

## **EXPLANATORY STATEMENT**

Issued by authority of the Secretary of the Department of Home Affairs

*Aviation Transport Security Act 2004*

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

The *Aviation Transport Security Act 2004* (the Aviation Act) establishes a regulatory framework to safeguard against unlawful interference with aviation and to prevent the use of aviation in connection with serious crime. To achieve these purposes, the Aviation Act establishes minimum security requirements for civil aviation in Australia by imposing obligations on persons engaged in civil aviation related activities.

Consistent with these purposes, the *Aviation Transport Security (Screening officer requirements) Determination) 2023* (‘the Determination’) determines qualifications, training, accreditation testing, use of security identification cards and uniforms requirements for specified screening officers.

#### **Legislative authority**

The Determination is made under section 94A of the Aviation Act. Paragraph 94A(a) provides that the Secretary of the Department of Home Affairs (the Secretary) may determine, by a legislative instrument, the training and qualification requirements, and any other requirements, for specified screening officers relating to the exercise or performance of a specified power under Division 5 of Part 5 of the Aviation Act, or a specified screening function. Paragraph 94A(b) provides that the Secretary may, by legislative instrument, determine for specified screening officers requirements in relation to use of identity cards or in relation to uniforms.

The Determination revokes the *Aviation Transport Security (Screening Officer Requirements) Determination (No.2) 2022* (‘the 2022 Determination’).

Under subsection 33(3) of the *Acts Interpretation Act 1901*, where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character (including rules, regulations or by-laws), the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.

#### **Purpose**

The purpose of the Determination is to determine certain requirements for specified screening officers to establish a national standard of competency, thereby standardising the competency levels of specified screening officers. In turn, this is intended to strengthen the performance of security screening activities undertaken at Australian security controlled airports and help ensure all screening officers in Australia are equipped to respond to current and emerging threats.

The effect of the Determination is that specified screening officers are required to have completed relevant training, to hold relevant qualifications, and meet other requirements prior to exercising powers or performing screening functions under the Aviation Act.

The Determination provides accreditation testing, on the job training and continuing professional development for screening officers. These build on existing qualifications and other requirements, to ensure screening officers obtain and continue to have the knowledge

and ability to maintain the Australian aviation security environment in accordance with current international aviation security standards.

Broadly, the following is determined in relation to requirements for specified screening officers:

- a screening officer must hold either a Certificate II in Transport Security Protection, or a qualification that the Secretary is satisfied will enable the holder to carry out the duties of a screening officer under the Act;
- for persons already engaged or employed as a screening officer before 16 January 2022, a Certificate II in Security Operations, or a qualification which the Secretary is satisfied is equivalent, will satisfy the qualification requirements. For persons engaged or employed as a screening officer by a port facility operator or a ship operator for a regulated Australian ship – 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 will also satisfy the training requirements.
- if persons employed or engaged as a screening officer before 16 January 2022 cease to be engaged or employed as a screening officer by a port facility operator, a ship operator for a regulated Australian ship or screening authority for a continuous period of more than 24 months after 15 June 2020, and they do not already hold a Certificate II in Transport Security Protection, they must gain that qualification in order to carry out the duties of a screening officer;
- screening officers first engaged or employed as a screening officer after 30 June 2022 must complete at least 40 hours of on-the-job training specific to their role before undertaking an aviation accreditation test;
- screening officers engaged or employed after 31 December 2022 must pass the relevant aviation test approved by the Secretary and completed using the Department of Home Affairs' ICT system for each power and screening function they may use in their role before the screening officer may exercise independent screening decisions in relation to each power or screening function. Screening officers employed or engaged before 1 January 2023 will be able to continue in their roles and must complete and pass all accreditation tests relevant to the powers they exercise and functions they perform in their role within 12 months of 31 December 2022;
- from the date that a screening officer passes an aviation accreditation test, they must pass the accreditation test at least once every 12 months thereafter, if it continues to be relevant to a power or function they use in their role. The non-completion of an aviation accreditation test will only prevent a screening officer from exercising powers or performing the functions related to that specific test, and will not prevent a screening officer from exercising powers or performing functions if the screening officer has passed the relevant accreditation test. Screening officers may also retake a test up to three times within a thirty-day (30) period;
- all screening officers must complete at least 12 hours of continuing professional development (CPD) specific to their role every 12 months.

