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Statutory Rules 1996 No. L¹

113/

Air Navigation Regulations² (Amendment)

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia,
acting with the advice of the Federal Executive Council, make the
following Regulations under the *Air Navigation Act 1920*.

Dated L 1996.

13 June/

L WILLIAM DEANE/
Governor-General

By His Excellency's Command,

L
Minister for Transport and Regional Development

JOHN SHARP/

1. Commencement

1.1 Subregulation 4.2 commences on 1 July 1996.

[NOTE: The remaining provisions of these Regulations commence on gazettal:
see *Acts Interpretation Act 1901*, s. 48.]

2. Amendment

2.1 The Air Navigation Regulations are amended as set out in these
Regulations.

3. Regulation 5 (Interpretation)**3.1 Subregulation 5 (1):**

Insert the following definition:

“ ‘**Director**’ means the holder, from time to time, of the office of Director of Air Safety Investigation in the Department;”.

4. Regulation 246 (Smoking in aircraft)**4.1 Subregulation 246 (9):**

Omit the subregulation, substitute:

“(9) The notice required by subregulation (6) must be:

- (a) legible; and
- (b) displayed in a conspicuous place in the aircraft.”.

4.2 Subregulation 246 (10):

Omit the subregulation, substitute:

“(10) In this regulation:

‘**Australian international carriage**’ has the meaning given by subsection 27 (2) of the Act;

‘**open-use charter aircraft**’ means an aircraft that is engaged in a charter operation, except:

- (a) an aircraft that is engaged in an operation for the purpose of a service described in paragraph (c) of the definition of ‘charter operation’ in subsection 3 (1) of the Act; or
- (b) an aircraft that is chartered for the purpose of an operation for which tickets are not available for purchase by the general public;

‘**prescribed aircraft**’ means an aircraft that:

- (a) is a regular public transport aircraft, or an open-use charter aircraft; and
- (b) is engaged in:
 - (i) the carriage of passengers between airports in Australian territory; or
 - (ii) Australian international carriage (except the carriage of freight only).”.

5. Part XVI (Accident and incident inquiry)**5.1 Omit the Part.**

6. Regulation 297P (Persons in lawful custody on an aircraft)

6.1 New subregulation 297P (5A):

After subregulation 297P (5), insert:

“(5A) An authorisation under paragraph (5) (b):

(a) must be in writing; and

(b) is subject to any condition that:

(i) the Secretary considers is necessary in the interests of aviation security; and

(ii) is specified in the authorisation.”.

7. Regulation 311D (Aircraft flying to or from Iraq—prohibition)

7.1 Subregulation 311D (7):

Omit “regulation 192.”, substitute “subsection 13A (1) of the Act.”.

8. Regulation 311E (Aircraft flying to or from Libya—prohibition)

8.1 Subregulation 311E (4):

Omit “regulation 192.”, substitute “subsection 13A (1) of the Act.”.

9. Regulation 311F (Aircraft flying to or from the Federal Republic of Yugoslavia (Serbia and Montenegro)—prohibition)

9.1 Subregulation 311F (5):

Omit “regulation 192.”, substitute “subsection 13A (1) of the Act.”.

10. Regulation 320 (Evidence)

10.1 Subregulation 320 (1):

Omit the subregulation, substitute:

“(1) The Director may certify, in writing, that:

(a) a notification, report, or written report, under a provision of section 19BA of the Act has not been received by the Director; or

(b) a written notice under a provision of section 19BC of the Act has not been received by the Director.

- “(1A) The Secretary may certify, in writing, that:
- (a) a licence, or other document, required to be surrendered to the Secretary under regulation 323 has not been so surrendered; or
 - (b) a copy of the text of the Convention, or of an Annex to the Convention, that is annexed to the certificate is a true copy; or
 - (c) a copy of a licence, notice, approval or other document that:
 - (i) has been published, given or issued, as the case may be, under the Act or these Regulations; and
 - (ii) is annexed to the certificate;
 is a true copy.”.

10.2 Subregulation 320 (2):

Omit “paragraph (1) (e),”, substitute “paragraph (1A) (c),”.

11. Schedule 1A (Prohibition on smoking on international passenger services)

11.1 Omit the Schedule.

12. Schedule 2 (Fees and charges)

12.1 Item 4:

Omit “under section 17 of the Act for approval under regulation 192 of”, substitute “under subsection 13A (1), or section 17, of the Act in relation to”.

12.2 Item 5:

Omit “or regulation 192 of”, substitute “in relation to”.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on *L* 1996. *20 June*
2. Statutory Rules 1947 No. 112 as amended by 1947 No. 162; 1948 No. 69; 1949 Nos. 6 and 70; 1950 No. 69; 1952 Nos. 30, 46 and 87; 1953 No. 44; 1954 Nos. 26, 32 and 119; 1955 No. 29; 1956 No. 16; 1957 No. 12; 1958 No. 77; 1960 Nos. 21, 96 and 99; 1961 No. 102; 1964 Nos. 61 and 128; 1965 No. 33; 1966 No. 5; 1967 No. 65; 1969 No. 4; 1970 Nos. 21 and 214; 1971

NOTES—continued

No. 31; 1972 No. 166; 1973 Nos. 182 and 247; 1974 Nos. 36, 54 and 96; 1975 No. 32; 1976 Nos. 67, 77, 11 and 124; 1977 No. 124; 1978 No. 140; 1980 Nos. 67, 106, 136, 187, 204, 247 and 269; 1981 Nos. 32, 77, 253 and 308; Act No. 76, 1981; Statutory Rules 1982 No. 270; 1983 Nos. 39, 149 and 202; 1984 Nos. 208 and 314; 1985 Nos. 203, 276, 300 and 329; 1986 Nos. 141, 284 and 357; 1987 Nos. 207 and 278; 1988 Nos. 159 and 378; 1989 No. 400; 1990 Nos. 255, 299 and 432; 1991 Nos. 74 and 193; 1992 Nos. 104, 153, 221 and 316; 1993 Nos. 265, 318 and 369; 1994 Nos. 148 and 384; 1995 Nos. 29, 342 and 443.