Aviation Transport Security Regulations 2005

Select Legislative Instrument No. 18, 2005

made under the

Aviation Transport Security Act 2004 and the *Aviation Transport Security (Consequential Amendments and Transitional Provisions) Act 2004*

Compilation No. 77

Compilation date: 22 January 2026

Includes amendments: Act No. 1, 2026

Prepared by the Office of Parliamentary Counsel, Canberra

Authorised Version F2026C00074 registered 27/01/2026

About this compilation

This compilation

This is a compilation of the *Aviation Transport Security Regulations 2005* that shows the text of the law as amended and in force on 22 January 2026 (the ***compilation date***).

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. Any uncommenced amendments affecting the law are accessible on the Register (www.legislation.gov.au).

Application, saving and transitional provisions

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

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The *Legislation Act 2003* provides for First Parliamentary Counsel to make presentational changes to a compilation. Presentational changes are applied to give a more consistent look and feel to legislation published on the Register, and enable the user to more easily navigate those documents.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. Any modifications affecting the law are accessible on the Register.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 1—Preliminary

1.01 Name of Regulations

These Regulations are the *Aviation Transport Security Regulations 2005*.

1.03 Definitions

In these Regulations:

AACA means accredited air cargo agent.

AACA security program for an AACA means a security program provided by the Secretary to the AACA under regulation 4.51F, and includes such a security program as varied under these Regulations.

ABN (short for Australian Business Number) has the meaning given by section 41 of the *A New Tax System (Australian Business Number) Act 1999*.

access control point, for a security restricted area at a designated airport, means a point of entry into the security restricted area the location of which is set out in the airport operator's TSP in accordance with paragraph 2.18A(2)(a).

ACN (short for Australian Company Number) has the meaning given by section 9 of the *Corporations Act 2001*.

Act means the *Aviation Transport Security Act 2004*.

adverse criminal intelligence assessment—see subregulation 6.01(1).

air security officer means:

(a) a protective service officer, special protective service officer, member, or special member, of the Australian Federal Police who is directed by the Commissioner to carry out the duties of a position of air security officer; or

(b) a person who is:

(i) employed and trained by a foreign government to travel on aircraft to provide security for aircraft and their passengers and crew (other than a person who is employed to provide exclusive personal protection for 1 or more individuals travelling on an aircraft); and

(ii) operating in accordance with an arrangement between the foreign government and the Australian Government.

air traffic control has the same meaning as in the *Civil Aviation Safety Regulations 1998*.

ANA means the *Air Navigation Act 1920*.

ANR means the *Air Navigation Regulations 1947*.

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ARBN (short for Australian Registered Body Number) has the meaning given by section 9 of the *Corporations Act 2001*.

ASIC means aviation security identification card.

audit, of an aviation industry participant's TSP, has the meaning given by regulation 2.01.

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.

Australian Border Force means that part of the Immigration Department known as the Australian Border Force.

authorised powder has the meaning given by regulation 4.22QB.

aviation security identification card means a card of that type issued under Part 6.

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.

biosecurity official has the same meaning as in the *Biosecurity Act 2015*.

cargo examining aircraft operator means an aircraft operator of a prescribed air service whose TSP has been approved by the Secretary and sets out procedures for receiving, processing and clearing cargo.

carry-on baggage means an article or possession of a passenger on, or a member of the crew of, an aircraft, being an article or possession that is accessible to the passenger or crew member while the aircraft is in flight.

categorised airport means an airport that was a categorised airport under the ANA.

charter operation means an operation of an aircraft for the purpose of:

(a) a service of providing air transportation of people, or both people and goods, that:
    (i) is provided for a fee payable by persons using the service; and
    (ii) is not available to the general public;
    whether or not the service is conducted in accordance with fixed schedules to or from fixed terminals over specific routes; or
(b) a service of providing air transportation of people, or both people and goods, that:
    (i) is provided for a fee payable by persons using the service; and
    (ii) is available to the general public; and