- screening officers must continue to hold and properly display an Aviation Security Identification Card (ASIC) at all times while on duty and wear a distinctive and recognisable uniform.

The Determination also facilitates the employment of people previously engaged or employed as a screening officer by a port facility operator or ship operator for a regulated Australian ship under the *Maritime Transport and Offshore Security Act 2003* or *Aviation Transport and Offshore Security Regulations 2003* as screening officers in the aviation sector.

The Department of Home Affairs has consulted with transport industry stakeholders on the various updates to the Determination. An exposure draft of this Determination was provided to aviation industry stakeholders for their review and comment. Following the exposure, amendments were made to the updated Determination in response to industry feedback. Aviation industry stakeholders were supportive of the updated Determination, as amended following the consultation period.

The Office of Impact Assessment ('OIA') was consulted prior to making this Determination. OIA noted that the Determination was unlikely to have more than a minor regulatory impact and that a Regulation Impact Statement for this Determination was not required (OIA: 22344).

A Statement of Compatibility with Human Rights in accordance with the *Human Rights (Parliamentary Scrutiny) Act 2011* is included at **Attachment A**. The overall assessment is that the Determination is compatible with human rights.

Details of the Determination are set out in **Attachment B**.

The Determination is a legislative instrument for the purposes of the *Legislation Act 2003*.

The whole of the determination commences on the day after it is registered.

**Statement of Compatibility with Human Rights**

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

**Aviation Transport Security (Screening Officer Requirements) Determination 2023**

This Disallowable Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

**Overview of the Disallowable Legislative Instrument**

The *Aviation Transport Security Act 2004* ('Aviation Act') establishes a regulatory framework to safeguard against unlawful interference with aviation and to prevent the use of aviation in connection with serious crime. To achieve these purposes, the Aviation Act establishes minimum security requirements for civil aviation in Australia by imposing obligations on persons engaged in civil aviation related activities.

The *Aviation Transport Security (Screening officer requirements) Determination 2023* ('the Determination') is made under section 94A of the Aviation Act, which provides that the Secretary of the Department of Home Affairs may, by legislative instrument, determine the training and qualification requirements, and any other requirements, for specified screening officers relating to the exercise or performance of a specified power under Division 5 of Part 5 of the Aviation Act, or a specified screening function. It also provides that the Secretary may, by legislative instrument, determine for specified screening officers requirements in relation to the use of identity cards or in relation to uniforms.

Consistent with these purposes, the Determination determines training, qualification, accreditation testing, use of identity cards and uniform requirements for specified screening officers.

The Determination revokes the *Aviation Transport Security (Screening Officer Requirements) Determination (No.2) 2022*.

The Determination replicates and maintains all of the requirements included in the 2022 Determination, such as requirements for specified screening officers to obtain certain qualifications, completed ongoing training and continued professional development (CPD), accreditation testing, display an Aviation Security Identification Card ('MSIC') and wear a uniform. However, the Determination clarifies the CPD must be undertaken every 12 months from the date the screening officer passes their first accreditation test, rather than every calendar year.

Broadly, the following is determined in relation to requirements for specified screening officers:

- a screening officer must hold either a Certificate II in Transport Security Protection, or a qualification that the Secretary is satisfied will enable the holder to carry out the duties of a screening officer under the Act;
- for persons already engaged or employed as a screening officer before 16 January 2022, a Certificate II in Security Operations, or a qualification which the Secretary is satisfied is equivalent, will satisfy the qualification requirements. For persons engaged or employed as a screening officer by a port facility operator or regulated

Australian ship – 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 will also satisfy the training requirements.

