

LIN 22/112

Aviation Transport Security (Screening officer requirements) Determination (No.  2) 2022

I, Jason Dickie, delegate of the Secretary of the Department of Home Affairs, make this instrument under section 94A of the *Aviation Transport Security Act 2004* (the ***Act***).

Dated 2 December 2022

Assistant Secretary Capability

Partnerships, Planning and Cyber Response

Cyber and Infrastructure Security Centre

Department of Home Affairs

1 Name

 This instrument is the Aviation Transport Security (Screening officer requirements) Determination (*No.  2) 2022*.

2 Commencement

 This instrument commences on 1 January 2023.

**3 Revocation**

 *Aviation Transport Security (Screening Officer Requirements) Determination 2022* (LIN 22/072) is revoked.

4 Definitions

*Note 1* Some terms used in this notice are defined in the Act, including ***baggage***, ***checked baggage****,* ***screening authority***, ***screening function*** and ***screening officer***.

*Note 2* Some terms used in this notice are defined in the Regulation***s***, including ***ASIC*** and ***properly displaying***.

 In this instrument:

***Act*** means the *Aviation Transport Security Act 2004*.

***independent screening decision*** means a decision:

(a) made by a screening officer when exercising a specified power or a screening function; and

(b) related to whether or not to allow a person, personal effects, carry-on baggage, checked baggage, goods or a vehicle to pass through a screening point without prompting or guidance from a supervising screening officer.

***Regulations*** means the *Aviation Transport Security Regulations 2005.*

5 Application

 This instrument determines requirements under section 94A of the Act for screening officers.

6 Qualifications

 (1) A screening officer must hold either of the following qualifications:

(a) a Certificate II in Transport Security Protection;

(b) a qualification that the Secretary is satisfied will enable the holder to carry out the duties of a screening officer under the Act.

 (2) Subsection (3) applies to a person who:

(a) before 16 January 2022—was engaged or employed as a screening officer by:

 (i) a screening authority; or

 (ii) a port facility operator or regulated Australian ship under the *Maritime Transport and Offshore Facilities Security Act 2003*; and

(b) either:

 (i) after 15 June 2020—did not cease to be engaged or employed as a screening officer by a screening authority, port facility operator or regulated Australian ship for a continuous period of more than 24 months; or

 (ii) after 31 December 2022—does not cease to be engaged or employed as a screening officer by a screening authority, port facility operator or regulated Australian ship for a continuous period of more than 24 months.

Note The Secretary may exempt a class of screening officers from any of these requirements—see Act, section 94B.

 (3) The person must hold any of the following qualifications:

(a) a Certificate II in Security Operations;

(b) a qualification that the Secretary is satisfied is equivalent to a Certificate II in Security Operations;

(c)   a Certificate II in Transport Security Protection.

7 Training

 (1) A screening officer must complete at least 40 hours of on-the-job training specific to the screening officer’s role if the screening officer:

(a) was first engaged or employed after 30 June 2022 as a screening officer by a screening authority; or

1. after 30 June 2022—ceased to be engaged or employed as a screening officer for a continuous period of more than 24 months, and was later re-engaged or re-employed as a screening officer, by:

 (i) a screening authority; or

(ii) a port facility operator or regulated Australian ship under the *Maritime Transport and Offshore Facilities Security Act 2003*.

 (2) However, subsection (1) does not apply to a screening officer who was engaged or employed as a screening officer before 1 July 2022 by a port facility operator or regulated Australian ship under the *Maritime Transport and Offshore Facilities Security Act 2003*.

(3) For section (1), on-the-job training may include the following:

(a) supervised practice at a screening point, preferably live;

(b) training on X-ray image interpretation;

(c) training on specific screening equipment used in the workplace;

(d) training on weapons and prohibited items;

(e) training on maintaining the integrity of sterile areas;

(f) training on methods and techniques for screening;

(g) training designed to ensure familiarity with legislation relevant to screening.

Note The Secretary may exempt a class of screening officers from one or more of these requirements—see Act, section 94B.

