



# Aviation Transport Security Amendment Regulations 2007 (No. 4)<sup>1</sup>

**Select Legislative Instrument 2007 No. 317**

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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 26 September 2007

P. M. JEFFERY  
Governor-General

By His Excellency's Command

MARK ANTHONY JAMES VAILE  
Minister for Transport and Regional Services

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**1 Name of Regulations**

These Regulations are the *Aviation Transport Security Amendment Regulations 2007 (No. 4)*.

**2 Commencement**

These Regulations commence on 30 September 2007.

**3 Amendment of *Aviation Transport Security Regulations 2005***

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

**Schedule 1 Amendments**

(regulation 3)

**[1] Regulation 1.03, after definition of *ASIC***

*insert*

*Australia* means the Commonwealth of Australia and, when used in a geographical sense, includes:

- (a) the Territory of Christmas Island; and
- (b) the Territory of Cocos (Keeling) Island; and
- (c) the Territory of Norfolk Island.

**[2] Regulation 1.03, after definition of *domestic air service***

*insert*

*exempt country* means New Zealand or the United States of America.

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*exempt duty free item*, in relation to a passenger who will arrive in Australia on an aircraft operating an inbound international air service, means a duty free item that:

- (a) is collected by the passenger at the boarding gate before boarding the aircraft for departure from the last port of call before reaching Australia; and
- (b) is in a sealed plastic bag with proof of purchase by the passenger affixed to the bag, or enclosed in the bag, so that proof of purchase is visible.

*exempt LAG item* has the meaning given in regulation 4.22B.

**[3] Regulation 1.03, after definition of *jet***

*insert*

*LAG product* has the meaning given in regulation 4.22C.

*LAGs bag* means a transparent plastic bag that:

- (a) may be sealed and unsealed using a resealing mechanism that is a part of the bag; and
- (b) has an area enclosed by the sealing mechanism that has, when the bag is laid flat, a perimeter of 80 cm or less.

*LAGs cleared area* means an area of a security controlled airport that is entered through a LAGs screening point.

*LAGs container* means a container that has a capacity of 100 ml or less.

*LAGs screening point* means a screening point at a security controlled airport at which passengers travelling on an international air service (including any domestic sectors of such a service) are screened for LAG products.

**[4] Regulation 1.03, after definition of *Migration Act***

*insert*

*non-exempt country* means a country that is not an exempt country.

**[5] After subregulation 4.04 (3), at the foot**

*insert*

*Note* See Subdivision 4.1.1A for the requirements for screening for the detection of LAG products.

**[6] After Subdivision 4.1.1**

*insert*

**Subdivision 4.1.1A Liquid, aerosol and gel products**

**4.22A Definitions**

In this Subdivision:

*exempt person* means:

- (a) a person who may pass through a screening point without being screened under regulation 4.10; or
- (b) an aviation security inspector, or a representative of the screening authority, who is lawfully testing the screening system.

*international air service* does not include a closed charter service.

**4.22B Meaning of *exempt LAG item***

A LAG product (including a duty free item or an item supplied by the aircraft operator) is an *exempt LAG item*, if:

- (a) the LAG product is in the possession of a passenger travelling on an aircraft that is operating an inbound international air service to Australia from an airport in an exempt country; and
- (b) the passenger passed through a screening point for international passengers at the airport in the exempt country before boarding the aircraft; and
- (c) the passenger obtained the LAG product after he or she passed through the screening point and before he or she boarded the aircraft; and

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- (d) the passenger did not disembark and reboard the aircraft in a non-exempt country during the international air service, unless the passenger did so as the result of an unscheduled stop.

