

EXPLANATORY STATEMENT

Issued by the Authority of the Minister for Transport and Regional Services

Select Legislative Instrument 2006 No. 224

Aviation Transport Security Act 2004

Aviation Transport Security Amendment Regulations 2006 (No. 4)

Section 133 of the *Aviation Transport Security Act 2004* (the Act) provides, in part, that the Governor-General may make regulations prescribing matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for carry out or giving effect to the Act.

Paragraphs 35(2)(a), 36(2)(a), 37(2)(a) and 38(2)(a) of the Act provide that matters that may be dealt with by regulations include access to airside and landside areas and security zones (including conditions of entry, the issue and use of security passes and other identification systems).

The *Aviation Transport Security Regulations 2005* (the Principal Regulations), in part, prescribe the necessary form requirements of an Aviation Security Identification Card (ASIC) and the transition process for aviation industry participants that previously issued ASICs under the *Air Navigation Regulations 1947* (ANR).

The Regulations:

- allow an ASIC Issuing body or airport operator to use either the International Air Transportation Association (IATA) Code or the International Civil Aviation Organisation (ICAO) code as an ‘airport identifier’ or ‘issuing body identifier’ on the front of an ASIC; and
- preserve the validity of ASICs issued by the 28 transitioning ASIC issuing bodies in accordance with their ASIC Programs under the ANR until each ASIC is cancelled or expires.

Attachment A outlines the scope of the Regulations.

Further details of the Regulations are set out in Attachment B.

The Regulations commenced on the day after they were registered.

ATTACHMENT A

Scope of Aviation Transport Security Amendment Regulations 2006 (No. 4)

ASIC Format

Prior to the commencement of the Principal Regulations on 10 March 2005, 28 security controlled airports were required to issue ASICs in accordance with their ASIC Program under the ANR. The ASIC Program, amongst other things, set out the procedures for how the issuing body would maintain the integrity of an ASIC and specific issuing processes.

As an additional security measure, these ASIC issuing bodies included an airport identifier code, the IATA code, on the front of the ASIC to enable airport operators to easily identify which issuing body issued an ASIC and what airport the holder was attached to.

The introduction of the Principal Regulations saw the ASIC scheme extended to a further 141 security controlled airports with the processes concerning the issue of an ASIC becoming more prescriptive. Prescribed requirements included the format of a valid ASIC including colour, size and the requirement for an Australia wide or airport designator code to provide an indication of where the ASIC may be used.

The Principal Regulations prescribe that if an ASIC is an airport specific ASIC, the ICAO code for the airport must be used. However, it has recently come to the Department's attention that 27 of the 28 transitioning bodies have been continuing to use the IATA code as the airport identifier on airport specific ASICs following the commencement of their new ASIC Programs under the Principal Regulations on 9 April 2006.

The three-letter IATA codes are more familiar in the airport environment (for example, MEL for Melbourne Airport) while the four letter ICAO codes are used by air traffic control and airline operations (YMML, being Melbourne Airport).

The amendments to the Principal Regulations allow ASIC issuing bodies discretion to use either the IATA or ICAO codes for the airport identifier or issuing body identifier as set out in their ASIC program.

Transitional provisions for ASICs issued under the *Air Navigation Regulations 1947*

The Principal Regulations provide transitional provisions for ASICs issued by the 28 security controlled airports in accordance with their ASIC Program under the ANR by allowing them to be valid until 31 August 2006. After this date, any ASIC that did not comply with the format requirements in the Principal Regulations would be invalid and the holder would not have been able to access the secure areas of a security controlled airport.

The transitional provisions relate to both ASICs issued prior to 10 March 2005 when the Principal Regulations came into effect and from 10 March 2005 until 8 April 2006 when new ASIC Programs were required to be approved.

To preserve the validity of current ASICs that would otherwise have ceased to be valid on 31 August 2006, the amendments to the Principal Regulations allow the transitional ASICs to remain valid until the relevant ASIC is cancelled or expires with the latest valid date being 30 April 2008.

Consultation with all key stakeholders in metropolitan and regional Australia has been undertaken through correspondence, industry forums and meetings with industry representative bodies. Industry indicates that the amendments are welcomed and have no direct effect on business as they will remove some technical anomalies that were contained in the Principal Regulations.

ATTACHMENT B

Details of the Aviation Transport Security Amendment Regulations 2006 (No. 4)

Regulation 1 - Name of Regulation

This regulation provides that the title of the Regulations is the *Aviation Transport Security Amendment Regulations 2006 (No. 4)*.

Regulation 2 - Commencement

This regulation provides for the Regulations to commence on the day after they are registered on the Federal Register of Legislative Instruments.

Regulation 3 - Amendment of the Aviation Transport Security Regulations 2005

This regulation provides that the *Aviation Transport Security Regulations 2005* ('the Principal Regulations') are amended as set out in Schedule 1.

Schedule 1 - Amendments

Item [1] – Regulation 6.26A, after definition of *adverse criminal record*

This amendment inserts a definition of the *ICAO 3-letter code* for the purposes of Division 6.5.

Item [2] – Subparagraphs 6.33 (4) (f) (i) and (ii)

This item inserts new provisions which give issuing bodies a choice of codes that may be used for the airport designator code displayed on the front of an ASIC.

Item [3] – Subparagraph 6.33 (4) (h) (i)

This item inserts new provisions which give airport operators a choice of codes that may be used as their issuing body identifier displayed on the front of an ASIC.

Item [4] – Subparagraphs 6.37 (3) (f) (i) and (ii)

This item inserts new provisions which give issuing bodies a choice of codes that may be used for the airport designator code displayed on the front of an ASIC.

Item [5] – Subparagraph 6.37 (3) (h) (i)

This item inserts new provisions which give airport operators a choice of codes that may be used as their issuing body identifier displayed on the front of an ASIC.

Item [6] – Paragraph 6.39 (2) (f)

This item inserts new provisions which give issuing bodies a choice of codes that may be used for the airport designator code displayed on the front of a visitor identification card (VIC).

Item [7] – Subparagraph 6.39 (2) (h) (i)

This item inserts new provisions which give airport operators a choice of codes that may be used as their issuing body identifier displayed on the front of a VIC.

Item [8] - Subregulation 6.50 (3)

Subregulation 6.50 refers to the transitional period from the introduction of the Principal Regulations until the transitional issuing body's new ASIC programs were approved. The provision allowed the issuing bodies to continue to issue ASICs under the *Air Navigation Regulations 1947* (ANR) program until their new programs were approved. The amendment extends the validity of ASICs that were issued during this transitional period and allows the ASICs to remain valid until the ASIC is cancelled or expires, the latest date being 30 April 2008.

Item [9] – Subregulation 6.51 (5)

Subregulation 6.51 refers to ASICs that were issued under the ANR prior to the Principal Regulations coming into effect (10 March 2005). The amendment extends the validity of these ASICs that were issued prior to 10 March 2005 under the ANR. The amendment allows for an ASIC's validity to continue until the ASIC is cancelled or expires, the latest date being 31 March 2007.