- if persons employed or engaged as a screening officer before 16 January 2022 cease to be engaged or employed as a screening officer by a port facility operator, regulated Australian ship or screening authority for a continuous period of more than 24 months from 15 June 2020, and they do not already hold a Certificate II in Transport Security Protection, they must gain that qualification in order to carry out the duties of a screening officer;
- for certain persons already engaged or employed as a screening officer between certain dates, a Certificate II in Security Operations, or a qualification which the Secretary is satisfied is equivalent, will satisfy the qualification requirements;
- screening officers first engaged or employed as a screening officer on or after 1 July 2022, or who are employed as a screening officer before 30 June 2022 and re-engaged after an absence of 24 months, must complete at least 40 hours of on-the-job training specific to their role before undertaking an aviation accreditation testing;
- screening officers engaged or employed on or after 1 January 2023 must pass the relevant aviation test approved by the Secretary and completed using Department of Home Affairs' ITC system for each power and screening function they may use in their role before the screening officer may exercise independent screening decisions in relation to each power or screening function. Screening officers employed or engaged before 1 January 2023 will be able to continue in their roles and will have 12 months from 1 January 2023 to complete and pass all accreditation tests relevant to the powers they exercise and functions they perform in their role;
- from the date that a screening officer passes an aviation accreditation test, they must pass the accreditation test at least once every 12 months thereafter, if it continues to be relevant to a power or function they use in their role. The non-successful completion of an aviation accreditation test will only prevent a screening officer from exercising powers or performing the functions related to that specific test, and will not prevent a screening officer from exercising powers or performing functions if the screening officer has passed the relevant accreditation test. Screening officers may also retake the relevant test up to three times within a thirty-day (30) period;
- all screening officers must complete at least 12 hours of continuing professional development (CPD) specific to their role every 12 months. The screening officers must undertake 12 hours of CPD every 12 months from the date they pass their first aviation accreditation test.
- screening officers must continue to hold and properly display an Aviation Security Identification Card (ASIC) at all times while on duty and wear a distinctive and recognisable uniform.

The Determination includes record keeping obligations which require screening authorities to make electronic records of information relating to screening officers engaged or employed by the screening authority relating to, among other things, those officers' training, qualifications

and continuing professional development. These records must be kept by the screening authority for two years after the cessation of the screening officer's employment or engagement, even if the screening authority ceases to be a screening authority.

The purpose of these record-keeping requirements is for screening authorities to be able to demonstrate that they have employed or engaged screening officers who meet the qualification, training, continuing professional development and other requirements in the Determination. The Secretary of the Department may request this information as security compliance information under section 184 of the Maritime Act. This will enable the Department to assess the effectiveness of the screening officer legislative framework to safeguard against unlawful interference with aviation and prevent the use of aviation in connection with serious crime.

Consistent with the 2022 Determination, the Determination seeks to assist aviation industry participants by allowing people who have been employed as a screening officer by a port facility operator or regulated Australian ship under the *Maritime Transport and Offshore Facilities Security Act 2003* to also be employed as a screening officer under the Aviation Act. The recognition of maritime screening officers in the aviation environment provides a greater pool of employees for screening authorities to draw upon.

### **Human rights implications**

This Disallowable Legislative Instrument does not engage any of the applicable rights or freedoms.

This Disallowable Legislative Instrument replicates and maintains the requirements of the 2022 Determination, with a technical change to clarify that the CPD must be undertaken every 12 months from the date the screening officer passes their first accreditation test, rather than every calendar year.

### **Conclusion**

The Disallowable Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

**Gareth Baker**  
**Acting Assistant Secretary**  
**Infrastructure Capability Branch**  
**Cyber and Infrastructure Security Group**

**Details of the Aviation Transport Security (Screening Officer Requirements) Determination 2023**

**Section 1 – Name**

This section provides that the title of this instrument is *Aviation Transport Security (Screening officer requirements) Determination) 2023* (the Determination).

**Section 2 – Commencement**

This section provides that the Determination commences on the day after it is registered.

**Section 3 – Revocation**

The effect of this section is that, on commencement of the Determination, the *Aviation Transport Security (Screening Officer Requirements) Determination (No. 2) 2022* (LIN 22/112) is revoked.