#### **4.22C Meaning of *LAG product***

- (1) Subject to subregulations (2) to (5) a *LAG product* means any of the following things:
  - (a) a substance that is a liquid when at room temperature;
  - (b) an aerosol;
  - (c) a gel;
  - (d) a cream;
  - (e) a paste.
- (2) The following things, in relation to a person travelling on an international air service, are not *LAG products*:
  - (a) if the person is an infant or toddler — a baby product that is in a quantity that is reasonable having regard to the duration of the flight;
  - (b) a medical product for the person;
  - (c) a therapeutic product for the person in a quantity that is reasonable having regard to the duration of the flight;
  - (d) the contents of a bag being used to manage a medical condition of the person (such as a colostomy bag);
  - (e) biological tissues, blood products, blood cultures, samples and substances used for medical research or reproductive health.
- (3) A thing mentioned in subregulation (1) that is taken through a LAGs screening point by a person is not a LAG product if:
  - (a) the thing is to be used by the person in the course of, or for the purposes of, carrying on a business in a landside security zone; and
  - (b) the thing is not for the personal use of the person.

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- (4) A thing mentioned in subregulation (1) that is taken through a LAGs screening point is not a LAG product if:
- (a) the thing is taken by a person specified in an item in column 2 of the table in regulation 4.62; and
  - (b) the thing is a tool of trade for that person.
- (5) A thing mentioned in subregulation (1) that is taken through a LAGs screening point is taken not to be a LAG product if the thing is the subject of a notice by the Secretary under regulation 4.22Q.

- (6) In this regulation:

***baby product*** means:

- (a) a product used in the care of an infant or toddler; or
- (b) food for an infant or toddler, including infant formula.

***medical product*** means a product supplied on prescription to a person.

***therapeutic product*** means a product, other than a medical product, that is used for the treatment or management of a person's medical condition.

*Examples*

- Special dietary products
- Contact lens solution.

#### **4.22D Offence — not establishing LAGs screening point**

For paragraph 44 (2) (a) of the Act, a screening authority for a security controlled airport, or an area of a security controlled airport, commits an offence if:

- (a) an international air service operates from the airport, or area of the airport, as the case may be; and
- (b) the screening authority does not establish a LAGs screening point at the airport, or area of the airport.

Penalty: 50 penalty units.

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**4.22E Offence — operator of inbound flight from exempt country**

- (1) For paragraph 44 (2) (a) of the Act, the operator of an aircraft that is operating an inbound international air service commits an offence if:
- (a) the aircraft is flying to Australia from an airport in an exempt country; and
  - (b) the aircraft operator does not put in place appropriate procedures to ensure that passengers on the aircraft do not have a LAG product in their possession, at the relevant times, unless the LAG product is:
    - (i) in a LAGs container that is in a sealed LAGs bag; or
    - (ii) an exempt LAG item; or
    - (iii) a LAG product that was supplied to the passenger by the aircraft operator during the flight.

Penalty: 200 penalty units.

- (2) In this regulation:

*passenger* does not include:

- (a) a person who is exempt from screening requirements under regulation 4.12; or
- (b) a member of the crew of the aircraft.

*relevant times*, in relation to an aircraft, means:

- (a) the time the aircraft departs from its last port of call before it reaches Australia; and
- (b) the time the aircraft arrives in Australia.

**4.22F Offence — operator of inbound flight from non-exempt country**

- (1) For paragraph 44 (2) (a) of the Act, the operator of an aircraft that is operating an inbound international air service commits an offence if:
- (a) the aircraft is flying to Australia from an airport in a non-exempt country; and

- (b) the aircraft operator does not put in place appropriate procedures to ensure that passengers on the aircraft do not have a LAG product in their possession, during the relevant times, unless the LAG product is:
  - (i) in a LAGs container that is in a sealed LAGs bag; or
  - (ii) an exempt duty free item; or
  - (iii) a LAG product that was supplied to the passenger by the aircraft operator during the flight.

Penalty: 200 penalty units.

- (2) In this regulation:

*passenger* does not include:

- (a) a person who is exempt from screening requirements under regulation 4.12; or
- (b) a member of the crew of the aircraft.