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(iii) is not conducted in accordance with fixed schedules to or from fixed terminals over specific routes; or

(c) a service of providing air transportation of people, or both people and goods, that:

(i) is not provided for a fee payable by persons using the service; and

(ii) is not available to the general public; and

(iii) is conducted in accordance with fixed schedules to or from fixed terminals over specific routes.

checked baggage means an article or possession of an aircraft passenger or crew member that:

(a) has been checked in for a flight on the aircraft; and

(b) is intended to be carried on board the aircraft or another aircraft; and

(c) if carried in an aircraft, is not accessible to the passenger or crew member while the aircraft is in flight.

checked in, in relation to an item of checked baggage, means that the item:

(a) has been presented to an aircraft operator, or another person on the operator's behalf, for carrying on a flight on board an aircraft of the operator; and

(b) has been accepted by the aircraft operator, or the other person on the operator's behalf, for that purpose.

child means a person who has not turned 18 years of age.

closed charter operation means a charter operation of the kind described in paragraph (a) or (c) of the definition of ***charter operation***.

crew includes flight crew and cabin crew, and any other person travelling on board an aircraft for any purpose relating to the aircraft's operation or to examine the qualifications or competency of its flight crew.

domestic air service means an air service provided by means of a flight from a place within Australia to another place within Australia with no intermediate stop outside Australia.

examination notice has the meaning given by subregulation 4.41J(2).

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

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:

(aa) is acquired at an airport retail outlet at the point of origin of the flight, or an airport retail outlet at a place where passengers embark or disembark the aircraft before the air service arrives in Australia, at which all goods for sale:

(i) undergo security screening at the point of entry to the airport; and

(ii) are protected from unlawful interference by a process of supply chain security from the time they are delivered to the airport; and

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(a) is collected by the passenger at the boarding gate before boarding the aircraft for departure from the airport where the item was acquired; 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.

foreign consignment security declaration has the meaning given by subregulation 4.41D(3).

foreign official means any of the following:
(a) a member of the diplomatic staff (including the head) of a diplomatic mission established in Australia;
(b) a member of the consular staff (including the head) of a consular post established in Australia;
(c) any other member of the staff of such a diplomatic mission or consular post.

grey ASIC means an ASIC in a form approved under subregulation 6.33(2) or 6.37(2).

ICAO has the same meaning as in the *Civil Aviation Act 1988*.

immediate family of a person means the following individuals, if they are travelling with the person:
(a) the person's spouse or de facto partner (within the meaning of the *Acts Interpretation Act 1901*);
(b) the person's child (including an adopted child);
(c) a child for whom the person is a legal guardian.

Immigration Department means the Department administered by the Minister who administers the *Migration Act 1958*.

immigration detention has the same meaning as in the Migration Act.

inorganic powder means a powder or powder-like substance that does not consist of, and is not derived from, living matter.

Note: Examples of inorganic powder include salt, sand and some kinds of foot powder.

international air service means an air service provided by means of a flight:
(a) from a place within Australia to a place outside Australia; or
(b) from a place outside Australia to a place within Australia.

international cargo means cargo that is destined for a foreign country, but does not include cargo that:
(a) originates overseas; and
(b) arrives at an Australian airport on an aircraft operating an inbound international air service; and
(c) either:
(i) remains on board the aircraft; or

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(ii) is transferred to another aircraft operating an outbound international air service.

jet means a fixed-wing aircraft powered by gas-turbine engines (other than turbo-prop engines).

known consignor security program for a known consignor means a security program provided by the Secretary to the known consignor under regulation 4.41Z, and includes such a security program as varied under these Regulations.

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, at least one entrance to which (for use by persons required to be screened) is a LAGs screening point.

Note: A LAGs cleared area may have entrances other than a LAGs screening point for use solely by persons who may enter a LAGs cleared area other than through a 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.

loading person has the meaning given by subregulation 4.41G(3).

