



Aviation Transport Security Amendment (Additional Screening Measures) Act 2007

No. 30, 2007

**An Act to amend the *Aviation Transport Security
Act 2004*, and for related purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

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Aviation Transport Security Amendment (Additional Screening Measures) Act 2007

No. 30, 2007

An Act to amend the *Aviation Transport Security Act 2004*, and for related purposes

[Assented to 29 March 2007]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Aviation Transport Security Amendment (Additional Screening Measures) Act 2007*.

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2007 1

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	29 March 2007
2. Schedule 1	The later of: (a) 31 March 2007; and (b) the day after this Act receives the Royal Assent.	31 March 2007 (paragraph (a) applies)

Note: This table relates only to the provisions of this Act as originally passed by both Houses of the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- (2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Aviation Transport Security Act 2004

1 After paragraph 44(2)(a)

Insert:

(aa) things that must not pass through a screening point;

2 Subsection 44(3)

After “paragraph (2)(a)”, insert “, (2)(aa)”.

3 Paragraph 95B(3)(a)

After “frisk search”, insert “under this section”.

4 Paragraph 95B(3)(b)

After “of a person”, insert “under this section”.

5 After section 95B

Insert:

95C Screening powers—frisk search general power

- (1) If a screening officer considers it necessary in order to screen a person properly, the screening officer may request the person to undergo a frisk search.
- (2) If a screening officer conducts a frisk search following a request under subsection (1), the screening officer may conduct the search only to the extent necessary to complete the proper screening of the person.
- (3) A screening officer must not:
 - (a) require a person to undergo a frisk search under this section; or
 - (b) conduct a frisk search of a person under this section without the person’s consent; or
 - (c) contravene subsection (2).

Penalty: 50 penalty units.

- (4) Subsection (3) does not apply if the officer has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matter in subsection (4) (see subsection 13.3(3) of the *Criminal Code*).

- (5) Subsection (3) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

- (6) If:

- (a) a screening officer requests a person to undergo a frisk search under subsection (1); and
- (b) the person refuses to comply with the request; and
- (c) the person refuses to undergo a frisk search in a private room by a screening officer of the same sex as the person; and
- (d) the refusals mean that it is not possible to screen the person properly;

the screening officer must refuse to allow the person to pass through the screening point.

[Minister's second reading speech made in—
House of Representatives on 14 February 2007
Senate on 1 March 2007]

(22/07)