Under subsection 33(3) of the *Acts Interpretation Act 1901*, where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character (including rules, regulations or by-laws), the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.

**Section 4 – Definitions**

Section 4 provides various definitions for the purpose of the Determination.

***Act***

The definition of the term *Act* provides that the term means the *Aviation Transport Security Act 2004* ('Aviation Act').

***Independent screening decision***

This means a decision made by a screening officer when exercising a specified power or a screening function about whether 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 officer.

***Regulations***

The definition of the term *Regulations* means *Aviation Transport Security Regulations 2005* ('Aviation Regulations').

***Note 1***

Note 1 to section 4 notes that certain terms used in the Determination are defined in the Aviation Act. Those terms include *baggage*, *checked baggage*, *screening authority*, *screening function* and *screening officer*.

***Note 2***

Note 2 to section 4 notes that certain terms used in the Determination are defined in the Aviation Regulations. Those terms include *ASIC* and *properly displaying*.

## Section 5 – Application

This section has the effect that the Determination determines requirements under section 94A of the Act, for specified screening officers. Section 94A provides that the Secretary of the Department of Home Affairs may, by legislative instrument, determine the training and qualification requirements, and any other requirements, for specified screening officers relating to the exercise or performance of a specified power under Division 5 of Part 5 of the Act, or a specified screening function. It also provides that the Secretary may, by legislative instrument, determine for specified screening officers requirements in relation to the use of identity cards and uniforms.

## Section 6 – Qualifications

This section sets out the qualification requirements for specified screening officers. The purpose of these requirements is to provide a consistent standard of qualification for specified screening officers to meet. The effect is that, if the screening officer does not meet the qualification requirement, then they are unable to perform the role of a screening officer.

Subsection 6(1) provides that screening officers must hold either a Certificate II in Transport Security Protection, or a qualification that the Secretary is satisfied will enable the holder to carry out the duties of a screening officer under the Aviation Act.

The powers available to the Secretary in paragraph 94A(a) of the Aviation Act permit the Secretary to determine, in section 6 of the Determination, a mandatory qualification for a screening officer (in accordance with the date they were engaged or employed), and to include a qualification that the Secretary is satisfied will enable the holder to carry out the duties of a screening officer under the Aviation Act. The effect of paragraph 6(1)(b) is to allow the Secretary to accept a qualification the Secretary is satisfied will enable the screening officer to carry out the duties of a screening officer under the Aviation Act. The qualification requirements in subsection 6(1) only apply to screening officers engaged employed on or after 16 January 2022 or persons who do not meet subsection 6(2).

Subsections 6(2) and (3) have the effect that a person who was engaged or employed as a screening officer before 16 January 2022 by either a screening authority under the Aviation Act or a port facility operator or a ship operator for a regulated Australian ship under the Maritime Act must hold either:

- a Certificate II in Security Operations;
- a qualification that the Secretary is satisfied is equivalent to a Certificate II in Security Operations; or if the person was engaged or employed as a screening officer by a port facility operator or a ship operator for a regulated Australian ship – 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.

In addition, where a person engages paragraph 6(2) (a) they must not:

- hold a Certificate II in Transport Security Protection; or
- after 15 June 2020— have ceased to be engaged or employed as a screening officer by a screening authority, port facility operator or a ship operator for a regulated Australian ship for a continuous period of more than 24 months.

This allows those screening officers to rely on their existing Certificate II or equivalent qualification, without requiring these screening officers to acquire a Certificate II in Transport Security Protection.

This subsection also recognises the skills and experience of screening officers with screening officer experience in the maritime sector to transfer into the aviation sector, provided that those officers have not ceased to be engaged or employed as a screening officer for a continuous period of 24 months or more, from particular points in time. This arrangement also ensures that persons who have had an extended period, being more than 24 months, away from being engaged or employed as a screening officer are required to obtain and hold the more recent Certificate II in Transport Security Protection, or a qualification that the Secretary is satisfied will enable the holder to carry out the duties of a screening officer under the Act.