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

Migration Act means the *Migration Act 1958*.

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

officer of Customs has the same meaning as in the *Customs Act 1901*.

open charter operation means a charter operation of the kind described in paragraph (b) of the definition of ***charter operation***.

originate, in relation to a known consignor, has a meaning affected by regulation 1.03A.

parent: without limiting who is a parent of anyone for the purposes of these Regulations, a person is the ***parent*** of another person if the other person is a child of the person within the meaning of the *Family Law Act 1975*.

permitted item has the meaning given by subregulation 4.13A(1).

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photograph of somebody includes a digital image of him or her.

powder means fine dry particles produced by the grinding, crushing or disintegration of a solid substance, and includes such particles presented in a clumpy, grainy or compressed form.

Note: Examples of powder include flour, sugar, ground coffee, spice, powdered milk, baby formula and cosmetics.

qualified security assessment has the same meaning as in Part IV of the *Australian Security Intelligence Organisation Act 1979*.

RACA means regulated air cargo agent.

RACA security program for a RACA means a security program provided by the Secretary to the RACA under regulation 4.46, and includes such a security program as varied under these Regulations.

red ASIC means an ASIC in a form approved under subregulation 6.33(1) or 6.37(1).

regular public transport operation means an operation of an aircraft for the purposes of a service of providing air transportation of people, or both people and goods, that:

(a) is provided for a fee payable by persons using the service; and
(b) is available to the general public on a regular basis; and
(c) is conducted in accordance with fixed schedules to or from fixed terminals over specific routes.

review, of an aviation industry participant's TSP, has the meaning given by regulation 2.01.

screened air service—see regulation 4.02.

screening authority means a person specified by notice under regulation 4.03.

secure area means either of the following:

(a) a landside security zone (not including a crowded landside zone);
(b) the airside area of a security controlled airport.

Note: For the definitions of ***landside security zone*** and ***airside area***, see section 9 of the Act and regulations 3.01 and 3.02.

security contact officer has the meaning given by subregulation 2.01(1).

security declaration has the meaning given by regulation 4.41D.

security program means:

(a) in relation to a known consignor—the known consignor security program for the known consignor; or
(b) in relation to a RACA—the RACA security program for the RACA; or
(c) in relation to an AACA—the AACA security program for the AACA; or

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(d) in relation to an aviation industry participant who is an operator of a security controlled airport, an operator of a prescribed air service or Airservices Australia—the TSP for the aviation industry participant.

security restricted area means an airside security zone of a type that is prescribed by regulation 3.01.

security tamper-evident bag has the meaning given by regulation 4.22R.

TAC means a temporary aircrew card issued under regulation 6.37B.

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

Note: Examples of therapeutic products include special dietary products and contact lens solution.

traffic period, for a security controlled airport, means a period that begins 2 hours before the scheduled time of arrival, and ends 2 hours after the actual time of departure, of a scheduled air service that operates to or from the airport.

TSP means transport security program.

unauthorised explosive means any explosive or explosive device, other than an explosive or explosive device that is to be carried as cargo in relation to which the Secretary has issued a written notice under subparagraph 44B(2)(b)(i) of the Act.

unauthorised person, in relation to a place or thing, means a person who:

(a) is not authorised by the owner or person in control of the place or thing to have access to the place or thing; and

(b) has no other lawful reason to have access to the place or thing.

unlawful non-citizen has the same meaning as in the Migration Act.

Note: See sections 13, 14 and 15 of that Act.

VIC means visitor identification card.

visitor identification card means a card of that type issued under Part 6.

white ASIC means an ASIC in a form approved under subregulation 6.33(3).

