

<u>Annex Reference</u>	<u>State Reference</u>	<u>Difference Level</u>	<u>State Difference</u>
Accompanying person	Biosecurity Act 2015 s9 and elsewhere	Different in character or other means of compliance	This is a working definition which Australian agencies understand and adhere to.
Aircraft equipment	N/A	Different in character or other means of compliance	Not specifically defined in legislation, however Australia has relevant provisions in the Customs Act 1901 and in its bilateral Air Services Agreements.
Aircraft operators' documents	N/A	Different in character or other means of compliance	Not currently defined in legislation.
Cargo	Customs Act 1901 s63A Aviation Transport Security Act 2004 s9 Civil Aviation Order 20.16.2	Different in character or other means of compliance	The Customs Act and Aviation Transport Security Act include mail within the definition of cargo. Civil Aviation Order 20.16.2 defines Cargo as 'things other than persons carried on an aircraft'.
Civil aviation inspector	Aviation Transport Security Act 2004 s9 Civil Aviation Act 1988 s3 Migration Regulation 1994 s1.03	Different in character or other means of compliance	The Civil Aviation Act uses the term 'authorised officer' in relation to safety inspectors The Aviation Transport Security Act uses the term 'aviation security inspector' Under the Migration Regulation 1994, 'aircraft safety inspector' means a person who (a) is employed by a foreign government to inspect the safety procedures of international air carriers or the safety of aircraft; and (b) travels to Australia on an aircraft in the course of that employment; and (c) will depart Australia on an aircraft in the course of that employment or as a passenger.
Commencement of journey	Regulation 1.03 Migration Regulations 1994	Different in character or other means of compliance	Australia has arrangements whereby transit passengers can join a domestic flight in order to board an international flight out of Australia. Those passengers still fall within the definition of direct transit passengers and should not be taken to have commenced their journey from Australia.
Commissary supplies	N/A	Different in character or other means of compliance	Not specifically defined in Australian legislation, but would be covered within the definition of 'aircraft stores'.
Deportation order	Section 5(1) Divisions 8 & 9 of Part 2 Migration Act 1958	Different in character or other means of compliance	"deportation order" - means an order for the deportation of a person made under, or continued in force by, this Act

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Deportee	Section 5(1) Migration Act 1958 Divisions 8 and 9 of Part 2 of the Migration Act 1958	Different in character or other means of compliance	Under Australia's migration legislation a 'deportee' means a person in respect of who a deportation order is in force. Deportation orders are served on persons who are permanent residents. Persons who have entered Australia unlawfully and who have not subsequently been granted permanent residency cannot, as a matter of Australian law, be served with a 'deportation order'. Deportation orders are not frequently used in Australia.
Direct transit area	Section 168, Part 2 of Schedule 9 Migration Act 1958 Regulation 1.04, Division 2.8, Schedule 2, Subclass 771 Migration Regulations 1994	More exacting or exceeds	Australia is compliant with Standard 3.58 (as it provides direct transit arrangements for crew, passengers and their baggage where airport facilities permit), however Australia's migration legislation differs in means of compliance. Division 2.8 of the Act and section 168 of the Act provides that some transit passengers will hold a Special Purpose Visa and do not need to be immigration cleared as long as they stay within the airport transit lounge. A passenger who will be in Australia for longer than 8 hours needs to obtain a Subclass 771 Transit visa. A passenger holding this visa must be immigration cleared and no longer needs to stay in the airport transit area.
Electronic Travel Systems (ETS)	Department of Immigration and Border Protection, 'Australia's ETAS Electronic Travel Authority System' information booklet, January 2015.	Different in character or other means of compliance	Australia uses the term 'Electronic Travel Authority System' to have the same meaning as defined here.
eMRTD	ICAO Document 9303	Different in character or other means of compliance	eMRTD is not directly defined in Australian legislation, however Australia abides by ICAO Document 9303 for all MRTD matters.
General aviation operation	Civil Aviation Regulation 1988 s2 (7) (d)	Different in character or other means of compliance	General Aviation not specifically defined, known as private operations.
Ground equipment	N/A	Different in character or other means of compliance	Not currently defined in legislation.
ICAO Public Key Directory (ICA)	N/A	Different in character or other means of compliance	ICAO Public Key Directory is not defined in Australian legislation, however Australia is a PKD board member and fully utilize this database.
Improperly documented person	Migration Act 1958 s14, s190	Different in character or other means of compliance	The alternative term 'unlawful non-citizen' is used for a similar purpose under the Migration Act.

