



LIN 23/025

### **Maritime Transport Security (Screening Officer Requirements) Determination 2023**

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I, Carrie-Anne Henderson, delegate of the Secretary of the Department of Home Affairs, make this instrument under section 165A of the *Maritime Transport and Offshore Facilities Security Act 2003* (the *Act*).

Dated 9 June 2023

Carrie-Anne Henderson  
Acting Assistant Secretary  
Infrastructure Capability Branch  
Cyber and Infrastructure Security Centre  
Department of Home Affairs

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## 1 Name

This instrument is the *Maritime Transport Security (Screening Officer Requirements) Determination 2023*.

## 2 Commencement

This instrument commences on 1 July 2023.

## 3 Revocation

The *Maritime Transport Security (Screening Officer Requirements) Determination 2022* (LIN 22/079) is revoked.

## 4 Definitions

In this instrument:

*Act* means the *Maritime Transport and Offshore Facilities Security Act 2003*.

*independent screening decision* means a decision:

- (a) made by a screening officer when exercising a specified power or performing a screening function; and
- (b) related to whether or not to allow a person, personal effects, baggage, goods, vehicles, or a vessel to pass through a screening point without prompting or guidance from a supervising screening officer.

*Regulations* means the *Maritime Transport and Offshore Facilities Security Regulations 2003*.

*screening authority* means a screening authority as defined in section 9 of the *Aviation Transport Security Act 2004*.

*Note 1* Some terms used in this notice are defined in the Act, including *baggage, port facility operator, regulated Australian Ship, screening function, screening officer and ship operator*.

*Note 2* Some terms used in this notice are defined in the Regulations, including *MSIC* and *properly displaying*.

## 5 Application

This instrument determines requirements under section 165A of the Act for screening officers.

*Note* The Secretary may exempt a class of screening officers from one or more of the requirements in this determination if the Secretary is satisfied an exceptional circumstance exists—see Act, section 165B.

## 6 Qualifications

- (1) A screening officer who is engaged or employed by a port facility operator or ship operator for a regulated Australian ship, that has been served a notice under regulation 7.30 of the Regulations, must hold either of the following qualifications:
  - (a) a Certificate II in Transport Security Protection; or
  - (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 port facility operator or ship operator for a regulated Australian ship under the Act, or

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- (ii) a screening authority; and
  - (b) does not hold a Certificate II in Transport Security Protection; and
  - (c) after 15 June 2020—did not cease to be engaged or employed as a screening officer by a port facility operator, ship operator for a regulated Australian ship or screening authority for a continuous period of more than 24 months.
- (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) training and experience acquired while working as a security guard that is sufficient to satisfy the requirements for obtaining a security guard license in the state or territory where the person intends to work as a screening officer.

## 7 Training

- (1) A screening officer who is engaged or employed by a port facility operator or ship operator for a regulated Australian ship that has been served a notice under regulation 7.30 of the Regulations 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 2023 as a screening officer by a port facility operator, or ship operator of a regulated Australian ship; or
  - (b) 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 a port facility operator or ship operator for a regulated Australian ship.
- (2) For subsection (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 cleared areas;
  - (f) training on methods and techniques for screening;
  - (g) training designed to ensure familiarity with legislation relevant to screening.

## 8 Maritime accreditation test

- (1) The Secretary may approve a test (a *maritime 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 6 of Part 8 of the Act that may be exercised by a screening officer; and
  - (b) to perform a specified screening function.
- (2) A maritime accreditation test must be:
- (a) administered by a person approved by the Secretary; and
  - (b) completed using the Department of Home Affairs' ICT systems.

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## 9 Testing screening officers

- (1) This section applies to screening officers employed or engaged by a port facility operator or a ship operator for a regulated Australian ship that has been served a notice under regulation 7.30 of the Regulations.
- (2) Before undertaking a maritime accreditation test, a screening officer must comply with sections 6 and 7.
- (3) A person engaged or employed as a screening officer after 30 June 2023 must:
  - (a) before making any independent screening decision—pass a maritime accreditation test for the power or screening function; and
  - (b) at least once every 12 months—pass a maritime accreditation test for each power and screening function the screening officer exercises or performs as a screening officer.
- (4) A person engaged or employed as a screening officer before 1 July 2023 must pass a maritime accreditation test for each power and screening function the person will exercise or perform as screening officer:
  - (a) within 12 months of 30 June 2023; and
  - (b) at least once every 12 months after complying with paragraph (a).

*Note 1* A person who was engaged or employed as a screening officer before 1 July 2023 is taken to hold accreditation in all screening functions until 1 July 2024, or until they attempt and fail a maritime accreditation test for a particular screening power or function, whichever occurs sooner.

- (5) If no maritime accreditation test relates to a particular screening function or a power that the person may use, the person must have passed the maritime accreditation test for any other power or function before exercising the power or performing the screening function for which there is no maritime accreditation test.
- (6) If a screening officer fails a maritime accreditation test related to a screening function or power, until the screening officer passes the maritime accreditation test, the screening officer:
  - (a) must be supervised by a screening officer who has completed and passed the maritime accreditation test; and
  - (b) must not make an independent screening decision in relation to that screening function or power.

*Note 2* Failing a maritime 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 maritime accreditation tests for those other powers and functions.

- (7) A screening officer who fails a maritime accreditation test may re-take the test at any time, but may not take the test more than 3 times in any 30-day period.

*Note 3* The 30-day period would commence from the date of a screening officer's first unsuccessful attempt at a specified maritime accreditation test.

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

## 10 Continuing professional development

- (1) A screening officer who is engaged or employed by a port facility operator or a ship operator for a regulated Australian ship, that has been served a notice under regulation 7.30 of the Regulations, must complete at least 12 hours of continuing professional development

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training specific to the screening officer's role every 12 months from the date which the screening officer passed their first maritime accreditation test.

*Example* If a screening officer passed their first maritime accreditation test on 1 July 2023, the screening officer must complete 12 hours of continuing professional development before 1 July 2024. The screening officer must then complete 12 hours of continuing professional development every subsequent year within 12 months from 1 July of every subsequent year.

- (2) For subsection (1), the continuing professional development 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.

## **11 Maritime security identification cards**

A screening officer must:

- (a) hold an MSIC; and
- (b) properly display an MSIC 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 port facility operator or a ship operator for a regulated Australian ship must make an electronic record of the following for each screening officer engaged or employed by the screening authority:
  - (a) the date the screening officer is engaged or employed;
  - (b) the qualifications held by the screening officer for section 6;
  - (c) the training undertaken by the screening officer for section 7;
  - (d) any continuing professional development activity undertaken by the screening officer for section 10;
  - (e) the screening officer's unique individual MSIC number, the name of the issuing body that issued the MSIC and when the MSIC ceases to be in effect.
- (2) For a person to whom subsection 6(2) or 7(1) applies, the port facility operator or a ship operator for a regulated Australian ship responsible for screening must make an electronic record of any evidence relied on to determine that that subsection applies.

*Example* 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 port facility operator or a ship operator for a regulated Australian ship must keep records made under subsection (1) and (2) 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).