



Aviation Transport Security Amendment (Screening) Act 2012

No. 116, 2012

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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No. 116, 2012

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

[Assented to 8 September 2012]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Aviation Transport Security Amendment (Screening) Act 2012*.

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 this Act receives the Royal Assent.	8 September 2012
2. Schedule 1	A single day to be fixed by Proclamation. However, if the provision(s) do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	27 November 2012 (see F2012L02246)

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be 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Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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 section 41

Insert:

41A Consent to screening procedures

- (1) If:
 - (a) a person is at a screening point; and
 - (b) the person must receive clearance in order:
 - (i) to board an aircraft; or
 - (ii) to enter an area or zone of a security controlled airport that is referred to in Division 2 of Part 3;the person is taken, for all purposes, to consent to each screening procedure that may be conducted at the screening point in accordance with regulations made under section 44.
- (2) Subsection (1) does not apply to a screening procedure if:
 - (a) the procedure is a frisk search; or
 - (b) the person refuses to undergo the procedure.

2 Paragraph 44(2)(aa)

Omit “things”, substitute “the persons or things”.

3 After subsection 44(3)

Insert:

- (3A) Without limiting paragraph (2)(j), the equipment to be used for screening may include the following:
 - (a) metal detection equipment;
 - (b) explosive trace detection equipment;
 - (c) body scanning equipment such as an active millimetre wave body scanner.
- (3B) If:

- (a) body scanning equipment is to be used for the screening of a person; and
 - (b) the equipment produces an image of the person; the image must only be a generic body image that is gender-neutral and from which the person cannot be identified.
- (3C) If body scanning equipment is to be used for the screening of a person, the equipment must not store or transmit:
- (a) an image of the person that is produced by the equipment; or
 - (b) personal information (within the meaning of the *Privacy Act 1988*) about the person.

4 Section 95A

Repeal the section.

*[Minister's second reading speech made in—
House of Representatives on 16 February 2012
Senate on 18 June 2012]*

(162/11)