*relevant times*, in relation to an aircraft, means:

- (a) the time the aircraft departs from its last port of call before it reaches Australia; and
- (b) the time the aircraft arrives in Australia.

#### **4.22G Offence — LAG product passing through LAGs screening point**

- (1) For paragraph 44 (2) (aa) of the Act, a person commits an offence if:
  - (a) the person passes through a LAGs screening point; and
  - (b) the person is not an exempt person; and
  - (c) the person has a LAG product in his or her possession; and
  - (d) the LAG product is not in a LAGs container that is in a sealed LAGs bag.

Penalty: 20 penalty units.

- (2) Subregulation (1) is an offence of strict liability.



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#### 4.22H Offence — more than 1 LAGs bag

- (1) For paragraph 44 (2) (aa) of the Act, a person commits an offence if:
  - (a) the person passes through a LAGs screening point; and
  - (b) the person is not an exempt person; and
  - (c) the person has, in his or her possession, more than 1 sealed LAGs bag that contains LAG products that are in LAGs containers, unless the second or subsequent bags are care bags.

Penalty: 20 penalty units.

- (2) Subregulation (1) is an offence of strict liability.

- (3) In this regulation:

*care bag*, in relation to a person, means 1 LAGs bag containing LAG products that are in LAGs containers for use by, or for the care of, an infirm person or child who the person is accompanying through a LAGs screening point.

#### 4.22I Things to be detected by screening

- (1) For paragraph 44 (2) (b) of the Act, LAG products are things that are to be detected at a LAGs screening point.

*Note* Regulation 4.04 sets out the other things that are to be detected by screening under these Regulations.

- (2) To avoid doubt, subregulation (1) does not require a screening authority to detect LAG products if it is not technically possible to do so.

*Note 1* Regulation 4.08 sets out when a person must be cleared before boarding an aircraft.

*Note 2* Regulation 4.15 deals with when a person's carry-on baggage must be cleared.

#### 4.22J Dealing with LAG product surrendered during screening

- (1) For paragraph 44 (2) (c) of the Act, a screening authority must put in place procedures for the handling and destruction of LAG products surrendered as a result of screening.

- (2) The procedures that the screening authority puts in place for the handling and destruction of LAG products surrendered as a result of screening must be in accordance with any applicable law in the place where screening occurs.
- (3) A LAG product surrendered during screening must be handled and destroyed in accordance with the procedures put in place under this regulation.

Penalty: 50 penalty units.

**4.22K Offence — preventing destruction of surrendered LAG products**

For paragraph 44 (2) (c) of the Act, a person commits an offence if:

- (a) a screening authority has put in place procedures for the destruction of LAG products; and
- (b) a LAG product has been surrendered to the screening authority as a result of screening; and
- (c) the person prevents the destruction of the LAG product.

Penalty: 20 penalty units.

**4.22L Offence — not screening passengers before boarding**

For paragraph 44 (2) (d) of the Act, a screening authority for a security controlled airport, or an area of a security controlled airport, commits an offence if:

- (a) an international air service operates from the airport, or area of the airport, as the case may be; and
- (b) the screening authority has established a LAGs screening point at the airport, or area of the airport; and
- (c) the screening authority does not put in place reasonable measures to ensure that persons who pass through the LAGs screening point, to enter a LAGs cleared area, are screened at the screening point.

Penalty: 50 penalty units.

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**4.22M Offence — not preventing entry to LAGs cleared area**

- (1) For paragraph 44 (2) (d) of the Act, a screening authority for a security controlled airport, or an area of a security controlled airport, commits an offence if:
- (a) an international air service operates from the airport, or area of the airport, as the case may be; and
  - (b) the screening authority does not put in place reasonable measures to ensure that a person does not enter a LAGs cleared area without being screened, unless the person:
    - (i) is an exempt person; or
    - (ii) if the airport is an airport in which the sterile area is the same as the LAGs cleared area — is a person permitted under regulation 4.11 to enter a sterile area other than through a LAGs screening point; or
    - (iii) has entered the sterile area from an airside area of the airport after disembarking from a LAGs screened air service.