<u>Annex Reference</u> Lading	<u>State Reference</u> Various	<u>Difference Level</u> Different in character or other means of compliance	<u>State Difference</u> Australian aviation legislation and regulation generally uses the term 'loading' rather than 'lading'.
Mishandled baggage	N/A	Different in character or other means of compliance	Not currently defined in legislation.
Passenger amenities	N/A	Different in character or other means of compliance	Not currently defined in legislation
Passenger Data Single Window	N/A	Different in character or other means of compliance	Passenger Data Single Window is not defined in Australian legislation, however Australia's iAPI and PNR systems are consistent with the single window approach.
Person with disabilities	Disability Standards for Accessible Public Transport 2002 s1.4 Disability Discrimination Act 1992 s4	More exacting or exceeds	The Disability Standards for Accessible Public Transport apply to the widest possible range of people with disabilities as defined by the Disability Discrimination Act 1992, and is not limited to reduced mobility only.
Public authorities	Biosecurity Act 2015 Biosecurity (Human Health) Regulations 2016	Different in character or other means of compliance	Not referred to as public authorities, however provisions in the Act and Regulations for this purpose are listed.
Public health emergency of int	No specific reference to a PHEIC, but would be included in the Human biosecurity emergency powers of the Biosecurity Act 2015	Different in character or other means of compliance	The Biosecurity Act 2015 allows for, but does not specify, the taking of actions under the IHRs, including the declaration of a PHEIC
Public health risk	Biosecurity Act 2015	Different in character or other means of compliance	Human Health Biosecurity risk relates specifically to Listed Human Diseases (diseases that are communicable and cause significant harm to human health). Modified meaning of biosecurity risk for monitoring control and response (onshore powers) includes the disease or pest to cause harm to human, animal or plant health. This is not specifically limited to Listed Human Diseases.
Release of goods	N/A	Different in character or other means of compliance	Not currently defined in legislation.
Relief flights	Aeronautical Information Package ENR 1.1 s11.16.1	Different in character or other means of compliance	The term 'mercy flight' is used in Australian legislation/regulations.
Removal order	Section 198(2), 217 and 218 Migration Act 1958	Different in character or other means of compliance	'Removal orders' are not provided for in Australian migration legislation, however, as a matter of administrative practice a notice is given to the operator before a person is removed.
Security equipment	Aviation Transport Security Act 2004 s44(3A)	Different in character or other means of compliance	The ATSA defines equipment that may be used for security screening.



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Unaccompanied minor	N/A	Different in character or other means of compliance	Not currently defined in Australian legislation. However, in relation to immigration, Australian agencies use the working definition that an 'unaccompanied minor' is a person under 18 years of age who arrives in Australia without a natural parent, or relative 21 years or older.
Unclaimed baggage	N/A	Different in character or other means of compliance	Not currently defined in legislation
Unidentified baggage	N/A	Different in character or other means of compliance	Not currently defined in legislation
2.3	N/A	Less protective or partially implemented not implemented	The Department of Immigration and Border Protection has MOUs with other member states, but not with airlines or airport operators.
2.7	Migration Act 1958 Subsections 13, 29 & 33 Migration Regulations 2004 Reg. 2.4	Different in character or other means of compliance	All non-citizens entering Australia are required to apply for a visa. There are different classes and ways of applying with special facilitation available for airlines and crew.
2.13	3.14 Migration Regulations 1994	More exacting or exceeds	The information required in Appendix 2 includes point of embarkation, point of disembarkation, flight no, surname and initials. Reg 3.14 requires, if requested: passenger's full name, date of birth, country of issue and number of passport, citizenship, intended address in Australia, place which the passenger's journey in the vessel ends. 3.14 (1) If: (a) a civilian vessel arrives at a port in Australia (in this regulation called the relevant port); and (b) the vessel carries overseas passengers; the master must, on the request of an officer, give the officer to the best of the master's knowledge and belief, the particulars set out in subregulation (2), (3) or (4), as the case requires.
2.15	S.64AAA(2) Customs Act 1901	Different in character or other means of compliance	The Act requires that the operator must report particulars of the aircraft's stores and any prohibited goods at the time of arrival.
2.20	Customs Act 1901 Part IV Division 3 Section 64ACA	More exacting or exceeds	The operator of an aircraft has an obligation to provide a report on each passenger who will be on board.
2.21	Section 245N Migration Act 1958 any operator of an aircraft failing to comply with reporting obligations commits an offence	More exacting or exceeds	Offences not considered deliberate acts are punishable by 60 penalty units. Deliberate acts incur a penalty of 120 units.



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2.25	Australia's Aircraft Disinsection Policy 2012 Schedule of Aircraft Disinsection Procedures Biosecurity Act 2015 Biosecurity (Human Health) Regulation 2016: s.7	Different in character or other means of compliance	Australia, along with New Zealand, believes disinsection at pre-embarkation to be an efficacious method.
2.28	Biosecurity Act 2015: s.7 and s.53 Biosecurity (Human Health) Regulations 2016 Regulation 7 Australia's Aircraft Disinsection Policy 2012 Schedule of Aircraft Disinsection Procedures	Different in character or other means of compliance	The content and form of the disinsection certificates required by Australia differ from those set forth in provision 2.28.
2.29	Biosecurity Act 2015: s.7 and s.53 Biosecurity (Human Health) Regulations 2016 Regulation 7 Australia's Aircraft Disinsection Policy 2012 Schedule of Aircraft Disinsection Procedures	Different in character or other means of compliance	The content and form of the disinsection certificates required by Australia differ from those set forth in provision 2.28.
2.39	Civil Aviation Act 1988 s25 Air Navigation Act 1920 s15B AIP GEN 1.2 paragraph 1.3.2	Different in character or other means of compliance	Where an aircraft makes a commercial non-scheduled flight into or out of Australian territory, it will have prior permission from both the Department of Infrastructure and CASA.
2.41	AIP GEN 1.3 paragraph 9.3 Guidelines for Applicants for Permission to Operate International Charter Flights	Different in character or other means of compliance	For non-scheduled arrivals or departures at Non-International Airports, and Restricted Use International Airports air operators are required to obtain prior approval from the National Passenger Processing Committee for flights into and out of these airports.



