



Aviation Transport Security Regulations 2005¹

Select Legislative Instrument 2005 No. 18

I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Aviation Transport Security Act 2004* and the *Aviation Transport Security (Consequential Amendments and Transitional Provisions) Act 2004*.

Dated 24 February 2005

P. M. JEFFERY
Governor-General

By His Excellency's Command

JOHN ANDERSON
Minister for Transport and Regional Services

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Regulation 1.01

Part 1 Preliminary**1.01 Name of Regulations**

These Regulations are the *Aviation Transport Security Regulations 2005*.

1.02 Commencement

These Regulations commence on the commencement of sections 3 to 133 of the *Aviation Transport Security Act 2004*.

1.03 Definitions

In these Regulations:

Act means the *Aviation Transport Security Act 2004*.

air security officer means:

- (a) a protective service officer or special protective service officer of the Australian Federal Police who is directed by the Commissioner to carry out the duties of a position of air security officer; or
- (b) a person who is:
 - (i) employed and trained by a foreign government to travel on aircraft to provide security for aircraft and their passengers and crew (other than a person who is employed to provide exclusive personal protection for 1 or more individuals travelling on an aircraft); and
 - (ii) operating in accordance with an arrangement between the foreign government and the Australian Government.

ANA means the *Air Navigation Act 1920*.

ANR means the *Air Navigation Regulations 1947*.

ASIC means aviation security identification card.

aviation security identification card means a card of that type issued under Part 6.

Regulation 1.03

carry-on baggage means an article or possession of a passenger on, or a member of the crew of, an aircraft, being an article or possession that is accessible to the passenger or crew member while the aircraft is in flight.

categorised airport means an airport that was a categorised airport under the ANA.

charter operation means an operation of an aircraft for the purpose of:

- (a) a service of providing air transportation of people, or both people and goods, that:
 - (i) is provided for a fee payable by persons using the service; and
 - (ii) is not available to the general public;whether or not the service is conducted in accordance with fixed schedules to or from fixed terminals over specific routes; or
- (b) a service of providing air transportation of people, or both people and goods, that:
 - (i) is provided for a fee payable by persons using the service; and
 - (ii) is available to the general public; and
 - (iii) is not conducted in accordance with fixed schedules to or from fixed terminals over specific routes; or
- (c) a service of providing air transportation of people, or both people and goods, that:
 - (i) is not provided for a fee payable by persons using the service; and
 - (ii) is not available to the general public; and
 - (iii) is conducted in accordance with fixed schedules to or from fixed terminals over specific routes.

checked baggage means an article or possession of an aircraft passenger or crew member that:

- (a) has been checked in for a flight on the aircraft; and
- (b) is intended to be carried on board the aircraft or another aircraft; and
- (c) if carried in an aircraft, is not accessible to the passenger or crew member while the aircraft is in flight.

Regulation 1.03

checked in, in relation to an item of checked baggage, means that the item:

- (a) has been presented to an aircraft operator, or another person on the operator's behalf, for carrying on a flight on board an aircraft of the operator; and
- (b) has been accepted by the aircraft operator, or the other person on the operator's behalf, for that purpose.

crew includes flight crew and cabin crew, and any other person travelling on board an aircraft for any purpose relating to the aircraft's operation or to examine the qualifications or competency of its flight crew.

DIMIA means the Department administered by the Minister who administers the Migration Act.

domestic air service means an air service provided by means of a flight from a place within Australia to another place within Australia with no intermediate stop outside Australia.

grey ASIC means an ASIC of the design set out in subregulation 6.33 (3) or 6.37 (2).

international air service means an air service provided by means of a flight:

- (a) from a place within Australia to a place outside Australia; or
- (b) from a place outside Australia to a place within Australia.

jet means a fixed-wing aircraft powered by gas-turbine engines (other than turbo-prop engines).

Migration Act means the *Migration Act 1958*.

officer of the Australian Customs Service has the same meaning as officer of Customs in the *Customs Act 1901*.

open charter operation means a charter operation of the kind described in paragraph (b) of the definition of **charter operation**.

photograph of somebody includes a digital image of him or her.

RACA means regulated air cargo agent.

red ASIC means an ASIC of the design set out in subregulation 6.33 (2) or 6.37 (1).

Regulation 1.04

regular public transport operation means an operation of an aircraft for the purposes of the carriage of people, or both people and goods, of an air service that:

- (a) is provided for a fee payable by persons using the service; and
- (b) is available to the general public on a regular basis; and
- (c) is conducted in accordance with fixed schedules to or from fixed terminals over specific routes.

screened air service — see regulation 4.02.

screening authority means a person specified by notice under regulation 4.03.

secure area means a landside security zone or the airside area (including airside security zone) of a security controlled airport.

Note For the definitions of **landside security zone** and **airside area**, see section 9 of the Act and regulations 3.01 and 3.02.

TSP means transport security program.

unauthorised person, in relation to a place or thing, means a person who:

- (a) is not authorised by the owner or person in control of the place or thing to have access to the place or thing; and
- (b) has no other lawful reason to have access to the place or thing.

unlawful non-citizen has the same meaning as in the Migration Act.

Note See sections 13, 14 and 15 of that Act.

VIC means visitor identification card.

visitor identification card means a card of that type issued under Part 6.

1.04 What properly displaying means

- (1) For these Regulations, somebody is **properly displaying** an ASIC or VIC only if it is attached to his or her outer clothing:
 - (a) above waist height; and
 - (b) at the front or side of his or her body; and
 - (c) with the whole front of the ASIC or VIC clearly visible.

Regulation 1.05

- (2) He or she is not *properly displaying* the ASIC or VIC if anything adhering to it obscures a photograph or anything else on it.

1.05 Meaning of *valid ASIC* and *valid VIC*

- (1) In these Regulations:
valid, used about an ASIC or VIC, means:
- (a) issued in accordance with Part 6; and
 - (b) not expired or cancelled; and
 - (c) not altered or defaced (permanently or temporarily); and
 - (d) issued to the person who shows or displays it.
- (2) If a provision of these Regulations requires a person to display a valid ASIC in a place without specifying whether the ASIC must be a red ASIC or a grey ASIC:
- (a) a person who is properly displaying a valid red ASIC satisfies the requirement; and
 - (b) whether a person who is properly displaying a valid grey ASIC satisfies the requirement is to be decided in accordance with regulation 3.03.

1.06 Prescribed air services

- (1) For the definition of *prescribed air service* in section 9 of the Act, an air service of any of the following kinds is prescribed:
- (a) a regular public transport operation;
 - (b) an air service in which a jet is used;
 - (c) an air service in which an aircraft with a certificated maximum take-off weight greater than 5 700 kilograms is used.
- (2) However, an air service is not taken to be a prescribed air service if the Secretary declares, by instrument in writing, that the air service is not a prescribed air service.

Regulation 1.07**1.07 Prohibited items**

- (1) For the definition of *prohibited item* in section 9 of the Act, a thing described in column 2 of an item in table 1.07 is a prohibited item.

Note Subregulations (5) to (10), (12), (13) and (14) (after the table) except from the general definition in subregulation (1) certain items that would otherwise be covered by it.

- (2) Examples set out in an item of the table are not exhaustive of the things described in the item.

Note A thing that is described in both table 1.07 and table 1.09 is a weapon — see subregulation 1.09 (5).

- (3) To avoid doubt, nothing in this regulation implies that an article or thing not described in the table is permitted to be carried by air if its carriage would be prohibited by another law.

Note See in particular section 23 of the *Civil Aviation Act 1988* and Part 92 of the *Civil Aviation Safety Regulations 1998* in relation to the carriage of dangerous goods.

- (4) A replica or imitation of anything described in column 2 of an item in the table is also a prohibited item.

Table 1.07 Prohibited items

Column 1	Column 2
Item	Description of things
1	<p>Sporting goods, kitchen utensils, tools, and other things with sharp edges or points capable of injuring a person</p> <p><i>Examples</i></p> <p>Crampons</p> <p>Knives (including leatherworkers' knives)</p> <p>Ice axes and ice picks</p> <p>Rock climbing equipment such as pitons, hooks, hammers and bolts</p> <p>Ice skates</p> <p>Meat cleavers</p> <p>Axes, hatchets and similar things</p> <p>Metal cutlery</p> <p><i>Note</i> See subregulation (13).</p>

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Column 1	Column 2
Item	Description of things
	<p>Open razors (also called straight razors)</p> <p><i>Note</i> See subregulation (5).</p> <p>Scalpels</p> <p>Ski poles</p> <p>Darts</p> <p>Drills</p> <p>Box cutters</p> <p>Utility knives</p> <p>Saws</p> <p>Umbrellas with metal points</p> <p>Screwdrivers, crowbars, hammers, pliers and wrenches</p>
2	<p>Sharp things that are not weapons, but are capable (with or without modification) of causing harm by penetration</p> <p><i>Examples</i></p> <p>Knitting and crochet needles</p> <p>Letter-openers</p> <p>Bodkins</p> <p>Pointed metal scissors</p> <p>Pointed metal nail files</p> <p>Corkscrews</p> <p><i>Note</i> See subregulation (6).</p> <p>Razor blades</p> <p>Hypodermic needles (whether or not attached to syringes)</p> <p><i>Note</i> See subregulation (6).</p>
3	<p>Blunt things able to be used to bludgeon or threaten to bludgeon a person</p> <p><i>Examples</i></p> <p>Baseball, softball, and cricket bats and any similar thing used in sport</p> <p>Hockey and lacrosse sticks and any similar thing used in sport</p> <p>Racquets used in squash, tennis, badminton or any other sport</p> <p>Billiard, pool or snooker cues</p> <p>Golf clubs</p> <p>Any other piece of wood, metal or any other substance big enough to threaten a person with</p> <p><i>Note</i> See subregulation (14).</p>

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Column 1	Column 2
Item	Description of things
4	Household flammable goods <i>Examples</i> Aerosol containers, including cans of spray paint <i>Note</i> See subregulation (7). Petrol and any other flammable liquid Fireworks Toy caps
5	Things capable of being used to restrain a person and not otherwise permitted under the Act or these Regulations <i>Examples</i> Cable ties Handcuffs <i>Note</i> See subregulation (9).

Exceptions

- (5) Despite subregulation (1) and item 1 of the table, a safety razor is not a prohibited item.
- (6) Despite subregulation (1) and item 2 of the table:
- (a) a corkscrew is taken not to be a prohibited item if it is for the use of an aircraft's cabin crew; and
 - (b) a hypodermic needle is taken not to be a prohibited item if the person carrying it shows proof that it is medically necessary for the use of the person or another person who is in the person's care.
- (7) Despite subregulation (1) and item 4 of the table, and subject to subregulation (8):
- (a) alcohol (including alcoholic beverages) and perfumes are not prohibited items; and
 - (b) matches, lighters and lighter fluid are not prohibited items; and

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(c) an aerosol container (including one that contains a flammable substance) is taken not to be a prohibited item if it is for:

- (i) personal (including cosmetic) use; or
- (ii) a medical application.

Example for subparagraph (7) (c) (ii)

An asthma inhaler.

- (8) Subregulation (7) does not apply in relation to items of a kind referred to in item 4 of the table carried by a person if:
 - (a) the total volume of liquid items of that kind carried by the person is greater than 2 litres; or
 - (b) the total mass of items of that kind (other than liquids) carried by the person is greater than 2 kilograms.
- (9) Despite subregulation (1) and item 5 of the table, handcuffs and similar restraining devices are taken not to be prohibited items:
 - (a) if carried by a person who is escorting a person in custody; or
 - (b) if carried on an aircraft with the authority of its operator for the purpose of restraining a violent person.
- (10) A thing that is part of an aircraft's stores or emergency equipment, or of an airline operator's or airport operator's emergency equipment, is taken not to be a prohibited item if it is not readily accessible to passengers or the public generally.
- (11) A knife or knife-like object (whether or not made of metal) strong enough to be used as a weapon is a prohibited item.
- (12) A pair of scissors with blades more than 6 cm long, or a pair of manicure scissors, is a prohibited item, but a pair of blunt-ended or round-ended scissors with blades less than 6 cm long is not a prohibited item.
- (13) To avoid doubt:
 - (a) a fork is not a prohibited item if:
 - (i) the tines have square or round ends; and
 - (ii) the handle is round-ended and is not detachable; and
 - (b) a plastic cutlery knife is not a prohibited item.

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- (14) To avoid doubt, walking sticks, crutches and other mobility aids are not prohibited items.

1.08 Security designated authorisations

For the definition of *security designated authorisation* in section 9 of the Act, each of the following authorisations:

- (a) a flight crew licence;
- (b) a special pilot licence;

(in each case within the meaning given by the *Civil Aviation Regulations 1988*) is a security designated authorisation.

1.09 Weapons

- (1) For paragraph (b) of the definition of *weapon* in section 9 of the Act, each thing of the kind described in column 2 of an item in table 1.09 is a weapon.

Note 1 Firearms of all kinds are already weapons — see the definition in section 9 of the Act.

Note 2 Subregulation (8) (after the table) excepts defibrillators (which are arguably covered by item 5 of the table) from the general definition in subregulation (1).

- (2) Examples set out in an item of the table are not exhaustive of the things described in the item.
- (3) To avoid doubt, nothing in this regulation implies that an article or thing not described in the table is permitted to be carried by air if its carriage would be prohibited by another law.

Note See in particular section 23 of the *Civil Aviation Act 1988* and Part 92 of the *Civil Aviation Safety Regulations 1998* in relation to the carriage of dangerous goods.

- (4) A replica or an imitation of a weapon is also a weapon.
- (5) A thing that is both a prohibited item and a weapon is, for the purposes of these Regulations, a weapon.

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- (6) However, such a thing that is part of an aircraft's stores or emergency equipment, or of an airline operator's or airport operator's emergency equipment, is taken not to be a weapon if it is not readily accessible to passengers or the public generally.

Table 1.09 Weapons

Column 1	Column 2
Item	Description of things
1	<p>Parts and ammunition for firearms</p> <p><i>Examples</i> Flares Gun powders</p> <p><i>Note</i> Firearms are defined as weapons in s 9 of the Act.</p>
2	<p>Sharp things designed to be used primarily to inflict injury or to be used in self-defence</p> <p><i>Examples</i> Daggers, flick-knives, star knives and Shuriken throwing irons and stars Harpoons Sabres, swords and swordsticks and similar things Spears</p>
3	<p>Blunt things designed to inflict injury or to be used in self-defence</p> <p><i>Examples</i> Billy clubs and leather billies Blackjacks Martial arts equipment such as knuckle dusters, clubs, coshes, rice flails and numchucks, kubatons and kubasaunts Night sticks and batons</p>

Regulation 1.09**Column 1 Column 2****Item Description of things**

-
- | | |
|---|--|
| 4 | <p>Things capable (with or without modification) of discharging projectiles for the purpose of disabling or incapacitating a person or animal</p> <p><i>Examples</i>
 Ballistic knives and similar devices designed to discharge a projectile by means of an explosive or other propellant or mechanism
 Blow pipes
 Cross-bows
 Spear guns
 Hunting slings
 Catapults
 Slingshots
 Bows and arrows</p> |
| 5 | <p>Things designed to disable or incapacitate, or otherwise harm, a person or animal</p> <p><i>Examples</i>
 Stun guns
 Things capable of being used to administer an electric shock; for example, cattle prods and Tasers</p> <p><i>Note</i> See subregulation (8).
 Disabling and incapacitating chemicals, gases or sprays, such as Mace, pepper or capsicum spray, tear gas, acid sprays and animal-repellent sprays</p> |
| 6 | <p>Explosive or incendiary devices and flammable materials not ordinarily found around the home</p> <p><i>Examples</i>
 Dynamite
 Explosives (plastic or otherwise)
 Blasting caps
 Blow-torches
 Detonators, fuses and detonator cord
 Explosive flares in any form
 Grenades
 Mines and other explosive military stores
 Smoke cartridges</p> |

Regulation 1.09

Column 1	Column 2
Item	Description of things
7	Biotoxins and infectious substances <i>Examples</i> Preparations of anthrax spores
8	Chemical toxins <i>Examples</i> Chemical warfare agents

- (7) To avoid doubt, a telescopic sight is not a weapon.
- (8) Despite subregulation (1) and item 5 of the table, a defibrillator is taken not to be a weapon if it is required for medical purposes or is part of an aircraft's equipment.

Part 2 Transport security programs

Division 2.1 Preliminary

2.01 Definitions for Part

- (1) In this Part:

security contact officer, for an aviation industry participant, means a person appointed by the participant to carry out the responsibilities of a security contact officer for the participant.

- (2) In this Part:

(a) a reference to an audit is a reference to an examination by an aviation industry participant of security measures under the participant's TSP to find out whether the measures have been implemented correctly; and

(b) a reference to review of an aviation industry participant's TSP is a reference to an evaluation by the participant of security measures and procedures under its TSP to find out whether the measures and procedures are adequate.

2.02 Security contact officers

- (1) The responsibilities of a security contact officer for an aviation industry participant for this Part are:

(a) to facilitate the development, implementation, review and maintenance of the participant's TSP; and

(b) to undertake liaison with other aviation industry participants in relation to aviation security matters.

- (2) An aviation industry participant that must have a TSP must appoint a security contact officer in accordance with its TSP.

Penalty: 10 penalty units.

- (3) A security contact officer for an aviation industry participant must be the participant or an employee of the participant.

Regulation 2.03

2.03 Aviation industry participants that must have TSPs

For paragraph 12 (c) of the Act, the following aviation industry participants are prescribed:

- (a) a RACA;
- (b) an aviation industry participant that occupies or controls an area at a security controlled airport that has direct access to the airside of the airport;
- (c) Airservices Australia.

Note Section 12 of the Act requires the following aviation industry participants to have a TSP:

- an operator of a security controlled airport
- an operator of a prescribed air service.

2.04 Aviation industry participants to which more than 1 Division applies

To avoid doubt, if 2 or more Divisions of this Part apply to an aviation industry participant that is required to have a TSP, the participant's TSP must comply with both or all of the applicable Divisions.

2.05 What all TSPs must contain

A TSP for an aviation industry participant must contain a statement signed by the participant to the effect that the participant believes that the TSP gives effect to the participant's obligation in subsection 16 (1) of the Act.

2.06 Offence — disclosing TSPs without consent

A person must not disclose to any other person any information about the content of an aviation industry participant's TSP without the consent of the participant.

Penalty: 50 penalty units.

Division 2.2 Operators of security controlled airports

2.07 What this Division does

This Division sets out the requirements about the content of a TSP for the operator of a security controlled airport.

2.08 Application of this Division

- (1) This Division applies to the operator of a security controlled airport.
- (2) A reference in this Division to an *airport operator* is a reference to the operator of a security controlled airport.

2.09 Scope of airport operator's TSP

An airport operator's TSP must cover any aviation-security-related activity on the airport that is not covered by the TSP of any other aviation industry participant.

2.10 What airport operator's TSP must contain — outline

The TSP must set out an outline of the objectives of the TSP, including, by way of an accompanying document:

- (a) a statement outlining the local security risk context of the airport, including consideration of its location and seasonal and operational factors; and
- (b) a list of general threats and generic security risk events to people, assets, infrastructure and operations; and
- (c) an outline of the people, assets, infrastructure and operations that need to be protected.

2.11 What airport operator's TSP must contain — procedures for managing security etc

- (1) The TSP must set out the procedures for managing security at the airport, including:
 - (a) organisational structures and security management arrangements; and

Regulation 2.12

- (b) the roles and responsibilities of security contact officers, security staff, contractors and responding agencies; and
 - (c) the roles and responsibilities of other staff who have been assigned security duties and responsibilities; and
 - (d) the roles and responsibilities of other Commonwealth, State and Territory agencies, and local authorities, with security duties at the airport.
- (2) The TSP must, for the purpose of coordinating security-related activities, set out a mechanism for consultation:
- (a) between the operator and its employees or their representatives regarding security measures and procedures; and
 - (b) between the operator and relevant third parties, such as police, aircraft operators, tenants and lessees.
- (3) The TSP must set out, in an accompanying document, the terms of reference and membership of the security committee or other consultative arrangement established to coordinate security activities.

Note Paragraph 16 (2) (g) of the Act requires a TSP for an aviation industry participant to set out the consultation that was undertaken, by the participant and the other participants who are covered by or are operating under the program, in preparing the program.

- (4) The TSP must set out measures to ensure that the TSP and other security information is protected against unauthorised access, amendment and disclosure.

2.12 What airport operator's TSP must contain — procedures for quality control

- (1) The TSP must set out quality control procedures, including:
- (a) a schedule of audits; and
 - (b) the procedures for carrying out an audit, including a process for selecting auditors; and
 - (c) the procedures for reviewing the TSP, including a process for consultation during such a review; and
 - (d) a description of the circumstances that will require a review of the TSP, including those surrounding the occurrence of an aviation security incident.

Regulation 2.13

- (2) The TSP must require:
 - (a) the records of an audit to be kept for 7 years; and
 - (b) the records of a review to be kept for 3 years.

2.13 What airport operator's TSP must contain — description of airport

- (1) The TSP must set out:
 - (a) the name of the airport; and
 - (b) its geographic location, including a reference to the closest population centre; and
 - (c) the types of aircraft operations that operate to and from the airport, including regular public transport, cargo, general aviation and joint-user facilities and other significant operations that may require security considerations; and
 - (d) the size of the airport; and
 - (e) a description of significant features affecting the security of the airport perimeter, such as waterways or residential areas; and
 - (f) a description of the airside and landside operations for which the airport operator has responsibility; and
 - (g) the hours during which the airport normally operates; and
 - (h) whether access into landside and airside areas and zones, and the internal security of such areas and zones, is controlled at all times or not; and
 - (i) details of procedures for security outside the airport's normal hours of operation.
- (2) The TSP must identify all aviation industry participants that have a facility at, or are located within, the airport that are required to have a TSP, and are covered by the airport operator's TSP or another aviation industry participant's TSP.
- (3) The operator of a security controlled airport must, within 7 working days after becoming aware of a change in any of the details mentioned in subregulation (1) or (2), notify the Secretary in writing of the new details.

Penalty: 20 penalty units.

Regulation 2.13

- (4) The TSP must be accompanied by a document that sets out:
 - (a) the operator's name; and
 - (b) the name of its chief executive officer or manager; and
 - (c) the operator's mailing address, if different to the airport's location; and
 - (d) the operator's fax number; and
 - (e) the contact telephone number for the operator, including an after-hours number; and
 - (f) an alternative contact person and number; and
 - (g) the name of the security contact officer and his or her business phone number, fax number, e-mail address and a 24-hour security contact number.
- (5) The operator of a security controlled airport must, within 2 working days after becoming aware of a change in contact details (that is, the details required by subregulation (4) to accompany the TSP), notify the Secretary in writing of the new details.

Penalty: 20 penalty units.
- (6) A contravention of subregulation (3) or (5) is an offence of strict liability.
- (7) The operator must give each other aviation industry participant that has a facility at, or is located within, the airport:
 - (a) contact details for the operator, including contact details for the operator's security contact officer; and
 - (b) details of the procedures to make known the location of airside areas, airside security zones and landside security zones within the boundaries of the airport; and
 - (c) details of the procedures to check the identity of persons who are authorised to have access to those areas and security zones.
- (8) The TSP must require the airport operator to maintain a system to enable all aviation industry participants that have a facility at, or are located within, the airport to be contacted if an aviation security incident occurs.

Regulation 2.15

- (9) If the TSP covers another aviation industry participant that is required to have a program or to be covered by the operator's TSP, the operator's TSP must be accompanied by a document that sets out contact information for each such participant.

2.14 What airport operator's TSP must contain — proposed security zones

- (1) If an airport operator wishes the Secretary to establish an airside security zone or a landside security zone at the airport, the operator's TSP must set out:
- (a) the purpose of establishing the zone; and
 - (b) the proposed boundaries of the zone; and
 - (c) if applicable, the period when, or the circumstances in which, the zone will be in force; and
 - (d) the name or position of the person or persons responsible for security measures in relation to the zone.
- (2) The TSP must set out security measures and procedures to monitor and control access to landside and airside security zones, including measures to detect and deter unauthorised access to those zones.

2.15 What airport operator's TSP must contain — maps

- (1) A map to be included in the TSP for the purposes of paragraph 17 (2) (a) of the Act:
- (a) must have a linear scale; and
 - (b) must show a north point; and
 - (c) must show the latitude and longitude of the airport; and
 - (d) must be in black and white only, with limited shading; and
 - (e) must be a clear and light featured depiction of the airport and its airside and landside areas; and
 - (f) must be on A4-size paper or in electronic form.
- Note* The TSP for an airport operator must include a map of the airside and landside boundaries within the airport — see paragraph 17 (2) (a) of the Act.
- (2) The TSP must include a map showing the location of regular and isolated aircraft parking positions.

Regulation 2.16

- (3) If a screened air service operates from the airport, the TSP must include a map of the airport terminal or terminals showing the location of all screening points and landside security zones including sterile areas.
- (4) If a screened air service operates from the airport, the TSP must include a description and map of the apron or aprons for the purposes of subregulation 4.02 (3).

2.16 What airport operator's TSP must contain — physical security and access control

- (1) The TSP must set out the security measures and procedures to be used within the airport, including measures and procedures:
 - (a) to control access at the airport and maintain the integrity of access control systems; and
 - (b) to deter and detect unauthorised access into the airside area by people, aircraft, vehicles or things; and
 - (c) to deter and detect unauthorised access into the airside security zone by people, aircraft, vehicles or things; and
 - (d) to deter and detect unauthorised access into a landside security zone by people, vehicles or things; and
 - (e) to be applied to unattended aircraft; and
 - (f) to assess, identify and respond to unknown substances; and
 - (g) to investigate, secure, and remove unattended or suspect vehicles, aircraft or things, including baggage and cargo; and
 - (h) to ensure the security of passwords, keys and key lists, electronic access cards and other security privileges.
- (2) The TSP must specify which of those measures and procedures have been implemented, and must include a timetable for implementation of measures and procedures that have not been implemented.

2.17 What airport operator's TSP must contain — screening and clearing

- (1) If a screened air service operates from the airport, the TSP must set out:
 - (a) measures, equipment and procedures to carry out screening and clearing of persons and baggage; and
 - (b) the names of the screening authorities that will undertake those functions.

- (2) These measures and procedures must include:
 - (a) the locations where screening is undertaken; and
 - (b) details of the screening equipment used; and
 - (c) details of the persons who operate the equipment; and
 - (d) procedures to treat suspect passengers or carry-on baggage; and
 - (e) measures and procedures to control the movement of passengers; and
 - (f) procedures for handling and screening transit passengers from inbound international flights at their first Australian port of call; and
 - (g) measures to ensure that non-screened passengers on arriving aircraft (for example, small general-aviation aircraft) do not mix or interfere with screened passengers; and
 - (h) measures and procedures to handle:
 - (i) diplomats and other VIPs; and
 - (ii) government couriers and diplomatic bags; and
 - (iii) passengers with reduced mobility or a medical condition; and
 - (iv) persons in custody; and
 - (v) suspect behaviour by a passenger; and
 - (vi) transit passengers; and
 - (i) measures and procedures to follow sterile area breaches, including post-breach recovery plans.

Regulation 2.18

2.18 What airport operator's TSP must contain — checked baggage screening

- (1) If the airport operator carries out checked baggage screening itself, the TSP must include:
 - (a) measures, equipment and procedures to carry out that screening, including:
 - (i) the locations where screening is undertaken; and
 - (ii) details of the screening equipment used; and
 - (iii) details of the persons operating the screening equipment; and
 - (b) measures and procedures to ensure that checked baggage is protected against tampering and the introduction of explosives; and
 - (c) procedures to treat unattended and suspect baggage; and
 - (d) measures and procedures to respond to the detection of explosives.
- (2) If a screened air service operates from the airport, but the airport operator does not carry out checked baggage screening, the TSP must specify the screening authority that carries out that screening on its behalf.

Note The airports where checked baggage screening is required are set out in regulation 4.29.

2.19 What airport operator's TSP must contain — cargo facilities with direct access to airside

If a screened air service operates from the airport, the TSP must be accompanied by a document listing each facility that has direct access to the airside of the airport and is responsible for receiving, processing and clearing cargo.

2.20 What airport operator's TSP must contain — control of firearms, other weapons and prohibited items

- (1) The TSP must include:
 - (a) measures to deter unauthorised possession of firearms, other weapons and prohibited items; and

Regulation 2.21

- (b) procedures for dealing with surrendered firearms, other weapons and prohibited items; and
 - (c) procedures for handling and movement of firearms and other weapons; and
 - (d) procedures for using firearms and other weapons in the airside area or landside security zones; and
 - (e) methods for ensuring that staff who have a need to know are aware of the restrictions on the possession and use of firearms, other weapons and prohibited items within the airport.
- (2) The airport operator must ensure that procedures in the TSP to handle or transport firearms, other weapons and prohibited items are consistent with relevant Commonwealth, State or Territory laws.

**2.21 What airport operator's TSP must contain —
measures for heightened security alert**

- (1) The TSP must set out, in an accompanying document, additional security measures and procedures available in the event of a heightened security alert.
- (2) Those measures and procedures must include:
- (a) procedures for responding to and investigating aviation security incidents, including threats and breaches of security; and
 - (b) procedures for reporting aviation security incidents or security breaches, including occurrences that threaten the security of the airport; and
 - (c) procedures for evacuation and emergency management in case of an aviation security incident, security threat or breach of security, including:
 - (i) an aircraft hijacking; and
 - (ii) a bomb threat; and
 - (iii) a failure of critical security equipment; and
 - (d) procedures for responding to any special security direction given by the Secretary, including procedures to communicate directions within the airport; and

Regulation 2.22

- (e) procedures for raising the awareness and alertness of staff to security threats and their responsibility to report aviation security incidents and breaches; and
- (f) details of any other security contingency procedures and plans.

2.22 What airport operator's TSP must contain — personnel with particular security roles

Security contact officer

- (1) The TSP must set out:
 - (a) the criteria for selecting the security contact officer; and
 - (b) any training that must be given to a person selected.

Other personnel with particular security roles

- (2) The TSP must specify, by reference to their positions, the employees, contractors and other persons (other than the security contact officer) who have been assigned particular security duties and responsibilities.
- (3) The TSP must set out:
 - (a) the duties and responsibilities of each of those personnel; and
 - (b) the knowledge, skills and other requirements for the security-related aspects of their positions; and
 - (c) the training or qualifications that satisfy those requirements.

Staff security awareness

- (4) The TSP must set out how security awareness training will be given to staff who need to know.

2.23 Content of TSPs for major airport operators — barriers

- (1) This regulation applies to the TSPs for the operators of the following airports:
 - (a) Adelaide Airport;

- (b) Alice Springs Airport;
 - (c) Brisbane Airport;
 - (d) Cairns Airport;
 - (e) Canberra Airport;
 - (f) Coolangatta Airport;
 - (g) Darwin Airport;
 - (h) Hobart Airport;
 - (i) Melbourne Airport;
 - (j) Perth Airport;
 - (k) Sydney Airport.
- (2) The TSP must:
- (a) set out the specifications of a barrier sufficient to deter unauthorised access to the airside of the airport; and
 - (b) require the operator to construct and maintain a barrier to those specifications.

2.24 Transitional arrangements — TSPs for airport operators

- (1) If an airport operator has an approved airport security program under Part 3 of the ANA, as in force on 9 March 2005, the program is taken to be a TSP for the purposes of Part 2 of the Act.
- (2) However, the operator must submit to the Secretary, before 9 March 2006, a draft TSP that complies with Part 2 of the Act and this Division.
- (3) For the purposes of the application of a program referred to in subregulation (1), a reference in the program to the security restricted area of the airport concerned is taken to be a reference to the airside security zone known as the security restricted area.
- (4) This regulation ceases to have effect at the end of 9 March 2007.

Regulation 2.25

Division 2.3 Operators of prescribed air services

2.25 What this Division does

This Division sets out the requirements about the content of a TSP for the operator of a prescribed air service.

2.26 Application of this Division

- (1) This Division applies to the operator of a prescribed air service.
- (2) A reference in this Division to an *aircraft operator* is a reference to the operator of a prescribed air service.

2.27 Scope of aircraft operator's TSP

An aircraft operator's TSP must cover any aviation-security-related activity that is relevant to its operations, including significant facilities on security controlled airports.

2.28 What aircraft operator's TSP must contain — outline

The TSP must set out an outline of the objective of the TSP, including, by way of an accompanying document:

- (a) a statement outlining the local security risk context of the operator, including consideration of location, seasonal and operational factors; and
- (b) a list of general threats and generic security risk events to people, assets, infrastructure and operations; and
- (c) an outline of the people, assets, infrastructure and operations that need to be protected.

2.29 What aircraft operator's TSP must contain — procedures for managing security etc

- (1) The TSP must set out procedures for managing security at the operator's facilities, including:
 - (a) organisational structures and security management arrangements; and

Regulation 2.30

- (b) the roles and responsibilities of security contact officers, security staff, contractors and responding agencies; and
 - (c) the roles and responsibilities of other staff who have been assigned security duties and responsibilities; and
 - (d) the roles and responsibilities of other Commonwealth, State and Territory agencies, and local authorities, with security duties at the facility.
- (2) The TSP must, for the purpose of coordinating security-related activities, set out a mechanism for consultation:
- (a) between the operator and the operator of any security controlled airport at which the operator has a facility; and
 - (b) between the operator and its employees or their representatives regarding security measures and procedures; and
 - (c) between the operator and relevant third parties such as police, tenants and lessees.
- (3) The TSP must set out measures to ensure that the TSP and other security information is protected against unauthorised access, amendment and disclosure.

**2.30 What aircraft operator's TSP must contain —
procedures for quality control**

- (1) The TSP must set out quality control procedures, including:
- (a) a schedule of audits; and
 - (b) the procedures for carrying out an audit, including a process for selecting auditors; and
 - (c) the procedures for reviewing the TSP, including a process for consultation during such a review; and
 - (d) a description of the circumstances that will require a review of the TSP, including those surrounding the occurrence of an aviation security incident.
- (2) The TSP must require:
- (a) the records of an audit to be kept for 7 years; and
 - (b) the records of a review to be kept for 3 years.

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2.31 What aircraft operator's TSP must contain — details of operator's name and operations

- (1) The TSP must set out, either in the TSP or in an accompanying document:
 - (a) the name of the operator; and
 - (b) the geographic location of each of its operational facilities that is located within a security-controlled airport; and
 - (c) the types of aircraft operations it carries on (including regular public transport, cargo and general aviation operations) that may require security considerations, including:
 - (i) details of the operator's aircraft, including aircraft types and numbers; and
 - (ii) details of regular routes flown and airports served; and
 - (iii) a map showing the boundaries of any operational facility that is located within a security controlled airport; and
 - (d) for each of its operational facilities:
 - (i) the hours of the facility's normal operation; and
 - (ii) details of procedures for security outside the facility's normal hours of operation.
- (2) The operator of a prescribed air service must, within 7 working days after becoming aware of a change in any of the details mentioned in subregulation (1), notify the Secretary in writing of the new details.

Penalty: 20 penalty units.

- (3) The TSP must be accompanied by a document that sets out:
 - (a) the operator's name; and
 - (b) the name of its chief executive officer or manager; and
 - (c) the operator's mailing address; and
 - (d) the operator's fax number; and
 - (e) the contact telephone number for the operator, including an after-hours number; and
 - (f) an alternative contact person and number; and

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- (g) the name of the security contact officer and his or her business phone number, fax number, e-mail address and a 24-hour security contact number.
- (4) The operator of a prescribed air service must, within 2 working days after becoming aware of a change in contact details (that is, the details required by subregulation (3) to accompany the TSP), notify the Secretary in writing of the new details.

