



Aviation Transport Security Amendment Regulations 2006 (No. 5)¹

Select Legislative Instrument 2006 No. 320

I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Aviation Transport Security Act 2004*.

Dated 30 November 2006

P. M. JEFFERY
Governor-General

By His Excellency's Command

MARK VAILE
Minister for Transport and Regional Services

1 Name of Regulations

These Regulations are the *Aviation Transport Security Amendment Regulations 2006 (No. 5)*.

2 Commencement

These Regulations commence on 4 December 2006.

3 Amendment of *Aviation Transport Security Regulations 2005*

Schedule 1 amends the *Aviation Transport Security Regulations 2005*.

Schedule 1 Amendments

(regulation 3)

[1] After regulation 3.02

insert

3.02A Type of airside event zones

For section 31B of the Act, the following type of airside event zone is prescribed, that is, the airside special event zone.

3.02B Type of landside event zones

For section 33B of the Act, the following type of landside event zone is prescribed, that is, the landside special event zone.

[2] **After Part 3**

insert

Part 3A Airside and Landside Special Event Zones

Division 3A.1 Preliminary

3A.01 Definitions

- (1) In this Part, an aviation industry participant is the *airside special event zone manager* in respect of a particular zone if:
 - (a) the aviation industry participant applied to the Secretary to establish an airside special event zone under regulation 3A.02 in respect of the particular zone; and
 - (b) the Secretary established the airside special event zone in respect of the zone.
- (2) In this Part, an aviation industry participant is the *landside special event zone manager* in respect of a particular zone if:
 - (a) the aviation industry participant applied to the Secretary to establish a landside special event zone under regulation 3A.08 in respect of the particular zone; and
 - (b) the Secretary established the landside special event zone in respect of the zone.

Division 3A.2 Airside special event zones

Subdivision 3A.2.1 Application for an airside special event zone

3A.02 Application for an airside special event zone

- (1) For section 133 of the Act, an aviation industry participant may apply in writing to the Secretary for the Secretary to establish an airside special event zone under section 31A of the Act.

- (2) The application must contain the following information:
 - (a) the name and contact details of the aviation industry participant;
 - (b) a map showing the proposed airside special event zone including entry points into the zone and exit points out of the zone;
 - (c) a description of the proposed event to be held in the proposed airside special event zone;
 - (d) the period (or periods) during which the proposed airside special event zone will be in force, including dates, times and duration;
 - (e) an estimate of the number of people who will attend the event to be held in the proposed airside special event zone including an explanation of how that estimate was calculated;
 - (f) a description of any security risks with respect to the event to be held in the proposed airside special event zone;
 - (g) an explanation of how the security risks were identified;
 - (h) details of the measures that the aviation industry participant will take to manage and mitigate security risks resulting from the event that will be held in the proposed airside special event zone.
- (3) If the aviation industry participant plans to make changes to its transport security program for the purposes of managing and mitigating security risks resulting from the proposed event to be held in the proposed airside special event zone, the application must include details of the planned changes.

3A.03 Further information about applications

- (1) The Secretary may request that the applicant provide the Secretary with further information about the application.
- (2) The Secretary may refuse to consider the application until the applicant gives the Secretary the information.

3A.04 Notices

If:

- (a) the Secretary gives the operator of a security controlled airport a notice establishing an airside special event zone under section 31A of the Act; and
- (b) the airside special event zone manager is not the operator of the airport in which the event zone is established;

the Secretary must provide the airside special event zone manager with a copy of the notice.

Note The notice establishing an airside special event zone includes a map of the airport showing the boundaries of the airside special event zone and specifies the period (or periods) during which the event zone is in force.

Subdivision 3A.2.2 Requirements for airside special event zones**3A.05 Requirements for airside special event zones**

- (1) For section 36A of the Act, the requirements in these Regulations dealing with airside areas are prescribed and apply, as in force from time to time, to airside special event zones.
- (2) The requirements under subregulation (1) do not include the requirements relating to the display of an ASIC or a VIC.

Subdivision 3A.2.3 Offences relating to airside special event zones**3A.06 Offence if person moves out of airside special event zone**

- (1) For subsection 36A (3) of the Act, a person commits an offence if:
 - (a) an airside special event zone is in force; and
 - (b) the person is in the airside special event zone; and
 - (c) the person moves from the zone into any of the following:
 - (i) a part of a landside security zone that is outside a landside special event zone that is in force;

- (ii) a part of an airside security zone that is outside an airside special event zone that is in force;
- (iii) a part of an airside area that is outside an airside special event zone that is in force; and
- (d) the person is not authorised by the Act or by these Regulations to enter the zone or area.

