

## SUPPLEMENTARY EXPLANATORY STATEMENT

Issued by authority of the Minister for Home Affairs

*Aviation Transport Security Act 2004*

*Aviation Transport Security Amendment (Screening Information) Regulations 2021*

### **Purpose of the supplementary explanatory statement**

The purpose of this supplementary explanatory statement is to provide additional information, including examples, of *'any other matter the Secretary considers relevant'* under subregulation 4.17A(4) of the *Aviation Transport Security Regulations 2005*, as inserted by Item 2 of Schedule 2 to the *Transport Security Amendment (Screening Information) Regulations 2021* (the Amending Regulations). This is done in accordance with paragraph 15J(1)(c) of the *Legislation Act 2003* and is in response to a request from the Senate Standing Committee for the Scrutiny of Delegated Legislation, as part of their review of the instrument.

The additional detail does not alter the assessment of compatibility with human rights set out in the initial explanatory statement for the Amending Regulations.

### **Amendments to the explanatory statement**

Item [2] – After regulation 4.17

*At the end of the description for subregulation 4.17A(4), insert the following:*

The screening conducted at screening points is restricted to detecting weapons, explosives and prohibited items, on persons, in carry-on baggage, or in a person's other personal effects. While the Secretary may consider other matters when issuing a notice specifying a requirement under subregulation 4.17A(2), these considerations must be relevant to the conduct of security screening and more broadly to the purposes of the Aviation Act and Aviation Regulations.

Other matters the Secretary may consider relevant include significant changes to national security; changes to the aviation security threat environment; and other serious events that could impact screening operations.

*Examples of 'any other matter the Secretary considers relevant'*

*Significant changes to national security*

When issuing a notice that specifies requirements in circumstances where there is a significant change to national security, the Secretary may take those matters into consideration and may specify one or more requirements that respond to those changes to ensure public safety. This may be achieved by specifying adjustments to minimum aviation security screening requirements or additional aviation security screening requirements.

*Changes to the aviation security threat environment*

When issuing a notice that specifies requirements in circumstances where aviation intelligence shows that there is a change to the aviation security threat environment, the Secretary may take into consideration a direct threat to aircraft or aviation infrastructure. This may be achieved by specifying additional targeted security measures that respond to that threat, such as screening all personal effects and carry-on baggage using additional screening processes or that all persons and items entering into a secure area are to be searched.

*Other serious events that could impact screening operations*

When issuing a notice that specifies requirements during the COVID-19 pandemic, the Secretary may take into consideration the number of persons passing through screening points, in relation to the safety of, and health risk to, screening officers. This may be achieved by specifying one or more practical requirements that allow for maintaining effective physical distancing between screening officers performing different modes of screening at a screening point and between screening officers and passengers while conducting the screening activities undertaken at screening points.