Penalty: 20 penalty units.
- (5) A contravention of subregulation (2) or (4) is an offence of strict liability.
- (6) The operator of a prescribed air service must give the operator of each security controlled airport at which it has a facility:
 - (a) contact details for the facility, including contact details for the operator's security contact officer; and
 - (b) details of the procedures to make known the location of airside areas, airside security zones and landside security zones within the boundaries of the airport; and
 - (c) details of the procedures to check the identity of persons who are authorised to have access to those areas and security zones.

2.32 What aircraft operator's TSP must contain — physical security and access control

- (1) The TSP must set out the security measures and procedures to be used within each of the operator's facilities, including measures and procedures:
 - (a) to control access to aircraft and facilities and maintain the integrity of access control systems; and
 - (b) to deter and detect unauthorised access into the airside area by people, aircraft, vehicles or things; and
 - (c) to deter and detect unauthorised access into the airside security zone by people, aircraft, vehicles or things; and
 - (d) to deter and detect unauthorised access into a landside security zone by people, vehicles or things; and
 - (e) to be applied to unattended aircraft; and

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- (f) to assess, identify and respond to unknown substances; and
 - (g) to investigate, secure, and remove unattended or suspect vehicles, aircraft or things, including baggage and cargo; and
 - (h) to ensure the security of passwords, keys and key lists, electronic access cards and other security privileges.
- (2) The TSP must specify which of those measures and procedures have been implemented, and must include a timetable for implementing the measures and procedures that have not been implemented.

2.33 What aircraft operator's TSP must contain — control of firearms, other weapons and prohibited items

- (1) The aircraft operator must ensure that procedures in the TSP include:
- (a) measures to deter unauthorised possession of firearms, other weapons and prohibited items; and
 - (b) procedures for dealing with surrendered firearms, other weapons and prohibited items; and
 - (c) procedures for handling and movement of firearms and other weapons; and
 - (d) measures and procedures for the carriage on board a prescribed aircraft (other than by an air security officer) of firearms and other weapons; and
 - (e) methods for ensuring operational staff are aware of the restrictions on the possession and use of firearms, other weapons and prohibited items within the airport.
- (2) The aircraft operator must ensure that procedures in the TSP to handle or transport firearms, other weapons and prohibited items are consistent with relevant Commonwealth, State or Territory laws.

**2.34 What aircraft operator's TSP must contain —
check-in and boarding procedures**

The TSP must set out passenger check-in and boarding procedures, including procedures for dealing with any anomalies in passenger reconciliation that may arise during check-in or boarding.

**2.35 What aircraft operator's TSP must contain —
screening and clearing**

- (1) If the operator carries out passenger or crew screening, the TSP must include:
 - (a) measures, equipment and procedures to carry out that screening and clearing, including:
 - (i) the locations where screening is undertaken; and
 - (ii) details of the screening equipment used; and
 - (iii) details of the persons operating the screening equipment; and
 - (b) measures to ensure that screened passengers departing from or boarding an aircraft do not mix with unscreened passengers on arriving aircraft; and
 - (c) measures, equipment and procedures to carry out screening and clearing of carry-on baggage, including:
 - (i) the locations where screening and searching is undertaken; and
 - (ii) details of the screening equipment used; and
 - (iii) the details of the persons operating the screening equipment; and
 - (d) measures and procedures for the screening and clearing of transit passengers, including passengers who cannot leave the aircraft during transit; and
 - (e) procedures to treat suspect passengers or carry-on baggage; and
 - (f) measures and procedures to control the movement of passengers; and
 - (g) measures and procedures to handle:
 - (i) diplomats and other VIPs; and

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- (ii) government couriers and diplomatic bags; and
 - (iii) passengers with reduced mobility or a medical condition; and
 - (iv) persons in custody; and
 - (v) transit passengers; and
 - (h) measures and procedures for handling suspect behaviour by a passenger, including:
 - (i) details of restraining devices that will be carried onboard each aircraft and their location; and
 - (ii) details of the crew members who are authorised to use restraints; and
 - (iii) the procedures for reporting such behaviour; and
 - (i) measures and procedures following sterile area breaches, including post-breach recovery plans.
- (2) If the operator does not carry out screening of passengers or crew, the TSP must specify the screening authorities that carry out that screening on its behalf.

2.36 What aircraft operator's TSP must contain — security of passenger and crew information

The TSP must set out measures to ensure the protection of information about passenger and crew movements.

2.37 What aircraft operator's TSP must contain — checked baggage screening

- (1) If the operator carries out checked baggage screening itself, the TSP must include:
- (a) measures, equipment and procedures to carry out that screening, including:
 - (i) the locations where screening is undertaken; and
 - (ii) details of the screening equipment used; and
 - (iii) details of the persons operating the screening equipment; and
 - (b) measures and procedures for questioning of passengers, including:
 - (i) which passengers are questioned; and

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- (ii) the questions asked; and
 - (iii) where passengers are questioned; and
 - (iv) details of the staff who question passengers; and
 - (v) how the staff respond to an adverse or questionable answer; and
 - (c) measures and procedures to ensure that checked baggage is protected against tampering and the introduction of explosives; and
 - (d) procedures to treat unattended and suspect baggage; and
 - (e) measures and procedures to respond to the detection of explosives.
- (2) If the operator does not carry out checked baggage screening, the TSP must specify the screening authorities that carry out screening on its behalf.

2.38 What aircraft operator's TSP must contain — passenger and checked baggage reconciliation

The TSP must include:

- (a) measures and procedures to ensure that checked baggage transported on an aircraft belongs to the passengers on the flight, including:
 - (i) details of the equipment used to reconcile passengers and baggage; and
 - (ii) procedures to ensure that the baggage of any passenger who fails to board a flight is unloaded before the aircraft departs; and
 - (iii) procedures to clear checked baggage that has been unloaded from an aircraft before it is reloaded onto an aircraft; and
- (b) procedures to identify unaccompanied baggage and any additional security measures to be applied to such baggage, including details of the procedures and equipment used to screen it.

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2.39 What aircraft operator's TSP must contain — security of aircraft

The TSP must include:

- (a) measures and procedures to prevent the unlawful carriage of a firearm, another weapon or a prohibited item, including the procedures:
 - (i) for the pre-flight security checks required under Part 4; and
 - (ii) to ensure the security of an aircraft after a pre-flight security check; and
 - (iii) to respond to the detection of a firearm, another weapon or a prohibited item; and
- (b) measures and procedures to deter unauthorised access to aircraft at all times; and
- (c) measures and procedures to ensure that access to an aircraft's flight deck is controlled to prevent unauthorised entry at all times; and
- (d) measures and procedures to assess, identify and respond to unknown substances; and
- (e) measures and procedures to investigate, secure and remove unattended and suspect items, including baggage and cargo; and
- (f) measures and procedures to maintain the security of stores.

2.40 What aircraft operator's TSP must contain — security of aircraft cleaning operations and stores

The TSP must include measures and procedures to ensure the security of aircraft cleaning operations and materials to be taken on board an aircraft and at facilities controlled by the operator.

2.41 What aircraft operator's TSP must contain — security of cargo etc

- (1) If the operator operates a screened air service and clears cargo itself, the TSP must set out:
 - (a) measures, equipment and procedures to clear cargo; and

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- (b) details of types of cargo exempt from clearing; and
 - (c) procedures and criteria for the acceptance of courier articles, express parcels and mail, including procedures for receipt and handling after acceptance.
- (2) If the operator does not clear cargo itself, the TSP must specify the aviation industry participant that clears cargo on its behalf.
 - (3) The TSP must set out measures and procedures to ensure the security of cargo at all times.
 - (4) The TSP must set out measures and procedures to ensure the security of diplomatic mail.
 - (5) The TSP must set out measures and procedures for handling and treating suspect cargo.

2.42 What aircraft operator's TSP must contain — security of documents

The TSP must include measures and procedures to control access to operational documents (such as baggage tags, boarding passes and tickets), including those produced electronically.

2.43 What aircraft operator's TSP must contain — measures for heightened security alert

- (1) The TSP must set out, in an accompanying document, additional security measures and procedures available in the event of a heightened security alert.
- (2) The TSP must include:
 - (a) procedures for responding to and investigating aviation security incidents, including threats and breaches of security; and
 - (b) procedures for reporting aviation security incidents or security breaches, including occurrences that threaten aviation security; and

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- (c) procedures for evacuation and emergency management in case of an aviation security incident, security threat or breach of security, including:
 - (i) an aircraft hijacking; and
 - (ii) a bomb threat; and
 - (iii) a failure of critical security equipment; and
 - (iv) an external attack on an aircraft; and
 - (v) the discovery of an unknown substance on an aircraft in flight; and
 - (vi) the discovery of an unauthorised person on board an aircraft in flight; and
- (d) procedures for responding to any special security directions given by the Secretary; and
- (e) procedures for raising the awareness and alertness of staff to security threats and their responsibility to report aviation security incidents and breaches; and
- (f) details of any other security contingency procedures and plans.

2.44 What aircraft operator's TSP must contain — control directions

- (1) The TSP must describe the procedures for passing compliance control directions received by the operator to the pilot in command of the aircraft concerned.

Note In relation to compliance control directions, see section 74B of the Act.

- (2) The TSP must describe the procedures that the operator will use to pass an incident control direction to the pilot in command of an aircraft.

Note In relation to incident control directions, see section 74D of the Act.

- (3) The TSP complies with subregulations (1) and (2) if it refers to another document that sets out the procedures.

**2.45 What aircraft operator's TSP must contain —
personnel with particular security roles**

Security contact officer

- (1) The TSP must set out:
 - (a) the criteria for selecting the security contact officer; and
 - (b) any training that must be given to a person selected.

Other personnel with particular security roles

- (2) The TSP must specify, by reference to their positions, employees, contractors or other persons (other than the security contact officer) who have been assigned particular security duties and responsibilities.
- (3) The TSP must set out:
 - (a) the duties and responsibilities of each of those personnel; and
 - (b) the knowledge, skills and other requirements for the security-related aspects of their positions; and
 - (c) the training or qualifications that satisfy those requirements.

Staff security awareness

- (4) The TSP must set out how security awareness training will be given to operational staff.

**2.46 Transitional arrangements — TSPs for aircraft
operators**

- (1) If an aircraft operator has an approved aviation security program under Part 3 of the ANA, as in force on 9 March 2005, the program is taken to be a TSP for the purposes of Part 2 of the Act.
- (2) However, the operator must submit to the Secretary, before 9 March 2006, a draft TSP that complies with Part 2 of the Act and this Division.

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- (3) This regulation ceases to have effect at the end of 9 March 2007.

Division 2.4 Regulated air cargo agents

2.47 What this Division does

This Division sets out the requirements about the content of a TSP for a RACA.

2.48 Scope of RACA's TSP

The TSP must cover the measures and procedures the RACA will use to handle, store and transport cargo or to make arrangements for the movement of cargo, securely from acceptance until it reaches the cleared area or zone of a security controlled airport, or a prescribed aircraft, or another RACA.

2.49 What RACA's TSP must contain — outline

The TSP must set out an outline of the objective of its TSP, including, by way of an accompanying document:

- (a) a statement outlining the local security risk context of the RACA, including consideration of location, seasonal and operational factors; and
- (b) a list of general threats and generic security risk events to people, assets, infrastructure and operations; and
- (c) an outline of the people, assets, infrastructure and operations that need to be protected.

2.50 Content of programs — RACAs

The following matters must be dealt with in the TSP of a RACA:

- (a) measures and procedures to deter and detect the unauthorised carriage of explosives and to prevent acts of unlawful interference with aviation;

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- (b) methods to prevent unauthorised persons from having access to cargo from the time it is dealt with by the measures set out in the program until the time it is delivered to the operator of a prescribed aircraft or to another RACA;
- (c) the keeping of accurate records of the cargo and the security measures adopted in relation to it.

2.51 What RACA's TSP must contain — cargo security measures

- (1) The TSP must set out the measures, equipment and procedures used to deter and detect the unauthorised carriage, as cargo, of explosives that could facilitate an act of unlawful interference with aviation, including procedures that will have effect during equipment failure or unserviceability.
- (2) The TSP must set out measures and procedures to ensure the security of cargo at all times.
- (3) The TSP must set out measures and procedures for the handling and treatment of suspect cargo.
- (4) The TSP must set out:
 - (a) measures to prevent the unauthorised disclosure of information regarding security measures to be applied to cargo; and
 - (b) procedures for disclosure of information to customers concerning measures not to be applied to cargo, including details of the circumstances under which such measures will not be applied; and
 - (c) measures to prevent aircraft operator and flight information from being revealed, before cargo is received by the RACA, to those without a need to know; and
 - (d) details of persons who may be given such information and how it is to be given to such a person.

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2.52 What RACA's TSP must contain — procedures for managing security etc

- (1) The TSP must set out procedures for managing security at each of its facilities, including:
 - (a) organisational structures and security management arrangements; and
 - (b) the roles and responsibilities of security contact officers, security staff, contractors and responding agencies; and
 - (c) the roles and responsibilities of other staff who have been assigned security duties and responsibilities; and
 - (d) the roles and responsibilities of other Commonwealth, State and Territory agencies, and local authorities, with security duties at the facility.
- (2) The TSP must, for the purpose of coordinating security-related activities, set out a mechanism for consultation:
 - (a) within the RACA's organisation and within each site covered by the TSP; and
 - (b) between the RACA and the operator of any security controlled airport at which the RACA has a facility; and
 - (c) between the RACA and its employees or their representatives regarding security measures and procedures; and
 - (d) between the RACA and relevant third parties.

Note A relevant third party might for example be an aircraft operator.
- (3) The TSP must set out measures to ensure that the TSP and other security information is protected against unauthorised access, amendment and disclosure.

2.53 What RACA's TSP must contain — procedures for quality control

- (1) The TSP must set out quality control procedures, including:
 - (a) a schedule of audits; and
 - (b) the procedures for carrying out an audit, including a process for selecting auditors; and
 - (c) the procedures for reviewing the TSP, including a process for consultation during such a review; and

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- (d) a description of the circumstances that will require a review of the TSP, including those surrounding the occurrence of an aviation security incident.
- (2) The TSP must require:
 - (a) the records of an audit to be kept for 7 years; and
 - (b) the records of a review to be kept for 3 years.

2.54 What RACA's TSP must contain — details of RACA's name and operations

- (1) The TSP must set out, in an accompanying document, all sites that operate on the RACA's behalf and all sites covered by the TSP.
- (2) The information required is, for each site or facility:
 - (a) the name (if any) of the site or facility; and
 - (b) its geographic location; and
 - (c) details of operations that may require security considerations; and
 - (d) if the facility is located at a security controlled airport, a map showing the boundaries of the facility on the airport; and
 - (e) a description of any airside and landside operations for which the RACA is responsible; and
 - (f) the hours of its normal operation; and
 - (g) details of procedures for security outside its normal hours of operation.
- (3) The RACA must, within 7 working days after becoming aware of a change in any of the details mentioned in subregulation (1) or (2), notify the Secretary in writing of the new details.

Penalty: 20 penalty units.

- (4) The TSP must be accompanied by a document that sets out:
 - (a) the RACA's name; and
 - (b) the name of its chief executive officer or manager; and
 - (c) the RACA's mailing address; and
 - (d) the RACA's fax number; and

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- (e) the contact telephone number for the RACA, including an after-hours number; and
 - (f) an alternative contact person and number; and
 - (g) the name of the security contact officer and his or her business phone number, fax number, e-mail address and a 24-hour security contact number.
- (5) The RACA must, within 2 working days after becoming aware of a change in contact details (that is, the details required by subregulation (4) to accompany the TSP), notify the Secretary in writing of the new details.
- Penalty: 20 penalty units.
- (6) A contravention of subregulation (3) or (5) is an offence of strict liability.
- (7) For each of the RACA's facilities that is located at a security controlled airport, the RACA must give the airport operator:
- (a) the RACA's contact details, including contact details for the security contact officer; and
 - (b) details of the procedures to be used by the RACA to make known the location of airside areas, airside security zones and landside security zones within the boundaries of the airport; and
 - (c) details of the procedures to check the identity of persons who are authorised to have access to those areas and zones.

2.55 What RACA's TSP must contain — physical security and access control

- (1) The TSP must set out, for each of the RACA's facilities, the security measures and procedures to be used within the facility, including measures and procedures:
- (a) to control access to facilities and maintain the integrity of access control systems; and
 - (b) to deter and detect unauthorised access into the airside area by people, aircraft, vehicles or things; and
 - (c) to deter and detect unauthorised access into the airside security zone by people, aircraft, vehicles or things; and

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- (d) to deter and detect unauthorised access into a landside security zone by people, vehicles or things; and
 - (e) to deter and detect unauthorised access into facilities (including cargo handling areas covered by the TSP) by people, vehicles or things; and
 - (f) to assess, identify and respond to unknown substances; and
 - (g) to investigate, secure, and remove unattended or suspect vehicles, aircraft or things, including baggage and cargo; and
 - (h) to ensure the security of passwords, keys and key lists, electronic access cards and other security privileges; and
 - (i) to ensure all security equipment is appropriately maintained and calibrated, including measures for managing and recording details of equipment maintenance programs; and
 - (j) to ensure that any vehicles used in the transport of cargo are secured adequately; and
 - (k) for the preparation of cargo for receiving clearance, including details of cargo handling procedures and documentation used.
- (2) The TSP must specify the security measures and procedures that have been implemented, and must include a timetable for the implementation of measures and procedures that have not been implemented.

2.56 What RACA's TSP must contain — control of firearms, other weapons and prohibited items

- (1) The TSP must include methods for ensuring that operational staff are aware of the restrictions on the possession and use of firearms, other weapons and prohibited items.
- (2) The RACA must ensure that procedures in the TSP to handle or transport firearms, other weapons and prohibited items are consistent with relevant Commonwealth, State or Territory laws.

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2.57 What RACA's TSP must contain — measures for heightened security alert

- (1) The TSP must set out, in an accompanying document, additional security measures and procedures available in the event of a heightened security alert.
- (2) The TSP must include:
 - (a) procedures for responding to and investigating aviation security incidents, including threats and breaches of security; and
 - (b) procedures for reporting aviation security incidents or security breaches, including occurrences that threaten aviation security; and
 - (c) procedures for evacuation and emergency management in case of an aviation security incident, security threat or breach of security, including:
 - (i) a bomb threat; and
 - (ii) a failure of critical security equipment; and
 - (d) procedures for responding to any special security directions given by the Secretary; and
 - (e) procedures for raising the awareness and alertness of staff to security threats and their responsibility to report aviation security incidents and breaches; and
 - (f) details of any other security contingency procedures and plans.

2.58 What RACA's TSP must contain — personnel with particular security roles

Security contact officer

- (1) The TSP must set out:
 - (a) the criteria for selecting the security contact officer; and
 - (b) any training that must be given to a person selected.

Other personnel with particular security roles

- (2) The TSP must specify, by reference to their positions, employees, contractors or other persons (other than the security contact officer) who have been assigned particular security duties and responsibilities.
- (3) The TSP must set out:
 - (a) the duties and responsibilities of each of those personnel; and
 - (b) the knowledge, skills and other requirements for the security-related aspects of their positions; and
 - (c) the training or qualifications that satisfy those requirements.

Staff security awareness

- (4) The TSP must set out how security awareness training will be given to operational staff.

2.59 What RACA's TSP must contain — obligations on franchisees etc

The TSP must cover any aviation industry participant that is a franchisee or subsidiary of the RACA, or has a contract with the RACA to provide a service for the movement or handling of cargo or the making of arrangements for the movement or handling of cargo.

2.60 What RACA's TSP must contain — regular customers

The TSP must include, in relation to international cargo:

- (a) procedures for maintaining and keeping secure a list of regular customers, including, for each such customer:
 - (i) the customer's name and contact details; and
 - (ii) why the customer was included on the list; and
 - (iii) the date of the customer's inclusion on the list; and
- (b) the form of an undertaking required from such a customer that it will take appropriate security measures to prevent the unauthorised carriage of an explosive or an explosive device; and

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- (c) the procedures for receiving cargo from such a customer, including procedures to identify people who represent such a customer.

2.61 What RACA's TSP must contain — informing consignors of certain matters

The TSP must include measures and procedures to ensure that a consignor is made aware that:

- (a) the cargo will be subject to security and clearing procedures; and
- (b) it is illegal to consign as cargo an explosive or an explosive device.

Division 2.5 Airside facility operators

2.62 Definition for Division — *airside facility operator*

In this Division:

airside facility operator means an aviation industry participant of the kind described in paragraph 2.03 (b).

2.63 What this Division does

This Division sets out the requirements about the content of a TSP for an airside facility operator.

2.64 Scope of airside facility operator's TSP

An airside facility operator's TSP must cover any aviation-security-related activity that is relevant to its operations.

2.65 What airside facility operator's TSP must contain — outline

The TSP must set out an outline of the objective of its TSP, including, by way of an accompanying document:

- (a) a statement outlining the local security risk context of the operator's facility, including consideration of location, seasonal and operational factors; and

- (b) a list of general threats and generic security risk events to people, assets, infrastructure and operations; and
- (c) an outline of the people, assets, infrastructure and operations that need to be protected.

2.66 What airside facility operator's TSP must contain — procedures for managing security etc

- (1) The TSP must set out procedures for managing security at the operator's facility, including:
 - (a) organisational structures and security management arrangements; and
 - (b) the roles and responsibilities of security contact officers, security staff, contractors and responding agencies; and
 - (c) the roles and responsibilities of other staff who have been assigned security duties and responsibilities; and
 - (d) the roles and responsibilities of other Commonwealth, State and Territory agencies, and local authorities, with security duties at the facility.
- (2) The TSP must, for the purpose of coordinating security-related activities, set out a mechanism for consultation:
 - (a) between the operator and the operator of the airport at which the facility is located; and
 - (b) between the operator and its employees or their representatives regarding security measures and procedures; and
 - (c) between the operator and relevant third parties such as police.
- (3) The TSP must set out measures to ensure that the TSP and other security information is protected against unauthorised access, amendment and disclosure.

2.67 What airside facility operator's TSP must contain — procedures for quality control

- (1) The TSP must set out quality control procedures, including:
 - (a) a schedule of audits; and

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- (b) the procedures for carrying out an audit, including a process for selecting auditors; and
 - (c) the procedures for reviewing the TSP, including a process for consultation during such a review; and
 - (d) a description of the circumstances that will require a review of the TSP, including those surrounding the occurrence of an aviation security incident.
- (2) The TSP must require:
- (a) the records of an audit to be kept for 7 years; and
 - (b) the records of a review to be kept for 3 years.

2.68 What airside facility operator's TSP must contain — details of operator's name and operations

- (1) The TSP must set out:
- (a) the name (if any) of the facility; and
 - (b) its geographic location; and
 - (c) details of operations that may require security considerations; and
 - (d) a map showing the boundaries of the facility on the airport; and
 - (e) a description of any airside and landside operations for which the operator is responsible; and
 - (f) the hours of the facility's normal operation; and
 - (g) details of procedures for security outside the facility's normal hours of operation.
- (2) The operator must, within 7 working days after becoming aware of a change in any of the details mentioned in subregulation (1), notify the Secretary in writing of the new details.

Penalty: 20 penalty units.

- (3) The TSP must be accompanied by a document that sets out:
- (a) the operator's name; and
 - (b) the name of its chief executive officer or manager; and

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- (c) the operator's mailing address, if different to the facility's location; and
 - (d) the operator's fax number; and
 - (e) the contact telephone number for the operator, including an after-hours number; and
 - (f) an alternative contact person and number; and
 - (g) the name of the security contact officer and his or her business phone number, fax number, e-mail address and a 24-hour security contact number.
- (4) The operator must, within 2 working days after becoming aware of a change in contact details (that is, the details required by subregulation (3) to accompany the TSP), notify the Secretary in writing of the new details.

Penalty: 20 penalty units.

- (5) A contravention of subregulation (2) or (4) is an offence of strict liability.
- (6) The operator must give the airport operator:
- (a) the facility operator's contact details, including contact details for the security contact officer; and
 - (b) details of the procedures to be used by the facility operator to make known the location of airside areas, airside security zones and landside security zones within the boundaries of the airport; and
 - (c) details of the procedures to check the identity of persons who are authorised to have access to those areas and security zones.

2.69 What airside facility operator's TSP must contain — physical security and access control

- (1) The TSP must set out the security measures and procedures to be used within the facility, including measures and procedures:
- (a) to control access to the facility and maintain the integrity of access control systems; and
 - (b) to deter and detect unauthorised access into the airside area by people, aircraft, vehicles or things; and

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- (c) to deter and detect unauthorised access into the airside security zone by people, aircraft, vehicles or things; and
 - (d) to deter and detect unauthorised access into a landside security zone by people, vehicles or things; and
 - (e) to assess, identify and respond to unknown substances; and
 - (f) to investigate, secure, and remove unattended or suspect vehicles, aircraft or things, including baggage and cargo; and
 - (g) to ensure the security of passwords, keys and key lists, electronic access cards and other security privileges.
- (2) The TSP must specify which of those measures and procedures have been implemented, and must include a timetable for the implementation of measures and procedures that have not been implemented.

2.70 What airside facility operator's TSP must contain — control of firearms, other weapons and prohibited items

- (1) The TSP must include:
- (a) measures to deter unauthorised possession of firearms, other weapons and prohibited items; and
 - (b) procedures for dealing with surrendered firearms, other weapons and prohibited items; and
 - (c) procedures for the handling and movement of firearms and other weapons; and
 - (d) procedures for using firearms and other weapons in the airside area or landside security zones; and
 - (e) methods for ensuring operational staff are aware of the restrictions on the possession and use of firearms, other weapons and prohibited items within the airport.
- (2) The operator must ensure that procedures in the TSP to handle or transport firearms, other weapons and prohibited items are consistent with relevant Commonwealth, State or Territory laws.

**2.71 What airside facility operator's TSP must contain —
measures for heightened security alert**

- (1) The TSP must set out, in an accompanying document, additional security measures and procedures available in the event of a heightened security alert.
- (2) The TSP must include:
 - (a) procedures for responding to and investigating aviation security incidents, including threats and breaches of security; and
 - (b) procedures for reporting aviation security incidents or security breaches, including occurrences that threaten the security of the facility; and
 - (c) procedures for evacuation and emergency management in case of an aviation security incident, security threat or breach of security, including:
 - (i) a bomb threat; and
 - (ii) a failure of critical security equipment; and
 - (d) procedures for responding to any special security directions given by the Secretary; and
 - (e) procedures for raising the awareness and alertness of staff to security threats and their responsibility to report aviation security incidents and breaches; and
 - (f) details of any other security contingency procedures and plans.

**2.72 What airside facility operator's TSP must contain —
personnel with particular security roles**

Security contact officer

- (1) The TSP must set out:
 - (a) the criteria for selecting the security contact officer; and
 - (b) any training that must be given to a person selected.

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Other personnel with particular security roles

- (2) The TSP must specify, by reference to their positions, employees, contractors and other persons (other than the security contact officer) who have been assigned particular security duties and responsibilities.
- (3) The TSP must set out:
 - (a) the duties and responsibilities of each of those personnel; and
 - (b) the knowledge, skills and other requirements for the security-related aspects of their positions; and
 - (c) the training or qualifications that satisfy those requirements.

Staff security awareness

- (4) The TSP must set out how security awareness training will be given to operational staff.

2.73 Transitional arrangements — TSPs for airside facility operators

- (1) If an airside facility operator is located at an airport that had an approved aviation security program under Part 3 of the ANA, as in force on 9 March 2005, this Division does not begin to apply to the operator until the beginning of 10 March 2007.
- (2) However, the operator must submit to the Secretary, before 10 March 2006, a draft TSP that complies with Part 2 of the Act and this Division.
- (3) If an airside facility operator is located at an airport that did not have an approved aviation security program under Part 3 of the ANA, as in force on 9 March 2005, this Division does not begin to apply to the operator until the beginning of 1 September 2005.
- (4) This regulation ceases to have effect at the end of 9 March 2007.

2.74 Joint transport security programs

- (1) An airside facility operator is taken to have complied with its obligation to have a TSP if it joins the TSP of the operator of the security controlled airport at which the airside facility operator's facility is located.
- (2) A joint program:
 - (a) must set out the respective security responsibilities of the airport operator and each airside facility operator that has joined it; and
 - (b) must include a statement by the airport operator and each such airside facility operator that it accepts its responsibilities under the joint TSP; and
 - (c) must include an acknowledgement by the airport operator and each such airside facility operator that the joint TSP will be in force for all of them on its approval; and
 - (d) must set out the security measures and procedures to be used within each airside facility.
- (3) An airside facility operator joins an airport operator's TSP by being a party to the application for approval of the TSP.
- (4) The operator of a security controlled airport must allow an airside facility operator whose facility is located at the airport to join the airport operator's TSP if the airside facility operator so requests in writing.
- (5) An airport operator must give all the relevant parts of its TSP to any airside facility operator that seeks to join the airport operator's TSP.

Penalty: 50 penalty units.

- (6) However, an airport operator that holds a joint TSP need not disclose any parts of its TSP that do not apply to a particular airside facility operator to that operator.
- (7) An airport operator must keep a record of all parts of its TSP given to airside facility operators under subregulation (5).

Penalty: 20 penalty units.

Regulation 2.75

- (8) An airside facility operator that is given parts of a joint TSP under subregulation (5) must notify the airport operator within 14 days in writing that it accepts or rejects the relevant parts of the joint TSP.
- (9) If an airside facility operator does not notify the airport operator within 14 days that it accepts the parts of the joint TSP given to it, it is taken to have rejected those parts of the joint TSP.

Division 2.6 Airservices Australia

2.75 Definition for Division — AA

In this Division:

AA means Airservices Australia.

2.76 What this Division does

This Division sets out the requirements about the content of a TSP for AA.

2.77 Scope of AA's TSP

The TSP must set out the measures and procedures for managing the provision of protective security to minimise the risk of unlawful interference with aviation, including security threats and other major security threats against critical air traffic facilities, aeronautical navigation facilities, telecommunications facilities and surveillance facilities.

2.78 What AA's TSP must contain — outline

The TSP must set out an outline of the objective of the TSP, including, by way of an accompanying document:

- (a) a statement outlining the local security risk context of each of AA's facilities, including consideration of location, seasonal and operational factors; and
- (b) a list of general threats and generic security risk events to people, assets, infrastructure and operations; and

- (c) an outline of the people, assets, infrastructure and operations that need to be protected.

2.79 What AA's TSP must contain — procedures for managing security etc

- (1) The TSP must set out procedures for managing security at its facilities, including:
 - (a) organisational structures and security management arrangements; and
 - (b) the roles and responsibilities of AA's security officers, security staff, contractors and responding agencies; and
 - (c) the roles and responsibilities of other staff who have been assigned other security duties and responsibilities; and
 - (d) the roles and responsibilities of other Commonwealth, State and Territory agencies and local authorities with security duties at the facility.
- (2) The TSP must, for the purpose of coordinating security-related activities, set out a mechanism for consultation:
 - (a) between AA and the operators of security controlled airports within which there are AA facilities; and
 - (b) between AA and its employees (or their representatives), regarding security measures and procedures to be implemented; and
 - (c) between AA and relevant third parties such as police, airport operators and aircraft operators.
- (3) The TSP must set out measures to ensure that the TSP and other security information is protected against unauthorised access, amendment and disclosure.

2.80 What AA's TSP must contain — procedures for quality control

- (1) The TSP must set out quality control procedures, including:
 - (a) a schedule of audits; and
 - (b) the procedures for carrying out an audit, including a process for selecting auditors; and

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- (c) the procedures for reviewing the TSP, including a process for consultation during such a review; and
 - (d) a description of the circumstances that will require a review of the TSP including those surrounding the occurrence of an aviation security incident.
- (2) The TSP must require:
- (a) the records of an audit to be kept for 7 years; and
 - (b) the records of a review to be kept for 3 years.

2.81 What AA's TSP must contain — details of AA's operations

- (1) The TSP must be accompanied by a document setting out:
- (a) a list, in accordance with subregulation (2), of AA's aviation-related facilities (including facilities for air traffic control and related activities) that is covered by the TSP; and
 - (b) AA's contact details, in accordance with subregulation (3).
- (2) The list must set out, for each facility:
- (a) the facility's geographic location; and
 - (b) whether the facility is located within a security controlled airport; and
 - (c) for each facility that is located at a security controlled airport, a map showing the boundaries of the facility; and
 - (d) the type of operations carried out by the facility, including joint-user facilities and other significant operations that may require security considerations; and
 - (e) the hours of operation of the facility; and
 - (f) details of procedures for security outside the facility's normal hours of operation.
- (3) The contact details that must be set out are:
- (a) AA's fax number; and
 - (b) AA's contact telephone number, an after-hours number and an alternative contact person and number; and

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- (c) the name of AA's security contact officer, and his or her business phone number, fax number, e-mail address and 24-hour security contact number.
- (4) AA must, within 2 working days after becoming aware of a change in contact details (that is, the details required by subregulation (3) to accompany the TSP), notify the Secretary in writing of the new details.

List of AA's contact details

- (5) AA must maintain a contact system for all facilities and other significant operations covered under the TSP.

AA to give information

- (6) For each of its facilities that is located within a security controlled airport, AA must give the operator of the airport the contact information for the facility, including contact details for AA's security contact officer or the facility security contact officer.

2.82 What AA's TSP must contain — physical security and access control

- (1) The TSP must set out the security measures and procedures to be used by each of its facilities, including measures and procedures:
 - (a) to control access at facilities and maintain integrity of access control systems, both within a security controlled airport and off-airport; and
 - (b) to deter and detect unauthorised access by people, vehicles or things; and
 - (c) to deal with unattended vehicles at a facility that is within a security controlled airport; and
 - (d) to investigate, secure and remove unattended or suspect items, including vehicles, materials and stores; and
 - (e) to ensure the continued security of passwords, keys and key lists, electronic access cards and other security privileges; and
 - (f) to assess, identify and respond to unknown substances.

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- (2) The TSP must specify which of those measures and procedures have been implemented, and must include a timetable for the implementation of measures and procedures that have not been implemented.

2.83 What AA's TSP must contain — control of firearms, other weapons and prohibited items

- (1) The TSP must include:
 - (a) measures to deter unauthorised possession of firearms, other weapons and prohibited items; and
 - (b) procedures for dealing with surrendered firearms, other weapons and prohibited items; and
 - (c) procedures for the handling and movement of firearms and other weapons; and
 - (d) procedures for using firearms and other weapons in the airside area or landside security zones; and
 - (e) methods for ensuring that operational staff are aware of the restrictions on the possession and use of firearms, other weapons and prohibited items within a facility.
- (2) AA must ensure that procedures in the TSP to handle or transport firearms, other weapons and prohibited items are consistent with relevant Commonwealth, State or Territory laws.