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2.44	Air Navigation Act 1920 s15C Guidelines for Applicants for Permission to Operate International Charter Flights	More exacting or exceeds	The information to be contained in an application to the Department of Infrastructure includes the following: (a) the name and address of the charterer of the aircraft, and the nationality of the interests holding substantial ownership and effective control of the charterer; (b) the name and address of the charter operator, and the nationality of the interests holding substantial ownership and effective control of the charter operator; (c) in respect of the aircraft, or each aircraft, that is to engage in the flight or any of the flights—the type of aircraft, its capacity and whether it is leased or owned by its operator; (d) whether the aircraft, or each aircraft, that is to engage in the flight or any of the flights is to carry passengers, cargo or mail; (e) if the aircraft or any of the aircraft are to carry cargo—the type of cargo; (f) if the application relates to a program of flights: (i) the duration of the program and the frequency of the proposed flights; and (ii) if the aircraft are to carry passengers—whether the program is of a seasonal nature, consists of flights related to special events or is to find out whether there would be a market for scheduled international air services; (g) the following particulars of the flight or flights: (i) the place or places where the flight or flights are to begin; (ii) the place or places where the flight or flights are to end; (iii) any intermediate stopping places, including which of those stopping places are places at which passengers, cargo or mail may be taken on or discharged; (iv) the proposed dates of departure from, and arrival at, the places mentioned in the preceding subparagraphs; (h) the proposed tariff structure for the flight or flights
2.44.1	AIP GEN 1.2 paragraph 1.3 Air Navigation Act 1920 s15B paragraph 2i	Different in character or other means of compliance	AIP directs operators to contact Department of Infrastructure and CASA to obtain relevant guidance. Under the Air Navigation Act 1920, applications must be lodged not less than 21 days before the day on which the flight, or the first of the flights, is to begin, or within any lesser period allowed by the Secretary.

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2.48	AIP GEN 1.3 para 2.1	Different in character or other means of compliance	The aircraft operator must report to the Department of Immigration and Border Protection the impending arrival of the aircraft. The impending arrival report (IAR) must be lodged electronically in the ICS not more than 10 days before the estimated time of arrival and not later than three hours before the estimated time of arrival of the aircraft
3.10.1	Australia (DFAT) provides data to the SLTD for Australian travel documents.	Different in character or other means of compliance	N/A
3.15.1	Australian Passports (Application Fees) Act 2005	Less protective or partially implemented not implemented	Application fees collected for the issue of Australian travel documents are determined by local legislation. They are a tax and are not connected to the funding arrangements for the operation of issuing travel documents.
3.20	Section 166 Migration Act 1958 Schedule 2 Migration Regulations 1994	Different in character or other means of compliance	All non-citizens are required to hold a visa for entry to Australia. However, in practice, Australia's electronic visa regime operates in a similar way to visa-free entry systems (e.g. ETAs, eVisitor, e676)
3.22	Section 30(1) Migration Act 1958 Schedule 2 Migration Regulations 1994	More exacting or exceeds	Most of Australia's permanent residence visa holders are entitled to enter and re-enter Australia for five years from the date of visa grant without needing to obtain a further re-entry visa. Australia's migration legislation requires Permanent Residence visa holders, who have not obtained Australian citizenship during this initial five year period, to apply for an appropriate permanent resident re-entry visa if they leave Australia and wish to re-enter.
3.23	Section 30(1), Subdivision AC Migration Act 1958, Schedule 2 Migration Regulations 1994	More exacting or exceeds	Within the Migration Act 1958 the Migration Regulations 1994 - Schedule 2 outline the eligibility provisions with respect to the grant of subclasses of visas.
3.24	Section 30(1), Subdivision AC Migration Act 1958, Schedule 2 Migration Regulations 1994	More exacting or exceeds	There is no requirement for the applicant to make a personal appearance at the issuance office once the visa is granted, however prior to visa grant processing officers may request the visa applicant attend an interview or provide personal biometric identifiers as part of the application process.
3.27	Sections 166, 172, and 175 Migration Act 1958 Regulation 3.01(3) Migration Regulations 1994	Different in character or other means of compliance	Australia requires all travellers to complete, in writing, an Incoming and Outgoing passenger card on each arrival and departure. These passenger cards do not request identity information that is not already presented in a traveller's identity document(s).



