



Information for International Aircraft Commercial Passenger Operators

Aircraft under 80 Seat Capacity

October 2021

Question 1: What changes is the Department making?

- There is a requirement for all commercial passenger charter operators to seek the Department of Infrastructure, Transport and Regional Development's (the Department) permission to operate to Australia under the Air Navigation Act.
- A legislative instrument (the determination) previously exempted smaller commercial charter operators from meeting to fulfil the requirement. The exemption applied to charterers using aircraft with seating capacity of less than 80.
- The Department is changing the legislative instrument to require that all charterers apply to the Department for permission if they intend to carry passengers.
- Medical evacuation flights will continue to be exempted.

Question 2: Why are the changes needed?

- The ongoing impacts of the Delta strain of COVID-19 continue to place pressure on State and Territory quarantine capacity and support systems.
- This includes the level and certainty of planning resources devoted to managing all international aviation passenger arrivals.
- The requirement for small international commercial aircraft operators to seek permission from the Department will provide a means by which the States and Territories can confirm with the Department whether there are adequate quarantine capacity and support resources available to cater for international passenger arrivals on these aircraft operations.

Question 3: What is the application process?

- Applicants will continue to send a simple application form via the Australian Border Force (ABF) Air and Sea Portal.

- The application is confirmed as received; the charterer receives a confirmation email with a reference number.
 - When submitting this application, please advise if you have already confirmation of state quarantine capacity for passengers and if so please attach evidence.
- The application is sent by ABF to the Department.
- If the application indicates state quarantine capacity has already been agreed, the Department will verify the capacity with the relevant state and process the application.
- If the application indicates state quarantine capacity has not yet been agreed, the Department will receive advice from the relevant state or territory to confirm whether quarantine capacity is available.
- Final approval or rejection of the application will be via the ABF air and sea portal
- The applicant is able to appeal the outcome through the Administrative Appeals Tribunal.

Question 4: Is this just more red tape for small commercial passenger charter operators? Does this change other Commonwealth approval processes?

- No. The Department will receive the information it needs to consider the applicants proposed flight from the existing ABF portal.
- There will be no additional forms.
- The Department's website will be updated to link to the ABF Air and Sea Portal.
- Other ABF border and aviation safety and security approval processes will continue unchanged by the Department's introduction of this permission requirement.

Question 5: How close to the proposed flights can I seek approval?

- The preference is for applications to be sent at least seven days before the proposed flight.
- The earlier the application is received the better the ability for agencies to assess the potential for quarantine to be provided for those passengers still needing quarantine.
- Applications will however be received up to 72 hours before the flight noting they will be processed during the Department's business operating hours from Monday to Friday 09:00 to 17:00.
- Before making its decision, the Department will need to receive from advice from the State over whether their quarantine system can accept the passenger arrivals.

Question 6: What if I need to make an emergency application with less than 72 hours' notice?

- The Department operates in normal business hours from Monday to Friday 9am to 5pm.
- Exceptional circumstances will be required for the consideration of applications that are looking to operate services with less than 72 hours' notice of proposed arrival.
- These should be sent to the ABF portal.

Question 7: What if I need to make changes to flight details after applying particularly an increase in the number of passengers proposed to be carried?

- The number of passengers is a critical part of the assessment process with the States and a request for an increase in passenger numbers will require a new lodgement to the portal to re-start the assessment process.

Question 8: What if the passengers already have quarantine places approved?

- Simply attach a copy of this advice from the State to your application through the ABF Portal and the Department will be able to quickly process your application.

Question 9: How will I know where my application is up to?

- You can contact the Department at internationalaviation@infrastructure.gov.au
- You will be advised through the ABF Air and Sea Portal, of the outcome of your application.

Question 10: Can I appeal if the Department rejects my application?

- If the Department rejects an application or does not approve an aspect of an application, such as the carriage of passengers, you can apply to the Administrative Appeals Tribunal to review the decision.

Question 11: How long will these arrangements be in place?

- Arrangements are proposed to be in place at least until the expiry of the current Biosecurity Determination on 17 December 2021.
- The Department will review the arrangements, prior to 17 December 2021, in consultation with key industry and Government stakeholders, to determine future arrangements.
- The review will take into account progress with the implementation of the COVID-19 National Plan including arrangements for the return from overseas of vaccinated passengers.

Question 12: When do the changes come into effect?

- The changes come into effect from Monday 25 October 2021.