2.84 What AA's TSP must contain — measures for heightened security alert

- (1) The TSP must set out in an accompanying document, additional security measures and procedures available for implementation at all its facilities in the event of a heightened security alert.
- (2) The TSP must include:
 - (a) procedures for responding to and investigating aviation security incidents, including threats and breaches of security; and

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- (b) procedures for reporting aviation security incidents, or security breaches including occurrences that threaten the security of an AA facility within a security controlled airport; and
- (c) procedures for evacuation and emergency management in case of an aviation security incident, security threat or breach of security, including bomb threats and critical security equipment failures; and
- (d) procedures for responding to any special security directions given by the Secretary, including procedures to communicate directions within a security controlled airport; and
- (e) procedures for raising the awareness and alertness of staff to security threats and responsibility to report aviation security incidents and breaches; and
- (f) details of any other security contingency procedures and plans.

2.85 What AA's TSP must contain — control directions

- (1) The TSP must describe the procedures that AA will use for passing compliance control directions to the pilot in command of the aircraft concerned.

Note In relation to compliance control directions, see section 74B of the Act.

- (2) The TSP must describe the procedures that AA will use to pass an incident control direction to the pilot in command of an aircraft.

Note In relation to incident control directions, see section 74D of the Act.

- (3) The TSP complies with subregulations (1) and (2) if it refers to another document that sets out the procedures.

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2.86 What AA's TSP must contain — personnel with particular security roles

Security contact officer

- (1) The TSP must set out:
 - (a) the criteria for the selection of a security contact officer; and
 - (b) any training that must be given to a person selected.

Other personnel with a security role

- (2) The TSP must specify, by reference to their positions, employees, contractors and other persons (other than the security contact officer) or contractors with, or who have been assigned, security duties and responsibilities.
- (3) The TSP must set out:
 - (a) the security duties and responsibilities of each of those personnel; and
 - (b) the knowledge, skills and other requirements for the security-related aspects of their positions; and
 - (c) the training or qualifications that satisfy those requirements.

Staff security awareness

- (4) The TSP must set out the mechanism to provide security awareness training to operational staff.

Part 3 Airport areas and zones

Division 3.1 Establishment of areas and zones

3.01 Types of airside security zones

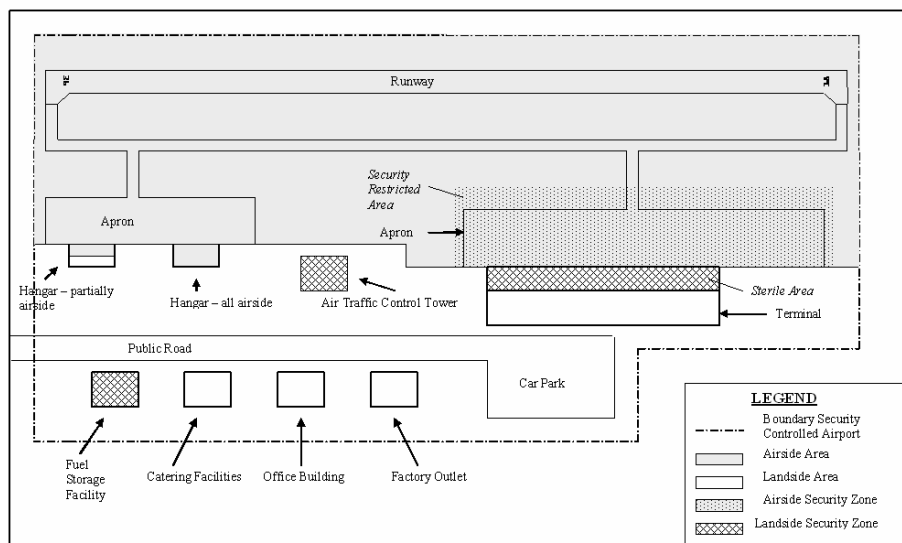
For section 31 of the Act, the following type of airside security zone is prescribed — that is, the security restricted area.

3.02 Types of landside security zones

For section 33 of the Act, the following types of landside security zones are prescribed:

- (a) the sterile area;
- (b) the fuel storage zone;
- (c) the air traffic control facilities zone;
- (d) the navigational aids zone.

Note The following is a diagram of a typical security controlled airport:



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Division 3.2 Control of secure areas — use of ASICs etc

Subdivision 3.2.1 Display and use of ASICs and VICs in secure areas

3.03 Requirement to display ASICs in secure areas

- (1) Subject to subregulations (4), (5) and (7), regulations 3.05, 3.06, 3.07, 3.08 and 3.09 and subregulations 3.18 (2) and 3.26 (2):
 - (a) a person in the airside security zone of a security controlled airport must properly display a valid red ASIC; and
 - (b) a person in a secure area (other than the airside security zone) of such an airport must properly display either a valid red ASIC or a valid grey ASIC.

Penalty: 5 penalty units.

Note 1 The requirement in subregulation (1) applies to a person who is accessing parts of the sterile area not generally accessible to passengers or the public.

Note 2 For *properly displaying*, see regulation 1.04; for *valid*, see regulation 1.05; for *secure area*, see regulation 1.03.

Note 3 A person who *properly displays* a *valid VIC*, and is supervised by somebody who properly displays a *valid ASIC*, need not display a *valid ASIC* — see regulation 3.09.

- (2) To avoid doubt, the obligations in subregulation (1) apply to crew.
- (3) A contravention of subregulation (1) is an offence of strict liability.
- (4) Subregulation (1) does not apply in relation to a security controlled airport from or to which no regular public transport operation operates.
- (5) Subregulation (1) does not apply to a person:
 - (a) who is in a part of the sterile area that is generally accessible to passengers or the public generally; or

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- (b) who is a passenger and:
- (i) is boarding or disembarking from an aircraft by means of an aerobridge; or
 - (ii) is boarding or disembarking from an aircraft in the secure area and is moving reasonably directly between the aircraft and the terminal building.

Transitional arrangements

- (6) Subject to subregulation (7), subregulation (1) does not apply until 1 January 2006.
- (7) Subregulation (1) applies in relation to the security restricted area of a security controlled airport if:
- (a) before 10 March 2005, the airport was a categorised airport; and
 - (b) the Secretary has established an airside security zone for the airport.

Note 1 The following airports are the airports that were categorised airports before 10 March 2005, and for which airside security zones have been established:

- Adelaide Airport
- Alice Springs Airport
- Avalon Airport
- Ayers Rock Airport
- Ballina Airport
- Brisbane Airport
- Broome Airport
- Cairns Airport
- Canberra Airport
- Christmas Island Airport
- Coffs Harbour Airport
- Coolangatta Airport
- Darwin Airport
- Hamilton Island Airport
- Hobart Airport
- Launceston Airport
- Mackay Airport
- Maroochydore Airport
- Melbourne Airport

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- Mt Isa Airport
- Newcastle Airport
- Norfolk Island Airport
- Perth Airport
- Port Hedland Airport
- Proserpine Airport
- Rockhampton Airport
- Sydney Airport
- Townsville Airport.

Therefore, to enter the security restricted area of any of those airports on or after 10 March 2005, an ASIC is required.

Note 2 At the airports mentioned in note 1, an ASIC will not be needed to enter the remainder of the secure area until 1 January 2006.

3.04 Supervision and control while embarking and disembarking etc

- (1) For paragraph 44 (2) (1) of the Act, a screening authority must have, and must employ, supervision and control measures adequate to ensure that persons, goods and vehicles in the sterile area that have received clearance remain cleared.
- (2) For paragraph 44 (2) (1) of the Act, an aircraft operator must have, and must employ, supervision and control measures adequate to ensure that:
 - (a) persons in the airside area who have received clearance remain cleared while boarding or disembarking from a prescribed air service; and
 - (b) goods and vehicles in the airside area that have received clearance remain cleared while being loaded onto or unloaded from a prescribed air service.
- (3) The supervision and control measures must ensure that passengers moving between the sterile area and an aircraft do not have access to a weapon or a prohibited item if the aircraft is to operate a screened air service.

3.05 Crew of foreign and state aircraft etc

Despite regulation 3.03, the following people need not display an ASIC in a secure area:

- (a) a person who is a member of the crew of a foreign aircraft (other than a state aircraft) that is engaged in a regular public transport operation or a charter operation and who:
 - (i) is in the uniform of the aircraft operator; and
 - (ii) displays appropriate identification issued or authorised by the aircraft operator;
- (b) a person who is a member of the crew of a state aircraft (that is, a person who has duties or functions on board such an aircraft during its flight in connection with the flying or safety of the aircraft) and who:
 - (i) is in uniform; and
 - (ii) displays appropriate identification issued or authorised by the defence force or service of which he or she is a member;
- (c) a person who:
 - (i) is a member of a foreign defence force or service; and
 - (ii) is undergoing flight training; and
 - (iii) is in uniform; and
 - (iv) displays appropriate identification issued or authorised by the defence force or service of which he or she is a member; and
 - (v) is supervised by the holder of an ASIC.

3.06 ADF members on duty

Despite regulation 3.03, a member of the Australian Defence Force who:

- (a) is on duty guarding an aircraft; and
 - (b) is in uniform; and
 - (c) displays appropriate identification as a member of the Defence Force;
- need not display an ASIC in a secure area.

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3.07 Persons facilitating movement of cargo or passengers

- (1) In this regulation:

cargo facilitator means a person who is at a security controlled airport, or on a prescribed aircraft, for the purpose of assisting with the movement of cargo.

Example

An animal handler.

passenger facilitator means a person who is at a security controlled airport, or on a prescribed aircraft, for the purpose of assisting the movement of a passenger with reduced mobility or a specialised medical need.

- (2) Despite regulation 3.03, a cargo facilitator or passenger facilitator need not display an ASIC in the secure area if, while he or she is in the area, he or she is escorted by:
- (a) an employee or officer of the operator of the aircraft on which the relevant cargo or passenger is or will be carried; or
 - (b) somebody else who the cargo facilitator or passenger facilitator has reason to believe is authorised to supervise cargo facilitators or passenger facilitators in the area.
- (3) An aircraft operator must ensure that, as far as practicable, a cargo facilitator or passenger facilitator does not enter, or stay in, a secure area of an airport unless the cargo facilitator or passenger facilitator:
- (a) holds, and properly displays, a valid ASIC; or
 - (b) is directed to enter the area, and while in the area is escorted, by a person referred to in paragraph (2) (a) or (b).

Penalty: 10 penalty units.

- (4) A contravention of subregulation (3) is an offence of strict liability.

3.08 Persons exempted by Secretary from requirement to display ASIC

- (1) Despite regulation 3.03, somebody to whom the Secretary has given an exemption under this regulation need not display an ASIC in a secure area.
- (2) A person may apply, in writing, to the Secretary for a written exemption from displaying an ASIC in such an area.
- (3) Within 30 days after receiving an application, the Secretary must:
 - (a) give or refuse the exemption; and
 - (b) notify the person in writing of the decision and, if the decision is a refusal, the reasons for it.
- (4) On the Secretary's own initiative, the Secretary may give a person, or all persons in a specified class, exemption from displaying an ASIC in a secure area.
- (5) Before giving or refusing an exemption, the Secretary must consider:
 - (a) why the exemption is necessary; and
 - (b) the likely effect of the proposed exemption on aviation security at the airport; and
 - (c) how long the proposed exemption will last, if it is given; and
 - (d) anything else relevant that the Secretary knows about.
- (6) The Secretary may give an exemption:
 - (a) for a particular period and subject to a condition or conditions mentioned in the exemption; or
 - (b) limited to part of such an area of a particular airport.

Note A person who holds such an exemption is still required to carry an ASIC and to show it to certain classes of person on demand — see regulation 6.53.
- (7) If the Secretary gives an exemption to all persons in a specified class, the Secretary must publish a notice of the exemption in the *Gazette*.

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- (8) To avoid doubt, an exemption under this regulation does not authorise the holder to:
- (a) pass through a screening point without being screened; or
 - (b) enter a secure area or a prescribed aircraft otherwise than through a screening point.

3.09 Persons who display valid VICs

- (1) Despite regulation 3.03, a person who is properly displaying a valid VIC need not display an ASIC in the secure area to which the VIC allows access.
- (2) A person who is the holder of an ASIC, and has supervised a person who holds a VIC into the secure area to which the VIC allows access, must not leave the holder of the VIC unsupervised while the holder of the VIC is in the area unless the supervision of the VIC holder is taken over by another ASIC holder.

Penalty: 5 penalty units.

- (3) A contravention of subregulation (2) is an offence of strict liability.
- (4) A person who is the holder of a VIC, and was supervised by the holder of an ASIC into the secure area to which the VIC allows access, must leave the area immediately if no holder of an ASIC is supervising him or her.

Penalty: 5 penalty units.

3.10 Other cards not to be used as ASICs or VICs

- (1) A person must not intentionally use an identity card, or another type of card, to be in a secure area, if he or she knows or believes that the card is not a valid ASIC or VIC.

Penalty: 10 penalty units.

- (2) Subregulation (1) does not apply to a person who, under this Division, need not properly display a valid ASIC in the relevant secure area.

3.11 Entry to secure area to be for lawful purposes only

The holder of an ASIC or VIC must not enter, or stay in, a secure area other than for a lawful purpose.

Penalty: 5 penalty units.

Subdivision 3.2.2 Display and use of ASICs and VICs outside secure areas

3.12 Persons facilitating passenger check-in or baggage handling outside secure areas

(1) A person who is facilitating:

- (a) passenger check-in; or
- (b) the handling of checked baggage;

at a security controlled airport (regardless of whether, at the time, he or she is in a secure area) must properly display a valid ASIC at all times while doing so.

Penalty: 5 penalty units.

Note 1 For **properly displaying**, see regulation 1.04; for **valid**, see regulation 1.05. The passenger and baggage check-in areas are not normally part of the secure area of an airport.

Note 2 A person who **properly displays** a **valid VIC**, and is supervised by somebody who properly displays a **valid ASIC**, need not display a **valid ASIC** — see regulation 3.09.

Note 3 At a time when such a person is outside the secure area, he or she complies with subregulation (1) if the ASIC is either a red ASIC or a grey ASIC. At a time when he or she is in the secure area, the ASIC must be either a red ASIC or a grey ASIC in accordance with regulation 3.03.

(2) A contravention of subregulation (1) is an offence of strict liability.

Regulation 3.13

Division 3.3 Control of airside areas and zones — physical security

3.13 Definitions for Division

In this Division:

exempt person means:

- (a) a law enforcement officer; or
- (b) a member of the Defence Force who is responding to an event or threat of unlawful interference with aviation; or
- (c) an ambulance, rescue or fire service officer who is responding to an emergency.

responsible aviation industry participant, in relation to an area or a zone, means:

- (a) in the case of an area or a zone that is covered by the TSP of an aviation industry participant — that aviation industry participant; or
- (b) in any other case — the operator of the security controlled airport at which the area or zone is located.

3.14 Common boundaries of 2 kinds of area or zone

If a boundary is both an airside area boundary and a security restricted area boundary, only the requirements for signs applicable to a security restricted area apply.

3.15 Requirements for airside generally

- (1) The requirements for the fencing of, and the provision of other physical barriers to entry to, the airside area of a security controlled airport are:
 - (a) subject to subregulation (2), a barrier sufficient to delineate the airside area; and
 - (b) effective access control points to permit authorised access to the airside area; and
 - (c) patrolling, electronic surveillance or any other suitable measures to inspect the barriers for damage and to deter and detect unauthorised access to the airside area; and

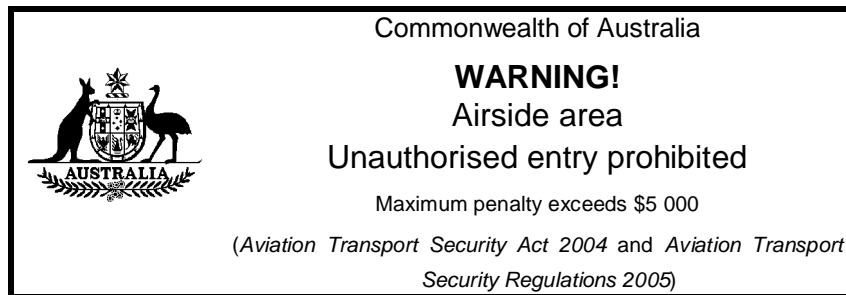
Regulation 3.15

- (d) if possible, illumination of the aircraft parking area while a prescribed aircraft is parked there at night; and
 - (e) signs, each at least 0.4 m wide by 0.3 m high, and otherwise complying with subregulation (4), and in the number required by subregulation (5), fixed to the barrier; and
 - (f) a sign at least 0.4 m wide by 0.3 m high, and otherwise complying with subregulation (6), at every entrance to the airside.
- (2) Paragraph (1) (a) does not apply in relation to an airport mentioned in subregulation 2.23 (1).
- (3) The responsible aviation industry participant for the airside area of the airport must ensure that the area can be entered only by:
- (a) a person authorised to do so who:
 - (i) properly displays a valid ASIC; or
 - (ii) properly displays a valid VIC and is supervised by someone authorised to enter the area who properly displays a valid ASIC; or
 - (b) an exempt person; or
 - (c) a vehicle driven by:
 - (i) a person who is authorised to enter the area and who:
 - (A) properly displays a valid ASIC; or
 - (B) properly displays a valid VIC and is supervised by someone authorised to enter the area who properly displays a valid ASIC; or
 - (ii) an exempt person; or
 - (d) a person who:
 - (i) holds a ticket for carriage on an aircraft that will take its passengers on board through the airside area; and
 - (ii) is moving reasonably directly from the terminal exit to the aircraft, under the supervision of the aircraft or airport operator, for the purpose of boarding; or

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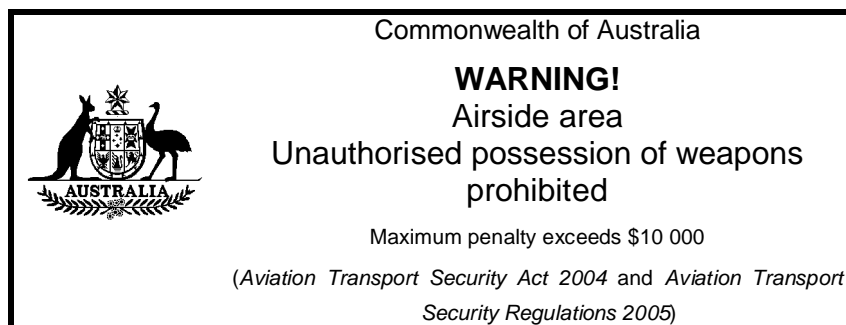
(e) a person who arrived on board an aircraft that disembarked its passengers into the airside area, and is moving reasonably directly, under the supervision of the aircraft or airport operator, from the aircraft to the terminal entry.

(4) A sign required by paragraph (1) (e) is to be as follows:



(5) There must be as many of the signs required by paragraph (1) (e) as are necessary to ensure that a person approaching the barrier and looking towards the airside is able to see at least 1 of the signs no matter where he or she stands.

(6) A sign required by paragraph (1) (f) is to be as follows:



Regulation 3.16

- (7) A responsible aviation industry participant for the airside, or part of the airside, of a security controlled airport must comply with the requirements of subregulations (1), (3), (4), (5) and (6).

Penalty:

- (a) if the offender is an airport operator or an aircraft operator — 200 penalty units; or
- (b) in any other case — 100 penalty units.
- (8) Despite subregulation (7), an airport operator need not comply with paragraphs (1) (e) and (f) if the operator displays signs in the airside area of the airport that comply with Part 7 of the ANR (as in force on 9 March 2005).
- (9) Subregulation (8) ceases to have effect at the end of 9 March 2007.

3.16 Additional security requirements for security restricted area

- (1) This regulation sets out the additional security requirements applicable to an airside security zone that is a security restricted area.
- (2) This regulation begins to have effect in relation to an airport when the Secretary establishes such a zone for the airport.
- (3) The responsible aviation industry participant must ensure that:
- (a) the area can be entered only by:
- (i) a person authorised to do so who:
- (A) properly displays a valid red ASIC; or
- (B) properly displays a valid VIC or a valid grey ASIC and is supervised by someone authorised to enter the area who properly displays a valid red ASIC; or
- (ii) an exempt person; or
- (iii) a vehicle driven by:
- (A) a person who is authorised to enter the area and who:
- (I) properly displays a valid red ASIC; or

Regulation 3.16

- (II) properly displays a valid VIC or a valid grey ASIC and is supervised by someone authorised to enter the area who properly displays a valid red ASIC; or
- (B) an exempt person; or
- (iv) a person who:
 - (A) holds a ticket for carriage on an aircraft that will take its passengers on board through the security restricted area; and
 - (B) is moving reasonably directly from the terminal exit to the aircraft, under the supervision of the aircraft or airport operator, for the purpose of boarding; or
- (v) a person who arrived on board an aircraft that disembarked its passengers into the security restricted area, and is moving reasonably directly, under the supervision of the aircraft or airport operator, from the aircraft to the terminal entry; and
- (b) if access to the zone or any part of it is not continuously controlled, the zone or part is inspected before it is used; and
- (c) signs, at least 0.4 m wide by 0.3 m high, and otherwise complying with subregulation (4), are permanently fixed at the boundary of the zone so that the warnings and statement on at least 1 sign can be seen from every entrance to the zone; and
- (d) if there is no security barrier, those signs are placed in such a way that anybody entering the zone has reasonable warning that it is a security restricted area.

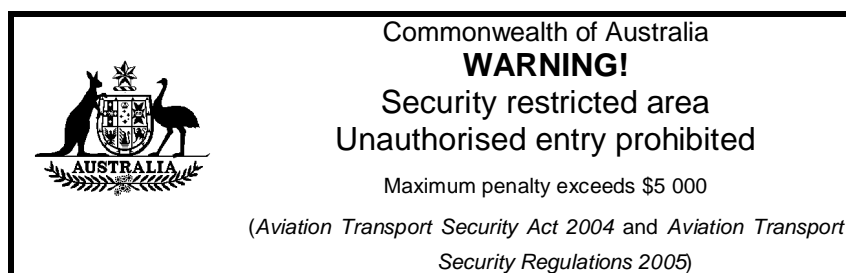
Penalty:

- (a) if the offender is an airport operator or an aircraft operator — 200 penalty units; or
- (b) in any other case — 100 penalty units.

Note for paragraph (3) (a) For **properly displays**, see regulation 1.04; for **valid**, see regulation 1.05.

Regulation 3.17

- (4) A sign required by paragraph (3) (c) must be in the following form:



- (5) Despite subregulation (3), an airport operator need not comply with paragraph (3) (c) if the operator displays signs in the security restricted area of the airport that comply with Part 7 of the ANR (as in force on 9 March 2005).
- (6) Subregulation (5) ceases to have effect at the end of 9 March 2007.

3.17 Offences relating to entry to airside areas and airside security zones of security controlled airports

- (1) In this regulation:
regulatory officer means a person who has authority, under the Act, these Regulations or another law, to enter the airside area or an airside security zone of a security controlled airport.
- (2) A person (other than a regulatory officer) must not enter an airside area or an airside security zone of a security controlled airport without the permission of the responsible aviation industry participant.
Penalty: 50 penalty units.
- (3) A person (other than a regulatory officer) must not stay in an airside area or an airside security zone of a security controlled airport after being asked by the responsible aviation industry participant to leave the area or zone.
Penalty: 50 penalty units.

Regulation 3.18

- (4) A person (other than a regulatory officer) must not take a vehicle into an airside area or an airside security zone of a security controlled airport without the permission of the responsible aviation industry participant.

Penalty: 50 penalty units.

- (5) A person (other than a regulatory officer) must not leave a vehicle in an airside area or an airside security zone of a security controlled airport after being asked by the responsible aviation industry participant to remove the vehicle.

Penalty: 50 penalty units.

- (6) To avoid doubt, nothing in this regulation is taken to affect any right of access or privilege granted by or under any other Commonwealth law.

Note Section 131 of the Act preserves rights and privileges granted under other Acts. In addition, law enforcement officers have the right, under section 83 of the Act, to have access to any part of an airport for the purpose of carrying out their duties.

3.18 Access by emergency personnel

- (1) Nothing in this Division requires or authorises an aviation industry participant to prevent any of the following having access to any part of the airside area or airside security zone of the airport:
- (a) members of the Defence Force who are responding to an event or threat of unlawful interference with aviation;
 - (b) ambulance, rescue or fire service officers who are responding to an emergency.
- (2) A requirement of this Part to display an ASIC or VIC does not apply to a person referred to in paragraph (1) (a) or (b).

Division 3.4 Control of landside areas and zones — physical security

3.19 Definitions for Division

In this Division:

exempt person means:

- (a) a law enforcement officer; or
- (b) a member of the Defence Force who is responding to an event or threat of unlawful interference with aviation; or
- (c) an ambulance, rescue or fire service officer who is responding to an emergency.

responsible aviation industry participant, in relation to an area or a zone, means:

- (a) in the case of an area or a zone that is covered by the TSP of an aviation industry participant — that aviation industry participant; or
- (b) in any other case — the operator of the security controlled airport at which the area or zone is located.

3.20 Security requirements for sterile areas

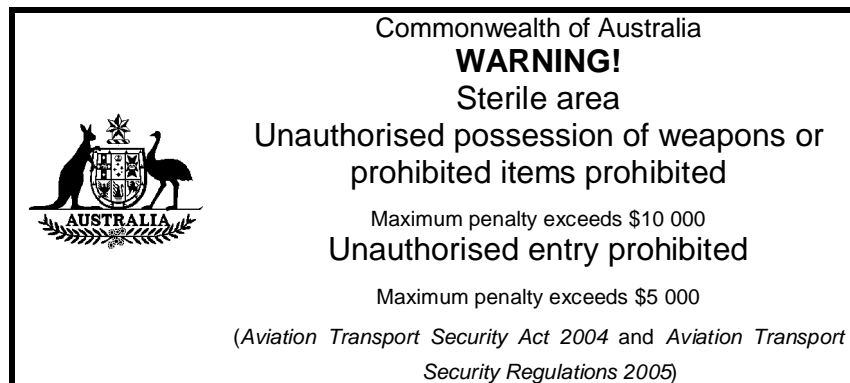
- (1) The physical security requirements for a landside security zone that is the sterile area of a security controlled airport are as set out in this regulation.
- (2) This regulation begins to have effect in relation to an airport when the Secretary establishes such a zone for the airport.
- (3) The responsible aviation industry participant for the zone must ensure that:
 - (a) at least 1 screening point is established and maintained; and
 - (b) the zone is enclosed in a barrier sufficient to prevent cleared persons in the zone coming into contact with persons who have not been cleared, and to prevent cleared persons getting access to anything from outside the zone that has not been cleared; and

Regulation 3.20

- (c) appropriate measures are taken to deter and detect unauthorised access to the zone; and
- (d) a person who enters the zone through a screening point is screened and cleared unless the person is of a class that is permitted to pass through a screening point without being screened; and
- (e) a person can enter the zone other than through a screening point only if he or she is of a class of persons permitted to do so under regulation 4.11; and
- (f) a vehicle that enters the sterile area is screened and cleared; and
- (g) goods that enter the sterile area are screened and cleared; and
- (h) a cleared vehicle is able to enter the zone only if it is authorised to do so and it is driven by a person who is authorised to enter the area who:
 - (i) properly displays a valid ASIC; or
 - (ii) properly displays a valid VIC and is supervised by somebody who properly displays a valid ASIC; and
- (i) if the zone is not continuously used as a sterile area, the zone is inspected before it is so used; and
- (j) signs at least 0.4 m wide by 0.3 m high, and otherwise complying with subregulation (4), are placed in such a way that anyone entering the area knows that it is a sterile area.

Regulation 3.21

- (4) A sign required by paragraph (3) (j) must be in the following form:



- (5) The responsible aviation industry participant for the sterile area must ensure that the requirements of subregulation (3) are complied with in relation to the area.

Penalty: 200 penalty units.

- (6) Despite subregulation (5), an airport operator need not comply with paragraph (3) (j) if the operator displays signs in the sterile area that comply with Part 7 of the ANR (as in force on 9 March 2005).
- (7) Subregulation (6) ceases to have effect at the end of 9 March 2007.

3.21 Security requirements for landside security zones other than sterile areas

- (1) The security requirements set out in this regulation apply to a landside security zone of any type other than a sterile area.
- (2) The responsible aviation industry participant for the zone must take precautions (for example, barriers, patrolling or surveillance), that are reasonably sufficient to ensure that:
- (a) a person can enter the zone only if he or she is authorised to do so and:
- (i) properly displays a valid ASIC; or

Regulation 3.22

- (ii) properly displays a valid VIC and is supervised by someone authorised to enter the zone who properly displays a valid ASIC; and
- (b) a vehicle can enter the zone only if it is authorised to do so, and is driven by a person who is authorised to enter the zone and:
 - (i) properly displays a valid ASIC; or
 - (ii) properly displays a valid VIC and is supervised by someone authorised to enter the zone who properly displays a valid ASIC.

Penalty: 200 penalty units.

Note For *properly displays*, see regulation 1.04; for *valid*, see regulation 1.05.

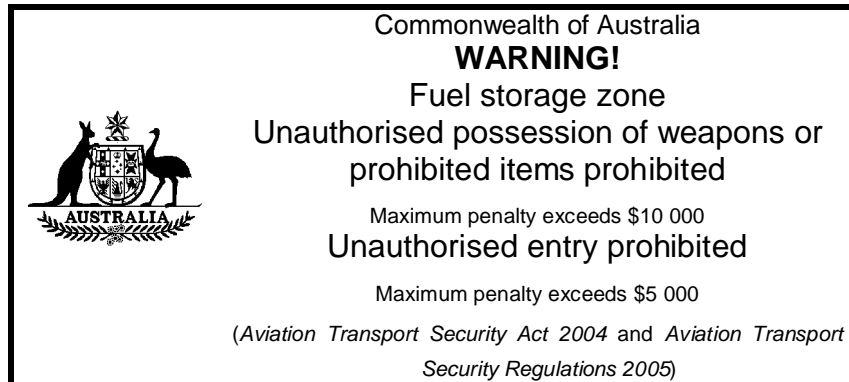
3.22 Security requirements for fuel storage zones

- (1) The additional physical security requirements for a fuel storage zone are as set out in this regulation.
- (2) This regulation begins to have effect in relation to an airport when the Secretary establishes such a zone for the airport.
- (3) The responsible aviation industry participant must ensure that signs, each at least 0.4 m wide by 0.3 m high, and that otherwise comply with subregulation (4), are permanently fixed at the boundary of the zone so that the warning and statement on at least 1 sign can be seen from every point on the boundary.

Penalty: 200 penalty units.

Regulation 3.23

- (4) A sign required by subregulation (3) must be in the following form:



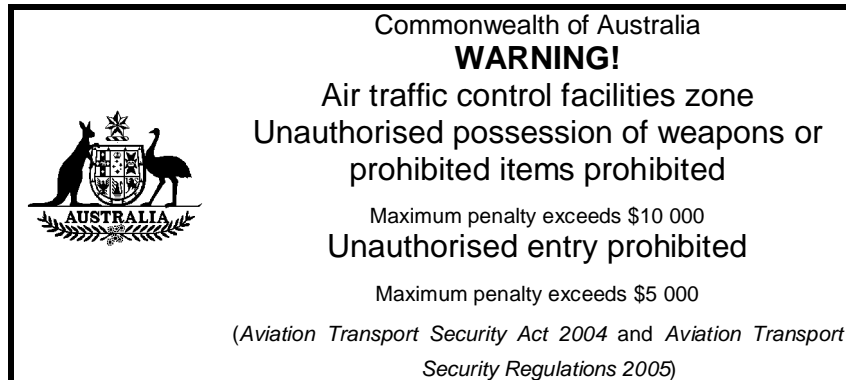
3.23 Security requirements for air traffic control facilities zones

- (1) The additional physical security requirements for an air traffic control facilities zone are as set out in this regulation.
- (2) This regulation begins to have effect in relation to an airport when the Secretary establishes such a zone for the airport.
- (3) The responsible aviation industry participant must ensure that signs, each at least 0.4 m wide by 0.3 m high, and otherwise complying with subregulation (4), are permanently fixed at the boundary of the zone so that the warning and statement on at least 1 sign can be seen from every point on the boundary.

Penalty: 200 penalty units.

Regulation 3.24

- (4) A sign required by subregulation (3) must be in the following form:



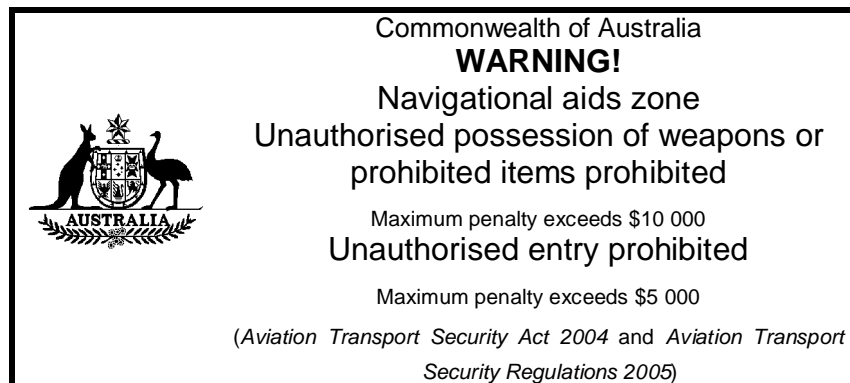
3.24 Security requirements for navigational aids zones

- (1) The additional physical security requirements for a navigational aids zone are as set out in this regulation.
- (2) This regulation begins to have effect in relation to an airport when the Secretary establishes such a zone for the airport.
- (3) The responsible aviation industry participant must ensure that signs, each at least 0.4 m wide by 0.3 m high, and otherwise in accordance with subregulation (4), are placed in such a way that anyone who enters the zone knows that it is a navigational aids zone.

Penalty: 200 penalty units.

Regulation 3.25

- (4) A sign required by subregulation (3) must be in the following form:



3.25 Offences relating to entry to landside security zones

- (1) In this regulation:
regulatory officer means a person who has authority, under the Act, these Regulations or another law, to enter the landside security zone of a security controlled airport.
- (2) A person (other than a regulatory officer) must not enter a landside security zone of a security controlled airport without the permission of the responsible aviation industry participant.
Penalty: 50 penalty units.
- (3) A person (other than a regulatory officer) must not stay in a landside security zone of a security controlled airport after being asked by the responsible aviation industry participant to leave the zone.
Penalty: 50 penalty units.
- (4) A person (other than a regulatory officer) must not take a vehicle into a landside security zone of a security controlled airport without the permission of the responsible aviation industry participant.
Penalty: 50 penalty units.

Regulation 3.26

- (5) A person (other than a regulatory officer) must not leave a vehicle in a landside security zone of a security controlled airport after being asked by the responsible aviation industry participant to remove the vehicle.

Penalty: 50 penalty units.

- (6) To avoid doubt, nothing in this regulation is taken to affect any right of access or privilege granted by or under any other Commonwealth law.

Note Section 131 of the Act preserves rights and privileges granted under other Acts. In addition, law enforcement officers have the right, under section 83 of the Act, to have access to any part of an airport for the purpose of carrying out their duties.

3.26 Access by emergency personnel

- (1) Nothing in this Division requires or authorises an aviation industry participant to prevent any of the following having access to any part of the landside of the airport:
- (a) members of the Defence Force who are responding to an event or threat of unlawful interference with aviation;
 - (b) ambulance, rescue or fire service officers who are responding to an emergency.
- (2) A requirement of this Part to display an ASIC or VIC does not apply to a person referred to in paragraph (1) (a) or (b).

