



Australian Government

Department of Infrastructure and Regional Development

File Reference: 16/1339

Mr Peter Saunders
Executive Director
Office of Best Practice Regulation
Department of the Prime Minister and Cabinet
PO Box 6500
CANBERRA ACT 2600

Dear Mr Saunders *Peter*

Subject: Air Navigation Regulations 1947

I am writing to the Office of Best Practice Regulation (OBPR) regarding the Air Navigation Regulations 1947, which, as per the *Legislative Instruments Act 2003*, are scheduled to sunset on 1 April 2016. It has been decided that the instrument is to be remade without significant amendment.

The Department of Infrastructure and Regional Development (Infrastructure) certifies that the Air Navigation Regulations 1947 are largely operating effectively and efficiently, and that therefore a full Regulation Impact Statement is not required for this regulation to be remade.

The assessment that the regulation is operating effectively and efficiently has been informed by extensive consultation with all holders of International Airline Licences (IALs) as the entities regulated by the Air Navigation Regulations 1947, including Qantas and Virgin Australia. Preliminary consultation was conducted in September 2015 and all IAL holders were consulted on an exposure draft of the remade Air Navigation Regulation 2016 over the period 15 January 2016 to 1 February 2016. A list of IAL holders is attached to this letter.

Infrastructure also consulted with the following agencies during the drafting process:

- Civil Aviation Safety Authority;
- Australian Transport Safety Bureau;
- Department of Agriculture;
- Attorney-General's Department;
- Department of Defence;
- Department of Foreign Affairs and Trade;
- Department of Immigration and Border Protection; and
- Australian Capital Territory Parliamentary Counsel's Office.

Following consultation several minor amendments were identified to streamline the operation of the Regulations which will result in an estimated average annual saving to industry of \$59 690 over the next 10 years. This saving is derived from the following amendments:

Proposed amendment	Explanation	Average saving per annum
Simplification of the requirements to file timetable variations	The current timetabling arrangements require airlines to file timetable variations with the Australian Government for all changes to a scheduled service time. Under the proposed modification, airlines would effectively be exempted from the requirement to obtain timetable variations in a range of circumstances, including ad-hoc flight cancellations; timing changes where the flight is completed within 48 hrs or which do not change the number of services per week; and aircraft substitutions that were foreshadowed at the beginning of the timetabling season. Further changes will limit the circumstances where an airline marketing a code share service is required to seek a variation for changes made by the operating airline.	\$32 725
Simplification of requirements to apply 'subject to Government approval' advertising disclaimers	The revised regulations will remove the requirement for an airline to advertise a service as 'subject to Government approval' when the airline has not yet received timetable approval for the service. The provision was originally intended as a consumer protection measure, however arrangements in the Australian Consumer Law are considered more appropriate for this purpose. Airlines who have not yet obtained an initial International Airline Licence will still be required to include the disclaimer.	\$26 965

I acknowledge that OBPR will publish this letter for transparency purposes.

If you have any queries about this advice, please contact Aidan Bruford on (02) 6274 7064, or Aidan.bruford@infrastructure.gov.au

Yours sincerely



Pip Spence
A/g Deputy Secretary
Department of Infrastructure and Regional Development

31/3/2016

Attachment- International Airline Licence Holder Airlines

Aegean Airlines	Hawaiian Airlines
Aer Lingus	Hong Kong Airlines
Air Austral	Iberia Airlines
Air Berlin	Indonesia Air Asia
Air Caledonie	Japan Airlines
Air Canada	Jet Airways
Air China	Jetstar
Air France	S7 Airlines
Air India	Kenya Airways
Air Malta	KLM Royal Dutch Airlines
Air Mauritius	Korean Air Lines
Air New Zealand	LATAM Group
Air Niugini	Malaysia Airlines
Air Serbia	Malindo Air
Air Seychelles	Middle East Airlines
Air Tahiti Nui	Nauru Airlines
Air Vanuatu	NIKI Luftfahrt
AirAsia X	Olympic Air
Airlines PNG	Pakistan International Airlines
Alitalia	Philippine Airlines
American Airlines	Qantas Airways
All Nippon Airways	Qatar Airways
Asiana Airlines	Royal Brunei Airlines
Austrian Airlines	SAS Scandinavian Airlines
Bangkok Airways	Scoot
Beijing Capital Airways	Sichuan Airlines
Belavia-Belarusian Airlines	SilkAir
British Airways	Singapore Airlines
Cargolux Airlines	Solomon Airlines
Cathay Pacific Airways	South African Airlines
Cebu Pacific Air	Srilankan Airlines
China Airlines	Swiss International
China Eastern Airlines	Tasman Cargo Airlines
China Southern Airlines	Thai Airways International
Czech Airlines	Tiger Airways Singapore
Delta Airlines	Turkish Airlines
Deutsche Lufthansa	United Airlines
Egyptair	US Airways
Emirates	Vietnam Airlines
Ethiopian Airlines	Virgin Australia
Etihad Airways	Xiamen Airlines
Eva Air	Xpressair
Federal Express Corporation	
Fiji Airways	
Finnair	
Garuda Indonesia	
Hainan Airlines	