(ha) the method for applying for approval as a known consignor and how such applications are dealt with;

22 Subsection 44C(3)

Omit “(d) or (g)”, substitute “(c), (d), (e), (f), (g), (ga), (gb) or (h)”.

23 After subsection 44C(3)

Insert:

(3A) To avoid doubt, regulations or other legislative instruments dealing with the examination of cargo may provide for, or require, cargo to be opened, deconsolidated or unpacked (whether or not the owner of the cargo, or any other person, has consented).

*[Minister’s second reading speech made in—
House of Representatives on 17 September 2015
Senate on 25 November 2015]*

(165/15)