Division 3.5 Counter-terrorist first response function

3.27 Definition — *designated airport*

In this Division:

designated airport means each of the following airports:

- (a) Adelaide Airport;
- (b) Alice Springs Airport
- (c) Brisbane Airport;
- (d) Cairns Airport;
- (e) Canberra Airport;

Regulation 3.28

- (f) Coolangatta Airport;
- (g) Darwin Airport;
- (h) Hobart Airport
- (i) Melbourne Airport;
- (j) Perth Airport;
- (k) Sydney Airport.

3.28 Definition — *counter-terrorist first response*

For the purposes of this Division, *counter-terrorist first response* means providing:

- (a) deterrence measures designed to deny information to terrorists and deter acts of terrorism, and if an act is threatened or prospective, to deter or prevent it, being measures that vary in accordance with the threat, and include, but are not limited to, continuous patrolling within the airport by members of a counter-terrorist first response force at all times when the airport is operational, with emphasis on, but not exclusively:
 - (i) within terminals; and
 - (ii) approaches to terminals; and
 - (iii) at barriers that separate the parts of the airport that are publicly accessible from airside areas, airside security zones and landside security zones of the airport in relation to movement of passengers to or from prescribed aircraft or loading and unloading of goods (including baggage and cargo) on a prescribed aircraft; and
 - (iv) in the areas of the airport where goods (including baggage and cargo) are handled by airline, RACA or airport staff at times when goods (including baggage and cargo) are being handled; and
 - (v) at locations in the airport that provide access by persons or vehicles to areas of the airport that are not publicly accessible; and
 - (vi) parts of the airport used for the surface movement of aircraft (except taxiways and runways) and adjacent parts of the airport; and

Regulation 3.29

- (b) a response capability that provides:
 - (i) an initial response capability for acts of terrorism:
 - (A) to evacuate endangered or potentially endangered persons; and
 - (B) if the act has occurred or is occurring, to contain it; and
 - (C) to cordon the location of the act; and
 - (ii) an initial response to other acts of unlawful interference with aviation; and
 - (iii) an initial response to other aviation security incidents to make a determination as to whether they are counter-terrorist first response related; and
 - (iv) at least 2 members of a counter-terrorist first response force to make a rapid response on the activation of an operational screening point duress alarm, or request to attend at an operational screening point for an international or domestic air service; and
- (c) to transfer responsibility for command and control after completion of that response to the responsible law enforcement agency or agencies and to pass relevant information relating to a terrorist act to other government agencies, the airport operator and the aircraft operator to ensure that the airport and aircraft operators are able to meet their incident reporting obligations under the Act.

3.29 Provision of counter-terrorist first response force

- (1) The operator of a designated airport must enter into an agreement with a counter-terrorist first response service provider, in accordance with this Division, for the provision of a counter-terrorist first response force for the airport.
- (2) The counter-terrorist first response service provider is responsible for the implementation and operational delivery of the counter-terrorist first response function.

Regulation 3.30

- (3) Nothing in this Division requires the service provider to give an airport operator or aircraft operator information the disclosure of which would constitute an offence under an Act or the law of a State or Territory.

3.30 Qualifications of members of counter-terrorist first response force

- (1) To be qualified to be a member of a counter-terrorist first response force for a designated airport, a person must be:
- (a) either:
 - (i) a member, special member, protective service officer or special protective service officer of the Australian Federal Police; or
 - (ii) a member of the police force of the State or Territory in which the airport is located; and
 - (b) authorised to bear firearms under the Commonwealth, State or Territory law applying at the airport; and
 - (c) trained to a proficient level in the use of firearms, other weapons and other techniques used in the exercise of counter-terrorist first response; and
 - (d) trained to a level of competence in general airport procedures in relation to the movement of persons, aircraft, vehicles, other machinery and goods (including baggage and cargo) within an airport; and
 - (e) capable of responding promptly and effectively as a member of a counter-terrorist first response force.
- (2) To be qualified to be a member of a counter-terrorist first response force at a designated airport, a person must have:
- (a) under the laws of the Commonwealth, State or Territory in which the airport is located, powers of arrest and associated powers not less than the powers conferred by Part II of the *Australian Federal Police Act 1979*; and
 - (b) proficiency:
 - (i) in contributing to the collection and management of information of value to aviation security intelligence; and
 - (ii) in the appropriate application of such intelligence.

Regulation 3.31

3.31 Dogs at certain airports

In the case of each of the following airports:

- (a) Brisbane Airport;
- (b) Melbourne Airport;
- (c) Sydney Airport;

the agreement required by regulation 3.29 must require the service provider to keep available at least 2 dogs that are trained to detect explosives, and a handler for each dog.

Part 4 Other security measures

Division 4.1 Screening and clearing

Subdivision 4.1.1 Screening and clearing generally

4.01 Definition — *operational period*

In this Subdivision:

operational period of an aircraft means:

- (a) for a departing aircraft:
 - (i) if the aircraft is at Adelaide Airport, Brisbane Airport, Melbourne Airport, Perth Airport, Sydney Airport, Cairns Airport, Canberra Airport, Coolangatta Airport, or Darwin Airport — the period beginning 2 hours before the aircraft's scheduled departure time (or, if it is known in advance that its departure will be delayed, 2 hours before its re-scheduled departure time) and ending 30 minutes after its actual departure time; or
 - (ii) if the aircraft is at any other security controlled airport — the period beginning 30 minutes before the aircraft's scheduled departure time (or, if it is known in advance that its departure will be delayed, 30 minutes before its re-scheduled departure time) and ending 30 minutes after its actual departure time; and
- (b) for an arriving aircraft, the period beginning 30 minutes before its scheduled arrival time (or, if it is known in advance that its arrival will be delayed, 30 minutes before its re-scheduled arrival time) and ending 30 minutes after its actual arrival time.

Regulation 4.02

4.02 Meaning of *screened air service*

- (1) An aircraft that is operating an international air service that is a regular public transport operation or an open charter operation, or a jet aircraft operating a domestic air service that is a regular public transport operation, must be a cleared aircraft before departure.
- (2) An aircraft not covered by subregulation (1) that departs from the same airport apron as an aircraft described in that subregulation, and is scheduled to depart within the operational period of the latter aircraft, must be a cleared aircraft.
- (3) For subregulation (2):
apron has, for an airport, the meaning given by the airport operator's TSP.
- (4) An aircraft described in subregulation (1) or (2) operates a *screened air service*.

4.03 Specification of persons to carry out screening

- (1) This regulation is made for paragraph 44 (2) (a) of the Act.
- (2) The Secretary may specify, by a written notice in accordance with subsection 44 (3) of the Act, a person, or persons jointly, who are authorised or required to carry out screening at a security controlled airport or part of a security controlled airport.
- (3) The Secretary must specify sufficient persons under subregulation (2) for an airport or part of an airport to ensure that at all times:
 - (a) there is at least 1 screening authority for the whole of the sterile area of the airport; and
 - (b) if 1 or more screening authorities are specified for part of the area, there is at least 1 screening authority for the remainder of the area.

4.04 Things to be detected by screening

- (1) This regulation is made for paragraph 44 (2) (b) of the Act.

Regulation 4.07

- (2) The things that are to be detected by screening are:
 - (a) on a person, or in a person's belongings, or in stores entering a sterile area — weapons and prohibited items; and
 - (b) in checked baggage — explosives.
- (3) To avoid doubt, subregulation (2) does not oblige a screening authority to detect weapons, prohibited items or explosives if it is not technically possible to do so.

4.05 Dealing with weapons detected during screening

- (1) For paragraph 44 (2) (c) of the Act, this regulation sets out how weapons detected during screening are to be dealt with.
- (2) A weapon detected during screening must be stored and handled in accordance with any applicable Commonwealth, State or Territory law.

4.06 Dealing with prohibited items detected during screening

- (1) For paragraph 44 (2) (c) of the Act, this regulation sets out how prohibited items detected during screening are to be dealt with.
- (2) Any prohibited item detected during screening must be stored and handled in accordance with any applicable Commonwealth, State or Territory law.

4.07 Use of hand-held metal detectors

- (1) This regulation is made for paragraph 44 (2) (j) of the Act.
- (2) A hand-held metal detector must not be used for screening at a security controlled airport from which a screened air service does not operate unless its use is required by:
 - (a) written notice under subsection 44 (3) of the Act; or
 - (b) a special security direction under section 67 of the Act.
- (3) If a hand-held metal detector is used as a screening tool in accordance with a requirement referred to in subregulation (2), it must be operated in accordance with the relevant direction.

Regulation 4.08

- (4) An airport operator must not use or purport to use a hand-held metal detector as a screening device in contravention of subregulation (2) or (3).

Penalty: 50 penalty units.

4.08 Circumstances in which persons must be screened and cleared in order to board an aircraft

- (1) This regulation is made for subparagraph 44 (2) (d) (i) of the Act.
- (2) A person must be screened and cleared before boarding an aircraft if:
- (a) the aircraft is to operate a screened air service; and
 - (b) the person is a passenger on, or a member of the crew of, the aircraft.
- (3) For subregulation (2), a member of an aircraft's crew is taken to continue to be cleared if he or she, since he or she was last screened, has continuously been:
- (a) in the airside of an airport at which there is a sterile area (and if the sterile area is not continuously in operation, while the area was in operation); or
 - (b) in the sterile area of an airport; or
 - (c) on board an aircraft that operates a screened air service.

Note The following table summarises the requirements of these Regulations in relation to foreign aircrew and cabin crew, or the crew of a state aircraft:

Column 1 Class of person	Column 2 Entry to an aircraft	Column 3 Entry to the sterile area	Column 4 Wearing of an ASIC in a secure area	Column 5 Checked baggage screening (if otherwise applicable)	Column 6 Baggage remaining on aircraft or overnighting
Crew of a foreign aircraft	Screening required	Screening required	Not required, but company uniform and ID required	Screening required when baggage loaded	Not screened
Crew of a state aircraft	Screening not required	Screening required	Not required	Not required	Not required

4.09 Circumstances in which persons may enter sterile area without being screened

- (1) This regulation is made for subparagraph 44 (2) (d) (ii) of the Act.
- (2) A person must be cleared before entering a sterile area unless:
 - (a) he or she has entered the sterile area from the airside after disembarking from a screened air service; or
 - (b) he or she is taken to be cleared under regulation 4.10 or 4.11.

4.10 Persons taken to be cleared at screening point without being screened

For paragraph 41 (2) (b) of the Act, the following persons may pass through a screening point without being screened:

- (a) a law enforcement officer who produces his or her identity card as a law enforcement officer;
- (b) a screening officer who is engaged in the management of the screening point;
- (c) an ambulance, rescue or fire service officer who is responding to an emergency on the landside of the airport;
- (d) a member of the Defence Force who is responding to an event or threat of unlawful interference with aviation.

4.11 Persons taken to be cleared to enter sterile area other than through a screening point

- (1) For paragraph 41 (2) (c) of the Act, a person in a class mentioned in subregulation (2) may enter a sterile area other than through a screening point if he or she:
 - (a) is authorised to do so and properly displays a valid ASIC;
or
 - (b) is authorised to do so, properly displays a valid VIC and is supervised by somebody who is taken to be cleared to enter the sterile area other than through a screening point and properly displays a valid ASIC.

Regulation 4.11

- (2) The classes of person are the following:
- (a) aviation security inspectors;
 - (b) officers of the Australian Customs Service;
 - (c) screening officers;
 - (d) employees of the operator of the airport in which the sterile area is located;
 - (e) employees of the operator of a screened air service aircraft;
 - (f) contractors, and employees of contractors, to the operator of the airport in which the sterile area is located who is engaged in the loading of cargo, stores or checked baggage, or the boarding of passengers, onto a cleared aircraft that is operating a screened air service, or who is otherwise authorised for access to the aircraft;
 - (g) contractors, and employees of contractors, to the operator of a screened air service aircraft who is engaged in the loading of cargo, stores or checked baggage, or the boarding of passengers, onto a cleared aircraft that is operating a screened air service, or who is otherwise authorised for access to the aircraft.
- (3) For paragraph 41 (2) (c) of the Act:
- (a) ambulance, rescue or fire service officers who are responding to an emergency; and
 - (b) members of the Defence Force who are responding to an event or threat of unlawful interference with aviation; and
 - (c) air security officers;
- are taken to be cleared to enter a sterile area other than through a screening point.
- (4) For paragraph 41 (2) (c) of the Act, a law enforcement officer who produces his or her identity card as a law enforcement officer is taken to be cleared to enter a sterile area other than through a screening point.

4.12 Screening and clearing of VIPs etc

- (1) A person, or a person in a class, mentioned in column 2 of the following table may board an aircraft without being screened if:
- (a) he or she does so directly from a vehicle rather than by passing through the sterile area of an airport; and
 - (b) the relevant entry in the table indicates that, in the circumstances, screening is not required.

Column 1 Item	Column 2 If a person mentioned in this column ...	Column 3 is boarding ...		
		an RPT aircraft ...	a chartered aircraft ...	a state aircraft ...
		is screening required?		
1	The Queen of Australia	No	No	No
2	A member of the Royal Family related to the Queen of Australia in the first or second degree	Yes	No	No
3	The Royal Family's Protective Services Officers, if escorted by a law enforcement officer	Yes	No	No

Regulation 4.12

Column 1 Item	Column 2 If a person mentioned in this column ...	Column 3 is boarding ...		
		an RPT aircraft ...	a chartered aircraft ...	a state aircraft ...
		is screening required?		
4	Head of State of a country recognised by Australia, and members of his or her immediate family	Yes	No	No
5	Head of the government of a country recognised by Australia, and members of his or her immediate family	Yes	No	No
6	Any other guest of the Australian Government (other than a Head of State), and members of his or her immediate family	Yes	No	No
7	Aides to, or members of the entourage of, a person referred to in item 1, 2, 4, 5 or 6	Yes	No	No

Note Private screening arrangements or a one-off exemption from screening can be sought under subsection 41 (2) of the Act. A one-off screening exemption is to be sought in writing by the Department of the Prime Minister and Cabinet on behalf of the applicant and must state whether that Department supports the granting of the exemption.

Regulation 4.12

(2) A person, or a person in a class, mentioned in column 2 of the following table may enter the sterile area of a security controlled airport without being screened if the relevant entry in the table indicates that, in the circumstances, screening is not required.

Column 1 Item	Column 2 If a person mentioned in this column ...	Column 3 is boarding ...		
		an RPT aircraft ... is screening required?	a chartered aircraft ...	a state aircraft ...
1	The Queen of Australia	No	No	No
2	A member of the Royal Family related to the Queen of Australia in the first or second degree	Yes	No	No
3	The Royal Family's Protective Services Officers, if escorted by a law enforcement officer	Yes	No	No
4	Head of State of a country recognised by Australia, and members of his or her immediate family	Yes	No	No

Regulation 4.12

Column 1 Item	Column 2 If a person mentioned in this column ...	Column 3 is boarding ...		
		an RPT aircraft ...	a chartered aircraft ...	a state aircraft ...
5	Head of the government of a country recognised by Australia, and members of his or her immediate family	Yes	No	No
6	Any other guest of the Australian Government (other than a Head of State), and members of his or her immediate family	Yes	No	No
7	Aides to, or members of the entourage of, a person referred to in item 1, 2, 4, 5 or 6	Yes	Yes	Yes

Note Private screening arrangements or a one-off exemption from screening can be sought under subsection 41 (2) of the Act. A one-off screening exemption is to be sought in writing by the Department of the Prime Minister and Cabinet on behalf of the applicant and must state whether that Department supports the granting of the exemption.

Regulation 4.13

- (3) However, if a person referred to in the table is not boarding an aircraft, the screening requirements applicable to him or her to enter the sterile area are those that would apply to him or her if he or she were boarding an RPT aircraft.
- (4) If such a person is not required to be screened, his or her carry-on baggage is also not required to be screened.

- (5) In the tables:

chartered aircraft means an aircraft that is operating a service solely for the carriage of the VIP and his or her entourage.

immediate family of a person means his or her spouse (including de facto spouse), child (including adopted child) and parents or legal guardian.

RPT aircraft means an aircraft that is operating a regular public transport operation.

state aircraft has the same meaning as in the ANA.

Note The definition is:

state aircraft means:

- (a) aircraft of any part of the Defence Force (including any aircraft that is commanded by a member of that Force in the course of his or her duties as such a member); and
- (b) aircraft used in the military, customs or police services of a country other than Australia.

4.13 Certain international transit passengers — screening of passengers and their carry-on baggage

- (1) Subject to subregulation (2), this regulation applies in relation to an aircraft that is operating an international air service if:
 - (a) the service is a screened air service; and
 - (b) the aircraft lands in Australia; and
 - (c) the place of the landing is not the aircraft's final destination;unless:
 - (d) no passengers disembark from, or board, the aircraft at the place of the landing referred to in paragraph (b); and

Regulation 4.13

- (e) every passenger was screened at the place where he or she boarded the aircraft.
- (2) This regulation does not apply if the landing is an unscheduled stop and no passenger boards the aircraft.
- (3) Subject to subregulation (6), every passenger must disembark from the aircraft with his or her carry-on baggage.
- (4) The aircraft operator must ensure that before any passenger re-boards the aircraft, the aircraft is inspected.
- (5) The inspection must include at least a thorough inspection of:
 - (a) the interior of the aircraft, including the passenger cabin, seats, overhead baggage lockers, toilets, crew rest stations, catering and food preparation areas, flight crew compartment, and any other technical areas such as the flight deck; and
 - (b) any unlocked storage facilities in the parts of the aircraft mentioned in paragraph (a).
- (6) Every passenger and his or her carry-on baggage must be screened before he or she re-boards the aircraft.
- (7) If a passenger has a disability that would make disembarking and re-boarding difficult for him or her, the aircraft operator may arrange to have him or her and his or her carry-on baggage screened in his or her seat.
- (8) If subregulation (3), (4), (5) or (6) is not complied with in relation to an aircraft mentioned in subregulation (1), the aircraft's operator is guilty of an offence.

Penalty: 50 penalty units.

- (9) An offence against subregulation (8) is an offence of strict liability.

4.14 Circumstances in which goods must be cleared before being taken on to an aircraft

(1) In this regulation:

regular provider, for stores of a particular kind, means a person that has established an arrangement, recorded in writing, with an aircraft operator for the supply of stores of that kind.

(2) An item of stores that is provided by a regular provider of items of that kind may enter a cleared area, a cleared zone or a cleared aircraft otherwise than through a screening point.

(3) To avoid doubt, an item of stores that is not provided by a regular provider of similar items must be cleared before it is taken onto a cleared aircraft or into a landside security zone.

(4) The operator of a screened air service must ensure that stores are not accessible to unauthorised persons:

(a) in the case of an item that is provided by a regular provider of similar items — from the time the item is accepted from the provider or the provider's agent by the operator; or

(b) in the case of any other item of stores — from the time it is cleared;

until the start of the screened air service for which it is taken on board the aircraft.

Penalty: 100 penalty units.

(5) For each item of stores loaded onto an aircraft that operates a screened air service, the aircraft operator must keep, until the end of the air service, a record of the provider of the item.

Penalty: 100 penalty units.

4.15 When carry-on baggage must be cleared

Carry-on baggage (including carry-on baggage belonging to an aircraft's flight crew) must be cleared before being taken on to an aircraft if the aircraft is to operate a screened air service.

Regulation 4.16

4.16 Circumstances in which vehicles must be cleared in order to be taken onto aircraft

A vehicle that is to be loaded onto an aircraft that is to operate a screened air service is to be treated as cargo.

4.17 Methods, techniques and equipment to be used for screening

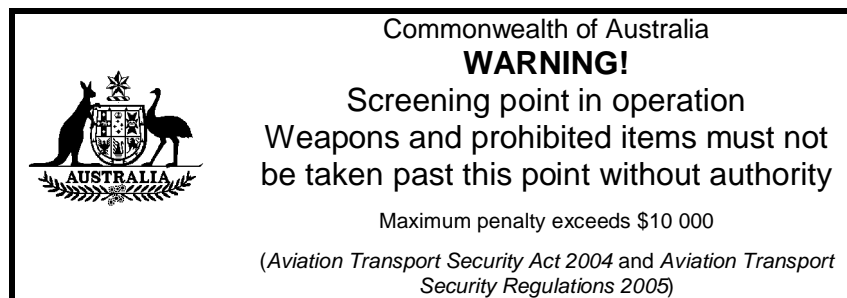
- (1) The Secretary may specify, by written notice, methods, techniques and equipment to be used for screening.
- (2) A notice under subregulation (1) may specify that it is to be given only to a person or persons responsible for carrying out the relevant screening.
- (3) A notice under subregulation (1) is binding on a person if and only if it has been served on the person.
- (4) A person must comply with a notice under subregulation (1) that is binding on him or her.

Penalty: 100 penalty units.

- (5) A contravention of subregulation (4) is an offence of strict liability.

4.18 Notices to be displayed at places of screening of passengers and carry-on baggage

- (1) A notice, 0.4 m wide and 0.3 m high, is to be displayed, at a place where screening is carried out, in the following form:



Regulation 4.21

- (2) If a sign in accordance with subregulation (1) is not visibly displayed at an operating screening point, the screening authority responsible for operating the screening point is guilty of an offence.

Penalty: 50 penalty units.

- (3) Despite subregulation (2), a screening authority need not comply with subregulation (1) if signs that comply with Part 7 of the ANR (as in force on 9 March 2005) are displayed in the landside area of the airport.

- (4) Subregulation (3) ceases to have effect at the end of 9 March 2007.

4.19 Supervision etc of baggage

- (1) The operator of a prescribed aircraft must ensure that checked baggage is not accessible to an unauthorised person between the time it is checked in and the time it is made available (for example, by being placed on a baggage carousel) for collection at the end of the prescribed air service.

Penalty: 50 penalty units.

- (2) If the operator of a prescribed aircraft knows that a passenger's baggage contains a firearm, the aircraft operator must take reasonable precautions to ensure that the baggage is not retrieved by any person other than the passenger.

Penalty: 50 penalty units.

4.20 Unaccompanied baggage

For the purposes of screening and clearing, unaccompanied baggage is to be treated as cargo.

4.21 Control etc of baggage loading

- (1) There must be attached, to each item of checked baggage that is carried on board an aircraft that is operating a domestic or international regular public transport operation or domestic or international open charter operation, a tag that identifies the relevant flight.

Regulation 4.21

- (2) The tag must be attached to the item before the start of the flight referred to in subregulation (1).
- (3) Before the start of the flight, a record must be created for each such item that is carried on board the aircraft, and the record must be kept until at least 2 days after the end of the flight.
- (4) The record must:
 - (a) identify the passenger who checked in the item; and
 - (b) record the number of the flight for which the passenger was checked in; and
 - (c) connect the item to a passenger on board the aircraft, or specify the circumstances of its carriage if the person who checked in the item is not on board the aircraft when it departs.
- (5) The operator of an aircraft that is operating a prescribed air service must ensure that subregulations (1) to (4) are complied with in respect of every item of checked baggage loaded on a flight of the aircraft.

Penalty: 50 penalty units.

- (6) The operator of an aircraft that is operating a prescribed air service must inspect the record for such an item immediately before loading the item on board the aircraft.

Penalty: 50 penalty units.

- (7) The operator of a prescribed air service must ensure that, before the relevant aircraft departs, every item of checked baggage (whether screened or not) that is on board the aircraft can be matched to:
 - (a) a passenger who is on the flight; or
 - (b) a passenger who was properly checked in for a flight that has departed.

Penalty: 50 penalty units.

- (8) The operator of an aircraft that is operating a prescribed air service must ensure that any item of checked baggage that cannot be matched to a passenger in accordance with subregulation (7) is either not loaded on the aircraft, or is removed before the aircraft departs.

Penalty: 50 penalty units.

4.22 Clearance of checked baggage removed from prescribed air service aircraft

If checked baggage is removed, for any reason other than an operational requirement, from an aircraft that is operating a prescribed air service, it must be cleared before it is re-loaded on board such an aircraft.

Subdivision 4.1.2 Checked baggage screening

4.23 Definition for Subdivision — *domestic CBS air service*

In this Subdivision:

domestic CBS air service means a domestic air service that operates as a screened air service from an airport at which checked baggage screening is required.

Note 1 An air service that is not operated by a jet aircraft is a screened air service only if it departs from the same airport apron as such a service — see regulation 4.02. *Apron* has, for that purpose, the meaning given by the airport operator's TSP.

Note 2 Those airports are set out in regulation 4.29.

4.24 Aircraft operators not to permit checked baggage to be loaded — international air service

- (1) The operator of an international air service that operates as a screened air service must not permit an item of checked baggage to be loaded on board the aircraft unless the item has been screened and cleared.

Penalty: 50 penalty units.

Regulation 4.25

- (2) An offence against subregulation (1) is an offence of strict liability.

4.25 International air services transiting Australia — inbound

- (1) This regulation applies in relation to checked baggage on board an inbound international air service that becomes a screened air service by transiting through an airport in Australia.
- (2) An item of the baggage must be screened at the aircraft's first port of call in Australia if:
- (a) the aircraft's operator cannot demonstrate that the item:
 - (i) was screened at the port where the baggage was loaded on the aircraft outside Australia; and
 - (ii) has been kept continuously secure since it was screened; or
 - (b) the Secretary, by notice in writing, so requires.

4.26 International air services transferring passengers in Australia — inbound

- (1) This regulation applies in relation to checked baggage on board an inbound international air service if some or all of its passengers are to be transferred to a screened air service in Australia.
- (2) An item of the baggage must be screened before it is transferred to the other air service if:
- (a) the international aircraft's operator cannot demonstrate that the item:
 - (i) was screened at the port where the baggage was loaded on the aircraft outside Australia; and
 - (ii) has been kept continuously secure since it was screened; or
 - (b) the Secretary, by notice in writing, so requires.

**4.27 International air services transiting Australia —
outbound**

- (1) This regulation applies in relation to checked baggage on board an outbound international air service that becomes a screened air service by transiting through an airport in Australia.
- (2) An item of the baggage must be screened at the aircraft's last port of call in Australia if:
 - (a) the aircraft's operator cannot demonstrate that the item:
 - (i) was screened at any of the aircraft's previous ports of call in Australia; and
 - (ii) has been kept continuously secure since it was screened; or
 - (b) the Secretary, by notice in writing, so requires.

**4.28 International air services transferring passengers in
Australia — outbound**

- (1) This regulation applies in relation to checked baggage on board an outbound international air service if some or all of its passengers are to be transferred to a screened air service in Australia.
- (2) An item of the baggage must be screened before it is transferred to the other air service if:
 - (a) the aircraft's operator cannot demonstrate that the item:
 - (i) was screened at any of the aircraft's previous ports of call in Australia; and
 - (ii) has been kept continuously secure since it was screened; or
 - (b) the Secretary, by notice in writing, so requires.

**4.29 Checked baggage screening — domestic CBS air
services**

- (1) This regulation applies in relation to checked baggage that is to be loaded on board a domestic CBS air service, except baggage that is, or is to be, taken into a sterile area before being loaded on board the aircraft concerned.

Regulation 4.30

- (2) Each of the following airports must have the checked baggage screening capability specified:
 - (a) Adelaide, Brisbane, Melbourne, Perth and Sydney — at least 1 checked baggage screening line continuously handling checked baggage for domestic CBS air services;
 - (b) Cairns, Canberra, Coolangatta and Darwin — 1 checked baggage screening unit at each terminal handling domestic CBS air services.
- (3) On and after 1 August 2007, the airports mentioned in subregulation (2), and Alice Springs and Hobart Airports, must screen all checked baggage for domestic CBS air services.
- (4) If a person other than an authorised person has access to an item of checked baggage that has been screened, the item must be screened again.

4.30 Aircraft operators not to permit certain checked baggage to be loaded — domestic CBS air services

- (1) This regulation applies in relation to an airport mentioned in subregulation 4.29 (2) or (3).
- (2) On and after 1 August 2007, the operator of a domestic CBS air service departing from such an airport must not permit an item of checked baggage to be loaded on board the aircraft that is to operate the service unless the item has been screened and cleared.

Penalty: 50 penalty units.
- (3) An offence against subregulation (2) is an offence of strict liability.
- (4) If a person other than an authorised person has access to an item of checked baggage that has been screened, the item must be screened again.

4.31 Random selection of checked baggage to be loaded — domestic CBS air services

- (1) This regulation applies in relation to an airport mentioned in subregulation 4.29 (2).

Regulation 4.32

- (2) The operator of a domestic CBS air service departing from such an airport must randomly select, or cause to be randomly selected, a percentage, in accordance with subregulation (3), of items of checked baggage to undergo checked baggage screening before any baggage is loaded onto the aircraft that is to operate the service.

Penalty: 50 penalty units.

- (3) For subregulation (2), the percentage of items selected for screening at any particular time must be the highest percentage that the checked baggage line or unit operating at the airport can screen at the time.

- (4) The operator must not permit an item of checked baggage that has been selected for screening under subregulation (2) to be loaded on board the aircraft unless the item has been screened and cleared.

Penalty: 50 penalty units.

- (5) An offence against subregulation (2) or (4) is an offence of strict liability.
- (6) If a person other than an authorised person has access to an item of checked baggage that has been screened, the item must be screened again.
- (7) This regulation ceases to have effect at the end of 31 July 2007.

4.32 Domestic CBS air services — transit baggage — interim arrangement

- (1) This regulation applies in relation to checked baggage on board a domestic CBS air service that is transiting through an airport mentioned in subregulation 4.29 (2).
- (2) An item of the baggage must be screened if:
- (a) the operator that is operating the service cannot demonstrate that the item:
- (i) could have been randomly selected for screening under regulation 4.31 (whether or not it was actually screened under that regulation); and

Regulation 4.33

- (ii) has been kept continuously secure since it was cleared; or
- (b) the Secretary, by notice in writing, so requires.
- (3) This regulation ceases to have effect at the end of 31 July 2007.

4.33 Domestic CBS air services — transit baggage

- (1) This regulation applies, on and after 1 August 2007, in relation to checked baggage on board a domestic CBS air service that is transiting through an airport mentioned in subregulation 4.29 (2) or (3).
- (2) An item of the baggage must be screened if:
 - (a) the operator of the aircraft that is operating the service cannot demonstrate that the item:
 - (i) was screened before it was loaded on to the aircraft; and
 - (ii) has been kept continuously secure since it was screened; or
 - (b) the Secretary, by notice in writing, so requires.

4.34 Domestic CBS air services transferring passengers — interim arrangement for checked baggage screening

- (1) This regulation applies in relation to checked baggage on board a domestic CBS air service if some or all of its passengers are transferring to another such air service.
- (2) An item of the baggage must be screened before it is transferred to the second air service if:
 - (a) the operator of the first air service cannot demonstrate that the item:
 - (i) could have been randomly selected for screening under regulation 4.31 (whether or not it was actually screened under that regulation) before it was loaded onto the aircraft that operated that service; and
 - (ii) has been kept continuously secure since it was cleared; or

(b) the Secretary, by notice in writing, so requires.

(3) This regulation ceases to have effect at the end of 31 July 2007.

4.35 Domestic CBS air services transferring passengers — checked baggage screening

(1) This regulation applies, on and after 1 August 2007, in relation to checked baggage on board a domestic CBS air service if some or all of its passengers are transferring to another such air service.

(2) An item of the baggage must be screened before it is transferred to the second air service if:

(a) the operator of the first air service cannot demonstrate that the item:

(i) was screened before it was loaded on to the aircraft that operated that service; and

(ii) has been kept continuously secure since it was screened; or

(b) the Secretary, by notice in writing, so requires.

Regulation 4.36

4.36 Screening and clearing of VIPs' checked baggage etc

- (1) Despite anything else in this Part, the checked baggage of a person, or a person in a class, mentioned in column 2 of the following table need not be screened if the relevant entry in the table indicates that, in the circumstances, screening is not required.

Column 1 Item	Column 2 If a person, or a person in a class, mentioned in an item in this column ...	Column 3 ... is travelling on ...			
		an RPT aircraft ... and is a guest of the Australian Government ...	and is travelling for private purposes ...	a chartered aircraft ...	a State aircraft ...
must his or her checked baggage be screened?					
1	The Queen of Australia	No	No	No	No
2	A member of the Royal Family related to the Queen of Australia in the first and second degrees	No	Yes	No	No

Regulation 4.36

Column 1	Column 2	Column 3			
Item	If a person, or a person in a class, mentioned in an item in this column is travelling on ...			
		an RPT aircraft ...		a chartered aircraft ...	a State aircraft ...
		and is a guest of the Australian Government ...	and is travelling for private purposes ...		
		must his or her checked baggage be screened?			
3	The Royal Family's Protective Services Officers, if escorted by a law enforcement officer	No	Yes	No	No
4	Head of State of a country recognised by Australia, and members of his or her immediate family	No	Yes	No	No
5	Head of a government of a country recognised by Australia, and members of his or her immediate family	No	Yes	No	No

Regulation 4.36

Column 1	Column 2	Column 3			
Item	If a person, or a person in a class, mentioned in an item in this column is travelling on ...			
		an RPT aircraft ...		a chartered aircraft ...	a State aircraft ...
		and is a guest of the Australian Government ...	and is travelling for private purposes ...		
		must his or her checked baggage be screened?			
6	Any other guest of the Australian Government (other than the Head of State) of a government of a country recognised by Australia, and members of his or her immediate family	Yes	Yes	No	No
7	Aides to, or members of the entourage of, a person referred to in item 1, 2, 4, 5 or 6	Yes	Yes	No	No

Regulation 4.37

(2) In the table:

chartered aircraft means an aircraft that is operating a service solely for the carriage of the VIP and his or her entourage.

immediate family of a person means his or her spouse (including de facto spouse), child (including an adopted child) and parents.

RPT aircraft means an aircraft that is operating a regular public transport operation.

State aircraft has the same meaning as in the ANA.

Note The definition is:

state aircraft means:

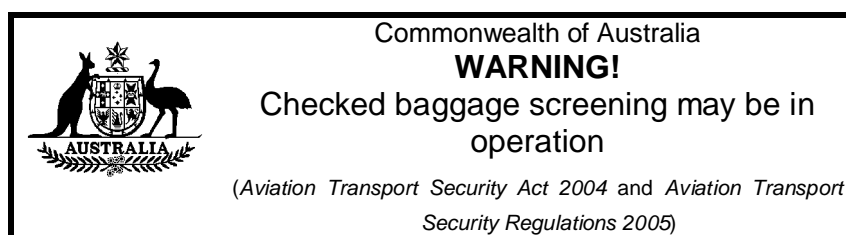
- (a) aircraft of any part of the Defence Force (including any aircraft that is commanded by a member of that Force in the course of his or her duties as such a member); and
- (b) aircraft used in the military, customs or police services of a country other than Australia.

4.37 Requirement to notify intending passengers about checked baggage screening

(1) A screening authority must display signs, not less than 0.4 m wide by 0.3 m high, in the form set out in subregulation (2), indicating that checked baggage screening may occur.

Penalty: 10 penalty units.

(2) A sign required by subregulation (1) must be in the following form:



Regulation 4.38

- (3) Despite subregulation (1), a screening authority need not comply with subregulation (2) if signs that comply with regulation 10 of the *Air Navigation (Checked Baggage) Regulations 2000* are displayed in the landside area of the airport.
- (4) Subregulation (3) ceases to have effect at the end of 9 March 2007.

4.38 Explosives not to be loaded on board aircraft

- (1) Subject to subregulation (3), a screening authority must ensure that an explosive that is detected in an item of checked baggage during screening at the terminal facility is not loaded on board an aircraft.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.
- (3) Subregulation (1) does not apply in relation to an explosive the carriage of which is permitted by or under the *Civil Aviation Safety Regulations 1998*.