Penalty: 20 penalty units.

- (2) Strict liability applies to the physical elements in subregulation (1).

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

3A.07 Offence if airside special event zone manager allows unauthorised movement

- (1) For subsection 36A (3) of the Act, a person commits an offence if:
 - (a) an airside special event zone is in force; and
 - (b) the person is the airside special event zone manager for the airside special event zone; and
 - (c) another person (the *transient person*) who is in the airside special event zone moves from the zone into any of the following:
 - (i) a part of a landside security zone that is outside a landside special event zone that is in force;
 - (ii) a part of an airside security zone that is outside an airside special event zone that is in force;
 - (iii) a part of the airside area that is outside an airside special event zone that is in force; and
 - (d) the transient person is not authorised by the Act or by these Regulations to enter the zone or area.

Penalty: 20 penalty units.

- (2) Strict liability applies to the physical elements in subregulation (1).

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

Division 3A.3 Landside special event zones

Subdivision 3A.3.1 Application for a landside special event zone

3A.08 Application for a landside special event zone

- (1) For section 133 of the Act, an aviation industry participant may apply in writing to the Secretary for the Secretary to establish a landside special event zone under section 33A of the Act.
- (2) The application must contain the following information:
 - (a) the name and contact details of the aviation industry participant;
 - (b) a map showing the proposed landside special event zone including entry points into the zone and exit points out of the zone;
 - (c) a description of the proposed event to be held in the proposed landside special event zone;
 - (d) the period (or periods) during which the proposed landside special event zone will be in force, including dates, times and duration;
 - (e) an estimate of the number of people who will attend the event to be held in the proposed landside special event zone including an explanation of how that estimate was calculated;
 - (f) a description of any security risks with respect to the event to be held in the proposed landside special event zone;
 - (g) an explanation of how the security risks were identified;
 - (h) details of the measures that the aviation industry participant will take to manage and mitigate security risks resulting from the event that will be held in the proposed landside special event zone.
- (3) If the aviation industry participant plans to make changes to its transport security program for the purposes of managing and mitigating security risks resulting from the proposed event to be held in the proposed landside special event zone, the application must include details of the planned changes.

3A.09 Further information about applications

- (1) The Secretary may request that the applicant provide the Secretary with further information about the application.
- (2) The Secretary may refuse to consider the application until the applicant gives the Secretary the information.

3A.10 Notices

If:

- (a) the Secretary gives the operator of a security controlled airport a notice establishing a landside special event zone under section 33A of the Act; and
- (b) the landside special event zone manager is not the operator of the airport in which the event zone is established;

the Secretary must provide the landside special event zone manager with a copy of the notice.

Note The notice establishing a landside special event zone includes a map of the airport showing the boundaries of the landside special event zone and specifies the period (or periods) during which the event zone is in force.

Subdivision 3A.3.2 Requirements for landside special event zones

3A.11 Requirements for landside special event zones

- (1) For section 38A of the Act, the requirements in these Regulations dealing with landside areas are prescribed and apply, as in force from time to time, to landside special event zones.
- (2) The requirements under subregulation (1) do not include the requirements relating to the display of an ASIC or a VIC.

Subdivision 3A.3.3 Offences relating to landside special event zones

3A.12 Offence if person moves out of landside special event zone

- (1) For subsection 38A (3) of the Act, a person commits an offence if:
- (a) a landside special event zone is in force; and
 - (b) the person is in the landside special event zone; and
 - (c) the person moves from the zone into any of the following:
 - (i) an airside area that is outside an airside special event zone that is in force;
 - (ii) a part of a landside security zone that is outside a landside special event zone that is in force; and
 - (d) the person is not authorised by the Act or by these Regulations to enter the area or zone.

Penalty: 20 penalty units.

- (2) Strict liability applies to the physical elements in subregulation (1).

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

3A.13 Offence if landside special event zone manager allows unauthorised movement

- (1) For subsection 38A (3) of the Act, a person commits an offence if:
- (a) a landside special event zone is in force; and
 - (b) the person is the landside special event zone manager for the landside special event zone; and
 - (c) another person (the *transient person*) who is in the landside special event zone moves from the zone into any of the following:
 - (i) an airside area that is outside an airside special event zone that is in force;
 - (ii) a part of a landside security zone that is outside a landside special event zone that is in force; and

(d) the transient person is not authorised by the Act or by these Regulations to enter the area or zone.

Penalty: 20 penalty units.

(2) Strict liability applies to the physical elements in subregulation (1).

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

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See www.frli.gov.au.