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

***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 March 2016

**Attachment- International Airline Licence Holder Airlines**

|  |  |
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| 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-Belaruisan 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 |  |