Similar to paragraph 6(1)(b), the effect of paragraph 6(3)(b) is to allow the Secretary to accept a qualification the Secretary is satisfied will enable the screening officer to carry out the duties of a screening officer under the Aviation Act. The qualification requirements in paragraph 6(3)(b) are intended to apply to existing screening officers to whom subsection 6(2) applies.

To ensure screening officers engaged or employed before 16 January 2022 can continue to operate as screening officers, it is necessary to have different qualification requirements for new screening officers and existing screening officers.

Prior to 16 January 2022, the standard qualification requirement for screening officers was a Certificate II in Security Operations. Under the Determination, the intention is that existing screening officers will be able to continue to rely on that qualification. They will not be required to obtain a new qualification to continue to perform their role.

The purpose of these requirements is to provide a consistent standard of qualification for screening officers to meet. The effect is that, if a screening officer does not meet the requirements, they will not be able to make an *independent screening decision* (as a consequence of being unable to undertake any aviation accreditation tests as required by section 9, explained further below).

### Section 7 – Training

Section 7 specifies the training requirements for a person who is engaged or employed as a screening officer by a screening authority. The screening officer must complete at least 40 hours of on-the-job training specific to the screening officer's role if they were either first engaged or employed by a screening authority after 30 June 2022. If a screening officer was first engaged or employed after 30 June 2022 but, they cease 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 screening authority, port facility operator or regulated Australian ship under the Maritime Act, the screening officer will be required to complete at least 40 hours of on-the-job training specific to the screening officer's role.

Subsection 7(2) provides that the training requirement of at least 40 hours of on-the-job training outlined in subsection 7(1) does not apply to a screening officer who was engaged or employed as a screening officer before 1 July 2022 by either a port facility operator or a ship operator for a regulated Australian ship under the Maritime Act.

Subsection 7(3) provides the types of training which may be undertaken for the purposes of on-the-job training and the requirements of subsection 7(1). Such on-the-job training may include:

- supervised practice at a screening point, preferably live;
- training on X-ray image interpretation;
- training on specific screening equipment used in the workplace;
- training on weapons and prohibited items;
- training on maintaining the integrity of cleared areas;
- training on methods and techniques for screening;
- training designed to ensure familiarity with legislation relevant to screening.

The purpose of this requirement is to provide a consistent standard of training for specified screening officers engaged or employed after 30 June 2022 and ensure that screening officers are appropriately supervised until they are capable of making an independent screening decision. The effect is that, until they have completed a minimum of 40 hours of on the job training and a supervisor is satisfied that the person is so capable, they will not be able to make an *independent screening decision* (as a consequence of being unable to undertake any aviation accreditation tests as required by section 9, explained further below).

#### Section 8 – Aviation accreditation test

Subsection 8(1) provides that the Secretary may approve a test (an aviation accreditation test) if the Secretary is satisfied that it is appropriate to test the ability of a screening officer (as defined in the Aviation Act), to exercise any of the powers mentioned in Division 5 of Part 5 of the Act which may be exercised by a screening officer; and to perform a specified screening function.

Division 5 of Part 5 of the Act sets out who is authorised to conduct screening, as well as the requirements and powers applicable to screening officers. Screening officers may also perform screening functions which are established in administrative notices made under the Aviation Regulations, which are not published publically to protect the integrity and security of airports and procedures.

The purpose of an aviation accreditation test is to ensure a national standard of competency for screening officers. This in turn will strengthen the performance of security screening activities undertaken at Australian security controlled airports and help ensure all screening officers in Australia are equipped to respond to current and emerging threats. Aviation accreditation testing replaces the requirement in the previous Determination for screening officers to be assessed as competent by a supervisor prior to making an independent screening decision.

Subsection 8(2) makes it clear that the accreditation tests must be administered by a person approved by the Secretary and completed using the Department of Home Affairs' ICT systems.

## Section 9 – Testing screening officers

Subsection 9(1) provides that before a screening officer is able to undertake an aviation accreditation test they must comply with sections 6 and 7 of the Determination, which outline the *qualification* and *training* requirements for screening officers.