Penalty: 50 penalty units.

- (2) In this regulation:

***LAGs screened air service*** means an air service operated by an aircraft that:

- (a) departed from a place inside Australia; and
- (b) only carried passengers that were screened for LAG products before boarding the service.

**4.22N Offence — not screening for LAG products**

For paragraph 44 (2) (d) of the Act, a screening authority for a security controlled airport, or an area of a security controlled airport, commits an offence if:

- (a) an international air service operates from the airport, or area of the airport, as the case may be; and
- (b) the screening authority has established a LAGs screening point at the airport, or area of the airport; and

- (c) the screening authority does not put in place appropriate procedures to ensure that a person does not carry a LAG product through the LAGs screening point unless:
  - (i) the person is an exempt person; or
  - (ii) the LAG product is in a LAGs container that is in a sealed LAGs bag.

Penalty: 50 penalty units.

#### **4.220 Offence — not screening for more than 1 LAGs bag**

- (1) For paragraph 44 (2) (d) of the Act, a screening authority for a security controlled airport, or an area of a security controlled airport, commits an offence if:
  - (a) an international air service operates from the airport, or area of the airport, as the case may be; and
  - (b) the screening authority has established a LAGs screening point at the airport, or area of the airport; and
  - (c) the screening authority does not put in place appropriate procedures to ensure that a person does not carry more than 1 sealed LAGs bag that contains LAG products in LAGs containers through the LAGs screening point, unless the second or subsequent bags are care bags.

Penalty: 20 penalty units.

- (2) Subregulation (1) is an offence of strict liability.

- (3) In this regulation:

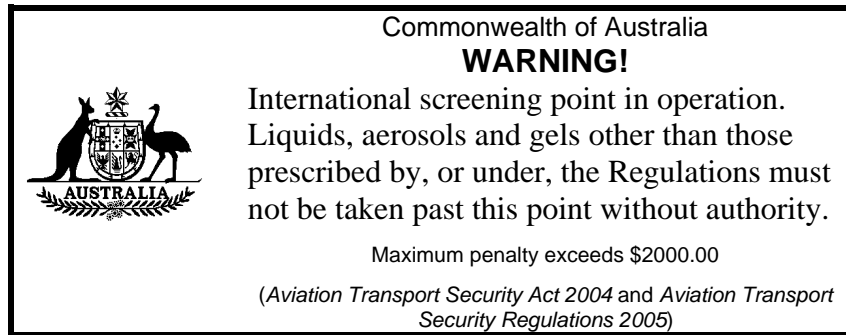
*care bag*, in relation to a person, means 1 LAGs bag containing LAG products that are in LAGs containers for use by, or for the care of, an infirm person or child who the person is accompanying through a LAGs screening point.

#### **4.22P Offence — sign at LAGs screening point**

For paragraph 44 (2) (k) of the Act, a screening authority for a security controlled airport, or an area of a security controlled airport, commits an offence if:

- (a) an international air service operates from the airport, or area of the airport, as the case may be; and

- (b) the person has established a LAGs screening point at the airport, or area of the airport; and
- (c) the person does not display, at the LAGs screening point, a sign that is:
- (i) 0.4 m wide and 0.3 m high; and
  - (ii) in the following form:



Penalty: 50 penalty units.

#### 4.22Q Notices

- (1) For subsection 44 (3) of the Act, the Secretary may by written notice provide that a thing, or a class of things, that would, except for this regulation be a LAG product, is taken not to be a LAG product.
- (2) For subsection 44 (3) of the Act, the Secretary may by written notice provide that a thing or a class of things, that is not a LAG product under these Regulations, is taken to be a LAG product .
- (3) A notice under subregulation (1) or (2) may apply to a thing, or to a class of things, that is carried by a particular person, or class of persons, or that is taken on to a particular flight.

#### 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](http://www.frli.gov.au).