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3.28	Sections 166, 172, and 175 Migration Act 1958 Regulation 3.01(3) Migration Regulations 1994	Different in character or other means of compliance	The content and form of the Australian Incoming and Outgoing passenger cards differ from Appendix 5.
3.43	N/A	Less protective or partially implemented not implemented	Responsibility depends on circumstances, noting there is no specific legislative provision for this standard.
3.47	Section 166 Migration Act 1958	Different in character or other means of compliance	Passengers complete an incoming passenger card which includes a declaration on what the passenger is carrying.
3.49	Section 166 Migration Act 1958 3.03(3), Schedule 2 Migration Regulations 1994	More exacting or exceeds	An existing Electronic Travel Authority cannot be used with a new passport. If a new passport is issued, another ETA must be applied for.
3.50	N/A	Different in character or other means of compliance	Australian government agencies can check electronic movement records for the number of entries. Aircraft operators receive boarding directives through APP based on whether a valid visa is still held. The holder of the visa can access visa entitlements through the Visa Entitlement Verification Online system.
3.53	Section 168, Part 2 of Schedule 9 Migration Act 1958; Regulation 1.04, Division 2.8, Schedule 2, Subclass 771 Migration Regulations 1994	More exacting or exceeds	Australia is compliant with this standard (as it provides direct transit arrangements for crew, passengers and their baggage where airport facilities permit), however Australia's migration legislation differs in means of compliance. Division 2.8 of the Act and section 168 of the Act provides that some transit passengers will hold a Special Purpose Visa and do not need to be immigration cleared as long as they stay within the airport transit lounge. A passenger who will be in Australia for longer than 8 hours needs to obtain a Subclass 771 Transit visa. A passenger holding this visa must be immigration cleared and no longer needs to stay in the airport transit area.

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3.54	Regulation 1.03, Division 2.8 Migration Regulations 1994	Different in character or other means of compliance	Regulation 1.03 defines a transit passenger as a person who: (a) enters Australia by aircraft; and (b) holds a confirmed onward booking to leave Australia to travel to a third country on the same or another aircraft within 8 hours of the person's arrival in Australia; and (c) holds documentation necessary to enter the country of his or her destination. Some 'transit passengers' hold a Special Purpose Visa, which only remains in effect if they stay in the airport transit lounge. If a passenger departs the lounge, they will have bypassed immigration clearance.
3.61	Division 12B of Part 2 Migration Act 1958.	Different in character or other means of compliance	Australia does not provide crew membership certificate facilities, but provides alternate means for the identification and seamless facilitation of crew members (i.e. the Crew Travel Authority regime) through Australia's borders. Australia's CTA regime is an electronic registration system which stores information within a secure database.
3.62	Division 12B of Part 2 Migration Act 1958.	Different in character or other means of compliance	Australia does not provide crew membership certificate facilities, but provides alternate means for the identification and seamless facilitation of crew members (i.e. the Crew Travel Authority regime) through Australia's borders. Australia's CTA regime is an electronic registration system which stores information within a secure database.
3.62.1	Division 12B of Part 2 Migration Act 1958.	Less protective or partially implemented not implemented	Australia does not provide crew membership certificate facilities, but provides alternate means for the identification and seamless facilitation of crew members (i.e. the Crew Travel Authority regime) through Australia's borders. Australia's CTA regime is an electronic registration system which stores information within a secure database.
3.63	Division 12B of Part 2 Migration Act 1958.	Different in character or other means of compliance	Australia does not provide crew membership certificate facilities, but provides alternate means for the identification and seamless facilitation of crew members (i.e. the Crew Travel Authority regime) through Australia's borders. Australia's CTA regime is an electronic registration system which stores information within a secure database.



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3.63.1	Division 12B of Part 2 Migration Act 1958.	Different in character or other means of compliance	Australia does not provide crew membership certificate facilities, but provides alternate means for the identification and seamless facilitation of crew members (i.e. the Crew Travel Authority regime) through Australia's borders. Australia's CTA regime is an electronic registration system which stores information within a secure database.
3.65	Subsection 13(1) Subsection 29(1) Section 33 Migration Act 1958 Regulation 2.40 Regulation 2.4(10) Migration Regulations 1994	Different in character or other means of compliance	Australia does not accept Crew Members Certificates, but provides alternate means for the identification and seamless facilitation of crew through Australia's borders. In practice, Australia's Crew Travel Authority (CTA) and Special Purpose Visa (SPV) regime operates in a way similar to visa-free entry systems.
3.65.1	Subsection 13(1) Subsection 29(1) Section 33 Migration Act 1958 Regulation 2.40 Regulation 2.4(10) Migration Regulations 1994	Different in character or other means of compliance	Australia does not accept Crew Member Certificates, but provides alternate means for the identification and seamless facilitation of crew through Australia's borders. In practice, Australia's Crew Travel Authority (CTA) and Special Purpose Visa (SPV) regime operates in a way similar to visa-free entry systems.
3.65.2	Subsection 13(1) Subsection 29(1) Section 33 Migration Act 1958 Regulation 2.40 Regulation 2.4(10) Migration Regulations 1994	Different in character or other means of compliance	Australia does not accept Crew Member Certificates, but provides alternate means for the identification and seamless facilitation of crew through Australia's borders. In practice, Australia's Crew Travel Authority (CTA) and Special Purpose Visa (SPV) regime operates in a way similar to visa-free entry systems.