1.03A Meaning of *originate* in relation to known consignors

Cargo ***originates*** with a known consignor in circumstances including the following:

(a) where the known consignor makes, manufactures, assembles or otherwise produces the goods that are, or are reasonably likely to be, cargo;

(b) where the known consignor has not made, manufactured, assembled or otherwise produced the goods that are, or are reasonably likely to be, cargo, but the known consignor:

(i) is the owner or person in control of the goods; and

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(ii) the goods are in the known consignor's possession when the goods become, or become reasonably likely to be, cargo.

1.04 What *properly displaying* means

(1) For these Regulations, somebody is ***properly displaying*** an ASIC, VIC or TAC only if it is attached to his or her outer clothing:
  (a) above waist height; and
  (b) at the front or side of his or her body; and
  (c) with the whole front of the ASIC, VIC or TAC clearly visible.

(2) He or she is not ***properly displaying*** the ASIC, VIC or TAC if anything adhering to it obscures a photograph or anything else on it.

1.05 Meaning of *valid ASIC*, *valid VIC* and *valid TAC*

(1) In these Regulations:

valid, used about a red ASIC, grey ASIC, VIC or TAC, means:
  (a) issued in accordance with Part 6; and
  (b) not expired, suspended or cancelled; and
  (c) not altered or defaced (permanently or temporarily); and
  (d) issued to the person who shows or displays it.

(2) For the purposes of a provision of these Regulations that refers to a person displaying a valid ASIC in a place without specifying which kind of ASIC is to be displayed, a person is taken to be displaying a valid ASIC in the place only if:
  (a) the person is properly displaying a valid red ASIC; or
  (b) if regulation 3.03 does not require the person to be properly displaying a valid red ASIC in the place—the person is properly displaying a valid grey ASIC.

Note: A requirement under these Regulations to display a valid ASIC cannot be satisfied with a white ASIC.

1.05A Categories of airports

A reference in these Regulations to a security controlled airport that is identified by reference to a category is a reference to a security controlled airport that is assigned to that category by the Secretary under subsection 28(6) of the Act.

Note 1: For example, a tier 1 security controlled airport is a security controlled airport that has been assigned the category tier 1 by the Secretary under subsection 28(6) of the Act.

Note 2: See regulation 3.01B for the categories of security controlled airports prescribed for the purposes of section 28A of the Act.

1.06 Prescribed air services

(1) For the definition of ***prescribed air service*** in section 9 of the Act, an air service of any of the following kinds is prescribed:

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(a) a regular public transport operation;
(b) an air service in which a jet is used;
(c) an air service in which an aircraft with a certificated maximum take-off weight greater than 5 700 kilograms is used.

(2) However, an air service is not taken to be a prescribed air service if the Secretary declares, by instrument in writing, that the air service is not a prescribed air service.

1.08 Security designated authorisations

For the purposes of the definition of ***security designated authorisation*** in section 9 of the Act, a flight crew licence (within the meaning of the *Civil Aviation Safety Regulations 1998*) is a security designated authorisation.

1.09 Weapons

(1) For paragraph (b) of the definition of ***weapon*** in section 9 of the Act, each thing of the kind described in column 2 of an item in table 1.09 is a weapon.

Note 1: Firearms of all kinds are already weapons—see the definition in section 9 of the Act.

Note 2: Subregulation (8) (after the table) excepts defibrillators (which are arguably covered by item 5 of the table) from the general definition in subregulation (1).

(2) Examples set out in an item of the table are not exhaustive of the things described in the item.

(3) To avoid doubt, nothing in this regulation implies that an article or thing not described in the table is permitted to be carried by air if its carriage would be prohibited by another law.

Note: See in particular section 23 of the *Civil Aviation Act 1988* and Part 92 of the *Civil Aviation Safety Regulations 1998* in relation to the carriage of dangerous goods.

(4) A replica or an imitation of a weapon is also a weapon.

(5) A thing that is both a prohibited item and a weapon is, for the purposes of these Regulations, a weapon.