4.39 Opening of checked baggage

Nothing in these Regulations authorises a screening authority or a screening officer to open an item of checked baggage without the consent of a person who is entitled to possession of the item, or of the person who checked the item in, unless:

- (a) the screening authority first makes a reasonable attempt to find a person who is entitled to possession of the item, or the person who checked the item in; and
- (b) no such person is found.

Subdivision 4.1.3 Regulated air cargo agents

4.40 Definitions for Subdivision

- (1) In this Subdivision:

domestic cargo means cargo that is to be transported from a place within Australia to another place within Australia.

handling of cargo includes its receipt, collection, transport and storage.

international cargo means cargo that is to be transported from a place within Australia to a place overseas.

- (2) For this Subdivision, a person consigns cargo to an aviation industry participant if the person hands the cargo over to the participant for handling.

4.41 Regulated air cargo agents

For the purposes of paragraph 44 (2) (n) of the Act, a person that carries on a business that includes the handling, or making arrangements for transport, of cargo to be carried on a prescribed air service, and whose name appears on the Secretary's list, is a regulated air cargo agent.

4.42 Secretary's list of regulated air cargo agents

- (1) The Secretary must maintain a list of persons designated as RACAs.
- (2) The Secretary may publish the list.

4.43 How to become a RACA

- (1) A person may apply, in writing, to the Secretary to be designated as a RACA.
- (2) An applicant must provide the following information:
- (a) if the applicant is a company:
- (i) its name; and
 - (ii) its ACN; and
 - (iii) if it trades under another name, the trading name;

Regulation 4.43

- (b) if the applicant is a partnership:
 - (i) the name of the partnership; and
 - (ii) the full name of each partner;
 - (c) if the applicant is an incorporated association:
 - (i) the name of the association; and
 - (ii) the full name of each member of the association; and
 - (iii) if it trades under another name, the trading name;
 - (d) in any other case:
 - (i) the applicant's full name; and
 - (ii) if it trades under another name, the trading name;
 - (e) the postal address, street address, telephone number, fax number (if any) and e-mail address (if any) of the applicant's principal office in Australia and each of the applicant's sites in Australia that will be covered by the applicant's TSP;
 - (f) its ABN;
 - (g) if the applicant has a business name registered under the law of a State or Territory — the business name, its registration number and a copy of the certificate of registration.
- (3) The applicant must undertake, in its application, to inform the Secretary within 7 days of a material change to any information in the application.
- (4) The Secretary may designate the applicant as a RACA if the Secretary is reasonably satisfied that:
- (a) the applicant has provided the information required by subregulation (2); and
 - (b) the applicant's business includes handling or making arrangements for transporting cargo.
- (5) The Secretary may revoke the designation of a person as a RACA if:
- (a) any information given in the applicant's application is false in a material respect; or
 - (b) the applicant's business no longer includes handling or making arrangements for transporting cargo; or

Regulation 4.45

- (c) a material change has occurred that the RACA has not informed the Secretary about; or
 - (d) the RACA has failed to comply with a special security direction under section 73 of the Act; or
 - (e) the RACA's TSP has been cancelled; or
 - (f) the RACA has asked, in writing, to be removed from the list; or
 - (g) the Secretary is reasonably satisfied that the inclusion of the RACA in the list poses a threat to aviation security.
- (6) If the Secretary revokes the designation of a person as a RACA, he or she must notify the person, in writing, of the decision, and the reasons for it, within 14 days.

4.44 Circumstances in which cargo must be cleared

- (1) This regulation is made for subparagraph 44 (2) (g) (i) of the Act.
- (2) Cargo must be cleared before being loaded on to an aircraft that is to operate a prescribed air service.

4.45 Clearing of cargo

- (1) Cargo may be accepted into the cleared area or zone of a security controlled airport or onto a prescribed aircraft if, from the time it is accepted:
 - (a) it is accompanied by a security declaration stating that the cargo has been subject to security measures and procedures required under an approved TSP and has been handled by:
 - (i) a RACA; or
 - (ii) an aviation industry participant who has been given the appropriate sections of the RACA's TSP; or
 - (b) in the case of domestic cargo to which Subdivision 4.1.4 applies — it has been handled by:
 - (i) a RACA; or
 - (ii) an aviation industry participant who has been given the appropriate sections of the domestic cargo security measures document; or

Regulation 4.46

- (c) in the case of domestic cargo to which Subdivision 4.1.4 does not apply, it is being handled by:
 - (i) a RACA; or
 - (ii) an aviation industry participant who has been given the appropriate sections of the RACA's TSP.
- (2) Cargo is also taken to be cleared if:
 - (a) it is given directly to the operator of a prescribed air service; and
 - (b) the operator handles it in accordance with the operator's TSP.

4.46 Explosives on a prescribed aircraft

- (1) For the purpose of preventing acts of unlawful interference with aviation, a RACA must have, and must put into effect, measures and procedures to deter and detect the unauthorised carriage of explosives as cargo on a prescribed air service.

Penalty: 50 penalty units.

- (2) If a RACA detects an explosive or explosive device in an item of cargo, and the RACA knows or suspects that the carriage of the explosive or device on board an aircraft is not authorised under the *Civil Aviation Safety Regulations 1998*, the RACA must not:
 - (a) load the item of cargo on the aircraft; or
 - (b) deliver it to another aviation industry participant.

Penalty: 50 penalty units.

- (3) An offence against subregulation (1) is an offence of strict liability.

4.47 Clearance of cargo removed from prescribed aircraft

If cargo is removed from a prescribed aircraft, it must be cleared in accordance with the aircraft operator's TSP before it is re-loaded on the aircraft.

4.48 Disclosure of information

- (1) Subject to subregulation (2), a RACA must not notify a person about security measures and procedures to be applied to cargo.

Penalty: 50 penalty units.

- (2) A RACA may notify a cargo consignor or aircraft operator about measures that will not be applied to particular cargo if the consignor or operator has a lawful reason to know.

- (3) A RACA must not disclose details about the airline or flight on which particular cargo is to be carried, except in accordance with the RACA's TSP.

Penalty: 50 penalty units.

- (4) A RACA must maintain a record of persons to whom airline or flight information has been given under subregulation (3).

Penalty: 20 penalty units.

- (5) A RACA must keep such a record for 3 years.

Penalty: 20 penalty units.

**Subdivision 4.1.4 Regulated air cargo agents —
transitional arrangements**

4.49 Approved air cargo security programs

- (1) An international air cargo security program approved under the ANA is taken to be an approved TSP for the purposes of Part 2 of the Act.

- (2) To avoid doubt, for subregulation (1), a reference to an international air cargo security program includes such a program that is in the form of:

(a) the *International Air Cargo Security Program — Regulated Agent Model Security Program — version 2*, published by the Department; or

(b) the *International Air Cargo Security Program — Regulated Agent Model Security Program — Variation — version 2*, published by the Department.

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- (3) A reference in a program referred to in subregulation (1) to screening is taken, for the purposes of these Regulations, to be a reference to clearing.
- (4) This regulation ceases to have effect on 9 March 2007.

4.50 Regulated agents under ANR

A person that was a regulated agent under Division 3 of Part 7 of the ANR immediately before 10 March 2005 is taken to be a RACA.

4.51 Arrangements for carriage of domestic cargo

- (1) A RACA must maintain a domestic cargo security measures document setting out the measures and procedures for handling domestic cargo in accordance with subregulation (2).

Penalty: 50 penalty units.

- (2) The domestic cargo security measures document must contain measures and procedures to deter and detect the unauthorised carriage of explosives or explosive devices as domestic air cargo on prescribed air services.
- (3) A RACA must comply with its domestic cargo security measures document.

Penalty: 20 penalty units.

- (4) A RACA must provide the appropriate sections of its domestic cargo security measures document to a contractor who handles domestic air cargo on its behalf.

Penalty: 20 penalty units.

- (5) A contractor to a RACA that has been given a section or sections of the RACA's domestic cargo security measures document must comply with that section or those sections.

Penalty: 20 penalty units.

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- (6) A RACA must maintain a list of aviation industry participants, (including the name and contact details of each) to which sections of its domestic cargo security measures document have been given.

Penalty: 20 penalty units.

- (7) A RACA, and a contractor to a RACA, must have measures and procedures to protect cargo in its custody.

Penalty: 20 penalty units.

- (8) A RACA must ensure that its domestic cargo security measures document is protected against unauthorised access, amendment and disclosure.

Penalty: 20 penalty units.

- (9) A contractor to a RACA that has been given a section or sections of the RACA's domestic cargo security measures document must ensure that that section is, or those sections are, protected against unauthorised access, amendment and disclosure.

Penalty: 20 penalty units.

- (10) This regulation ceases to have effect at the end of 9 March 2007.

Division 4.2 Weapons

4.52 Aviation industry participants authorised to have weapons (not firearms) in possession in secure areas

- (1) An aviation industry participant is authorised to have a weapon (other than a firearm) in its possession in an airside area or a landside security zone if:
- (a) the weapon is a tool of trade; and
 - (b) the aviation industry participant takes reasonable precautions to ensure that the weapon remains under its control.

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- (2) For paragraph (1) (a), something is a *tool of trade* if the relevant aviation industry participant requires it for a lawful purpose.

4.53 Persons authorised to have weapons (not firearms) in possession in secure areas

- (1) Each of the following persons is authorised to have a weapon (not a firearm) in his or her possession in a secure area of an airport:
- (a) an officer of the Australian Customs Service;
 - (b) an air security officer;
 - (c) a screening officer who is carrying the weapon to or from an aircraft because the weapon:
 - (i) has been accepted for carriage by the aircraft's operator; or
 - (ii) is being removed from the aircraft;
 - (d) an authorised representative of an airline operator who is carrying the weapon to or from an aircraft because the weapon:
 - (i) has been accepted for carriage by the aircraft's operator; or
 - (ii) is being removed from the aircraft.
- (2) A person is authorised to have a weapon (other than a firearm) in his or her possession in a secure area if:
- (a) the weapon is a tool of trade; and
 - (b) the person keeps control of the weapon at all times.
- (3) For paragraph (2) (b), the person ceases to have control of the weapon if he or she gives possession of it to, or allows it to be accessible to, a person for whom it is not a tool of trade.
- (4) For paragraph (2) (a) and subregulation (3), something is a *tool of trade* if:
- (a) the person whose possession it is in requires it for the purpose for which he or she is in the relevant area or zone; and
 - (b) the purpose is lawful.

4.54 Persons authorised to have firearms in possession in airside areas

- (1) Each of the following persons is authorised to have a firearm in his or her possession in an airside area of an airport:
- (a) a person who:
- (i) with the consent of the airport operator, is engaged in controlling wildlife or other animals on the airport; and
 - (ii) if the airport is an airport from which a regular public transport operation operates — properly displays a valid ASIC; and

Note The requirement to display an ASIC does not apply to security regulated airports that do not have regular public transport operations, see subregulation 3.03 (4).

- (iii) holds, and has on his or her person, a firearms licence, validly issued under the law of the State or Territory in which the airport is located, for the firearm; and
 - (iv) if a licence or permission is required under the law of the State or Territory for the person to shoot wildlife or animals on the airport, holds, and has on his or her person, such a licence or permission;
- (b) a uniformed member of the staff of a private security contractor who:
- (i) with the consent of the airport operator, is in an armoured vehicle, or is facilitating the movement of, an armoured vehicle that displays the contractor's livery, or a vehicle that is accompanying such a vehicle and also displays the contractor's livery; and
 - (ii) if the airport is an airport from which a regular public transport operation operates — properly displays a valid ASIC; and

Note The requirement to display an ASIC does not apply to security regulated airports that do not have regular public transport operations, see subregulation 3.03 (4).

- (iii) holds, and has on his or her person, a firearms licence, validly issued under the law of the State or Territory in which the airport is located, for the firearm; and

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- (iv) if required by State or Territory legislation — holds, and has on his or her person, a valid 1A Security Guard licence issued under the law of the State or Territory; and
 - (v) stays close to at least 1 other uniformed member of the staff of the contractor;
 - (c) a screening officer who is carrying the firearm to or from an aircraft because the firearm:
 - (i) has been accepted for carriage by the aircraft's operator; or
 - (ii) is being removed from the aircraft;
 - (d) an authorised representative of an airline operator who is carrying the firearm to or from an aircraft because the firearm:
 - (i) has been accepted for carriage by the aircraft's operator; or
 - (ii) is being removed from the aircraft;
 - (e) an officer of the Australian Customs Service;
 - (f) an air security officer.
- (2) A person (other than a person referred to in paragraph (1) (c), (d), (e) or (f)) in an airside area of an airport who is carrying a firearm, or has a firearm close by and under his or her control, must, on demand by a law enforcement officer, an aviation security inspector or a representative of the airport operator or an airline operator, immediately show the law enforcement officer, aviation security inspector or representative:
- (a) the person's firearms licence; and
 - (b) if the person is a person referred to in paragraph (1) (b), the person's security guard licence; and
 - (c) if the person is a person referred to in paragraph (1) (a), and the law of the State or Territory requires the person to hold a licence or permission referred to in subparagraph (1) (a) (iv) — that licence or permission.

Penalty: 20 penalty units.

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- (3) An offence against subregulation (2) is an offence of strict liability.

Note This regulation does not authorise a person to have a firearm in his or her possession in a land side security zone, including a sterile area. For the carriage of firearms in the sterile area, see the Act, section 46.

4.55 Persons authorised to carry weapons through screening points

The following persons are authorised to carry a weapon through a screening point:

- (a) a screening officer on duty, or an employee or contractor of the airport operator or the operator of a screened aircraft (being an employee or contractor who is on duty), if:
- (i) the weapon has been detected during screening; and
 - (ii) the weapon is to be stored until it is handed over in accordance with regulation 4.57; and
 - (iii) to reach the place where the weapon is to be stored or released, the weapon must be carried through the screening point; and
 - (iv) the weapon is carried in such a way that its presence is not apparent to members of the public;
- (b) a screening officer on duty, or an employee or a contractor of the airport operator or the operator of a screened aircraft (being an employee or contractor who is on duty), if:
- (i) the weapon has been surrendered for the purpose of being carried in the hold of the aircraft; and
 - (ii) the aircraft operator has agreed to carry the weapon in the hold of the aircraft; and
 - (iii) to reach the place where the weapon is to be checked in, the weapon must be carried through the screening point; and
 - (iv) the weapon is carried in such a way that its presence is not apparent to members of the public;
- (c) an aviation security inspector on duty, or a representative of the screening authority, who is lawfully testing the screening system.

Note 1 This regulation does not authorise the carrying of a weapon through the sterile area, see the Act, section 46.

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Note 2 If a weapon has been surrendered for the purpose of being carried on an international aircraft as checked baggage, and the airline operator is not sure whether carriage of the weapon constitutes an offence of unlawful export under the *Customs Act 1901*, the airline operator should refer the matter to the Australian Customs Service before loading the weapon on the aircraft.

4.56 Persons authorised to have firearms in possession in sterile areas

An air security officer is authorised to have a firearm in his or her possession in a sterile area.

4.57 Dealing with weapons surrendered at security controlled airports

- (1) This regulation sets out how to deal with a weapon surrendered by a person at a security controlled airport.
- (2) A weapon surrendered at a security controlled airport is to be stored and handled in accordance with any other applicable Commonwealth law or any applicable State or Territory law.

4.58 Dealing with weapons surrendered etc on aircraft

- (1) This regulation sets out how to deal with a weapon surrendered by a person on a prescribed aircraft.
- (2) If the person to whom the weapon is surrendered knows or suspects that the carriage of the weapon is an offence, he or she must cause the weapon to be handed over to a law enforcement officer in accordance with the law of the Commonwealth or a State or Territory as soon as practicable after the end of the flight.
- (3) Until the weapon is handed over as required by subregulation (2), it must be stored in such a way that its presence is not apparent to passengers.

4.59 Persons authorised to have weapons in possession on prescribed aircraft

- (1) An air security officer is authorised to have a weapon in his or her possession on board a prescribed aircraft.
- (2) A representative of the operator of a prescribed aircraft is authorised to possess a weapon on board the aircraft if:
 - (a) the weapon has been surrendered on board the aircraft; and
 - (b) the weapon is to be handed over to a law enforcement officer in accordance with the law of the Commonwealth or a State or Territory; and
 - (c) the weapon is to be stored until it is handed over; and
 - (d) the weapon is stored in such a way that its presence is not apparent to passengers.
- (3) A person is authorised to have a weapon (other than a firearm) in his or her possession on a prescribed aircraft if:
 - (a) the weapon is a tool of trade; and
 - (b) the person keeps control of the weapon at all times.
- (4) For paragraph (3) (b), the person ceases to have control of the weapon if he or she gives possession of it to, or allows it to be accessible to, a person for whom it is not a tool of trade.
- (5) For paragraph (3) (a) and subregulation (4), something is a *tool of trade* if:
 - (a) the person whose possession it is in requires it for the purpose for which he or she is in a prescribed aircraft; and
 - (b) the purpose is lawful.

Division 4.3 Prohibited items

4.60 Prescription of sterile area

The sterile area of a security controlled airport is prescribed for the purposes of paragraphs 54 (1) (aa) and (3) (aa) of the Act.

Regulation 4.61

4.61 Aviation industry participants authorised to have prohibited items in possession in sterile areas

- (1) An aviation industry participant is authorised to have a prohibited item in its possession in the sterile area if:
 - (a) the item is a tool of trade; and
 - (b) the aviation industry participant takes reasonable precautions to ensure that the item remains under its control.
- (2) For paragraph (1) (a), something is a *tool of trade* if the relevant aviation industry participant requires it for a lawful purpose.

4.62 Persons authorised to have prohibited items that are tools of trade in possession in sterile areas

- (1) A person (other than a person who is an aviation industry participant) described in an item of the following table is authorised to have a prohibited item in his or her possession in the sterile area if:
 - (a) any limitations specified in the item are met; and
 - (b) the item is a tool of trade in relation to the person; and
 - (c) the person keeps control of the item at all times.

Column 1 Item	Column 2 Person	Column 3 Limitations
1	An employee of an aviation industry participant who occupies or controls an area of a security controlled airport, or an employee of a contractor to such an aviation industry participant	In an area which the participant occupies or controls
2	An employee of the operator of a security controlled airport	—
3	An employee of a contractor to the operator of a security controlled airport	—

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Column 1 Item	Column 2 Person	Column 3 Limitations
4	An employee of an operator of a prescribed air service	—
5	An employee of a contractor to an operator of a prescribed air service	—
6	An officer of the Australian Customs Service, or an officer of the Australian Quarantine and Inspection Service or DIMIA, on duty at the airport concerned	—
7	An officer of a fire service, rescue service or ambulance service, or a medical practitioner, attending at an emergency at the airport	—
8	A medical practitioner or paramedic attending a person who suffers from a medical condition	—

- (2) For paragraph (1) (c), a person ceases to have control of an item if he or she gives possession of it to, or allows it to be accessible to, a person for whom it is not a tool of trade.
- (3) For paragraph (1) (b) and subregulation (2), something is a ***tool of trade*** if:
- (a) the person whose possession it is in requires it for the purpose for which he or she is in the sterile area; and
 - (b) the purpose is lawful.
- (4) A person who suffers from a medical condition is authorised to have a prohibited item in his or her possession in the sterile area if:
- (a) the item is medically necessary for the purpose of treating the condition; and
 - (b) the person shows a screening officer a medical certificate to that effect.

Regulation 4.63

- (5) A person who is caring for another person who suffers from a medical condition is authorised to have a prohibited item in his or her possession in the sterile area if:
 - (a) the item is medically necessary for the purpose of treating the condition; and
 - (b) the person shows a screening officer a medical certificate to that effect.

4.63 Persons authorised to have prohibited items in possession in sterile areas

- (1) An air security officer is authorised to have a prohibited item in his or her possession in a sterile area.
- (2) A person escorting a person in custody is authorised to have a prohibited item in his or her possession in the sterile area if the item is reasonably necessary in connection with the escort.

4.64 Persons authorised to carry prohibited items through screening point

- (1) A screening officer on duty, or an employee of, or a contractor to, the operator of a screened aircraft (being an employee or contractor who is on duty) is authorised to carry a prohibited item through a screening point if:
 - (a) the item has been detected during screening; and
 - (b) the item is to be stored until it is disposed of; and
 - (c) to reach the place where the item is to be stored, it must be carried through the screening point; and
 - (d) the item is carried in such a way that its presence is not apparent to members of the public.
- (2) A screening officer on duty, or an employee of, or a contractor to, the operator of a screened aircraft (being an employee or contractor who is on duty) is authorised to carry a prohibited item through a screening point if:
 - (a) the item has been surrendered for the purpose of being carried in the hold of the aircraft; and
 - (b) the aircraft operator has agreed to carry the item in the hold of the aircraft; and

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- (c) to reach the place where the item is to be loaded onto the aircraft, the item must be carried through the screening point; and
 - (d) the item is carried in such a way that its presence is not apparent to members of the public.
- (3) A person escorting a person in custody is authorised to carry a prohibited item through a screening point if the item is reasonably necessary in connection with the escort.
- (4) A person who suffers from a medical condition is authorised to carry a prohibited item through a screening point if:
- (a) the item is medically necessary for the purpose of treating the condition; and
 - (b) the person shows a screening officer, or a representative of the screening authority, a medical certificate to that effect.
- (5) A person who is caring for another person who suffers from a medical condition is authorised to carry a prohibited item through a screening point if:
- (a) the item is medically necessary for the purpose of treating the condition; and
 - (b) the person shows a screening officer, or a representative of the screening authority, a medical certificate to that effect.

4.65 Persons authorised to have prohibited items in possession on prescribed aircraft

- (1) An air security officer is authorised to have a prohibited item in his or her possession on board a prescribed aircraft.
- (2) An officer of the Australian Customs Service is authorised to have a prohibited item in his or her possession on board a prescribed aircraft if the officer is undertaking duties in accordance with the *Customs Act 1901*.
- (3) A representative of the operator of a prescribed aircraft is authorised to possess a prohibited item on board the aircraft if:
 - (a) the item has been surrendered on board the aircraft; and
 - (b) the item is to be stored; and
 - (c) the item is stored in such a way that its presence is not apparent to passengers.

Regulation 4.65

- (4) A person is authorised to have a prohibited item in his or her possession in a prescribed aircraft if:
 - (a) the prohibited item is a tool of trade; and
 - (b) the person keeps control of the prohibited item at all times.
- (5) For paragraph (4) (b), the person ceases to have control of the prohibited item if he or she gives possession of it to, or allows it to be accessible to, a person for whom it is not a tool of trade.
- (6) For paragraph (4) (a) and subregulation (5), something is a ***tool of trade*** if:
 - (a) the person whose possession it is in requires it for the purpose for which he or she is in a prescribed aircraft; and
 - (b) the purpose is lawful.
- (7) A person who suffers from a medical condition is authorised to have a prohibited item in his or her possession in a prescribed aircraft if:
 - (a) the item is medically necessary for the purpose of treating the condition; and
 - (b) the person shows a representative of the aircraft operator a medical certificate to that effect.
- (8) A person who is caring for another person who suffers from a medical condition is authorised to have a prohibited item in his or her possession in a prescribed aircraft if:
 - (a) the item is medically necessary for the purpose of treating the condition; and
 - (b) the person shows a representative of the aircraft operator a medical certificate to that effect.

Division 4.4 On-board security

4.66 Management and control of passengers

- (1) The operator of a domestic regular public transport operation or domestic open charter operation or international regular public transport operation or international open charter operation must carry on board an aircraft enough restraining devices to permit the restraint of at least 2 passengers.

Penalty: 5 penalty units.

- (2) The restraining devices must be stored on the aircraft in a place that:
 - (a) is readily accessible to the aircraft's crew; and
 - (b) is not visible nor readily accessible to the aircraft's passengers.

Penalty: 5 penalty units.

4.67 Security of flight crew compartment — all aircraft

- (1) This regulation applies to an aircraft that is used to operate a prescribed air service.
- (2) If such an aircraft has a cockpit door:
 - (a) the door must be able to be locked; and
 - (b) there must be a means for the cabin crew to communicate with the flight crew while the door is locked.
- (3) If the aircraft has a cockpit door, the door must remain locked from the time the aircraft's passenger doors are closed and secured for departure until they are unlocked to allow the passengers to disembark, except:
 - (a) when necessary to allow a person to enter or leave the cockpit; or
 - (b) when otherwise necessary for safety reasons.

Regulation 4.67

- (4) A person must not be allowed to enter the cockpit after the aircraft has taken off unless:
- (a) he or she is authorised to do so by the aircraft's pilot in command or the aircraft's operator and:
 - (i) is a member of the aircraft's crew; or
 - (ii) is an employee of the aircraft's operator; or
 - (iii) is authorised or required by the *Civil Aviation Regulations 1988* or the *Civil Aviation Safety Regulations 1998* to enter the cockpit; and
 - (b) he or she holds appropriate identification as a person referred to in paragraph (a).
- (5) If subregulation (2), (3) or (4) is contravened, the operator of the aircraft concerned commits an offence.
- Penalty: 200 penalty units.
- (6) A contravention of subregulation (5) is an offence of strict liability.
- (7) It is a defence to a charge of contravening subregulation (2) or (3) that the aircraft concerned:
- (a) had a faulty door lock, or that the door lock became faulty during flight; and
 - (b) was being returned to a place at which the lock could be repaired.
- (8) If an operator is returning an aircraft with a faulty door lock to a place at which the lock can be repaired, the operator of the aircraft must inform the Secretary, as soon as practicable, of:
- (a) the flight; and
 - (b) the measures taken to ensure that the cockpit of the aircraft is secure during the flight.

Penalty: 50 penalty units.

4.68 Additional requirements for security of flight crew compartment — aircraft with seating capacity 30 or more

- (1) This regulation applies in relation to an aircraft operated for the purposes of a regular public transport operation or an open charter operation (in each case, whether a domestic or an international air service).
- (2) The operator of an aircraft that has a certificated maximum passenger seating capacity of 30 to 59 must not operate the aircraft unless the aircraft is equipped with a cockpit door that is:
 - (a) designed to resist forcible intrusion by unauthorised persons; and
 - (b) capable of withstanding impacts of at least 300 joules at critical locations; and
 - (c) capable of withstanding at least 1113 newtons constant tensile load on the knob or handle; and
 - (d) designed to resist penetration by small arms fire and fragmentation devices to a level equivalent to level IIIa of the United States National Institute of Justice Standard (NIJ) 0101.04 Revision A, as in force on 15 January 2002.

Penalty: 50 penalty units.

- (3) The operator of an aircraft that has a certificated maximum passenger seating capacity of 60 or more must not operate the aircraft unless the aircraft is equipped with a cockpit door that complies with section 13.2.2 of Annex 6, *Operation of Aircraft*, to the Chicago Convention, as in force on 28 November 2002.

Penalty: 50 penalty units.

Note The section is as follows:

‘13.2.2 From 1 November 2003, all passenger-carrying aeroplanes of a maximum certificated take-off mass in excess of 45 500 kg or with a passenger seating capacity greater than 60 shall be equipped with an approved flight crew compartment door that is designed to resist penetration by small-arms fire and grenade shrapnel, and to resist forcible intrusions by unauthorized persons. This door shall be capable of being locked and unlocked from either pilot’s station.’

Regulation 4.69

- (4) A contravention of subregulation (2) or (3) is an offence of strict liability.
- (5) The Secretary may, by instrument in writing, exempt an operator of a specified aircraft from compliance with subregulation (2) or (3).

4.69 Pre-flight security checks

- (1) Before an aircraft operates a prescribed air service, its operator must ensure that a pre-flight security check of the aircraft is carried out in accordance with subregulations (2), (3), (4) and (5):
 - (a) if the flight is the aircraft's first flight since returning to service after maintenance carried out outside the airside area of a security controlled airport; or
 - (b) unless, since the aircraft's previous flight, it has been continuously protected, in the way set out in the operator's TSP, from unauthorised access.

Penalty: 50 penalty units.

- (2) The checks must include:
 - (a) a comprehensive inspection of the interior of the aircraft, including the passenger cabin, seats, overhead baggage lockers, toilets, catering and food preparation areas, flight deck and crew rest stations, and cargo hold; and
 - (b) an inspection of any unlocked storage facilities in a part of the aircraft mentioned in paragraph (a); and
 - (c) an inspection of the parts of the aircraft's exterior that are reasonably accessible.
- (3) The check of the cargo holds must be done before any cargo is loaded.
- (4) The check of the passenger cabin must be done before any passenger boards the aircraft.
- (5) The check of the baggage compartments must be done before any baggage is loaded.

4.70 Training programs

- (1) The operator of a prescribed air service must establish and maintain a training program in accordance with subregulation (2).

Penalty: 50 penalty units.

- (2) There must be a program for crew that provides training in:
- (a) deciding the seriousness of an occurrence; and
 - (b) crew communication and coordination; and
 - (c) appropriate self-defence; and
 - (d) the use of non-lethal protective devices, to the extent permitted by law; and
 - (e) understanding the behaviour of terrorists; and
 - (f) exercises simulating threatening situations; and
 - (g) flight deck procedures to protect the aircraft; and
 - (h) procedures for searching the aircraft; and
 - (i) least-risk bomb locations for aircraft.

4.71 Unattended aircraft — aircraft operating prescribed air service

If an aircraft that is operated for the purposes of a prescribed air service is not under the continuous supervision of a person authorised by its operator for that purpose, its operator must take reasonable measures to prevent an unauthorised person having access to the aircraft.

Penalty: 50 penalty units.

4.72 Unattended aircraft

- (1) In this regulation:
Australian aircraft has the same meaning as in the *Civil Aviation Act 1988*.
- (2) There must be reasonable measures taken to protect an Australian aircraft that is a powered aircraft (other than an aircraft to which regulation 4.71 applies) against being flown by an unauthorised person.

Regulation 4.73

- (3) For subregulation (2), *reasonable measures* include, for example:
- (a) wheel locks or clamps; or
 - (b) lockable control locks; or
 - (c) the aircraft being chained or padlocked to a permanent tie-down point; or
 - (d) the aircraft being inside a locked hangar.
- (4) The measures taken:
- (a) must be reasonably effective to prevent the aircraft being flown by an unauthorised person; and
 - (b) must be discernible from outside the aircraft; and
 - (c) must not compromise the aircraft's safety.
- (5) If subregulation (2) or (4) is contravened, the registered operator (within the meaning given by the *Civil Aviation Safety Regulations 1998*) of the aircraft concerned is guilty of an offence.

Penalty: 50 penalty units.

Division 4.5 Persons in custody

Subdivision 4.5.1 Preliminary

4.73 Definition for Division

In this Division:

Form 1 means Form 1 in Schedule 1.

Subdivision 4.5.2 Persons in custody under the Migration Act

4.74 Application of this Subdivision

This Subdivision applies in relation to the travel, on a prescribed aircraft, of persons in custody under the Migration Act.

4.75 Definitions for Subdivision

- (1) In this Subdivision:

DIMIA means the Department administered by the Minister who administers the Migration Act.

- (2) For the purposes of this Subdivision, a person in custody is *dangerous* if:

- (a) DIMIA has assessed him or her as being likely to attempt to commit an unlawful interference with aviation, or likely to attempt to escape; or
- (b) DIMIA is aware that the person has been charged with, or convicted of, a crime involving violence against a person or serious damage to property.

4.76 Persons to whom and situations in which this Subdivision does not apply

- (1) Nothing in this Subdivision applies to or in relation to a person who is in custody because that person has been taken into custody (otherwise than under the Migration Act) at a security controlled airport, or on a prescribed aircraft.

- (2) To avoid doubt, nothing in this Subdivision applies to or in relation to:

- (a) a turnaround departure (that is, the departure of a person who has been refused entry at an airport and leaves Australia within 72 hours); or
- (b) a monitored departure (that is, the departure from Australia of a person who holds a bridging visa, and whose departure from Australia is monitored by DIMIA).

Regulation 4.77

4.77 Provision of information to operator of a prescribed air service — person in custody undertaking supervised departure

- (1) In this regulation:
supervised departure means the unescorted departure from Australia of a person who is a non-citizen, who cooperates in the departure process, and is in immigration detention and under the supervision of an officer under the Migration Act until he or she departs from Australia.
- (2) This regulation applies in relation to:
 - (a) the supervised departure from Australia, on a prescribed aircraft, of a person in custody; and
 - (b) travel on a prescribed air service that is a domestic air service, for the purpose of a supervised departure, by such a person.
- (3) DIMIA must give the information required by Part A of Form 1 about the person to the operator of a prescribed air service on which the person will travel by giving the operator a Form 1, of which only Part A has been completed, at least 6 hours before the intended start of the relevant flight, unless the operator agrees otherwise.
- (4) If DIMIA has provided the information in accordance with subregulation (3), and the operator requires more information, or wishes to raise concerns about the proposed travel, the operator must do so in writing no less than 3 hours before the intended start of the relevant flight.
- (5) If DIMIA finds out that any information that it has given to an operator is incorrect or incomplete, it is to give the correct or missing information to the operator as soon as practicable.
- (6) To avoid doubt, nothing in this regulation requires DIMIA to give an operator of a prescribed air service any information the disclosure of which would constitute an offence under any Act or under the law of a State or Territory.

4.78 Provision of information to operator of a prescribed air service — escorted domestic travel maintaining immigration detention

- (1) This regulation applies in relation to the escorted travel, on a prescribed aircraft operating a domestic air service, of a person who is in custody in immigration detention and is not dangerous.
- (2) DIMIA must give the information required by Parts A and B of Form 1 to the operator of a prescribed air service by giving the operator a Form 1, completed except for any necessary approval by the Secretary, at least 24 hours before the intended start of the relevant flight, unless the operator agrees otherwise.
- (3) If DIMIA has complied with subregulation (2) and the operator requires more information or wishes to raise concerns about the proposed travel, the operator must do so in writing no less than 12 hours before the intended start of the relevant flight.
- (4) If DIMIA finds out that any information that it has given to an operator is incorrect or incomplete, it must give the correct or missing information to the operator as soon as practicable.
- (5) To avoid doubt, nothing in this regulation requires DIMIA to give an operator of a prescribed air service any information the disclosure of which would constitute an offence under any Act or under the law of a State or Territory.

4.79 Provision of information to operator of prescribed air service — escorted international travel by non-dangerous persons

- (1) This regulation applies in relation to the escorted travel, on a prescribed aircraft that is operating an international air service, of a person in custody who is not dangerous.
- (2) DIMIA must give the information required by Parts A and B of Form 1 to the operator of a prescribed air service by giving the operator a Form 1, completed except for any necessary approval by the Secretary, at least 48 hours before the intended start of the relevant flight, unless the operator agrees otherwise.

Regulation 4.80

- (3) If DIMIA has complied with subregulation (2) and the operator requires more information, or wishes to raise concerns about the proposed travel, the operator must do so in writing no less than 24 hours before the intended start of the relevant flight.
- (4) If DIMIA finds out that any information that it has given to an operator is incorrect or incomplete, it must give the correct or missing information to the operator as soon as practicable.
- (5) To avoid doubt, nothing in this regulation requires DIMIA to give an operator of a prescribed air service any information the disclosure of which would constitute an offence under any Act or under the law of a State or Territory.