Subsection 9(2) provides that a person engaged or employed in the role of a screening officers after 31 December 2022 must pass the relevant aviation accreditation test, for the powers mentioned in Division 5 of Part 5 of the Aviation Act or screening function they will exercise or perform, prior to making any independent screening decisions.

A screening officer is required to pass an aviation accreditation test for each power and screening function the screening officer exercises or performs at least once every 12 months after passing their initial aviation accreditation test for the power or screening function.

Subsection 9(3) provides that where a person is engaged or employed as a screening officer before 1 January 2023, they must pass an aviation accreditation test for each power and screening function which the person will be exercising or performing, within 12 months after 31 December 2022 and at least once every 12 months after passing the relevant aviation accreditation test.

Note 1 to section 9 explains that the effect of subsection 9(3) is that a person who was engaged or employed as a screening officer before 1 January 2023 is taken to hold accreditation in all powers and screening functions until 1 January 2024. However, if the screening officer attempts and fails to pass a maritime accreditation test prior to 1 January 2024 for a particular screening power or function then, their accreditation ceases until they attempt and pass the maritime accreditation test.

Subsection 9(4) provides that where there is no aviation accreditation test which relates a particular screening function or a power that the person may use then, the screening officer must have passed the aviation accreditation test for any other power or function before they are able to exercise the power or perform the screening function for which there is no aviation accreditation test. The purpose of subsection 9(4) is to ensure a person is a ‘screening officer’ for the purpose of performing screening functions for which there are no accreditation test, and also ensures a screening officer has demonstrated some form of competency in a screening function prior to undertaking any screening function.

Subsection 9(5) provides that if a screening officer fails an aviation accreditation test related to a screening function or power, the screening officer must not make an independent screening decision in relation to the screening function or power which they have failed the accreditation test for, until the screening officer passes the aviation accreditation test. During the timeframe between where the screening officer has failed the aviation accreditation test and prior to passing the said test, the screening officer may continue to perform that power or function on condition that they are supervised by an accredited screening officer.

Note 2 to section 9 explains the effect of subsection 9(5); namely, where a screening officer does not pass an aviation accreditation test they will only be prevented from exercising their powers or performing the functions related to the specific test. The screening officer will not be prevented from exercising other powers or performing other functions for which they have passed the maritime accreditation tests for those other powers and functions.

Subsection 9(6) provides that if a screening officer, who fails an aviation accreditation test, may re-take the test at any time. However, they are prohibited from taking the test more than 3 times in any 30-day period. This is to ensure that screening officers do not ‘brute force’ a

successful accreditation test by repeatedly undertaking the test in a short timeframe, and also allows time to undertake remediation training in the areas they have failed during an accreditation test.

Note 3 to section 9 explains that the 30-day period for a screening officer to retake an aviation accreditation test commences from the date of the screening officer's first unsuccessful accreditation test. From the date of the first test failure, the screening officer may take the accreditation test a further 2 times from that date until the 30-day period has elapsed. This is illustrated by the example in section 9. It explains that if a screening officer were to make their first unsuccessful attempt on 1 January, the screening officer would only be permitted to take 2 further tests within that 30 day period (ending on 31 January).

#### Section 10 – Continuing professional development

Subsection 10(1) provides that a screening officer must complete at least 12 hours of continued professional training ('CPD') specific to their role every 12 months. The screening officers must undertake 12 hours of CPD within 12 months of first passing their first aviation accreditation test. The screening officers must then complete 12 hours of CPD every subsequent year from the date the screening officer passed their first aviation accreditation test to independently exercise any of the powers mentioned in Division 5 of Part 5 of the Aviation Act.

Screening officers perform a vital role in relation to maritime security. The purpose of this requirement is to ensure that all screening officers continue to develop their skills, knowledge and practise. CPD is vital to ensure that all screening officers is sufficiently trained and skilled using the tools and technology involved in the role and the fact that the technology is evolving and developing.

The example under subsection 10(1) illustrates that if a screening officer passed their first aviation accreditation test on 1 July 2023, they must complete 12 hours of CPD before 1 July 2024. The example also explains that the screening officer must complete 12 hours of CPD every subsequent year from 1 July.