(6) However, such a thing that is part of an aircraft's stores or emergency equipment, or of an airline operator's or airport operator's emergency equipment, is taken not to be a weapon if it is not readily accessible to passengers or the public generally.

Table 1.09 Weapons

Column 1 Item	Column 2 Description of things
1	Parts and ammunition for firearms Examples: Flares Gun powders

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Regulation 1.09

Column 1 Item	Column 2 Description of things
	Note: Firearms are defined as weapons in s 9 of the Act.
2	Sharp things designed to be used primarily to inflict injury or to be used in self-defence
	Examples: Daggers, flick-knives, star knives and Shuriken throwing irons and stars
	Harpoons
	Sabres, swords and swordsticks and similar things
	Spears
3	Blunt things designed to inflict injury or to be used in self-defence
	Examples: Billy clubs and leather billies
	Blackjacks
	Martial arts equipment such as knuckle dusters, clubs, coshes, rice flails and numchucks, kubatons and kubasaunts
	Night sticks and batons
4	Things capable (with or without modification) of discharging projectiles for the purpose of disabling or incapacitating a person or animal
	Examples: Ballistic knives and similar devices designed to discharge a projectile by means of an explosive or other propellant or mechanism
	Blow pipes
	Cross-bows
	Spear guns
	Hunting slings
	Catapults
	Slingshots
	Bows and arrows
5	Things designed to disable or incapacitate, or otherwise harm, a person or animal
	Examples: Stun guns
	Things capable of being used to administer an electric shock; for example, cattle prods and Tasers
	Note: See subregulation (8).
	Disabling and incapacitating chemicals, gases or sprays, such as Mace, pepper or capsicum spray, tear gas, acid sprays and animal-repellent sprays
6	Explosive or incendiary devices and flammable materials not ordinarily found around the home
	Examples: Dynamite
	Explosives (plastic or otherwise)
	Blasting caps
	Blow-torches
	Detonators, fuses and detonator cord
	Explosive flares in any form

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Column 1 Item	Column 2 Description of things
	Grenades Mines and other explosive military stores Smoke cartridges
7	Biotoxins and infectious substances Examples: Preparations of anthrax spores
8	Chemical toxins Examples: Chemical warfare agents

(7) To avoid doubt, a telescopic sight is not a weapon.

(8) Despite subregulation (1) and item 5 of the table, a defibrillator is taken not to be a weapon if it is required for medical purposes or is part of an aircraft's equipment.

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Part 2—Transport security programs

Division 2.1—Preliminary

2.01 Definitions for Part

In this Part:

audit, of an aviation industry participant's TSP, means an audit to determine if security measures and procedures set out in the TSP have been implemented and complied with.

review, of an aviation industry participant's TSP, means a review to determine if security measures and procedures set out in the TSP are effective and adequate.

security contact officer, for an aviation industry participant, means a person appointed by the participant to carry out the responsibilities of a security contact officer for the participant.

2.02 Security contact officers

(1) The responsibilities of a security contact officer for an aviation industry participant for this Part are:
  (a) to facilitate the development, implementation, review and maintenance of the participant's TSP; and
  (b) to undertake liaison with other aviation industry participants in relation to aviation security matters.

(2) An aviation industry participant that must have a TSP must appoint a security contact officer who has the knowledge, skills, training, qualifications or other requirements set out in its TSP.

Penalty: 10 penalty units.

(3) A security contact officer for an aviation industry participant must be the participant or an employee of the participant.

2.03 Aviation industry participants that must have TSPs

For the purposes of paragraph 12(1)(c) of the Act, Airservices Australia is prescribed as an aviation industry participant that is required to have a transport security program.

Note: Operators of security controlled airports and operators of prescribed air services are also required to have a transport security program—see section 12 of the Act.

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2.04 Aviation industry participants to which more than 1 Division applies

To avoid doubt, if 2 or more Divisions of this Part apply to an aviation industry participant that is required to have a TSP, the participant's TSP must comply with both or all of the applicable Divisions.