8 Aviation accreditation test

 (1) The Secretary may approve a test (an ***aviation accreditation test***) that the Secretary is satisfied is appropriate to test the ability of a screening officer:

 (a) to exercise a power mentioned in Division 5 of Part 5 of the Act that may be exercised by a screening officer; and

(b) to perform a specified screening function.

 (2) An aviation accreditation test must be:

(a) administered by a person approved by the Secretary; and

(b) completed using the Department of Home Affairs’ ICT systems.

 Testing screening officers

 (1) Before undertaking an aviation accreditation test, a screening officer must comply with sections 6 and 7.

 (2) A person engaged or employed as a screening officer after 31 December 2022 must:

1. before making any independent screening decision under a power or a screening function the screening officer will exercise or perform—pass an aviation accreditation test for the power or screening function; and

(b) at least once every 12 months—pass an aviation accreditation test for each power and screening function the screening officer exercises or performs as a screening officer.

Note Not passing an aviation accreditation test will only prevent a screening officer from exercising the powers or performing the functions related to the specific test, and will not prevent a screening officer from exercising other powers or performing other functions for which the screening officer has passed the aviation accreditation tests for those other powers and functions.

 (3) A person engaged or employed as a screening officer before 1 January 2023 must pass an aviation accreditation test for each power and screening function the person will exercise or perform as screening officer:

(a) within 12 months after 31 December 2022; and

1. at least once every 12 months after complying with paragraph (a).

 (4) However, if no aviation accreditation test relates to a particular screening function or a power that the person may use, the person must pass any aviation accreditation test before exercising the power or performing the screening function.

 (5) If a screening officer fails an aviation accreditation test related to a screening function, until the screening officer passes the aviation accreditation test, the screening officer:

1. must be supervised by a screening officer who has completed and passed the aviation accreditation test; and
2. must not make an independent screening decision for the screening function.

 (6) A screening officer who fails an aviation accreditation test may re-take the test at any time, but no more than 3 times in any 30-day period.

 Note The 30-day period would commence from the date of a screening officer’s first unsuccessful attempt at a specified aviation accreditation test.

Example If a screening officer made an unsuccessful attempt at an aviation accreditation test on 1 January 2023, a second unsuccessful attempt on 2 January 2023, and a third unsuccessful attempt on 3 January 2023, the screening officer could not undertake a further attempt at that aviation accreditation test until 1 February 2023.

10 Continuing professional development

 (1) A screening officer must complete at least 12 hours of continuing professional development training specific to the screening officer’s role each year.

 (2) The training may include receiving training on the following:

(a) X-ray image interpretation software;

(b) upgrades to existing equipment;

(c) new and emerging threats, or a briefing on these;

(d) detection and concealment techniques.

Note The Secretary may exempt a class of screening officers from one or more of these requirements—see Act, section 94B.

11 Aviation security identification cards

 A screening officer must:

(a) hold an ASIC; and

(b) properly display an ASIC at all times while on duty, or as otherwise required by the Regulations.

12 Uniforms

 A screening officer must wear a distinctive and recognisable uniform.

13 Record keeping

 (1) A screening authority must make an electronic record of the following for each screening officer engaged or employed by the screening authority:

1. the date the screening officer is engaged or employed;
2. the qualifications held by the screening officer for section 6;
3. the training undertaken by the screening officer for section 7;
4. any training activity undertaken by the screening officer for section 10;
5. the screening officer’s unique individual ASIC number, the name of the issuing body that issued the ASIC and when the ASIC ceases to be in effect.

 (2) For a person to whom subsection 6(2) or 7(2) applies, the screening authority must make an electronic record of any evidence relied on to determine that that subsection applies.

Note This evidence can include records of qualifications held or any other information demonstrating that a person was employed or engaged by a port facility operator, regulated Australian ship, or other screening authority.

 (3) A screening authority must keep records made under subsection (1) for 2 years after the cessation of the screening officer’s employment or engagement (even if the screening authority ceases to be a screening authority during that time).