



LIN 23/039

Aviation Transport Security (Screening Officer Requirements) Determination 2023

I, Gareth Baker, 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 3 July 2023

Gareth Baker
Acting Assistant Secretary
Infrastructure Capability Branch
Cyber and Infrastructure Security Centre
Department of Home Affairs

1 Name

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

2 Commencement

This instrument commences the day after it is registered.

3 Revocation

Aviation Transport Security (Screening Officer Requirements) Determination (No. 2) 2022 (LIN 22/112) is revoked.

4 Definitions

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*.

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 Regulations, including *ASIC* and *properly displaying*.

5 Application

This instrument determines requirements under section 94A 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 94B.

6 Qualifications

- (1) A screening officer 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 screening authority; or
 - (ii) a port facility operator or a ship operator for a regulated Australian ship under the *Maritime Transport and Offshore Facilities Security Act 2003*; 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 screening authority, port facility operator or a ship operator for a regulated Australian ship 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) 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.

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
 - (b) 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) 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 a ship operator for a 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.

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.

9 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:

- (a) before making any independent screening decision—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.
- (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
 - (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 January 2023 is taken to hold accreditation in all screening functions until 1 January 2024, or until they attempt and fail an aviation accreditation test for a particular screening power or function, whichever occurs sooner.

- (4) 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:
 - (a) must be supervised by a screening officer who has completed and passed the aviation accreditation test; and
 - (b) must not make an independent screening decision for the screening function.

Note 2 Failing 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.

- (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 3 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 every 12 months from the date the screening officer passed their first aviation accreditation test.

Example If a screening officer passed their first aviation 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 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 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:
 - (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 training activity undertaken by the screening officer for section 10;
 - (e) 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.

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 screening authority 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).
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