2.05 What all TSPs must contain

A TSP for an aviation industry participant must contain a statement signed by the participant to the effect that the participant believes that the TSP gives effect to the participant's obligation in subsection 16(1) of the Act.

2.06 Offence—disclosing TSPs without consent

A person must not disclose to any other person any information about the content of an aviation industry participant's TSP without the consent of the participant.

Penalty: 50 penalty units.

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Division 2.2—Operators of security controlled airports

2.07 What this Division does

This Division sets out the requirements about the content of a TSP for the operator of a security controlled airport.

2.08 Application of this Division

(1) This Division applies to the operator of a security controlled airport.

(2) A reference in this Division to an ***airport operator*** is a reference to the operator of a security controlled airport.

2.09 Scope of airport operator's TSP

An airport operator's TSP must cover any aviation-security-related activity on the airport that is not covered by the TSP of any other aviation industry participant.

2.10 What airport operator's TSP must contain—outline etc.

The TSP must set out an outline of the objectives of the TSP and must include:

(a) a statement outlining the local security risk context of the airport, including consideration of its location and seasonal and operational factors; and

(b) a list of general threats and generic security risk events to people, assets, infrastructure and operations; and

(c) an outline of the people, assets, infrastructure and operations that need to be protected.

2.11 What airport operator's TSP must contain—procedures for managing security etc

(1) The TSP must set out the procedures for managing security at the airport, including:

(a) organisational structures and security management arrangements; and

(b) the roles and responsibilities of security contact officers, security staff and contractors; and

(c) the roles and responsibilities of other staff who have been assigned security duties and responsibilities.

(2) The TSP must, for the purpose of coordinating security-related activities, set out a mechanism for consultation between the operator and relevant third parties.

Note: Relevant third parties might, for example, include police, aircraft operators, tenants or lessees.

(4) The TSP must set out measures to ensure that the TSP and other security information is protected against unauthorised access, amendment and disclosure.

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2.12 What airport operator's TSP must contain—procedures for quality control

(1) The TSP must set out quality control procedures, including:
  (a) details of how audits are scheduled; and
  (b) the procedures for carrying out an audit; and
  (c) the procedures for reviewing the TSP, including a process for consultation during such a review; and
  (d) a description of the circumstances that will require a review of the TSP, including those surrounding the occurrence of an aviation security incident.

(2) An operator must:
  (a) retain the records of an audit for 7 years; and
  (b) retain the records of a review for 3 years.

2.13 What airport operator's TSP must contain—description of airport

(1) The TSP must set out:
  (a) the name of the airport; and
  (b) its geographic location, including a reference to the closest population centre; and
  (c) whether or not access into landside and airside areas and zones of the airport, and the internal security of such areas and zones, is controlled at all times; and
  (d) details of procedures for security outside the airport's normal hours of operation.

(1A) The TSP must be accompanied by a document that sets out:
  (a) the types of aircraft operations that operate to and from the airport, including regular public transport, cargo, general aviation and joint-user facilities and other significant operations that may require security considerations; and
  (b) the size of the airport; and
  (c) a description of significant features affecting the security of the airport perimeter, such as waterways or residential areas; and
  (d) a description of the airside and landside operations for which the operator has responsibility; and
  (e) the hours during which the airport normally operates.

(1B) If a screened air service operates from the airport, the TSP must be accompanied by a document that contains a description of the apron or aprons for the airport.

(2) The TSP must identify all aviation industry participants that have a facility at, or are located within, the airport that are required to have a TSP, or are covered by the airport operator's TSP or another aviation industry participant's TSP.

(3) The operator of a security controlled airport must, within 7 working days after becoming aware of a change in any of the details mentioned in subregulation (1), (1A) or (2), notify the Secretary in writing of the new details.

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Penalty: 20 penalty units.