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3.67	Subsection 13(1), Subsection 29(1), Subsection 33 Migration Act 1958 Reg 2.40, 2.4(10) Migration Regulations 2004	Less protective or partially implemented not implemented	<p>State Difference</p> <p>‘Civil aviation inspectors’, insofar as they are safety inspectors, are defined as ‘aircraft safety inspectors’ under the Australian Migration Act 1958. Australia does not, at present, extend privileges of temporary admission to aviation inspectors other than aircraft safety inspectors. Australia does not extend visa-free privileges to aircraft safety inspectors, but provides alternate means for their identification and seamless facilitation through Australia’s borders. Aircraft safety inspectors are eligible to use Australia’s Crew Travel Authority (CTA) and Special Purpose Visa (SPV) regime, which in practice, operates in a way similar to other visa-free entry systems. Subsection 29(1) of the Migration Act 1958 provides that non-citizens must hold a visa to travel to and remain in Australia. Section 33 of the Act provides for a class of temporary visas, known as Special Purpose Visas (SPV), which are granted by operation of law to persons with a prescribed status. Aircraft safety inspectors have a prescribed status under the SPV category (Reg 2.40). To be granted an SPV by operation of law, aircraft safety inspectors are required to hold a Crew Travel Authority, a valid passport that is in force (Reg 2.4(1)(a)); a valid government identity document showing that he or she is employed by a foreign government (Reg 2.4(10)(b)(ii)(A) or an ICAO Safety Inspector Certificate (Reg 2.4(10)(b)(B); and be included in a list of members of the crew of the aircraft provided to Immigration by or for the international air carrier that operates the aircraft (Reg 2.4(10)(c)). Aircraft safety inspectors seeking entry to Australia are not required to obtain a visa in advance of travel, complete a visa application, pay a visa application charge, or show evidence of a visa grant being made by a delegated officer under the Act. Therefore the practical effect of Australia’s regime for aircraft safety inspectors is the same as visa-free entry systems.</p>
3.68	Civil Aviation Regulation 6A	Different in character or other means of compliance	<p>Australia does not issue Civil Aviation Inspector Certificates in the format outlined in Appendix 8. Australia’s identification documents do not contain information on Date of Birth, Sex, Nationality.</p>

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3.70	Subsection 13(1), Subsection 29(1), Subsection 33 Migration Act 1958 Reg 2.40, 2.4(10) Migration Regulations 2004	Less protective or partially implemented not implemented	Subsection 29(1) of the Migration Act 1958 provides that non-citizens must hold a visa to travel to and remain in Australia. Section 33 of the Act provides for a class of temporary visas, known as Special Purpose Visas (SPV), which are granted by operation of law to persons with a prescribed status. Aircraft safety inspectors have a prescribed status under the SPV category (Reg 2.40). To be granted an SPV by operation of law, aircraft safety inspectors are required to hold a Crew Travel Authority, a valid passport that is in force (Reg 2.4(1)(a)); a valid government identity document showing that he or she is employed by a foreign government (Reg 2.4(10)(b)(ii)(A) or an ICAO Safety Inspector Certificate (Reg 2.4(10)(b)(B)); and be included in a list of members of the crew of the aircraft provided to Immigration by or for the international air carrier that operates the aircraft (Reg 2.4(10)(c)). Aircraft safety inspectors seeking entry to Australia are not required to obtain a visa in advance of travel, complete a visa application, pay a visa application charge, or show evidence of a visa grant being made by a delegated officer under the Act. Therefore the practical effect of Australia's regime for aircraft safety inspectors is the same as visa-free entry systems.
3.72	Migration Regulations 2004 Schedule 2 Subclass 773	Different in character or other means of compliance	In certain circumstances a visa can be applied for at the border. Each circumstance is assessed individually.
3.78	N/A	Less protective or partially implemented not implemented	Training in relation to handling of minors is self-regulated by industry. Under the Civil Aviation Act 1988 s28BE, aircraft operators have a duty to conduct their activities with a reasonable degree of care and diligence, which would include a duty of care to all passengers, including minors.
3.80	N/A	Less protective or partially implemented not implemented	Australia currently has no legislative basis to ensure that aircraft operators raise concerns regarding the welfare of a minor, but relevant authorities work closely to ensure, in every practicable way, that minors are appropriately managed.