Subsection 10(2) provides that CPD training may include training on the following:

- X-ray image interpretation software;
- upgrades to existing equipment;
- new and emerging threats, or a briefing on these;
- detection and concealment techniques.

#### Section 11 – Aviation security identification cards

Section 11 has the effect that a screening officer must at all times hold and properly display an ASIC at all times while on duty, or as otherwise required by the Aviation Regulations.

This requirement applies to all screening officers.

An applicant for an ASIC undergoes a series of background checks as part of the application process, comprising identity confirmation, a criminal history check, a security assessment, and, from 22 June 2022 in accordance with the *Transport Security Legislation Amendment (Serious Crime) Regulations 2022*, any new applicants for an ASIC will also undergo a

criminal intelligence assessment. If applicable, an applicant will also undergo a check to ensure they have the right to work in Australia.

Screening officers perform a vital role in relation to aviation security. The purpose and effect of the requirement to hold an ASIC is to demonstrate that the holder of an ASIC has undergone appropriate background checking prior to working as a screening officer.

### Section 12 – Uniforms

Section 12 has the effect that a screening officer must wear a distinctive and recognisable uniform. The phrase ‘distinctive and recognisable’ is not defined in the Determination, the Aviation Act or the Aviation Regulations and should be given its ordinary meaning.

The requirement in section 12 applies to all screening officers.

The purpose of this requirement is to ensure that persons performing screening functions are easily identifiable to the public. This provides a safeguard against unlawful interference with aviation.

### Section 13 – Record keeping

Section 13 provides that a screening authority must make an electronic record for each screening officer engaged or employed by the screening authority with the following information:

- the date the screening officer is engaged or employed;
- the qualifications held by a screening officer for section 6;
- the training undertaken by screening officer for section 7;
- any accreditation test undertaken by a screening officer for section 9;
- any CPD training undertaken by a screening officers for section 10; and
- the screening officer’s unique ASIC number, the name of the issuing body that issued the ASIC, and when the ASIC ceases to be in effect.

Subsection 13(2) provides that where either subsection 6(2) or 7(2) applies to a screening officer, the screening authority must make an electronic record of any evidence relied on to determine that subsection 6(2) or 7(2) applies.

Subsection 6(2) provides that the requirements under subsection 6(3) (the requirement to hold certain qualifications) applies to a person who was engaged or employed as a screening officer before 16 January 2022, and after 15 June 2020—have not ceased to be engaged or employed as a screening officer by a screening officer, port facility operator or regulated Australian ship for a continuous period of more than 24 months.

Subsection 7(2) provides that the training requirement of at least 40 hours of on-the-job training, outlined in subsection 7(1), does not apply to a screening officer who was engaged or employed as a screening officer before 1 July 2022, by either a port facility operator or regulated Australian ship under the Maritime Act.

The example to section 13 outlines that the evidence required for the purpose of record keeping may 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.

Subsection 13(3) provides that a screening authority must keep records made for the purposes of subsection (1) for a minimum of 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). As grandfathered screening officers are required to gain the Cert II TSP qualification should they cease screening for a continuous period of 24 months or more, this requirement provides evidence for the period necessary for a screening officer to be re-employed without needing to gain the qualification.

The purpose of these record-keeping requirements is for screening authorities to be able to demonstrate to Departmental compliance officers that they have employed or engaged screening officers who meet the accreditation, qualification, training, continuing professional development and other requirements in the Determination. This will also enable the Department to assess the effectiveness of the screening officer legislative framework, in safeguarding against unlawful interference with aviation and preventing the use of aviation in connection with serious crime.

The information collected by screening authorities is protected by the privacy protection framework in the Privacy Act 1988 (Privacy Act). The Department may also request this information for the purposes of assessing the effectiveness of the screening officer training framework, consistent with the Determination, Aviation Act and Aviation Regulations, to safeguard against unlawful interference with aviation and prevent the use of aviation in connection with serious crime. The collection, storage, use and disclosure of personal information by the Department is undertaken in accordance with the Australian Privacy Principles contained in the Privacy Act.