4.80 Provision of information to operator of prescribed air service and operator of security controlled airport — escorted travel by dangerous persons

- (1) This regulation applies in relation to the escorted travel, on a prescribed aircraft, of a person in custody who is dangerous or otherwise presents a risk to aviation security.
- (2) DIMIA must give the information required by Parts A and B of Form 1 to the operator of a prescribed air service by giving the operator a Form 1, completed except for any necessary approval by the Secretary, at least 48 hours before the intended start of the relevant flight, unless the operator agrees otherwise.
- (3) If DIMIA has complied with subregulation (2) and the operator requires more information or wishes to raise concerns about the proposed travel, the operator must do so in writing no less than 24 hours before the intended start of the relevant flight.
- (4) If DIMIA finds out that any information that it has given to an operator is incorrect or incomplete, it must give the correct or missing information to the operator as soon as practicable.
- (5) After the operator of a prescribed air service has endorsed its consent on the relevant Form 1, DIMIA must ensure that a copy of the endorsed form is sent to the operator of each security controlled airport through which the person will travel.

Regulation 4.82

- (6) Unless the operator of such an airport agrees otherwise, DIMIA must ensure that the copy of the form referred to in subregulation (5) is sent at least 12 hours before the person's arrival at that airport.
- (7) To avoid doubt, nothing in this regulation requires DIMIA to give an operator of a prescribed air service or airport operator any information the disclosure of which would constitute an offence under any Act or under the law of a State or Territory.

4.81 Escort arrangements for dangerous persons in custody

- (1) This regulation applies in relation to travel on a prescribed aircraft by a dangerous person in custody.
- (2) If such a person in custody is travelling:
 - (a) he or she must be escorted at all times, when on a prescribed aircraft or at a security controlled airport, by at least 2 escorts; and
 - (b) at least 1 of the escorts must be of the same sex as him or her; and
 - (c) unless the Secretary approves otherwise in writing, the escorts are not to be responsible for any other person in custody; and
 - (d) the escorts must be law enforcement officers or persons of a kind agreed to between the operator of a prescribed air service and DIMIA, and must not be crew members of the aircraft on which the person is travelling; and
 - (e) DIMIA must provide the escorts unless DIMIA and the operator of a prescribed air service agree that the operator will provide the escorts.

4.82 Escort arrangements for non-dangerous persons in custody

- (1) This regulation applies in relation to travel on a prescribed aircraft by a person in custody who is not dangerous.
- (2) To avoid doubt, there is no set number of escorts required for such a person.

Regulation 4.83

4.83 Limits on number of persons in custody undertaking escorted travel on prescribed aircraft

- (1) A reference in this regulation to a person in custody includes both a person in custody to whom this Subdivision applies, and a person in custody to whom Subdivision 4.5.3 applies.
- (2) No more than 2 escorted persons in custody, no more than 1 of whom is dangerous, are to be carried on the same flight without the Secretary's written approval.

Note A limited exception is available if 3 or more escorted persons in custody who are travelling are all members of the same family unit — see regulation 4.84.

- (3) If the operator of a prescribed air service is notified of the proposed travel, on a flight of the aircraft, of a number of escorted persons in custody that would (together with any escorted persons in custody already accepted for carriage on the flight) exceed the limit in subregulation (2), and the operator is willing to carry all or some of the extra persons on the flight, it is the operator's responsibility to apply for the Secretary's approval of the carriage of the extra persons.
- (4) Nothing in this regulation prevents DIMIA from applying on the operator's behalf if DIMIA and the operator agree.
- (5) In giving an approval under subregulation (2), the Secretary may impose any condition reasonably necessary in the interests of aviation security.

4.84 Exception for members of family unit

- (1) This regulation applies if 3 or more persons who, in DIMIA's opinion, are all members of a family unit are all undertaking escorted travel.
- (2) Despite regulation 4.83, if none of the members of the family unit is dangerous, and DIMIA and the operator of a prescribed air service agree on escort arrangements, all members of the family unit may be carried on the aircraft.

4.85 Information to be provided to aircraft's pilot in command

The operator of a prescribed air service on which a person in custody is to be carried must notify the aircraft's pilot in command before the aircraft's departure:

- (a) that a person in custody is being carried on the aircraft; and
- (b) the conditions under which the person is being carried.

Subdivision 4.5.3 Persons in custody otherwise than under Migration Act

4.86 Application of this Subdivision

This Subdivision applies in relation to the travel, on a prescribed aircraft, of persons in custody under a law other than the Migration Act.

4.87 Definitions for Subdivision

- (1) In this Subdivision:

enforcement agency means:

- (a) in the case of a person being moved from one custodial facility to another — the agency responsible for the custodial facility from which the person is being moved; or
- (b) in the case of a person in custody under the *Fisheries Management Act 1991* — the Australian Fisheries Management Authority; or
- (c) in the case of a person (other than a person described in paragraph (a)) in custody under an Act other than the *Fisheries Management Act 1991* — the Australian Federal Police or the police force or police service of a State or Territory; or
- (d) in the case of a person (other than a person described in paragraph (a)) in custody under a law of a State or Territory — the police force or police service of the State or Territory.

Regulation 4.88

- (2) For the purposes of this Subdivision, a person in custody is *dangerous* if:
- (a) the relevant enforcement agency has assessed him or her as being likely to attempt to commit an unlawful interference with aviation, or to attempt to escape; or
 - (b) he or she has been charged with, or convicted of, an offence:
 - (i) against a person or persons; or
 - (ii) involving actual or threatened damage to property; punishable by imprisonment for 5 years or more.

4.88 Persons to whom Subdivision does not apply

Nothing in this Subdivision applies to or in relation to a person who is in custody because he or she has been taken into custody at a security controlled airport, or on a prescribed aircraft.

4.89 Provision of information to operator of prescribed air service and operator of security controlled airport — escorted travel

- (1) This regulation applies in relation to the escorted travel, on a prescribed aircraft, of a person in custody.
- (2) The relevant enforcement agency in relation to the person must give the information required by Parts A and B of Form 1 to the operator of a prescribed air service by giving the operator a Form 1, completed except for any necessary approval by the Secretary, at least 48 hours before the intended start of the relevant flight, unless the operator agrees otherwise.
- (3) If the enforcement agency has complied with subregulation (2) and the operator requires more information, or wishes to raise concerns about the proposed travel, the operator must do so in writing no less than 24 hours before the intended start of the relevant flight.

Regulation 4.90

- (4) If the enforcement agency finds out that any information that it has given to an operator is incorrect or incomplete, it must give the correct or missing information to the operator as soon as practicable.
- (5) If the person in custody is dangerous, after the operator of a prescribed air service has endorsed its consent on the relevant Form 1 the enforcement agency must ensure that a copy of the endorsed form is sent to the operator of each security controlled airport through which the person will travel.
- (6) Unless the operator of such an airport agrees otherwise, the enforcement agency must ensure that the copy of the form referred to in subregulation (5) is sent at least 12 hours before the person's arrival at that airport.
- (7) To avoid doubt, nothing in this regulation requires the enforcement agency to give an operator of a prescribed air service or airport operator any information the disclosure of which would constitute an offence under any Act or under the law of a State or Territory.

4.90 Escort arrangements for dangerous persons in custody

- (1) This regulation applies in relation to travel on a prescribed aircraft by a dangerous person in custody.
- (2) If such a person in custody is travelling:
 - (a) he or she must be escorted at all times, when on a prescribed aircraft or at a security controlled airport, by at least 2 escorts; and
 - (b) at least 1 of the escorts must be of the same sex as him or her; and
 - (c) unless the Secretary approves otherwise in writing, the escorts are not to be responsible for any other person in custody; and
 - (d) the escorts must be law enforcement officers or persons of a kind agreed to between the operator of a prescribed air service and the relevant enforcement agency, and must not be crew members of the aircraft on which the person is travelling; and

Regulation 4.91

- (e) the enforcement agency must provide the escorts unless the enforcement agency and the operator of a prescribed air service agree that the operator will provide the escorts.

4.91 Escort arrangements for non-dangerous persons in custody

- (1) This regulation applies in relation to travel on a prescribed aircraft by a person or persons in custody who is or are not dangerous.
- (2) To avoid doubt, there is no set number of escorts required for such a person or 2 or more such persons, but such a person or such persons must be escorted unless the Secretary approves otherwise in writing.

4.92 Limits on number of persons in custody undertaking escorted travel on prescribed aircraft

- (1) A reference in this regulation to a person in custody includes both a person in custody to whom this Subdivision applies, and a person in custody to whom Subdivision 4.5.2 applies.
- (2) No more than 2 escorted persons in custody, no more than 1 of whom is dangerous, are to be carried on the same flight without the Secretary's written approval.

Note A limited exception is available if 3 or more escorted persons in custody who are travelling are all members of the same family unit — see regulation 4.93.

- (3) If the operator of a prescribed air service is notified of the proposed travel, on a flight of the aircraft, of a number of escorted persons in custody that would (together with any escorted persons in custody already accepted for carriage on the flight) exceed the limit in subregulation (2), and the operator is willing to carry all or some of the extra persons on the flight, it is the operator's responsibility to apply for the Secretary's approval of the carriage of the extra persons.
- (4) The Secretary may impose, on an approval under subregulation (2), any condition reasonably necessary in the interests of aviation security.

Regulation 4.95

4.93 Exception for members of family unit

- (1) This regulation applies if 3 or more persons who, in the relevant enforcement agency's opinion, are all members of a family unit are all undertaking escorted travel.
- (2) Despite regulation 4.92, if none of the members of the family unit is dangerous, and the enforcement agency and the operator of a prescribed air service agree on escort arrangements, all of members of the family unit may be carried on the aircraft.

4.94 Information to be provided to aircraft's pilot in command

The operator of a prescribed air service on which a person in custody is to be carried must notify the aircraft's pilot in command before the aircraft's departure:

- (a) that a person in custody is being carried on the aircraft;
and
- (b) the conditions under which the person is being carried.

Division 4.6 Control directions

4.95 Compliance control directions

- (1) An aviation security inspector may give a compliance control direction orally or in writing.
- (2) However, if an aviation security inspector gives such a direction orally, he or she must, as soon as practicable, confirm it in writing.
- (3) The written confirmation must:
 - (a) identify the direction; and
 - (b) set out the reasons for giving it.
- (4) If the direction was given to the pilot in command of a prescribed aircraft, the written confirmation may be given either to the pilot or to the aircraft's operator.

Regulation 4.95

- (5) An aviation security inspector who has given a compliance control direction must notify the Secretary in writing, as soon as practicable, that he or she has given the direction and its content.

Part 5 Powers of officials

Division 5.1 Aviation security inspectors

5.01 Identity cards

- (1) For subsection 78 (2) of the Act, the requirements as to the form of an identity card are as follows:
 - (a) the card must set out the holder's full name;
 - (b) the card must bear a recent photograph of the holder;
 - (c) the card must bear a statement to the effect that the holder is an aviation security inspector for the purposes of Part 5 of the Act and this Part;
 - (d) the card must bear the signatures of the holder and the Secretary.
- (2) If a person representing or apparently representing an aviation industry participant so requests, an aviation security inspector must show his or her identity card to the person.

Penalty: 5 penalty units.

- (3) A person who ceases to be an aviation security inspector must return his or her identity card to the Secretary within 7 days.

Penalty: 5 penalty units.

- (4) Before an aviation security inspector exercises any power under these Regulations (other than regulation 7.08) in relation to a person, the inspector must show his or her identity card to the person.

Penalty: 5 penalty units.

Regulation 5.02

5.02 Identity cards — transitional arrangements

- (1) If a person was, immediately before 10 March 2005, an authorised officer for Part 7 of the ANR, and is an aviation security inspector, his or her identity card as an authorised person is taken to be an identity card issued under subregulation 5.01 (1).
- (2) This regulation ceases to have effect at the end of 9 March 2006.

Division 5.2 Airport security guards

5.03 Training and qualifications of airport security guards

- (1) The training and qualification requirements for an airport security guard employed at an airport from which screened air services operate are the following:
 - (a) that he or she:
 - (i) holds at least a Certificate II in Security Operations; or
 - (ii) holds another qualification that, in the Secretary's opinion, is equivalent to a Certificate II in Security Operations; or
 - (iii) has undergone training and acquired experience while working as a security guard, for the purpose of obtaining a Certificate II in Security Operations;
 - (b) that he or she is licensed as a security guard in the State or Territory in which the airport is located, if required by State or Territory legislation;
 - (c) that he or she has completed training approved by the Secretary, being training that is designed to ensure familiarity with the Act (in particular, the power of an airport security guard under section 92) and these Regulations.
- (2) Subparagraph (1) (a) (iii) ceases to have effect at the end of 9 March 2007.

Regulation 5.03

- (3) The training and qualification requirements for an airport security guard employed at an airport from which screened air services do not operate are the following:
- (a) that he or she:
 - (i) holds at least a Certificate II in Security Operations; or
 - (ii) holds another qualification that, in the Secretary's opinion, is equivalent to a Certificate II in Security Operations; or
 - (iii) has undergone training and acquired experience while working as a security guard, for the purpose of obtaining a Certificate II in Security Operations;
 - (b) that he or she is licensed as a security guard in the State or Territory in which the airport is located, if required by State or Territory legislation;
 - (c) that he or she has completed training approved by the Secretary, being training that is designed to ensure familiarity with the Act (in particular, the power of an airport security guard under section 92) and these Regulations;
 - (d) that he or she has completed training approved by the Secretary, being training that is designed to ensure competency in the use of a hand-held metal detector.
- (4) Subparagraph (3) (a) (iii) ceases to have effect at the end of 9 March 2007.
- (5) The operator of a security controlled airport from which screened air services do not operate must ensure that the operator has access to the services of at least 1 airport security guard who meets the qualifications set out in subregulation (3).

Penalty: 20 penalty units.

Note Under subsection 44 (3) or section 67 of the Act, an airport from which a screened air service does not operate may be required to use a hand-held metal detector.

- (6) Subregulation (5) does not begin to apply to the operator until the beginning of 10 March 2006.

Regulation 5.04

- (7) Subregulation (5) does not apply to operators of security controlled airports from which regular public transport operations do not operate.

5.04 Identity cards for airport security guards

An airport security guard at an airport from which a regular public transport operation operates must hold, and while on duty must at all times properly display, a valid ASIC.

Note The requirement to display an ASIC does not apply to security regulated airports that do not have regular public transport operations, see subregulation 3.03 (4).

5.05 Uniforms of airport security guards

An airport security guard must wear a distinctive and recognisable uniform.

Division 5.3 Screening officers

5.06 Training and qualifications of screening officers

- (1) The training and qualification requirements for a screening officer are:
- (a) that he or she:
 - (i) holds at least a Certificate II in Security Operations; or
 - (ii) holds another qualification that, in the Secretary's opinion, is equivalent to a Certificate II in Security Operations; or
 - (iii) has undergone training and acquired experience while working as a security guard, for the purpose of obtaining a Certificate II in Security Operations; and
 - (b) that he or she is licensed as a security guard in the State or Territory in which the airport is located, if required by State or Territory legislation; and

Regulation 5.08

- (c) that, until a supervisor is satisfied that he or she is competent as a screening officer, while he or she is on duty as a screening officer:
 - (i) he or she is supervised by a qualified screener; and
 - (ii) he or she does not make any independent screening decisions; and
 - (d) that he or she has completed training approved by the Secretary, being training that is designed to ensure competency in:
 - (i) maintaining the integrity of a sterile area; and
 - (ii) using screening equipment; and
 - (iii) the methods and techniques to be used for screening persons, baggage and other goods; and
 - (iv) dealing with weapons and prohibited items that are detected or surrendered; and
 - (e) that he or she has completed training approved by the Secretary, being training that is designed to ensure familiarity with the Act (in particular, the power of a screening officer under sections 95 and 96) and these Regulations.
- (2) Subparagraph (1) (a) (iii) ceases to have effect at the end of 9 March 2007.

5.07 Identity cards for screening officers

A screening officer must hold, and while on duty must at all times properly display, a valid ASIC.

5.08 Uniforms of screening officers

A screening officer must wear a distinctive and recognisable uniform.

Part 6 Security identification

Division 6.1 Preliminary

6.01 Definitions for this Part

In this Part:

AFP means the Australian Federal Police established under the *Australian Federal Police Act 1979*.

ASIC program means a program of the kind described in regulation 6.06, and includes a program of that kind as varied under regulation 6.09 or 6.10.

ASIO means the Australian Security Intelligence Organisation established under the *Australian Security Intelligence Organisation Act 1979*.

aviation-security-relevant offence means an offence of a kind mentioned in the following table against a law of the Commonwealth, or of a State or Territory, or of any other country or part of a country:

Item	Kind of offence
1	An offence involving dishonesty
2	An offence involving violence or a threat of violence
3	An offence involving intentional damage to property or a threat of damage to property
4	An offence constituted by the production, possession, supply, import or export of a substance that is: <ul style="list-style-type: none">(a) a narcotic substance within the meaning of the <i>Customs Act 1901</i>; or(b) a drug, within the meaning of:<ul style="list-style-type: none">(i) regulation 10 of the <i>Customs (Prohibited Exports) Regulations 1958</i>; or(ii) regulation 5 of the <i>Customs (Prohibited Imports) Regulations 1956</i>

Regulation 6.01

Item	Kind of offence
5	An offence, of a kind dealt with in Part II of the <i>Crimes Act 1914</i> , against the Government of: (a) the Commonwealth or a State or Territory; or (b) a country or part of a country other than Australia
6	An offence against Part 2 of the <i>Crimes (Aviation) Act 1991</i>
7	An offence against Part 5.3 of the <i>Criminal Code</i>
8	An offence constituted by the production, possession, supply, import or export of explosives or explosive devices

conviction (of a person for an offence) has the meaning given by subsection 85ZM (1) of the *Crimes Act 1914*, but does not include:

- (a) a spent conviction (within the meaning given by subsection 85ZM (2) of that Act); or
- (b) a conviction for an offence of which, under a law relating to pardons or quashed convictions, the person is taken never to have been convicted.

holder, of an ASIC or VIC, means the person to whom it is issued.

issuing body means a person or agency authorised to issue ASICs or ASICs and VICs.

program purposes, for an ASIC program, means the purposes mentioned in regulation 6.06.

security assessment has the same meaning as in Part IV of the *Australian Security Intelligence Organisation Act 1979*.

sentence includes a suspended sentence.

Note 1 Under the definition of **conviction** in subsection 85ZM (1) of the *Crimes Act 1914*, somebody is also taken to have been convicted of an offence if he or she has been convicted of the offence but no conviction has been recorded, and if a court has taken the offence into account in sentencing him or her for another offence: see paragraphs 85ZM (1) (b) and (c).

Note 2 Under Part VIIC of the *Crimes Act 1914*, if somebody receives a free and absolute pardon for an offence against a law of the Commonwealth or a Territory because he or she was wrongly convicted of the offence, he or she is taken for all purposes never to have been convicted — see section 85ZR of that Act.

Regulation 6.02

Note 3 Under that Act, a person need not disclose convictions that:

- (a) have been quashed (see section 85ZT); or
- (b) are spent (see section 85ZV).

Note 4 Convictions for offences under Part 2 of the *Crimes (Aviation) Act 1991* or Part 5.3 of the *Criminal Code* do not become spent for the purposes of an authority assessing whether to issue the convicted person with an ASIC — see the *Crimes Act 1914*, paragraph 85ZZH (k), and the *Crimes Regulations 1990*, regulation 8 and Schedule 4.

6.02 Background checking

A reference in this Part to background checking is a reference to:

- (a) a criminal records check conducted by the AFP; and
- (b) a security assessment conducted by ASIO; and
- (c) if the person is not an Australian citizen, a check conducted by DIMIA as to whether he or she is an unlawful non-citizen.

6.03 Kinds of ASICs

- (1) There are the following kinds of ASICs:
 - (a) red ASICs;
 - (b) grey ASICs.
- (2) A red ASIC or a grey ASIC must be either an Australia-wide ASIC or an airport-specific ASIC.
- (3) An Australia-wide ASIC has effect for the purposes of entry to a secure area at any security controlled airport.
- (4) An airport-specific ASIC has effect for the purposes of entry to a secure area at only the airport specified on it.
- (5) A red ASIC or a grey ASIC must also be either a permanent ASIC or a temporary ASIC.

6.04 Kinds of identification document

- (1) This regulation sets out the criteria that a document must meet to qualify as a primary, secondary or tertiary identification document for somebody.

Regulation 6.04

- (2) A document is a *primary identification document* for somebody if it is:
- (a) a certified copy (that is, a copy certified by a Registrar of Births or similar officer to be a correct copy) of the entry, in a register of births, of his or her birth; or
 - (b) a copy (certified under section 44 of the *Australian Citizenship Act 1948*) of a citizenship certificate granted to him or her; or
 - (c) a document issued to him or her under the law of another country that is evidence, under that law, that he or she is a citizen of that country; or
 - (d) a passport issued to him or her.
- (3) A document is a *secondary identification document* for somebody if:
- (a) it has on it a recent photograph of him or her, or his or her signature; and
 - (b) it is:
 - (i) a licence (for example, a driver's licence) issued to him or her under a law of the Commonwealth or a State or Territory; or
 - (ii) a government employee identification document issued to him or her; or
 - (iii) an Australian student identification document issued to him or her; or
 - (iv) a verifiable reference.
- (4) In subregulation (3):
- Australian student identification document* means a card or document issued to a student at a tertiary education institution in Australia to identify him or her as a student at the institution.
- government employee identification document* means a document issued by or for the Commonwealth or a State or Territory to somebody employed by or for the Commonwealth or the State or Territory.
- verifiable reference* about somebody (the *identified person*) means a reference from:
- (a) a bank or similar financial institution; or

Regulation 6.04

- (b) somebody whose identity has been verified by means of:
 - (i) 2 primary identification documents; or
 - (ii) a primary identification document and a secondary identification document; or
 - (iii) a primary identification document and 2 tertiary identification documents; or
- (c) a referee acceptable to the person or body that requires the identification of the identified person;
that:
 - (d) identifies the identified person by name; and
 - (e) certifies that the person who signed the reference has known the identified person by that name for at least 12 months; and
 - (f) is signed by or for the referee and by the identified person.
- (5) A document is a *tertiary identification document* for somebody if:
 - (a) it sets out his or her name and address; and
 - (b) it is:
 - (i) a signed statement by his or her employer or former employer about that employment; or
 - (ii) a copy (certified by a Registrar of Titles or similar officer to be a correct copy) of a record issued under a law about land titles; or
 - (iii) a document issued by a rating authority from its records about land ownership or occupation; or
 - (iv) a document issued by a bank or similar financial institution from its records about a mortgage or other security that he or she gave to the bank or institution; or
 - (v) an extract from the electoral roll compiled by the Australian Electoral Commission; or
 - (vi) a record issued under a law in force in Australia other than a law about land titles.

6.05 Authentication of certain foreign documents

- (1) In this regulation:

Hague Convention means the *Convention abolishing the Requirement of Legalisation for Foreign Public Documents*, done at the Hague on 5 October 1966.

- (2) This regulation applies if a person presents to an issuing body, as an identification document, a document that is a public document for the purposes of the Hague Convention and was issued in a country (other than Australia) that is a Contracting State to that Convention.
- (3) The body may require the person to have the authenticity of the document certified in accordance with that Convention.

Note The authentication procedure involves the endorsement on, or attachment to, the document of a certificate in a standard form. Details of the procedure and any fee payable should be available from the embassy of the country in which the document was issued.

Division 6.2 ASIC programs

6.06 What an ASIC program is

An *ASIC program* sets out procedures to be followed for the following purposes:

- (a) the issue and production of ASICs and VICs;
- (b) the issue and production of temporary ASICs and VICs that are designed to be used on a single occasion and then destroyed, if the issuing body proposes to issue such ASICs or VICs;
- (c) the design, distribution and storage of sample ASICs or VICs for training purposes, if the issuing body proposes to issue such ASICs or VICs;
- (d) the safekeeping, secure transport and disposal of ASICs and VICs and associated equipment;
- (e) the recovery and secure destruction of issued ASICs or VICs that are no longer required;
- (f) the security of records in relation to applicants for ASICs and VICs;

Regulation 6.07

- (g) ensuring that persons properly display ASICs or VICs;
- (h) lost ASICs and VICs;
- (i) ensuring that ASICs and VICs are returned to issuing bodies when they are no longer required.

Note An applicant for authorisation as an issuing body must provide with its application a statement of its proposed ASIC program — see regulation 6.15.

6.07 Issuing body to give effect to ASIC program

- (1) An issuing body must not fail to give effect to its ASIC program.

Penalty: 50 penalty units.

- (2) Without limiting subregulation (1), an issuing body fails to give effect to its ASIC program if it:
 - (a) fails to do something that its ASIC program requires that it do; or
 - (b) does something that its ASIC program requires that it not do; or
 - (c) does something that its ASIC program requires that it do, but does so in a way that contravenes the program.
- (3) A contravention of subregulation (1) is an offence of strict liability.
- (4) However, an issuing body may apply, in writing, to the Secretary for exemption from giving effect to its ASIC program in a particular case or respect.
- (5) If the Secretary needs more information to deal with an application, the Secretary may ask the applicant, in writing, to provide the information.
- (6) Within 30 days after receiving an application (or, if the Secretary asks for more information under subregulation (5), within 30 days after receiving the information), the Secretary must:
 - (a) grant or refuse the exemption; and
 - (b) notify the body in writing of the decision and, if the decision is a refusal, the reasons for the decision.

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Note Section 27A of the *Administrative Appeals Tribunal Act 1975* requires a person who makes a reviewable decision to give a person whose interests are affected by the decision notice of the making of the decision and of the person's right to have the notice reviewed.

- (7) If the Secretary has not approved, or refused to approve, the exemption within the period allowed by subregulation (6), the Secretary is taken to have refused to approve the exemption.
- (8) The Secretary may also grant, on his or her own initiative, an issuing body a written exemption from giving effect to its ASIC program in a particular case or respect.
- (9) Before granting or refusing an exemption under this regulation, the Secretary must consider:
 - (a) the justification for the proposed exemption; and
 - (b) the likely effect of the proposed exemption on each of the program purposes; and
 - (c) how long the proposed exemption will be for, if it is granted; and
 - (d) anything else relevant that the Secretary knows about.
- (10) The Secretary may grant an exemption for a particular period and subject to a condition mentioned in the exemption.

6.08 Agents of issuing bodies

- (1) An issuing body may specify, in its ASIC program, that an agent or agents may be authorised to issue VICs on its behalf.
- (2) An issuing body whose ASIC program specifies that it may appoint agents to issue VICs may authorise, by instrument in writing, an agent or agents to issue VICs on its behalf.
- (3) An agent so specified must be an appropriate person to issue VICs.
- (4) Without limiting subregulation (3), a person is an appropriate person to issue VICs if:
 - (a) the person controls a secure area or part of a secure area, or reasonably needs access to such an area; and
 - (b) VICs cannot more appropriately be issued by the issuing body; and

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- (c) the issuing body's ASIC program is adequate and the agent is able to give effect to it; and
 - (d) the issuing body determines that the agent is not likely to be a threat to aviation security.
- (5) The issuing body must revoke the authorisation if it is not satisfied that the conditions are being met.
- (6) An issuing body is responsible for the actions of a person it appoints as its agent.

6.09 Direction to vary ASIC program

- (1) If an issuing body's ASIC program is not adequate to give effect, in all circumstances, to any 1 or more of the program purposes, the Secretary may direct the body, in writing, to vary the program.
- (2) The Secretary must not give such a direction in relation to a program purpose unless the Secretary is satisfied that the variation is appropriate to make the program adequate for that purpose.
- (3) A direction must:
- (a) indicate the variation needed; and
 - (b) state the time within which the issuing body must submit an appropriately varied program to the Secretary.
- (4) An issuing body must comply with such a direction.

Note Regulation 6.19 provides for the revocation of the authorisation of a body that does not comply with a direction.

6.10 Variation of ASIC program by issuing body

- (1) An issuing body may:
- (a) review its ASIC program at any time; and
 - (b) submit a written proposed variation of the program to the Secretary for approval.
- (2) If the Secretary needs more information to deal with an application, the Secretary may ask the applicant, in writing, to provide the information.

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- (3) Before the end of 30 days after receiving the proposed variation (or, if the Secretary asks for more information under subregulation (2), before the end of 30 days after receiving the information), the Secretary must:
 - (a) approve or refuse to approve the variation; and
 - (b) notify the body in writing of the decision and, if the decision is a refusal, the reasons for the decision.

Note Section 27A of the *Administrative Appeals Tribunal Act 1975* requires a person who makes a reviewable decision to give a person whose interests are affected by the decision notice of the making of the decision and of the person's right to have the notice reviewed.

- (4) If the Secretary has not approved, or refused to approve, the program within the period allowed by subregulation (3), the Secretary is taken to have refused to approve the program.
- (5) The Secretary must approve the variation if the program, as varied, will give effect to the program purposes.

6.11 Transitional arrangements — ASIC programs approved under Air Navigation Regulations

- (1) In this regulation:
old ASIC program means an ASIC program within the meaning given by regulation 76 of the ANR.
- (2) This regulation applies to a body that was an issuing body for the purposes of Division 7 of Part 7 of the ANR immediately before 10 March 2005, and continues to be an issuing body under these Regulations.
- (3) Subject to this regulation, the body's old ASIC program is taken to continue to be an approved ASIC program for this Part.
- (4) This regulation ceases to have effect on the earlier of:
 - (a) the day immediately before the day on which the Secretary approves an ASIC program submitted by the body under subregulation 6.13 (3); and
 - (b) the end of 31 December 2005.

Division 6.3 Issuing bodies

6.12 ACS to be issuing body

The Australian Customs Service is an issuing body.

6.13 Transitional — issuing bodies under old Regulations

- (1) An aviation industry participant that was, immediately before 10 March 2005, authorised as an issuing body under Division 7 of Part 7 of the ANR continues to be authorised as an issuing body.
- (2) The authorisation of an issuing body referred to in subregulation (1) may be revoked in the same way as that of an issuing body authorised under this Division.
- (3) The issuing body must submit to the Secretary, on or before 30 November 2005, an ASIC program for the Secretary's approval.
Penalty: 50 penalty units.
- (4) An offence against subregulation (3) is an offence of strict liability.
- (5) The Secretary must, before the end of 31 December 2005:
 - (a) approve or refuse to approve the ASIC program; and
 - (b) notify the body in writing of the decision and, if the decision is a refusal, the reasons for the decision.

Note Section 27A of the *Administrative Appeals Tribunal Act 1975* requires a person who makes a reviewable decision to give a person whose interests are affected by the decision notice of the making of the decision and of the person's right to have the notice reviewed.

- (6) If the Secretary has not approved, or refused to approve, the program before the end of 31 December 2005, the Secretary is taken to have refused to approve the program.

6.14 Certain operators of security controlled airports authorised to issue ASICs and VICs

- (1) Each operator of a security controlled airport from which a regular public transport operation operates is an issuing body.
- (2) Before an issuing body referred to in subregulation (1) performs the functions or exercise the powers of an issuing body, it must have an ASIC program approved by the Secretary.
- (3) The operator of an airport (other than an operator to which regulation 6.13 applies):
 - (a) from which a regular public transport operation operates; and
 - (b) that is declared, by notice published in the *Gazette* on or before 10 March 2005, to be a security controlled airport; must submit to the Secretary, on or before 24 March 2005, an ASIC program for the Secretary's approval.

Penalty: 50 penalty units.
- (4) An offence against subregulation (3) is an offence of strict liability.
- (5) The operator of an airport to which regulation 6.13 applies, being an operator whose ASIC program was refused approval under that regulation, may submit to the Secretary an ASIC program for the Secretary's approval.
- (6) If the Secretary needs more information to deal with an ASIC program submitted for approval, the Secretary may ask the operator, in writing, to provide the information.
- (7) Before the end of 30 days after receiving the proposed ASIC program (or, if the Secretary asks for more information under subregulation (6), before the end of 30 days after receiving the information), the Secretary must:
 - (a) approve or refuse to approve the ASIC program; and
 - (b) notify the body in writing of the decision and, if the decision is a refusal, the reasons for the decision.

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Note Section 27A of the *Administrative Appeals Tribunal Act 1975* requires a person who makes a reviewable decision to give a person whose interests are affected by the decision notice of the making of the decision and of the person's right to have the notice reviewed.

- (8) If the Secretary has not approved, or refused to approve, the program within the period allowed by subregulation (7), the Secretary is taken to have refused to approve the program.

6.15 Application for authorisation to issue ASICs and VICs

- (1) An aviation industry participant (other than an operator of a security controlled airport from which regular public transport operation operates) or a Commonwealth agency may apply, in writing, to the Secretary for authorisation as an issuing body.

Note Knowingly making a false or misleading statement in an application is an offence punishable by imprisonment for 12 months — see the *Criminal Code*, section 136.1.

- (2) An application must be accompanied by a statement setting out the applicant's proposed ASIC program.

6.16 Decision on application

- (1) If the Secretary needs more information to deal with an application under regulation 6.15, the Secretary may ask the applicant, in writing, to provide the information.
- (2) Before the end of 30 days after receiving an application (or, if the Secretary asks for more information under subregulation (1), before the end of 30 days after receiving the information), the Secretary must:
 - (a) authorise, or refuse to authorise, the applicant as an issuing body; and
 - (b) notify the body in writing of the decision and, if the decision is a refusal, the reasons for the decision.

Note Section 27A of the *Administrative Appeals Tribunal Act 1975* requires a person who makes a reviewable decision to give a person whose interests are affected by the decision notice of the making of the decision and of the person's right to have the notice reviewed.

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- (3) If the Secretary has not authorised, or refused to authorise the applicant as an issuing body within the period allowed by subregulation (2), the Secretary is taken to have refused to authorise the applicant as an issuing body.
- (4) If the applicant is the operator of a security controlled airport from which a regular public transport operation does not operate, the Secretary must authorise the applicant as an issuing body if the Secretary is satisfied that:
 - (a) the applicant's proposed ASIC program is apparently adequate to give effect to the program purposes; and
 - (b) authorising the applicant as an issuing body would not be likely to be a threat to aviation security.
- (5) If the applicant is not the operator of a security controlled airport, the Secretary must not authorise the applicant as an issuing body unless:
 - (a) the applicant is the operator of a prescribed air service, or another person that may appropriately be authorised, in the opinion of the Secretary, as an issuing body; and
 - (b) the applicant controls a secure area, or reasonably needs on-going access to such an area; and
 - (c) the Secretary is satisfied that the ASICs and VICs that the applicant proposes to issue cannot more appropriately be issued by the operator of a security controlled airport; and
 - (d) the Secretary is satisfied that the applicant's proposed ASIC program is apparently adequate to give effect to the program purposes; and
 - (e) the Secretary is satisfied that authorising the applicant as an issuing body would not be likely to be a threat to aviation security.
- (6) For paragraph (5) (c), the Secretary must consider:
 - (a) how many ASICs and VICs the applicant proposes to issue; and
 - (b) the respective resources of the applicant and the operator of the relevant security controlled airport.
- (7) The Secretary may authorise a person as an issuing body subject to a condition set out in the instrument of authorisation.

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- (8) The authorisation of a person as an issuing body authorises the body to issue both ASICs and VICs unless the authorisation explicitly states otherwise.

6.17 Issuing bodies' staff etc

- (1) An issuing body other than a Commonwealth agency must not allow a person to be directly involved in the issue of ASICs if he or she would not be eligible for the issue of an ASIC, except that he or she need not have an operational requirement for the ASIC.

Penalty: 20 penalty units.

