



Airspace (Consequential and Other Measures) Act 2007

No. 39, 2007

An Act to provide for consequential matters relating to the enactment of the *Airspace Act 2007*, and for other purposes

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

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No. 39, 2007

An Act to provide for consequential matters relating to the enactment of the *Airspace Act 2007*, and for other purposes

[Assented to 30 March 2007]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Airspace (Consequential and Other Measures) Act 2007*.

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
Provision(s)	Commencement	Date/Details
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.	30 March 2007
2. Schedule 1	At the same time as sections 3 to 15 of the <i>Airspace Act 2007</i> commence.	
3. Schedule 2	The day on which this Act receives the Royal Assent.	30 March 2007
4. Schedule 3	At the same time as sections 3 to 15 of the <i>Airspace Act 2007</i> commence.	

Note: This table relates only to the provisions of this Act as originally passed by both Houses of 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 contains additional information that is not part of this Act. Information in this column may be added to or edited 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Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Consequential amendments

Civil Aviation Act 1988

1 After paragraph 9(3)(cb)

Insert:

- (cc) any functions conferred on CASA under the *Airspace Act 2007* or under regulations under that Act;

2 After section 11

Insert:

11A Compliance with Australian Airspace Policy Statement

- (1) Subject to subsection 9A(1), CASA must exercise its powers and perform its functions in a manner consistent with the Australian Airspace Policy Statement.
- (2) If CASA proposes to exercise a power or perform a function in a manner that is inconsistent with the Australian Airspace Policy Statement, CASA must notify the Minister in writing that it is proposing to do so and of its reasons.
- (3) In this section:

Australian Airspace Policy Statement means the statement made under subsection 8(1) of the *Airspace Act 2007*.

Schedule 2—Technical amendments

Air Services Act 1995

1 Subsection 19(2)

Omit “and subparagraphs 8(1)(b)(i), (v) and (vi)”.

2 Subsection 77(3) (definition of *AA service*)

Omit “referred to in paragraph 8(1)(b)”, substitute “covered by paragraph 8(1)(a)”.

3 Subsection 77(3) (definition of *rescue and fire fighting operations*)

Omit “referred to in paragraph 8(1)(b)”, substitute “covered by paragraph 8(1)(a)”.

Civil Aviation Act 1988

4 Subsection 3(1) (subparagraphs (e)(i) and (ii) of the definition of *aviation safety standards*)

Repeal the subparagraphs, substitute:

- (i) services and facilities of the kind covered by paragraph 8(1)(a) of the *Air Services Act 1995*; and

5 Subparagraphs 98(3)(s)(i) and (ii)

Repeal the subparagraphs, substitute:

- (i) services and facilities of the kind covered by paragraph 8(1)(a) of the *Air Services Act 1995*; and

Schedule 3—Transitional provision

1 Transitional provision

- (1) This item applies if regulations are made under the *Air Services Act 1995* repealing Part 2 of the Air Services Regulations in connection with the enactment of Part 3 of the *Airspace Act 2007*.

Note: This item relates to the transfer of airspace management functions from Airservices Australia to CASA.

- (2) The Governor-General may make regulations prescribing matters of a transitional nature (including prescribing any saving or application provisions) arising out of that repeal.
- (3) Regulations under subitem (2) may provide that specified things done by, or in relation to, Airservices Australia for the purposes of Part 2 of the Air Services Regulations have effect after that repeal as if those things had been done by, or in relation to, CASA for the purposes of regulations under Part 3 of the *Airspace Act 2007*.
- (4) Subitem (3) does not limit subitem (2).
- (5) In this item:

Airservices Australia means the body established by subsection 7(1) of the *Air Services Act 1995*.

CASA means the Civil Aviation Safety Authority established by the *Civil Aviation Act 1988*.

*[Minister's second reading speech made in—
House of Representatives on 29 November 2006
Senate on 6 February 2007]*

(169/06)