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3.82	N/A	Different in character or other means of compliance	Australia currently has no legislative basis to ensure that aircraft operators do not allow minors under the age of five to travel without an accompanying person. However, Australia considers its airlines are effectively self-regulating in this area, as evidenced by their published policies and practices for the carriage of minors.
3.83	N/A	Different in character or other means of compliance	Australia currently has no legislative basis to ensure that aircraft operators establish a programme for the handling of unaccompanied minors travelling under their supervision. However, Australia considers its airlines are effectively self-regulating in this area, as evidenced by their published policies and practices for the carriage of minors.
3.84		Different in character or other means of compliance	Australia's airlines are largely self-regulating in this area, including through their published policies and practices for the carriage of minors, but some government policies do exist.
4.16	See comments	Less protective or partially implemented not implemented	The cargo manifest is similar to that in Appendix 3, however the manual goods declaration is not in the form of the UN layout Key
4.26	s33 of the Customs Act 1901 - Persons not to move goods subject to customs control.	More exacting or exceeds	Goods are not permitted to depart unless they are cleared to load.
4.30	See comments	Less protective or partially implemented not implemented	These special procedures may be offered to entities as part of the benefits of duty deferral and streamlined reporting. The policy development for duty deferral and streamlined reporting is still being undertaken in consultation with industry and other relevant government agencies. An implementation date of FY 2017/18 is being expected for these benefits. Additionally our specified criteria for authorised persons would go further than just trade compliance (as specified in the amendments) and it would require the authorised person to meet supply chain security standards as well.



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4.30.1	See comments	Less protective or partially implemented not implemented	These special procedures may be offered to entities as part of the benefits of duty deferral and streamlined reporting. The policy development for duty deferral and streamlined reporting is still being undertaken in consultation with industry and other relevant government agencies. An implementation date of FY 2017/18 is being expected for these benefits. Additionally our specified criteria for authorised persons would go further than just trade compliance (as specified in the amendments) and it would require the authorised person to meet supply chain security standards as well.
4.34	s243V of the Customs Act 1901 imposes infringements for false and misleading statements in cargo reports or outturn reports. These are strict liability offences.	More exacting or exceeds	N/A
4.35	s243V of the Customs Act 1901 imposes infringements for false and misleading statements in cargo reports or outturn reports. These are strict liability offences.	More exacting or exceeds	N/A
4.57	Customs (Prohibited Imports) Regulations 1956 s4R	More exacting or exceeds	A permit is required to import or export radioactive materials and can be obtained on application to the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).
5.5	Section 198(2) Section 217 Migration Act 1958	Different in character or other means of compliance	The reference to “removal order” has no bearing on the process of removing a person from Australia as one is not required by law. However, as a matter of administrative practice a ‘Notice to Remove’ is given to the operator before a person is removed.
5.9.1	Section 213 Migration Act 1958	More exacting or exceeds	Under section 213, carriers are liable for costs of the inadmissible passenger’s removal, where the person does not comply with s166 or is detained under s189.
5.14	Section 229 Section 230 Migration Act 1958 Division 5.5, Regulation 5.5 Migration Regulations 1994	Different in character or other means of compliance	As a matter of policy, carriers who do not comply with section 229 or section 230 of the Australian Migration Act 1958 are served with an infringement notice for each person brought to Australia in contravention of these sections. However, the infringement notice may be withdrawn if one of the reasons for issuing the infringement is covered by s229(5). A defendant bears a legal burden in relation to the matters in subsection (5) or (5A).

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5.18	s207, s210 Migration Act 1958	Different in character or other means of compliance	The cost of removing or deporting a non-citizen may be recoverable as a debt to the Commonwealth
6.1	Parts 5, 7 & 8, Airports Act 1996. Part VII A, Trade Practices Act 1974. International Airport Operator's Guide	Different in character or other means of compliance	The Australian Government ensures appropriate arrangements are made at Australian Commonwealth leased airports through: <ul style="list-style-type: none"> • the Airport Master Plans and Major Development Plans that must be approved by the Australian Government under the Airports Act 1996; • the price, financial performance and quality of service monitoring, under relevant Commonwealth legislation, at five major Australian international airports: Adelaide, Brisbane, Melbourne (Tullamarine), Perth and Sydney (Kingsford-Smith); and • other measures such as the International Airport Operator's Guide.
6.11	Airports Act 1996	Different in character or other means of compliance	Australia's major airports are privatised commercial entities. The Airports Act 1996 serves to promote the efficient and economic development and operation of airports, but does not prescribe planning at airports to this level of detail.
6.12	Airports Act 1996	Different in character or other means of compliance	Australia's major airports are privatised commercial entities. The Airports Act 1996 serves to promote the efficient and economic development and operation of airports, but does not prescribe planning at airports to this level of detail.
6.13	Airports Act 1996	Different in character or other means of compliance	Australia's major airports are privatised commercial entities. The Airports Act 1996 serves to promote the efficient and economic development and operation of airports, but does not prescribe planning at airports to this level of detail.
6.14	Airports Act 1996	Different in character or other means of compliance	Australia's major airports are privatised commercial entities. The Airports Act 1996 serves to promote the efficient and economic development and operation of airports, but does not prescribe planning at airports to this level of detail.
6.15	Airports Act 1996	Different in character or other means of compliance	Australia's major airports are privatised commercial entities. The Airports Act 1996 serves to promote the efficient and economic development and operation of airports, but does not prescribe planning at airports to this level of detail.