- (2) A Commonwealth agency that is an issuing body must not allow a person to be directly involved in the issue of ASICs if he or she would not be eligible for the issue of an ASIC, except that he or she need not have an operational requirement for the ASIC.
- (3) Despite subregulations (1) and (2) the Secretary may approve the involvement of a person in the issue of ASICs if:
- (a) a security assessment of the person is qualified; but
 - (b) the Secretary is satisfied that the involvement of the person in the issue of ASICs would not constitute a threat to aviation security.

6.18 Copies of ASIC program to be made available

An issuing body must make a copy of its ASIC program available to another issuing body if the requesting issuing body can demonstrate that making the program available to it will assist it to avoid hindering or obstructing compliance with the program.

6.19 Revocation of authorisation for cause

- (1) If an issuing body is the operator of a security controlled airport, the Secretary must revoke the body's authorisation as an issuing body if in the opinion of the Secretary:
- (a) no airport operated by the body has a secure area; or

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- (b) the body's ASIC program is apparently no longer adequate to give effect to a program purpose and it is unlikely that a direction under regulation 6.09 will make the program adequate for that purpose; or
 - (c) allowing the body's authorisation to continue would be likely to be a significant threat to aviation security; or
 - (d) the body does not comply with a direction of the Secretary under regulation 6.09.
- (2) If an issuing body is not the operator of a security controlled airport, the Secretary must revoke the body's authorisation if in the opinion of the Secretary:
- (a) the body is no longer a person that may appropriately be authorised to issue ASICs and VICs; or
 - (b) the body no longer controls a secure area, or part of a secure area, of a security controlled airport, nor reasonably requires on-going access to such an area or part of an area; or
 - (c) the ASICs and VICs being issued by the body can more appropriately be issued by an airport operator; or
 - (d) allowing the body's authorisation to continue would be likely to be a significant threat to aviation security; or
 - (e) the body's ASIC program is apparently no longer adequate to give effect to a program purpose, and it is unlikely that a direction under regulation 6.09 will make the program adequate for that purpose; or
 - (f) the body does not comply with a direction of the Secretary under regulation 6.09.
- (3) The Secretary may revoke the authorisation of an issuing body if the body contravenes:
- (a) this Part; or
 - (b) a condition of its authorisation; or
 - (c) its ASIC program.
- (4) For subregulation (3), the Secretary must consider:
- (a) the kind and seriousness of the contravention; and
 - (b) whether the issuing body has previously contravened this Part or a condition of its authorisation or ASIC program.

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- (5) As soon as practicable after revoking the authorisation of a body under this regulation, the Secretary must notify the body in writing of the revocation and the reasons for the revocation.

Note Section 27A of the *Administrative Appeals Tribunal Act 1975* requires a person who makes a reviewable decision to give a person whose interests are affected by the decision notice of the making of the decision and of the person's right to have the notice reviewed.

- (6) The revocation takes effect when written notice of the revocation is given to the body.

6.20 Revocation of authorisation at request of issuing body

- (1) The Secretary must revoke the authorisation of a body (other than the operator of a security controlled airport) as an issuing body if the body asks the Secretary, in writing, to do so.
- (2) A revocation under subregulation (1) takes effect when the request was made.

6.21 Re-applying for authorisation

A body whose authorisation is revoked may apply under regulation 6.15 for a new authorisation.

6.22 What happens if issuing body ceases to exist etc

- (1) If:
- (a) the authorisation of an issuing body (the *original issuing body*) is revoked; or
 - (b) the body ceases to exist; or
 - (c) for any other reason, the body no longer performs the functions or exercises the powers of an issuing body;
- the Secretary may authorise, in writing, another person to perform the functions, and exercise the powers, of the original issuing body in relation to ASICs and VICs issued by that body.

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- (2) An ASIC or VIC issued by the original issuing body that is in force at the time of such an authorisation is not affected by:
 - (a) the body having ceased to exist; or
 - (b) the new authorisation.
- (3) The issuing body authorised under subregulation (1) is taken to be the issuing body for the ASIC or VIC, but is not responsible for the actions of the original issuing body in relation to the ASIC or VIC before the authorisation.
- (4) An authorisation may be subject to a condition specified in it.

Division 6.4 Record-keeping

6.23 Register of ASICs and VICs

- (1) An issuing body must keep a register in accordance with this regulation.
- (2) The register must contain the following details of each ASIC issued by the body:
 - (a) the name of the person to whom the ASIC was issued;
 - (b) subject to subregulation (3), his or her residential address;
 - (c) the general reason that he or she has an operational requirement to hold an ASIC;
 - (d) the date of the beginning of the current period during which he or she has continuously held an ASIC;
 - (e) whether the card is red, grey, permanent, temporary, Australia wide or airport specific;
 - (f) the unique number of the ASIC;
 - (g) its date of issue;
 - (h) its date of expiry;
 - (i) if applicable, the date on which it was cancelled;
 - (j) if applicable, the date on which it was reported lost, stolen or destroyed.
- (3) The register need not contain the residential address of an ASIC holder who is a law enforcement officer, an officer or employee of ASIO or an Australian Public Service employee.

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- (4) The register must contain the following details of each VIC issued by the body:
 - (a) the name of the person to whom the VIC was issued;
 - (b) the general reason that he or she has an operational requirement to hold a VIC;
 - (c) the unique number of the VIC;
 - (d) its date of issue;
 - (e) whether the card is Australia wide or airport specific;
 - (f) its date of expiry;
 - (g) if applicable, the date on which it was cancelled;
 - (h) if applicable, the date on which it was reported lost, stolen or destroyed.
- (5) The register may be kept by means of a computer or in any other form that can be conveniently audited.
- (6) The issuing body must hold the register at its office.
- (7) The issuing body must allow an aviation security inspector to inspect the register on request during normal business hours.

6.24 Other records

- (1) An issuing body must maintain records that are sufficient to demonstrate that it has complied with its ASIC program.
- (2) The body must retain the record of issue of an ASIC or VIC:
 - (a) for at least 6 months after the creation of the record; or
 - (b) until the expiry of the ASIC or VIC;whichever is later.
- (3) The records may be kept by means of a computer or in any other form that can be conveniently audited.
- (4) The issuing body must hold the records at its office.
- (5) The issuing body must allow an aviation security inspector to inspect the records on request during normal business hours.

6.25 Annual reporting

An issuing body must report to the Secretary in writing, within 1 month after the end of each financial year:

- (a) the total number of ASICs issued by the body that have not expired and have not been cancelled; and
- (b) the number of ASICs issued by the body that have expired or been cancelled but have not been returned to the body.

Penalty: 20 penalty units.

Division 6.5 ASICs and VICs: issue, expiry and cancellation

6.26 ASICs — application for issue

- (1) A person who has an operational need for frequent access to a secure area at an airport may apply to an issuing body for the issue of an ASIC.
- (2) The application must be in writing and, except in the case of a person who is under 18, must be accompanied by:
 - (a) a signed form of consent to a criminal records check; and
 - (b) a signed consent to personal information being passed between the Secretary, AFP, ASIO, CASA and DIMIA; and
 - (c) an acknowledgement that a security assessment will be carried out (except if a security assessment has been made in relation to the issue of an ASIC to the applicant).

6.27 Issue of ASICs and VICs

An issuing body may issue ASICs and VICs only in accordance with its ASIC program.

Note 1 To enter the security restricted area of any of the following airports on or after 10 March 2005, a red ASIC is required:

- Adelaide Airport
- Alice Springs Airport
- Avalon Airport
- Ayers Rock Airport

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- Ballina Airport
- Brisbane Airport
- Broome Airport
- Cairns Airport
- Canberra Airport
- Christmas Island Airport
- Coffs Harbour Airport
- Coolangatta Airport
- Darwin Airport
- Hamilton Island Airport
- Hobart Airport
- Launceston Airport
- Mackay Airport
- Maroochydore Airport
- Melbourne Airport
- Mt Isa Airport
- Newcastle Airport
- Norfolk Island Airport
- Perth Airport
- Port Hedland Airport
- Proserpine Airport
- Rockhampton Airport
- Sydney Airport
- Townsville Airport.

Note 2 An ASIC will be needed to enter the secure area of all other airports, and other parts of the secure area of the airports listed in note 1 from 1 January 2006.

Note 3 Nothing in these Regulations precludes an airport operator from issuing ASICs in accordance with an approved ASIC program between 10 March 2005 and 31 December 2005.

6.28 ASICs — issue

- (1) Subject to subregulations (3) and (4) and regulations 6.29 and 6.31, an issuing body may issue an ASIC to a person if and only if:
 - (a) the person has an operational need for frequent access to all or part of 1 or more areas at an airport, or at more than 1 airport, being areas where persons are required to display an ASIC; and

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- (b) the person has verified his or her identity by showing the issuing body:
 - (i) a primary identification document; and
 - (ii) either:
 - (A) a secondary identification document; or
 - (B) 2 tertiary identification documents; and
- (c) either:
 - (i) he or she has shown the issuing body his or her Australian birth certificate, Australian passport or Australian naturalisation certificate; or
 - (ii) the issuing body is satisfied that he or she is not an unlawful non-citizen; and
- (d) subject to subregulation (7), he or she does not have an adverse criminal record; and
- (e) the issuing body has been notified in writing that a security assessment of the person has been made, and:
 - (i) the assessment was not adverse; or
 - (ii) if the assessment was qualified — the issuing body has not been directed by the Secretary under subregulation 6.31 (2) not to issue an ASIC to the person; and
- (f) he or she is not disqualified under regulation 6.48 from holding an ASIC.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.
- (3) In the case of a person who is under 18, the issuing body may issue an ASIC to him or her despite paragraphs (1) (d) and (e) if he or she meets the criteria in paragraphs (1) (a) to (c) and paragraph (1) (f).
- (4) In the case of a person who holds a security designated authorisation that is less than 2 years old, the issuing body may issue the ASIC to him or her despite anything in subregulation (1).

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- (5) For paragraph (1) (d), a person has an *adverse criminal record* if he or she:
- (a) has been convicted of an offence against Part 2 of the *Crimes (Aviation) Act 1991* or Part 5.3 of the *Criminal Code* and sentenced to imprisonment; or
 - (b) has been convicted of an aviation-security-relevant offence (other than an offence against Part 2 of the *Crimes (Aviation) Act 1991* or Part 5.3 of the *Criminal Code*) and sentenced to imprisonment for the period specified in the relevant item of the following table:

Column 1 Item	Column 2 Description of person	Column 3 When conviction occurred	Column 4 Period of sentence
1	A person who, immediately before 1 December 1998, held a superseded card	during the period beginning on 1 December 1998 and ending at the end of 9 March 2005	7 days or longer
2	A person (other than a person referred to in item 1) who was first issued with a security identification card at some time between 1 December 1998 and 31 October 2003 (inclusive)	at any time before 10 March 2005	7 days or longer
3	A person referred to in item 1 or 2	on or after 10 March 2005	any period
4	Any other person	any time	any period

- (6) In the table:
- imprisonment* includes periodic detention, home-based detention, and detention until the rising of the court, but does not include a sentence of community service.

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security identification card has the meaning given by regulation 76 of the ANR, as in force immediately before 10 March 2005.

Note Regulation 76 of the ANR, as then in force, defined ***security identification card*** as follows:

‘***security identification card*** means a card of that type issued under this Division [that is, Division 7 of Part 7 of those Regulations].’

superseded card has the meaning given by subregulation 96 (1) of the ANR, as in force immediately before 10 March 2005.

Note Subregulation 96 (1) of the ANR, as then in force, defined ***superseded card*** as follows:

‘***superseded card*** means a card that:

- (a) was issued to somebody, before this regulation commenced, by an airport operator (including the Federal Airports Corporation), an aircraft operator or the Secretary to allow him or her to enter a security restricted area, or part of a security restricted area, of an airport unescorted; and
- (b) bears a recent photograph of him or her by which he or she can be identified.’

(7) Paragraph (1) (d) does not apply in relation to a person who:

- (a) requires access to an airside area of a security controlled airport for a purpose connected with his or her employment; and
- (b) immediately before 10 March 2005:
 - (i) was in that employment; or
 - (ii) held a flight crew licence; and
- (c) has never held a security identification card, a superseded card or an ASIC; and
- (d) has not been refused a security identification card under Division 7 of Part 7 of ANR on the basis of his or her criminal record.

(8) An issuing body may issue an ASIC subject to a condition, but must notify the holder in writing what the condition is.

(9) In particular, a condition may be that background checking of the holder is carried out more frequently than required by these Regulations.

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6.29 ASICs — Secretary’s approval of issue in certain cases

- (1) If a person is not eligible to be issued an ASIC only because of paragraph 6.28 (1) (d) or (f), an issuing body may apply to the Secretary, in writing, for approval to issue an ASIC to the person.

Note Paragraph 6.28 (1) (d) otherwise prevents the issue of an ASIC to somebody who has been convicted of certain offences. Paragraph 6.28 (1) (f) otherwise prevents the issue of an ASIC to a person who has become disqualified (under regulation 6.48) from holding an ASIC by repeatedly contravening the display requirements.

- (2) If the Secretary needs more information to deal with an application, the Secretary may ask the issuing body, in writing, to provide the information.
- (3) Within 30 days after receiving an application (or, if the Secretary has asked for information under subregulation (2), after receiving the information), the Secretary must:
- (a) approve, or refuse to approve, in writing, the issuing of the ASIC; and
 - (b) notify the body in writing of the decision and, if the decision is a refusal, the reasons for the decision.

Note Section 27A of the *Administrative Appeals Tribunal Act 1975* requires a person who makes a reviewable decision to give a person whose interests are affected by the decision notice of the making of the decision and of the person’s right to have the notice reviewed.

- (4) If the Secretary has not approved, or refused to approve, the issue of the ASIC within the period allowed by subregulation (3), the Secretary is taken to have refused to approve the issue of the ASIC.
- (5) Before approving or refusing to approve the issue of the ASIC to a person who is not eligible to be issued an ASIC only because of paragraph 6.28 (1) (d), the Secretary must consider:
- (a) the nature of the offence the person was convicted of; and
 - (b) the length of the term of imprisonment imposed on him or her; and

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- (c) if he or she has served the term, or part of the term — how long it is, and his or her conduct and employment history, since he or she did so; and
 - (d) if the whole of the sentence was suspended — how long the sentence is, and his or her conduct and employment history, since the sentence was imposed; and
 - (e) anything else relevant that the Secretary knows about.
- (6) The Secretary may give an approval subject to a condition, but must notify the issuing body in writing what the condition is.

6.30 Report to Secretary of refusal to issue ASICs in certain cases

- (1) If an issuing body refuses to issue an ASIC to an applicant because the applicant fails to satisfy any of the criteria in paragraph 6.28 (1) (c), (d), or (f), the issuing body must, within 7 days of the decision, give the Secretary a written report that sets out:
- (a) the applicant's name, address and date of birth; and
 - (b) the reasons for the refusal.
- (2) The Secretary may pass the information on to other issuing bodies or to CASA if he or she thinks that doing so will help to prevent unlawful interference with aviation.

6.31 Persons the subject of adverse or qualified security assessments

- (1) If a security assessment of a person is an adverse security assessment, the Secretary must direct an issuing body that proposes to issue an ASIC to the person that the ASIC is not to be issued.
- (2) The Secretary may direct an issuing body not to issue an ASIC to a person if, on the basis of a security assessment of the person that is a qualified security assessment, the Secretary is satisfied that the holding of an ASIC by the person would constitute a threat to aviation security.
- (3) A direction under subregulation (1) or (2) must be in writing.

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- (4) An issuing body must not issue an ASIC to a person in contravention of a direction under subregulation (1) or (2).

Penalty: 20 penalty units.

Note If an adverse or qualified security assessment about a person is provided to a Commonwealth body, the body must notify the person in writing within 14 days (including a copy of the assessment) and must notify him or her how to apply to the Administrative Appeals Tribunal for review of the assessment — see the *Australian Security Intelligence Organisation Act 1979*, section 38.

6.32 ASICs — period of issue and expiry

- (1) Unless earlier cancelled, an ASIC expires at the end of the last day of the month specified on it as its month of expiry.
- (2) Subject to subregulation (3), the expiry must not be longer than 2 years after the day on which the relevant background checks of the holder were completed.
- (3) In the case of an ASIC issued to a person under 18 in reliance on subregulation 6.28 (3), the expiry must not be later than 6 months after the person's 18th birthday.

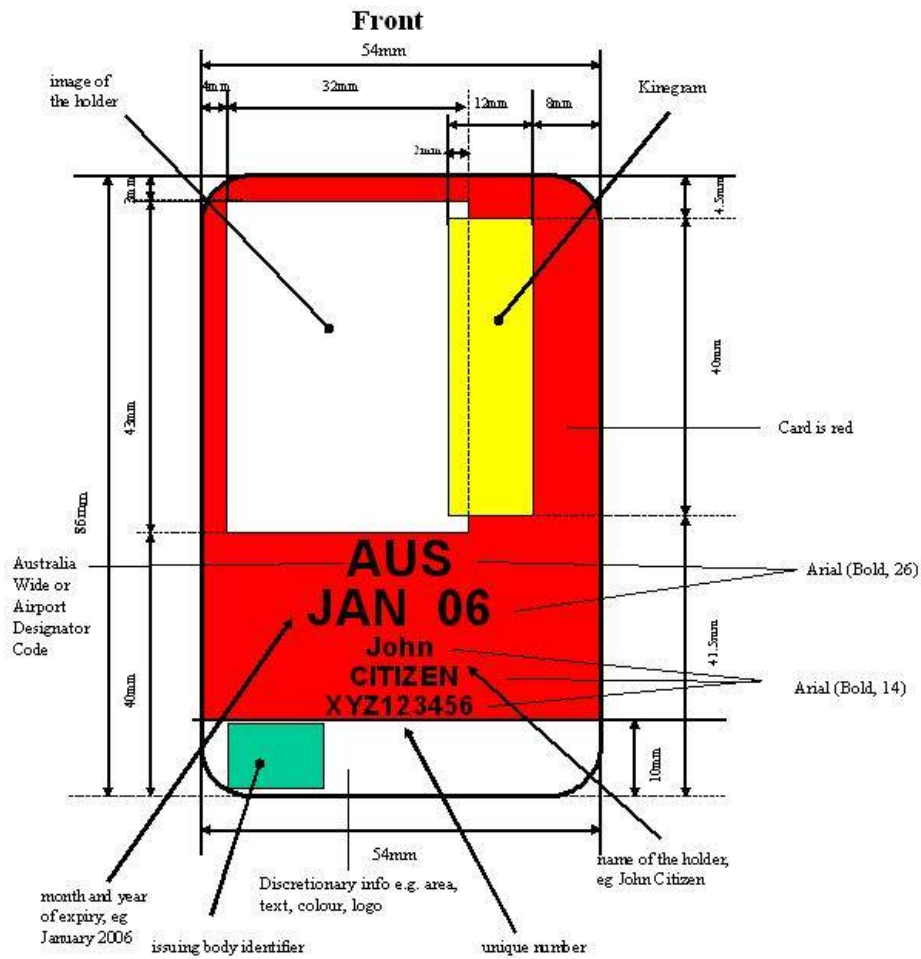
6.33 Form of ASICs other than temporary ASICs

- (1) This regulation does not apply to a temporary ASIC.

Note For the design of a temporary ASIC, see regulation 6.37.

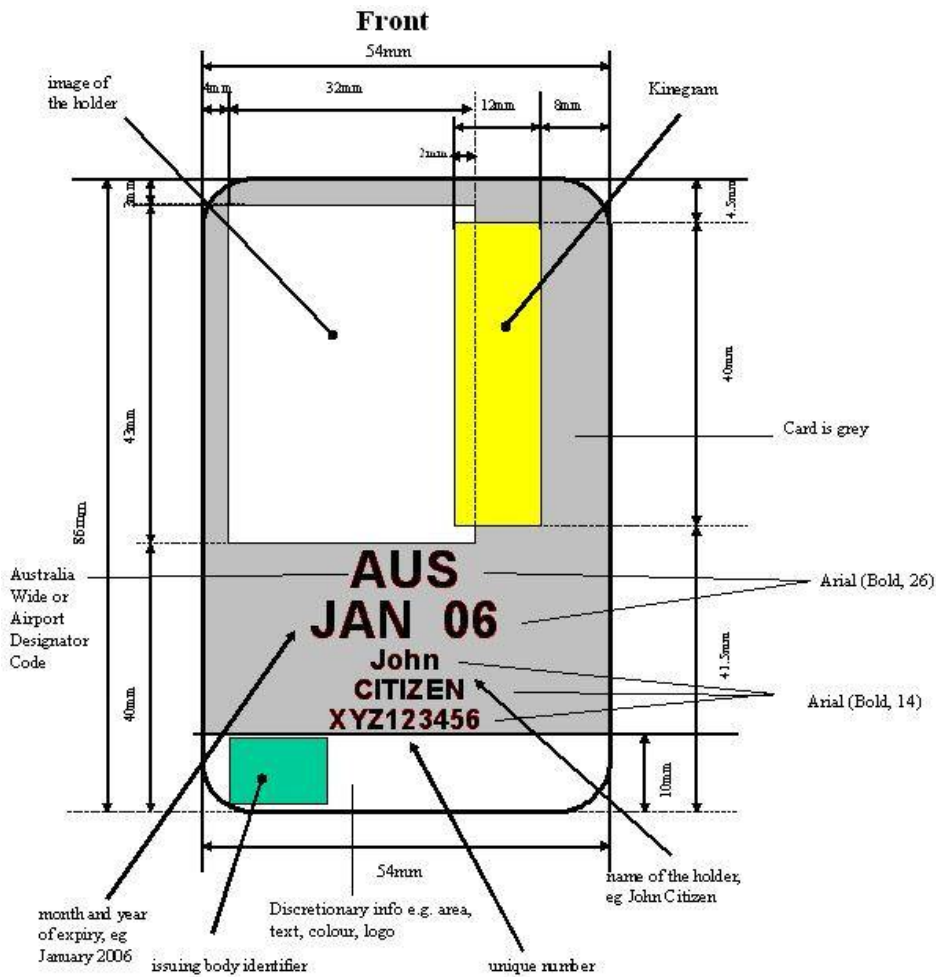
Regulation 6.33

(2) The form of a permanent red ASIC is as follows:



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(3) The form of a permanent grey ASIC is as follows:



(4) An ASIC must comply with the following requirements:

- (a) the dimensions of the ASIC, and of each of its parts, must be as shown in the diagram in subregulation (2) or (3), as the case requires;
- (b) where the diagram indicates a particular colour, type-face or type size, that colour, type-face or type size must be used;

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- (c) the image of the holder must be a recent (that is, taken within 6 months before the issue of the ASIC) photograph of the holder, showing the holder's full face and his or her head and shoulders;
- (d) the image must be protected against tampering by means of:
 - (i) a Kinegram[®] Hot Stamped Patch Optically Variable Device; or
 - (ii) another means directed by the Secretary by notice in the *Gazette*; and
- (e) the first name and surname must be those that the holder normally uses;
- (f) the text at the place marked 'Australia Wide or Airport Designator Code' must be:
 - (i) if the ASIC is an Australia-wide ASIC, the letters 'AUS'; or
 - (ii) if the ASIC is an airport-specific ASIC, the ICAO 3-letter code for the airport;
- (g) the number must be unique among ASICs issued by that issuing body;
- (h) the issuing body identifier must be either the issuing body's logo or:
 - (i) if the body is an airport operator — the ICAO 3-letter code for the airport; or
 - (ii) if the body is an aircraft operator — the IATA 2-letter code, or the ICAO 3-letter code, for the operator; or
 - (iii) if the issuing body is the Australian Customs Service — the word 'Customs'; or
 - (iv) for any other issuing body — as directed by the Secretary;however, the background to the identifier need not be any particular colour;
- (i) the expiry date must be expressed as *abbreviated month abbreviated year*, where *abbreviated month* means the first 3 letters of the name of the month of expiry and *abbreviated year* means the last 2 digits of the number of the year of expiry.

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- (5) A permanent ASIC that is issued to a law enforcement officer or an officer or employee of ASIO may bear the holder's name on the back of the card.
- (6) The Secretary may approve the issue of a permanent ASIC showing the holder's name on the back if the Secretary is satisfied that having the holder's name on the front would put the holder's personal security at risk.
- (7) An issuing body must not issue a permanent ASIC that does not comply with subregulations (2) to (6).

Penalty: 50 penalty units.

- (8) An offence under subregulation (7) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

- (9) The discretionary information area at the bottom of an ASIC may be used by the issuing body for its own purposes.

6.34 Production of sample ASICs and VICs for training purposes

- (1) An issuing body may issue a sample ASIC or a sample VIC bearing the name and image of a fictitious person, or otherwise not conforming to the design of a genuine ASIC or VIC, for use in training.
- (2) The form and content of such a sample ASIC or VIC may be as decided by the issuing body, but a sample ASIC or VIC must be clearly marked to distinguish it from a genuine ASIC or VIC.

6.35 Issue of replacement ASICs

- (1) An issuing body may issue a replacement permanent ASIC to the holder of another permanent ASIC issued by the issuing body if a temporary ASIC has been issued to him or her and:
 - (a) he or she has lost the other permanent ASIC, or it has been stolen or destroyed, and he or she has made a statutory declaration setting out the circumstances of the loss or theft; or

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- (b) where the other permanent ASIC has been stolen, he or she has given the issuing body a copy of a police report, or other information issued by the police, regarding the theft.
- (2) An issuing body may issue a replacement permanent ASIC to the holder of another permanent ASIC issued by the issuing body if the holder has changed his or her name.
- (3) The replacement permanent ASIC must expire no later than the earlier permanent ASIC would have expired.
- (4) The issuing body may issue a replacement permanent red ASIC in substitution for a permanent grey ASIC (or vice versa), or an airport-specific ASIC for an Australia-wide ASIC (or vice versa), or an ASIC specific to an airport for one specific to another airport.
- (5) Either:
 - (a) the replacement permanent ASIC must bear a number indicating how many times a permanent ASIC has been issued to the person with that expiry date; or
 - (b) the issuing body must keep a record of how many times it has issued a permanent ASIC to the person with that expiry date.
- (6) The issue of a replacement permanent ASIC to a person under this regulation cancels any temporary ASIC issued to the person under regulation 6.36.

6.36 Issue of temporary ASICs

- (1) An issuing body may issue a temporary ASIC to the holder of another ASIC if:
 - (a) he or she has lost the other ASIC, or it has been stolen or destroyed, and he or she makes a statutory declaration setting out the circumstances of the loss or theft; and
 - (b) where the ASIC has been destroyed, he or she returns any remains of the ASIC to the issuing body; and
 - (c) where the other ASIC has been stolen, he or she gives the issuing body a copy of his or her report of the theft to the police of the place where the ASIC was stolen.

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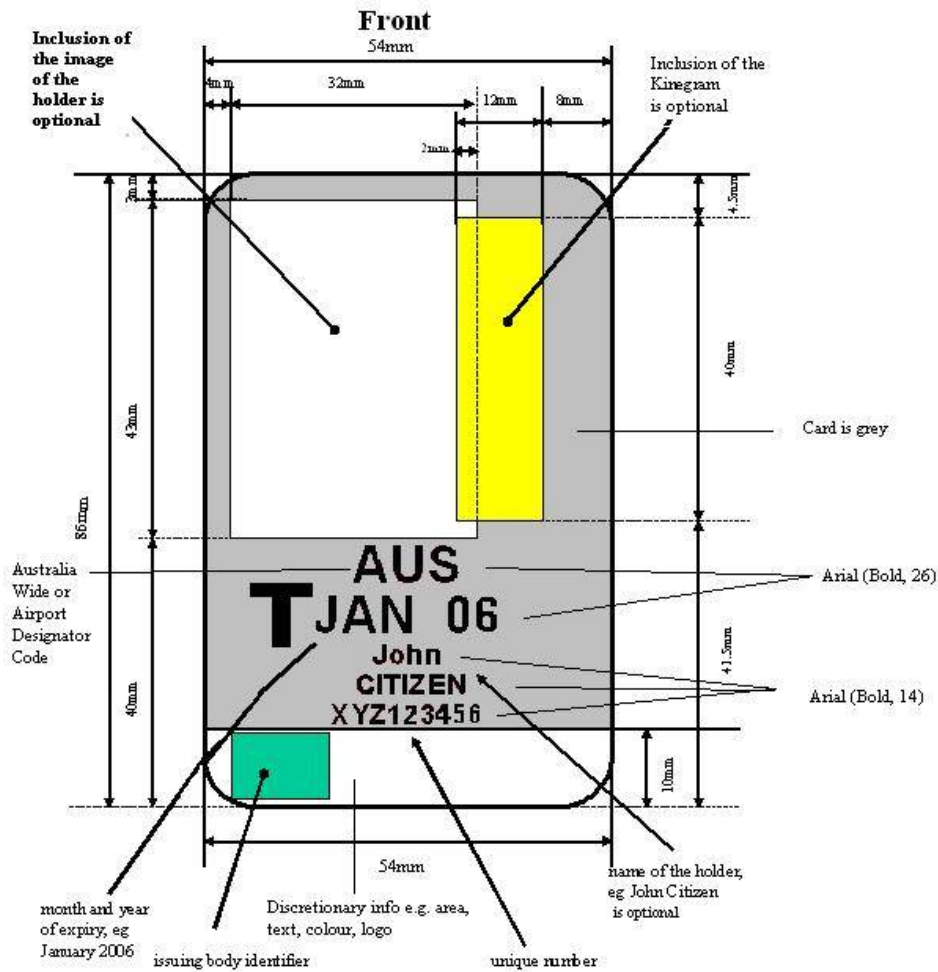
- (2) An issuing body may issue a temporary ASIC to a person to whom the issue of an ASIC has been approved if the issuing body cannot produce that ASIC for some technical reason.
- (3) An issuing body may issue a temporary airport-specific ASIC to a person who holds a valid permanent airport-specific ASIC for another airport.
- (4) An issuing body may issue a temporary ASIC to a person who lives and normally works outside Australia if:
 - (a) the person is:
 - (i) a station manager or duty manager of an aircraft operator; or
 - (ii) an engineer employed by a foreign aircraft operator, or a contractor to such an operator, and is in Australia to carry out maintenance on an aircraft; and
 - (b) he or she has been issued with a security identification card for his or her overseas employment; and
 - (c) the issuing body is satisfied that the security identification card was issued on the basis of background checks that are equivalent to those carried out for the issue of an ASIC; and
 - (d) unless the issuing body is the person's employer, the person's employer requests the issuing body, in writing, to issue the temporary ASIC.
- (5) An issuing body may issue a temporary ASIC to a person who holds a valid ASIC if:
 - (a) the person has inadvertently left his or her permanent ASIC at home, or misplaced it; and
 - (b) it is impracticable because of work commitments for him or her to recover it immediately.

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- (6) A temporary ASIC must not be issued for a period longer than:
 - (a) in the case of a temporary ASIC issued to a person under subregulation (5):
 - (i) if his or her duties will not permit him or her to return within 24 hours to the place where the ASIC was left — as long as is reasonably necessary to recover the ASIC; or
 - (ii) 24 hours; or
 - (b) in any other case — 3 months or the remaining period of validity of the permanent ASIC, whichever is shorter.
- (7) An issuing body may issue a second temporary ASIC to a person immediately after a temporary ASIC issued to him or her expires, but must not issue a third temporary ASIC to him or her immediately after the second temporary ASIC expires.

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(2) The form of a temporary grey ASIC is as follows:



(3) The parts of a temporary ASIC must comply with the following requirements:

- (a) the dimensions of the card, and of each of its parts, must be as shown in the diagram in subregulation (1) or (2), as the case requires;
- (b) where the diagram indicates a particular colour, type-face or type size, that colour, type-face or type size must be used;

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- (c) the image of the holder (if shown on the card) must be a recent (that is, taken within 6 months before the issue of the ASIC) photograph of the holder, showing the holder's full face and his or her head and shoulders;
- (d) the image (if shown on the card) must be protected against tampering by means of:
 - (i) a Kinegram[®] Hot Stamped Patch Optically Variable Device; or
 - (ii) another means directed by the Secretary by notice in the *Gazette*; and
- (e) the first name and surname (if shown on the card) must be those that the holder normally uses;
- (f) the text at the place marked 'Australia Wide or Airport Designator Code' must be:
 - (i) if the ASIC is an Australia-wide ASIC, the letters 'AUS'; or
 - (ii) if the ASIC is an airport-specific ASIC, the ICAO 3-letter code for the airport;
- (g) the number must be unique among ASICs issued by that issuing body;
- (h) the issuing body identifier must be either the issuing body's logo or:
 - (i) if the body is an airport operator — the ICAO 3-letter code for the airport; or
 - (ii) if the body is an aircraft operator — the IATA 2-letter code, or the ICAO 3-letter code, for the operator; or
 - (iii) if the issuing body is the Australian Customs Service — the word 'Customs'; or
 - (iv) for any other issuing body — as directed by the Secretary;however, the background to the identifier need not be any particular colour;
- (i) the expiry date (if shown on the card) must be in the form *abbreviated month abbreviated year*, where ***abbreviated month*** means the first 3 letters of the name of the month of expiry and ***abbreviated year*** means the last 2 digits of the number of the year of expiry.

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- (4) A temporary ASIC that is issued to a law enforcement officer or an officer or employee of ASIO may bear the holder's name on the back of the card.
- (5) The Secretary may approve the issue of a temporary ASIC showing the holder's name on the back if the Secretary is satisfied that having the holder's name on the front would put the holder's personal security at risk.
- (6) An issuing body must not issue a temporary ASIC that does not comply with subregulations (1) to (5).

Penalty: 50 penalty units.

- (7) An offence under subregulation (6) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

- (8) The discretionary information area at the bottom of a temporary ASIC may be used by the issuing body for its own purposes.

6.38 VICs

- (1) An issuing body or its agent may issue a VIC to a person if and only if:
 - (a) he or she needs to enter the secure area of a security controlled airport for a lawful purpose; and
 - (b) he or she will be supervised by the holder of a valid ASIC while in the area.
- (2) For paragraph (1) (b), an ASIC holder is supervising a VIC holder if:
 - (a) the ASIC holder escorts or accompanies the VIC holder at all times when the VIC holder is in the secure area; or
 - (b) the ASIC holder watches the VIC holder at all times when the VIC holder is in the area; or
 - (c) the ASIC holder ensures that the VIC holder stays within a particular part of the area, and:
 - (i) the ASIC holder is able to see if the person leaves the particular part of the area; and

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- (ii) the VIC holder has no access, while in that particular part, to:
 - (A) an aircraft engaged in a prescribed air service; or
 - (B) passengers boarding, or intending to board, such an aircraft; or
 - (C) anything being loaded, or to be loaded, on board such an aircraft.
- (3) Despite subparagraph (2) (c) (ii), a VIC holder who is supervised by a representative of a prescribed air service, being a representative who holds an ASIC, may access:
 - (a) an aircraft engaged in a prescribed air service; or
 - (b) passengers boarding, or intending to board, such an aircraft; or
 - (c) anything being loaded, or to be loaded, on board such an aircraft.
- (4) An issuing body or agent must not issue a VIC in contravention of subregulation (1).