<u>Annex Reference</u>	<u>State Reference</u>	<u>Difference Level</u>	<u>State Difference</u>
6.18	Airports Act 1996	Different in character or other means of compliance	Australia's major airports are privatised commercial entities. The Airports Act 1996 serves to promote the efficient and economic development and operation of airports, but does not prescribe planning at airports to this level of detail.
6.19	Airports Act 1996	Different in character or other means of compliance	Australia's major airports are privatised commercial entities. The Airports Act 1996 serves to promote the efficient and economic development and operation of airports, but does not prescribe planning at airports to this level of detail.
6.24	Airports Act 1996	Different in character or other means of compliance	Australia's major airports are privatised commercial entities. The Airports Act 1996 serves to promote the efficient and economic development and operation of airports, but does not prescribe planning at airports to this level of detail.
6.27	Airports Act 1996	Different in character or other means of compliance	Australia's major airports are privatised commercial entities. The Airports Act 1996 serves to promote the efficient and economic development and operation of airports, but does not prescribe planning at airports to this level of detail.
6.29	Airports Act 1996	Different in character or other means of compliance	Australia's major airports are privatised commercial entities. The Airports Act 1996 serves to promote the efficient and economic development and operation of airports, but does not prescribe planning at airports to this level of detail.
6.29.1	Airports Act 1996	Different in character or other means of compliance	Australia's major airports are privatised commercial entities. The Airports Act 1996 serves to promote the efficient and economic development and operation of airports, but does not prescribe planning at airports to this level of detail.
6.30	Airports Act 1996	Different in character or other means of compliance	Australia's major airports are privatised commercial entities. The Airports Act 1996 serves to promote the efficient and economic development and operation of airports, but does not prescribe planning at airports to this level of detail.
6.47	Airports Act 1996	Different in character or other means of compliance	Australia's major airports are privatised commercial entities. The Airports Act 1996 serves to promote the efficient and economic development and operation of airports, but does not prescribe planning at airports to this level of detail.



<u>Annex Reference</u>	<u>State Reference</u>	<u>Difference Level</u>	<u>State Difference</u>
6.50	Airports Act 1996	Different in character or other means of compliance	Australia's major airports are privatised commercial entities. The Airports Act 1996 serves to promote the efficient and economic development and operation of airports, but does not prescribe planning at airports to this level of detail.
7.1	Section 58 & section 4 (definition of airport) Customs Act 1901 Section 43(1)c), 167(2) Migration Act 1958 Biosecurity Act 2015, Chapter 4, Part 4	Different in character or other means of compliance	Aircraft need to land at an airport appointed under section 15 of the Customs Act. Unless due to bad weather or other reasonable cause they are forced to land elsewhere, or they have a permission to land at that place. Section 167(2) and s43(1)(c) recognise that, because of an emergency situation that places a person's health and safety at risk or because of another prescribed reason, persons may not arrive at a port, and may not be able to comply with s166 immediately upon arrival. In such a situation, regulation 3.04 states that a person must comply with s166 within two working days at any port where a clearance officer is present or at a departmental office. The reference in s43(1)(c) to "health and safety of a person" to include situations of emergency, stress of weather, mechanical failure and other similar situations, all of which can compromise the safety of a person entering Australia
7.4.3	Biosecurity Act 2015, Chapter 4, Part 4 Customs Act 1901 s.33	Different in character or other means of compliance	Permission would be required from the Department of Immigration and Border Protection
8.15.1	Biosecurity Act 2015: s.47 National Health Security Act 2007	Different in character or other means of compliance	Australia will continue to use the Health Declaration Card as its conduit for obtaining contact tracing information for persons who may have been exposed to a communicable disease. Future refinements to the Health Declaration Card will consider the components of the Passenger Locator Card.
8.17	AHMPPPI May 2006 was developed by the Office of Health Protection, Department of Health and Aging (DoHA). FLUBORDERPLAN (National Pandemic Influenza Airport Border Operations Plan July 2008) is administered by DoHA	Different in character or other means of compliance	Existing Australian health initiatives, such as the Australian Health Management Plan for Pandemic Influenza (AHMPPPI) and FLUBORDERPLAN, meet the ICAO requirement for a national aviation plan. While the focus of these plans deals with the management of pandemic influenza, the processes are equally applicable to management of other communicable diseases.

<u>Annex Reference</u>	<u>State Reference</u>	<u>Difference Level</u>	<u>State Difference</u>
8.18	NPFC terms of Reference	Different in character or other means of compliance	Australia has established a National Passenger Facilitation Committee (NPFC) which coordinates facilitation activities between relevant Australian government agencies and airports, airlines and other relevant stakeholders. The NPFC terms of reference outlines the objectives: <ul style="list-style-type: none"> • set the strategic agenda to address passenger facilitation issues to reflect Government and industry objectives; • improve whole of airport passenger facilitation outcomes through the development of strategies, options, best business practices and initiatives; • commission the appropriate Passenger Facilitation Working Group to address operational passenger facilitation matters; • implement and monitor Australia’s obligations under Annex 9 of the Convention by providing for and facilitating the border crossing formalities that must be accomplished with respect to aircraft engaged in international operations and their passengers and crew.
8.19	NPFC Terms of Reference	Different in character or other means of compliance	Australia has established a National Passenger Facilitation Committee (NPFC) which coordinates facilitation activities between relevant Australian government agencies and airports, airlines and other relevant stakeholders. The NPFC terms of reference outlines the objectives: <ul style="list-style-type: none"> • set the strategic agenda to address passenger facilitation issues to reflect Government and industry objectives; • improve whole of airport passenger facilitation outcomes through the development of strategies, options, best business practices and initiatives; • commission the appropriate Passenger Facilitation Working Group to address operational passenger facilitation matters; • implement and monitor Australia’s obligations under Annex 9 of the Convention by providing for and facilitating the border crossing formalities that must be accomplished with respect to aircraft engaged in international operations and their passengers and crew.
8.19.1	NPFC Terms of Reference takes Appendix 12 into regard.	Different in character or other means of compliance	Australia's National Passenger Facilitation Committee (NPFC) meets this requirement.



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<u>Annex Reference</u>	<u>State Reference</u>	<u>Difference Level</u>	<u>State Difference</u>
8.27	Disability Discrimination Act 1992; Disability Standards for Accessible Public Transport 2002; Disability (Access to Premises - Buildings) Standards 2010; Australian Government Department of Infrastructure and Regional Development Guidance on the Development of Disability Access Facilitation Plans (DAFP)	Less protective or partially implemented not implemented	Australia does not provide explicit advice to operators on the content, conduct or coordination of staff training.
8.29	Disability Discrimination Act 1992; Disability Standards for Accessible Public Transport 2002; Disability (Access to Premises - Buildings) Standards 2010; Australian Government Department of Infrastructure and Regional Development Guidance on the Development of Disability Access Facilitation Plans (DAFP)	Less protective or partially implemented not implemented	Australia does not specify the types of lifting or other systems that an operator should make available.
8.36	Civil Aviation Act 1988; Civil Aviation Regulations 1988; Civil Aviation Safety Regulations 1998; Disability Discrimination Act 1992; Disability Standards for Accessible Public Transport 2002;	Different in character or other means of compliance	The type and specification of onboard equipment carried on an aircraft, e.g. carriage of an onboard wheelchair, is generally a matter for individual airlines, subject to the requirements of civil aviation regulations, and the Disability Standards for Accessible Public Transport 2002 which include some minimum requirements with respect to aircraft.
8.37	Civil Aviation Act 1988; Civil Aviation Safety Regulations 1998; Civil Aviation Regulations 1988; Disability Discrimination Act 1992	Different in character or other means of compliance	The Disability Discrimination Act 1992 requires airlines to carry disability aids (subject to safety and operational requirements), but legislation does not address charging.
8.44	Migration Regulations 1994 Schedule 2	Different in character or other means of compliance	A visa is required, however facilitation is expedited in certain circumstances.
9.6	Division 12B of Part 2 Migration Act 1958 3.13A Division 5.5 Migration Regulations 1994	Different in character or other means of compliance	While Australia's Advance Passenger Processing (APP) system is not strictly based on the recommended UN/EDIFACT PAXLST message for Advance Passenger Information (API), it is able to convert messages to and into UN/EDIFACT PAXLST format. In addition, Australia complies with the maximum set up data elements to be collected as listed in the Guidelines.
9.14	Division 12B s.245L 245N Migration Act 1958	More exacting or exceeds	The Operator must report to the Department using the approved primary reporting system for passengers not less than three hours before arrival



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<u>Annex Reference</u>	<u>State Reference</u>	<u>Difference Level</u>	<u>State Difference</u>
9.32	Customs Act 1901 Section 64AF	Different in character or other means of compliance	Currently, the Department of Home Affairs retains EU PNR data for 5 1/2 years (3 years then a further 2 1/2 years archived).
9.33	Customs Act 1901 Section 64AF	Different in character or other means of compliance	EU PNR data is depersonalised after 3 years.
10.13	Australian Technical Advisory Group on Immunisation (ATAGI) - Preliminary advice on general principles to guide the prioritisation of target populations in a COVID-19 vaccination program in Australia	Different in character or other means of compliance	During the COVID-19 pandemic response, aviation workers were not specifically referenced in the priority rollout, however 'critical and high risk workers' were prioritised and this extended to aviation workers. Aviation workers have not otherwise been prioritised for other vaccinations, noting there has not historically been a need for this to occur.