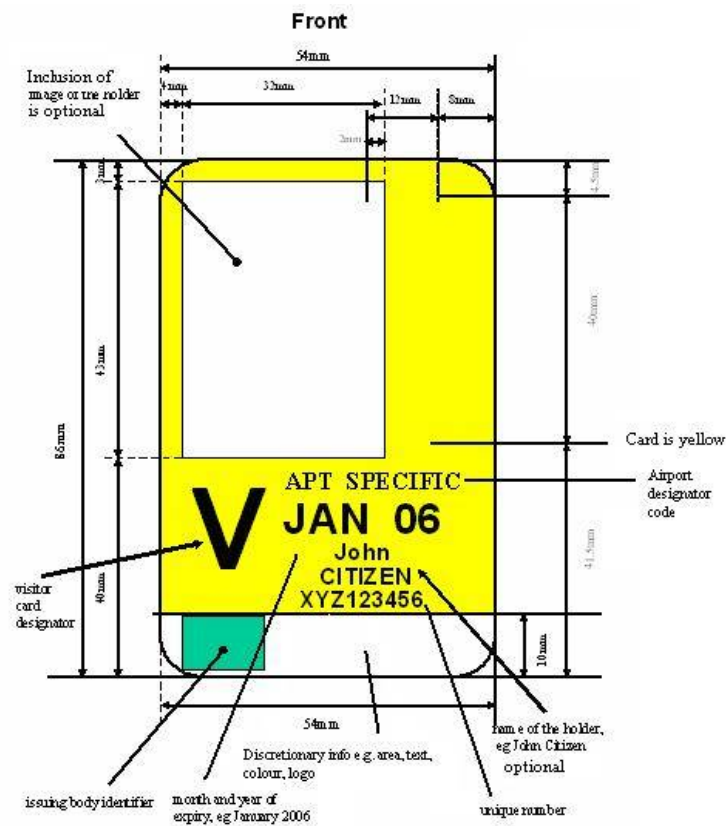
Penalty: 50 penalty units.
- (5) A contravention of subregulation (4) is an offence of strict liability.
- (6) An issuing body or agent must not knowingly issue a VIC to somebody who has been refused an ASIC.

Penalty: 50 penalty units.
- (7) The issue of a VIC may be subject to a condition notified (including notified orally) by the issuing body or agent to the holder.
- (8) An issuing body or agent must not issue a VIC that is valid for longer than:
 - (a) 1 month; or
 - (b) if a longer period than 1 month is permitted by the issuing body's ASIC program, the longer period.

- (9) For paragraph (8) (b), an issuing body's ASIC program must not permit VICs to be issued for a period longer than 3 months.

6.39 Form of VICs

- (1) The form of a VIC is as follows:



- (2) A VIC must comply with the following requirements:
- the dimensions of the VIC, and of each of its parts, must be as shown in the diagram in subregulation (1);
 - where the diagram indicates a particular colour, type-face or type size, that colour, type-face or type size must be used;

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- (c) the image of the holder (if shown on the card) must be a recent (that is, taken within 6 months before the issue of the VIC) photograph of the holder, showing the holder's full face and his or her head and shoulders;
- (d) the first name and surname (if shown on the card) must be those that the holder normally uses;
- (e) the number must be unique among VICs issued by that issuing body;
- (f) if the VIC is airport specific, the ICAO 3-letter code for the airport must appear where 'APT SPECIFIC' appears on the diagram in subregulation (1);
- (g) if the VIC is issued by an agent of an issuing body, the issuing body identifier must be that of the issuing body that authorised the issuing agent to issue the VIC;
- (h) the issuing body identifier must be either the issuing body's logo or:
 - (i) if the body is an airport operator — the ICAO 3-letter code for the airport; or
 - (ii) if the body is an aircraft operator — the IATA 2-letter code, or the ICAO 3-letter code, for the operator; or
 - (iii) if the issuing body is the Australian Customs Service — the letters 'ACS'; or
 - (iv) for any other issuing body — as directed by the Secretary;however, the background to the identifier need not be any particular colour;
- (i) if the VIC is issued by an agent of an issuing body, the issuing body identifier must be that of the issuing body that authorised the issuing agent to issue the VIC;
- (j) the expiry date (if shown on the card) must be in the form *abbreviated month abbreviated year*, where ***abbreviated month*** means the first 3 letters of the name of the month of expiry and ***abbreviated year*** means the last 2 digits of the number of the year of expiry.

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- (3) A VIC that is issued to a law enforcement officer or an officer or employee of ASIO may bear the holder's name on the back of the card (that is, the side other than the side on which the other particulars and things required by subregulation (2) appear).
- (4) The Secretary may approve the issue of a VIC showing the holder's name on the back if the Secretary is satisfied that having the holder's name on the front would put the holder's personal security at risk.
- (5) An issuing body or issuing body's agent must not issue a VIC that does not comply with subregulations (1) to (4).

Penalty: 50 penalty units.

- (6) An offence under subregulation (5) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

- (7) The discretionary information area at the bottom of a VIC may be used by the issuing body or agent for its own purposes.

6.40 Offence — unauthorised issue of ASICs or VICs

- (1) A person must not issue an ASIC, or a card resembling, or apparently intended to be taken to be, an ASIC, unless the person is the holder of an authorisation as an issuing body that is in force.

Penalty: 50 penalty units.

- (2) A person must not issue a VIC, or a card resembling, or apparently intended to be taken to be, a VIC, unless the person is:
 - (a) the holder of an authorisation as an issuing body that is in force; or
 - (b) the agent, for the purpose of issuing VICs, of an issuing body.

Penalty: 50 penalty units.

- (3) A contravention of subregulation (1) or (2) is an offence of strict liability.

Regulation 6.41

6.41 Obligation of ASIC holders — conviction of aviation-security-relevant offence

If the holder of an ASIC is convicted of an aviation-security-relevant offence, he or she must notify the issuing body in writing of the conviction and any sentence within 7 days.

Penalty: 20 penalty units.

Note For the meaning of *aviation-security-relevant offence*, see regulation 6.01.

6.42 Obligation of ASIC holders — change of name

- (1) If the holder of an ASIC changes his or her name, he or she must notify the issuing body that issued the ASIC of the change, in accordance with subregulation (2), within 30 days after the change.

Penalty: 5 penalty units.

- (2) The notification must be in the form of a statutory declaration.
- (3) A contravention of subregulation (1) is an offence of strict liability.
- (4) The issuing body must notify the AFP and ASIO of the change of name within 7 days.

Note The issuing body is authorised to issue a replacement ASIC — see regulation 6.35.

6.43 Cancellation of ASICs and VICs

- (1) For the purposes of this regulation, a VIC issued by an issuing body's agent is taken to have been issued by the issuing body.
- (2) An issuing body must immediately cancel an ASIC or VIC issued by the body if:
 - (a) the body finds out that the ASIC or VIC was not issued in accordance with the body's ASIC program or this Division; or
 - (b) the Secretary has notified the issuing body in writing that a security assessment of the holder was adverse; or

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- (c) the body finds out that the holder is or has become an unlawful non-citizen; or
- (d) the issuing body finds out that the holder has been convicted of an aviation-security-relevant offence (other than an offence against Part 2 of the *Crimes (Aviation) Act 1991*) for which he or she was sentenced to a term of imprisonment; or
- (e) the issuing body finds out that the holder has been convicted of an offence against Part 2 of the *Crimes (Aviation) Act 1991*; or
- (f) the holder no longer needs to enter a secure area for operational purposes.

Note for paragraph (1) (d) For the meaning of **aviation-security-relevant offence**, see regulation 6.01.

- (3) An issuing body must cancel an ASIC issued by the body to a person who was, at the time of issue, under 18, if, by 3 months after the person's 18th birthday, he or she has not given the issuing body a signed consent to:
 - (a) a criminal records check; and
 - (b) a security assessment.
- (4) An issuing body may cancel an ASIC or VIC issued by the body if:
 - (a) the holder contravenes Subdivision 3.2.1, or a condition of the ASIC or VIC; or
 - (b) the ASIC or VIC is altered or defaced (permanently or temporarily).
- (5) For paragraph (4) (a), the issuing body must consider:
 - (a) the kind and seriousness of each contravention; and
 - (b) whether the holder has previously contravened Subdivision 3.2.1 or a condition of the ASIC or VIC.
- (6) As soon as practicable after an issuing body cancels an ASIC or VIC under subregulation (2), (3) or (4), the body must notify the holder, in writing, that the card has been cancelled and the reasons for the cancellation.

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Note Section 27A of the *Administrative Appeals Tribunal Act 1975* requires a person who makes a reviewable decision to give a person whose interests are affected by the decision notice of the making of the decision and of the person's right to have the notice reviewed.

- (7) A cancellation under subregulation (2), (3) or (4) takes effect when the holder is notified of it in writing.

6.44 Report to Secretary of cancellation of ASICs and VICs in certain cases

- (1) If an issuing body cancels an ASIC or VIC on the basis of paragraph 6.43 (2) (c), (d), or (e), the issuing body must, within 7 days of the decision, give the Secretary a written report that sets out:
- (a) the holder's name, address and date of birth; and
 - (b) the reasons for the cancellation.
- (2) The Secretary may pass the information on to other issuing bodies or to CASA if he or she thinks that doing so will help to prevent unlawful interference with aviation.

6.45 Return of ASICs and VICs that have expired etc

- (1) The holder of an ASIC or VIC must return it to the issuing body that issued it within 1 month if:
- (a) the ASIC or VIC expires; or
 - (b) the holder is notified that it has been cancelled; or
 - (c) the ASIC or VIC has been damaged, altered or defaced (permanently or temporarily); or
 - (d) the holder no longer needs to enter the relevant secure area for an operational requirement.

Penalty: 10 penalty units.

- (2) A contravention of subregulation (1) is an offence of strict liability.

6.46 Notification of lost etc ASICs and VICs

- (1) The holder of an ASIC or VIC commits an offence if:
- (a) the ASIC has been lost, stolen or destroyed; and

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- (b) the holder of the ASIC or VIC knows about the loss, theft or destruction; and
- (c) he or she does not make a report, in the form of a statutory declaration, of the loss to the issuing body that issued the ASIC or VIC within 7 days of becoming aware of the loss, theft or destruction.

Penalty: 10 penalty units.

- (2) Strict liability applies to paragraph (1) (c).
- (3) However, subregulation (1) does not apply if the ASIC or VIC has been destroyed by the issuing body that issued it.

6.47 Cancellation of ASICs or VICs at holder's request

- (1) For the purposes of this regulation, a VIC issued by an issuing body's agent is taken to have been issued by the issuing body.
- (2) An issuing body must cancel an ASIC or VIC issued by the body if the holder of the ASIC or VIC asks the body to cancel it.
- (3) A cancellation under subregulation (2) takes effect when the ASIC or VIC is returned to the issuing body.

6.48 Disqualification from holding ASICs for contravening display requirements

- (1) If regulation 3.03 is contravened by the holder of an ASIC 3 times or more within a period of 2 years, he or she is disqualified from holding an ASIC for the longer of:
 - (a) the remaining period of validity of the ASIC; or
 - (b) 1 year.
- (2) The holder must return the ASIC to the issuing body within 1 month.

Penalty: 5 penalty units.

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6.49 Minister may recall ASICs and VICs

- (1) The Minister may direct in writing that all ASICs or VICs (or classes of ASICs or VICs) are cancelled.
- (2) For subregulation (1), a class of ASICs or VICs may be defined by reference to the issuing body that issued them or in any other way.
- (3) A direction under subregulation (1) must be published:
 - (a) in the *Gazette*; and
 - (b) on 2 separate occasions at least 1 week apart in a daily newspaper that circulates throughout Australia, or in 2 or more daily newspapers that together circulate throughout Australia.
- (4) A direction under subregulation (1) has effect 1 month after the second or last publication required by paragraph (3) (b).

6.50 Transitional — design of ASICs etc

- (1) A body that was an issuing body for the purposes of Division 7 of Part 7 of the ANR, and is an issuing body for this Part, may continue, despite regulations 6.33, 6.37 and 6.39, to issue ASICs and VICs in the form provided for in its ASIC program.
- (2) Subregulation (1) ceases to have effect at the end of 31 December 2005.
- (3) An ASIC or VIC issued under subregulation (1) ceases to be valid, unless it sooner expires or is cancelled, at the end of 31 August 2006.

6.51 Transitional — effect of cards issued before 10 March 2005

- (1) In this regulation:
superseded ASIC means an ASIC issued under Division 7 of Part 7 of the ANR.

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- (2) If, immediately before 10 March 2005, a person was the holder of a superseded ASIC that has not expired nor been cancelled, that ASIC is taken:
- (a) to continue to be a valid ASIC; and
 - (b) to continue in effect (unless sooner cancelled) until:
 - (i) when, except for this regulation, it would have ceased to have effect; or
 - (ii) the holder is issued an ASIC under this Part; and
 - (c) to continue to be subject to any condition to which it was subject immediately before this regulation commenced.
- (3) A superseded ASIC may be cancelled by:
- (a) the Secretary; or
 - (b) an issuing body that could issue an ASIC to the holder of the superseded ASIC;
- for any reason that, and in the same way as, the issuing body could cancel an ASIC.
- (4) If the Minister gives a direction that all ASICs are cancelled, the direction is also taken to cancel any superseded ASIC that is in effect immediately before the direction is given.
- Note* See regulation 6.49.
- (5) This regulation ceases to have effect at the end of 31 August 2006.

Division 6.6 Powers of security officers in relation to ASICs and VICs

6.52 Definition — *security officer*

In this Division:

security officer means:

- (a) a law enforcement officer; or
- (b) an airport security guard; or
- (c) an aviation security inspector.

Regulation 6.53

6.53 Directions to show valid ASICs and valid VICs

- (1) In this regulation:
- exempt person*, in relation to a part of the secure area of a security controlled airport, means somebody who, under the Act or these Regulations, is not required to properly display a valid ASIC or valid VIC in that part of that area.
- (2) If a security officer knows, or has reason to believe, that a person who is in a part of a security controlled airport is required under these Regulations to properly display a valid ASIC or valid VIC, but the person is apparently not properly displaying a valid ASIC or valid VIC, the security officer may (unless the security officer knows the person to be an exempt person in relation to that part of the airport) direct the person to show him or her a valid ASIC or valid VIC.
- (3) Before directing the person to do so, the security officer must show the person:
- (a) the officer's identity card; or
 - (b) another appropriate form of identification.
- (4) A person (other than a person who is an exempt person for the area or part) must comply with a direction of a security officer under subregulation (2).

Penalty: 10 penalty units.

- (5) If an exempt person is given a direction by a security officer under subregulation (2), the exempt person must show the security officer identification that establishes that he or she is an exempt person.

Penalty: 10 penalty units.

Division 6.7 Security designated authorisations

6.54 Definitions for Division

- (1) In this Division:
- issue*, used in relation to a security designated authorisation, includes grant.

Regulation 6.55

- (2) For the purposes of this Division, an *aviation security status check* of a person includes:
- (a) if the person is not an Australian citizen, a check as to whether the person is an unlawful non-citizen; and
 - (b) a check of police records to find out whether the person has a criminal record; and
 - (c) a security assessment of the person.
- (3) Unless the contrary intention appears:
- (a) an expression used in this Division that is also used in Division 9 of Part 4 of the Act has the same meaning in this Division as in that Division of the Act; and
 - (b) an expression used in this Division that is also used in regulations made under the *Civil Aviation Act 1988* has the same meaning in this Division as in those regulations.

Note The holder of a flight crew licence must hold an ASIC (and therefore must have a background check done under this Part) to enter the secure area of a security controlled airport — see regulation 3.03.

6.55 Obligations of holders of flight crew licences etc

- (1) After 31 December 2005, a person who holds a security designated authorisation must not perform a duty that is essential to the operation of an aircraft while the aircraft is in Australian territory if:
- (a) the Secretary has determined that the person has an adverse aviation security status, and has given a copy of the determination to the person; or
 - (b) if the person is over 18, the person's aviation security status check is not current; or
 - (c) if the person is over 18, he or she has not requested an aviation security status check.

Penalty: 20 penalty units.

Note A pilot licence, a flight engineer licence and a special pilot licence are security designated authorisations — see regulation 1.08 and the Act, section 74G.

Regulation 6.56

- (2) For paragraph (1) (b), a person's aviation security status check is not current at a particular time if it was carried out more than 5 years before that time, and the person has not requested that a new check be carried out.
- (3) However, if at a particular time a person has had a background check within the previous 2 years for the issue of an ASIC, the person's aviation security status check is taken to be current at that time.

6.56 Request for aviation security status check

- (1) The holder of a security designated authorisation, or an applicant for such an authorisation, who is over 18 may request that an aviation security status check be carried out.
- (2) The application must be in writing and, except in the case of a person who is under 18, must be accompanied by:
 - (a) a signed form of consent to a criminal records check; and
 - (b) a signed consent to personal information being passed between the Secretary, AFP, ASIO, CASA and DIMIA; and
 - (c) an acknowledgement that a security assessment will be carried out (except if a security assessment has been made in relation to the issue of an ASIC to the applicant).

6.57 Flight crew licences etc — requirements in relation to issue

- (1) Despite anything in regulations under the *Civil Aviation Act 1988*, and subject to subregulations (2) and (3), CASA is not to issue a security designated authorisation to a person unless:
 - (a) the person has verified his or her identity by showing CASA:
 - (i) a primary identification document; and
 - (ii) either:
 - (A) a secondary identification document; or
 - (B) 2 tertiary identification documents; and

Regulation 6.58

- (b) either:
- (i) he or she has shown CASA his or her Australian birth certificate, Australian passport or Australian naturalisation certificate; or
 - (ii) CASA is satisfied that he or she is not an unlawful non-citizen; and
- (c) an aviation security status check has shown that the person does not have an adverse criminal record; and
- (d) CASA has been notified in writing that a security assessment of the person has been made, and is not adverse or qualified.

Note If the Secretary has determined that the person has an adverse aviation security status, CASA must refuse the application — see the Act, section 74G.

- (2) In the case of a person who is under 18, CASA may issue the authorisation to him or her despite paragraphs (1) (c) and (d) if he or she meets the criteria in paragraphs (1) (a) and (b).
- (3) In the case of a person who holds an ASIC that is less than 2 years old, CASA may issue the authorisation to him or her despite anything in subregulation (1).
- (4) For paragraph (1) (c), a person has an ***adverse criminal record*** if he or she:
- (a) is, after 10 March 2005, convicted of an aviation-security-relevant offence (other than an offence against Part 2 of the *Crimes (Aviation) Act 1991* or Part 5.3 of the *Criminal Code*) and sentenced to imprisonment; or
 - (b) is convicted of an offence against Part 2 of the *Crimes (Aviation) Act 1991* or Part 5.3 of the *Criminal Code* and sentenced to imprisonment.

6.58 Secretary's determination whether a person has adverse aviation security status

- (1) This regulation sets out what the Secretary must consider in determining that a person has, or does not have, an adverse aviation security status.

Regulation 6.58

- (2) If the person is an unlawful non-citizen, the Secretary must determine that the person has an adverse aviation security status.
- (3) If a security assessment of the person was adverse, the Secretary must determine that the person has an adverse aviation security status.

Note If an adverse or qualified security assessment about a person is provided to a Commonwealth body, the body must notify the person in writing within 14 days (including a copy of the assessment) and must notify him or her how to apply to the Administrative Appeals Tribunal for review of the assessment — see the *Australian Security Intelligence Organisation Act 1979*, section 38.

- (4) If a security assessment of the person was qualified, the Secretary must consider the reasons for the assessment being qualified, and whether the holding of a security designated authorisation by the person would constitute a threat to aviation security.
- (5) If the person has an adverse criminal record (within the meaning given by subregulation 6.57 (4)), the Secretary must consider:
 - (a) the nature of the offence the person was convicted of; and
 - (b) the length of the term of imprisonment imposed on him or her; and
 - (c) if he or she has served the term, or part of the term — how long it is, and his or her conduct and employment history, since he or she did so; and
 - (d) if the whole of the sentence was suspended — how long the sentence is, and his or her conduct and employment history, since the sentence was imposed; and
 - (e) anything else relevant that the Secretary knows about.

**6.59 Conviction of holders of security designated
authorisation of aviation-security-relevant offences**

If the holder of a security designated authorisation is convicted of an aviation-security-relevant offence, he or she must notify CASA in writing of the conviction and any sentence within 7 days.

Penalty: 20 penalty units.

Note For the meaning of *aviation-security-relevant offence*, see regulation 6.01.

Regulation 7.01

Part 7 Enforcement

7.01 Purpose and effect of Part

- (1) The purpose of this Part is to create a system of infringement notices for offences against the Act and these Regulations as an alternative to prosecution.
- (2) This Part does not:
 - (a) require an infringement notice to be issued to a person for an offence; or
 - (b) affect the liability of a person to be prosecuted for an offence if an infringement notice is not issued to the person for the offence; or
 - (c) prevent the issue of 2 or more infringement notices to a person for an offence; or
 - (d) affect the liability of a person to be prosecuted for an offence if the person does not comply with an infringement notice for the offence; or
 - (e) limit or otherwise affect the penalty that may be imposed by a court on a person convicted of an offence.

7.02 Definition for Part — *authorised person*

In this Part:

authorised person means:

- (a) a law enforcement officer; or
- (b) an airport security guard; or
- (c) an aviation security inspector.

7.03 Amount of penalty if infringement notice issued

The penalty for an offence payable under an infringement notice issued to the person for the offence is one-fifth of the maximum penalty that a court could impose on the person for the offence.

Regulation 7.05

7.04 Authorised persons may issue infringement notices

- (1) In this regulation:
- infringement notice offence* means an offence:
- (a) against any provision of the Act (other than subsection 13 (1), 46 (1), 47 (1), 48 (1), 54 (1), 55 (1) or 56 (1)) a contravention of which is an offence of strict liability; or
 - (b) that is an offence of strict liability, against a provision of these Regulations.
- (2) If an authorised person has reason to believe that a person has committed an infringement notice offence, the authorised person may issue a notice (called an infringement notice) to the person for the offence.

7.05 Contents of infringement notice

- (1) An infringement notice:
- (a) must bear a unique number; and
 - (b) must state the name of the authorised person who issued it, and:
 - (i) if he or she is a law enforcement officer — the name of the police force or police service of which he or she is a member, protective service officer or special protective service officer; or
 - (ii) if he or she is an airport security guard or an aviation security inspector — that fact; and
 - (c) must state its date of issue; and
 - (d) must state the full name, or the surname and initials, and the address, of the person to whom it is issued; and
 - (e) must give brief details of the offence for which it is issued, including:
 - (i) the date and time of the offence; and
 - (ii) where the offence happened; and
 - (iii) the provision of the Act or these Regulations contravened; and
 - (f) must state the penalty for the offence payable under the notice; and

Regulation 7.06

- (g) must state where and how that penalty can be paid (including, if the penalty can be paid by posting the payment, the place to which it should be posted); and
 - (h) must state that if the person to whom it is issued (the *recipient*) pays the penalty within 28 days after the day when the notice is served (or any longer time allowed in writing by an aviation security inspector), then (unless the infringement notice is subsequently withdrawn and any penalty paid refunded):
 - (i) any liability of the recipient for the offence will be discharged; and
 - (ii) the recipient will not be prosecuted in a court for the offence; and
 - (iii) the recipient will not be taken to have been convicted of the offence; and
 - (i) must state the greatest penalty that a court could impose on the recipient for the offence; and
 - (j) must state that if the recipient is prosecuted in court and found guilty of the offence, the recipient may be convicted of the offence and ordered to pay a penalty and costs, and be subject to any other order that the court makes; and
 - (k) must state how and to whom the recipient can apply to be allowed more time to pay the penalty; and
 - (l) must be signed by the authorised person who issued it.
- (2) An infringement notice may contain any other information that the authorised person who issues it thinks necessary.

7.06 Service of infringement notices

- (1) An infringement notice must be served on the person to whom it is issued.
- (2) An infringement notice may be served on an individual:
 - (a) by giving it to the individual; or
 - (b) by leaving it at, or by sending it by post, telex, fax or similar facility to, the address of the place of residence or business (the *relevant place*) of the individual last known to the authorised person who issues it; or

Regulation 7.08

- (c) by giving it, at the relevant place, to someone who:
 - (i) lives or is employed, or apparently lives or is employed, there; and
 - (ii) is, or the authorised person who issues it has reason to believe is, over 16 years.
- (3) An infringement notice may be served on a corporation:
 - (a) by leaving it at, or by sending it by post, telex, fax or similar facility to, the address of the head office, a registered office or a principal office of the corporation; or
 - (b) by giving it, at an office mentioned in paragraph (a), to someone who is, or the authorised person who issues it has reason to believe is, an officer or employee of the corporation.

7.07 Time for payment of penalty

The penalty stated in an infringement notice must be paid:

- (a) within 28 days after the day on which the notice is served on the person to whom it is issued; or
- (b) if the person applies for a further period of time in which to pay the penalty, and that application is granted — within the further period allowed; or
- (c) if the person applies for a further period of time in which to pay the penalty, and the application is refused — within 7 days after the notice of the refusal is served on the person; or
- (d) if the person applies for the notice to be withdrawn, and the application is refused — within 28 days after the notice of the refusal is served on the person.

7.08 Extension of time to pay penalty

- (1) The person to whom an infringement notice is issued (the *recipient*) may apply, in writing, to an aviation security inspector for a further period of up to 28 days in which to pay the penalty stated in the notice.

Regulation 7.09

- (2) Within 14 days after receiving the application, the aviation security inspector must:
 - (a) grant or refuse a further period not longer than the period sought; and
 - (b) notify the recipient in writing of the decision and, if the decision is a refusal, the reasons for it.
- (3) Notice of the decision may be served on the recipient in any way in which the infringement notice could have been served on the recipient.

7.09 Effect of payment of penalty

- (1) If an infringement notice is not withdrawn, and the person to whom it is issued for an offence pays the penalty stated in the notice:
 - (a) any liability of the person for the offence is discharged; and
 - (b) the person may not be prosecuted in a court for the offence; and
 - (c) the person is not taken to have been convicted of the offence.
- (2) If 2 or more infringement notices are issued to a person for the same offence, the person's liability to be prosecuted for the offence ceases if the person pays the penalty stated in any of the notices.

7.10 Withdrawal of infringement notice

- (1) Before the end of 28 days after receiving an infringement notice, a person may apply, in writing, to the Secretary for the infringement notice to be withdrawn.
- (2) Within 14 days after receiving the application, the Secretary must:
 - (a) withdraw or refuse to withdraw the notice; and
 - (b) notify the person in writing of the decision and, if the decision is a refusal, the reasons for the decision.

Regulation 7.11

- (3) If the Secretary has not approved, or refused to approve, the withdrawal of the notice within the period allowed by subregulation (2), the Secretary is taken to have refused to approve the withdrawal of the notice.
- (4) Before withdrawing or refusing to withdraw a notice, the Secretary must consider:
 - (a) whether the person has been convicted previously of an offence against the Act or these Regulations; and
 - (b) the circumstances of the offence stated in the notice; and
 - (c) whether the person has previously paid a penalty under an infringement notice issued to the person for an offence of the same type as the offence mentioned in the notice; and
 - (d) any other relevant matter.
- (5) The Secretary may also withdraw an infringement notice without an application having been made.

7.11 Notice of withdrawal of infringement notices

- (1) Notice of the withdrawal of an infringement notice may be served on a person in any way in which the infringement notice could have been served on the person.
- (2) A notice withdrawing an infringement notice served on a person for an offence:
 - (a) must include the following information:
 - (i) the full name, or surname and initials, and address of the person;
 - (ii) the number of the infringement notice;
 - (iii) the date of issue of the infringement notice; and
 - (b) must state that the notice is withdrawn; and
 - (c) if the Secretary intends to prosecute the person in a court for the offence, must state that the person may be prosecuted in a court for the offence.

Regulation 7.12

7.12 Refund of penalty

If an infringement notice is withdrawn after the penalty stated in it has been paid, the Commonwealth must refund the amount of the penalty to the person who paid it.

Part 8 Review of decisions

8.01 Definitions

In this Part:

AAT Act means the *Administrative Appeals Tribunal Act 1975*.

decision has the same meaning as in the AAT Act.

Tribunal means the Administrative Appeals Tribunal.

8.02 Review of decisions in relation to ASICs and related matters — decisions of Secretary

Decisions in relation to issuing bodies

- (1) Application may be made under the AAT Act to the Tribunal for review of a decision of the Secretary:
 - (a) to refuse to authorise a person as an issuing body; or
 - (b) to impose a condition on an issuing body; or
 - (c) to direct an issuing body to vary its ASIC program; or
 - (d) to refuse to approve a variation of an issuing body's ASIC program; or
 - (e) to refuse to exempt an issuing body from giving effect to its ASIC program in a particular case or respect; or
 - (f) to impose a condition on an exemption; or
 - (g) to revoke an issuing body's authorisation.

Decisions in relation to adverse aviation security status

- (2) Application may be made under the AAT Act to the Tribunal for review of a decision of the Secretary that on the basis of a qualified security assessment, a person has an adverse aviation security status.

Note For review of a decision not to issue a security designated authorisation on grounds other than a person's adverse aviation security status, see Part 16 of the *Civil Aviation Regulations 1988*.

Regulation 8.03

Decisions in relation to issue and cancellation of ASICs

- (3) Application may be made under the AAT Act to the Tribunal for review of a decision of the Secretary:
- (a) to refuse to authorise the issue of an ASIC; or
 - (b) to impose a condition on an ASIC.

Decisions in relation to wearing and use of ASICs

- (4) Application may be made under the AAT Act to the Tribunal for review of a decision of the Secretary:
- (a) to refuse to exempt somebody from displaying a valid ASIC in a secure area, or part of such an area; or
 - (b) to impose a condition on such an exemption.

Decisions in relation to the substituted exercise of the powers of an issuing body

- (5) Application may be made under the AAT Act to the Tribunal for review of a decision of the Secretary:
- (a) to authorise, or refuse to authorise, a person to perform the functions, or exercise the powers, of an issuing body; or
 - (b) to authorise a person to perform the functions or exercise the powers of an issuing body subject to a condition.

8.03 Review of decisions in relation to ASICs and related matters — decisions of issuing bodies

Application may be made under the AAT Act to the Tribunal for review of a decision of an issuing body:

- (a) to refuse to issue an ASIC to somebody; or
- (b) to issue an ASIC subject to a condition; or
- (c) to cancel an ASIC.

Regulation 8.04

8.04 Review of decisions in relation to regulated air cargo agents

Application may be made under the AAT Act to the Tribunal for review of a decision by the Secretary:

- (a) to refuse to designate an applicant as a RACA; or
- (b) to revoke the designation of a person as a RACA.

Regulation 9.01

Part 9 Miscellaneous**9.01 Threats regarding aviation security**

- (1) A person must not engage in conduct that a reasonable person could interpret as:
- (a) a threat to commit an act of unlawful interference with aviation; or
 - (b) a statement that such an act has been committed.

Penalty: 50 penalty units.

- (2) For the purposes of subregulation (1), it does not matter that the conduct:
- (a) was engaged in in jest; or
 - (b) was expressed to be a jest.
- (3) An offence against subregulation (1) is an offence of strict liability.

9.02 Service of notices

A notice required under these Regulations may be served by fax or e-mail.

Schedule 1 Forms

(regulation 4.73)

Form 1 Notice of proposed movement of person in custody

Note This form is intended to be printed on the front and back of a single sheet or on 2 separate sheets. A version of the form is available from: <http://www.dotars.gov.au>.

Notice of the Proposed Movement of a Person in Custody

Part A To be completed for all movements

To:	Requesting officer:
Airline:	Office/Section:
Phone:	Phone:
Fax:	Fax:
Date:	Agency Name:

Requested form of travel *(tick as appropriate)*

Supervised departure

For a supervised departure complete page 1 only — 6 hours notice to airline.

Escorted travel

Complete both pages — 48 hours notice to airline.

Domestic travel in immigration detention

For domestic travel in immigration detention complete both pages — 24 hours notice to airline.

Passenger Details	Flight Details
Name:	Flight Number/s:
Sex:	
Date of Birth:	Date of departure:
Place of Birth:	
<i>For international travel:</i>	Departing from:
Nationality:	
Passport No:	Destination:
Passport expiry:	
Country of issue:	

To be completed for supervised departures only (for escorted travel, see page 2)

Is the person cooperative and likely to comply with transit arrangements?	Yes	No	Unknown
Does the person have any medical conditions which may affect travel?	Yes	No	Unknown
Does the person have any known history of violence or aggression?	Yes	No	Unknown
Does the person have any known family members/associates who may attempt intervention in the departure?	Yes	No	Unknown

(Responses are to the best of the department's knowledge.)

Additional information on affirmative answers is attached.

To approve the travel outlined please sign this page and return by fax. If any clarification is required, please contact the requesting officer as soon as possible. If the person is undertaking escorted travel, further information is on page 2.

Signature of Requesting Officer

To be completed and returned by airline

APPROVED

Signature: _____

Name: _____

Position: _____

Part B To be completed only for movements requiring escort

Escorted travel

- ❖ **A dangerous person in custody must have a minimum of two escorts one of whom must be of the same sex as the person in custody. A copy of this risk assessment, endorsed by the airline to confirm its approval, must be faxed to the airport operator no less than 12 hours before the intended start of the relevant flight.**
- ❖ The *Aviation Transport Security Regulations 2005* limit the number of escorted persons in custody on a flight. No more than 2 escorted persons in custody (of which only 1 can be 'dangerous'), can be carried on a flight unless approved in writing by the Secretary of the Department of Transport and Regional Services (*). There are exemptions for 'family units' as determined by the enforcement agency.
- ❖ The Secretary's approval is also required for unescorted travel under Subdivision 4.5.3 of the *Aviation Transport Security Regulations 2005* (Persons in custody otherwise than under Migration Act). *

Proposed escorts

Name:
Sex:
Type/Employed by

Name:
Sex:
Type/Employed by

Name:
Sex:
Type/Employed by

Name:
Sex:
Type/Employed by

Information for escorted travel

Reason for travel:			
Reason he or she is in custody			
	<i>Please circle</i>		<i>Please circle</i>
Has he or she been involved in an attempt to escape from custody?	YES / NO	Is he or she likely to attempt to escape during transportation?	YES / NO
Has he or she a history of physical abuse or ever been charged with, or convicted of, a crime involving violence?	YES / NO	Has he or she been involved in violence or rioting while in detention?	YES / NO
Is he or she likely to be offensive or disruptive towards crew, passengers or escorts?	YES / NO	Has he or she ever engaged in sexually-related criminal activity?	YES / NO

Is an attempt by a third party to release him or her likely?	YES / NO	Is an attempt by a third party to harm him or her likely?	YES / NO
Has the person previously required restraint while being transported?	YES / NO	May it be necessary to handcuff the person at any stage during the flight?	YES / NO
Is the person currently addicted to an illegal substance, or has the person had a history of substance abuse?	YES / NO	Is the person required to take prescribed medication before or during the flight?	YES / NO
Is the person in a mental state requiring special attention?	YES / NO	Has the person a history of self-harm?	YES / NO
Are additional security measures necessary for embarkation and disembarkation?	YES / NO	Do law enforcement authorities (other than an authority represented by the escort) intend to apprehend the person at the destination port?	YES / NO
Is the person likely to attempt to commit an unlawful interference with aviation?	YES / NO		
Is he or she considered to be 'dangerous' within the definition in the Aviation Transport Security Regulations 2005?			YES / NO

(Responses are to the best of the requesting agency's knowledge.)

Additional information on affirmative answers is attached.

***If approval by the Secretary to the Department of Transport and Regional Services is required:**

APPROVED

Signature: _____

Name: _____

Position: _____

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See www.frli.gov.au.