(4) The TSP must be accompanied by a document that sets out:
  (a) the operator's name; and
  (b) the name of its chief executive officer or manager; and
  (c) the operator's mailing address, if different to the airport's location; and
  (e) the contact telephone number for the operator, including an after-hours number; and
  (f) an alternative contact person and number; and
  (g) the name of the security contact officer and his or her business phone number, e-mail address and a 24-hour security contact number.

(5) The operator of a security controlled airport must, within 2 working days after becoming aware of a change in contact details (that is, the details required by subregulation (4) to accompany the TSP), notify the Secretary in writing of the new details.

Penalty: 20 penalty units.

(6) A contravention of subregulation (3) or (5) is an offence of strict liability.

(7) The operator must give each other aviation industry participant that has a facility at, or is located within, the airport:
  (a) contact details for the operator, including contact details for the operator's security contact officer; and
  (b) details of the procedures to make known the location of airside areas, airside security zones and landside security zones within the boundaries of the airport; and
  (c) details of the procedures to check the identity of persons who are authorised to have access to those areas and security zones.

(8) The TSP must require the airport operator to maintain a system to enable all aviation industry participants that have a facility at, or are located within, the airport to be contacted if an aviation security incident occurs.

2.14 Required information about proposed security zones at airport operator's airport

If an airport operator wishes the Secretary to establish an airside security zone or a landside security zone at the airport, the operator's TSP must be accompanied by a document that sets out:
  (a) the purpose of establishing the zone; and
  (b) the proposed boundaries of the zone; and
  (c) if applicable, the period when, or the circumstances in which, the zone will be in force; and
  (d) the name or position of the person or persons responsible for security measures in relation to the zone.

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2.15 What airport operator's TSP must contain—map of airside and landside areas and security zones

A map that accompanies the TSP for the purposes of paragraph 17(2)(a) of the Act:

(a) must have a linear scale; and
(b) must show a north point; and
(c) must show the latitude and longitude of the airport; and
(d) must be in black and white, with limited shading, or in colour; and
(e) must be a clear and light featured depiction of the airport and its airside and landside areas; and
(f) must be on A4-size paper or in electronic form.

Note: The TSP for an airport operator must include a map of the airside and landside boundaries within the airport—see paragraph 17(2)(a) of the Act.

2.16 What airport operator's TSP must contain—physical security and access control

(1) The TSP must set out the security measures and procedures to be used within the airport, including measures and procedures:
(a) to control access at the airport and maintain the integrity of access control systems; and
(aa) to monitor and control access to landside and airside security zones; and
(b) to deter and detect unauthorised access into the airside area by people, aircraft, vehicles or things; and
(c) to deter and detect unauthorised access into the airside security zone by people, aircraft, vehicles or things; and
(d) to deter and detect unauthorised access into a landside security zone by people, vehicles or things; and
(e) to be applied to unattended aircraft; and
(f) to assess, identify and respond to unknown substances; and
(g) to investigate, secure, and remove unattended or suspect vehicles, aircraft or things, including baggage and cargo; and
(h) to ensure the security of passwords, keys and key lists, electronic access cards and other security privileges.

(2) The TSP must:
(a) specify the security measures and procedures that have been implemented within the airport; and
(b) be accompanied by a document that sets out a timetable for implementation of any security measures and procedures that have not been implemented.

Issuing VICs for access control

(3) If an airport operator intends to authorise agents to issue VICs on behalf of the airport operator, the TSP must set out procedures for:
(a) how the airport operator will authorise agents; and

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(b) auditing an agent's practices.

(4) If an airport operator intends to issue VICs in a form that is different from that set out in regulation 6.39, the TSP must set out:
(a) the form; and
(b) whether VICs issued by the airport operator's agents will be in the different form.

(5) An airport operator's TSP may set out:
(a) more than 1 form for a VIC; and
(b) that the airport operator's agents may use a different form, set out in the TSP, than that used by the airport operator.

(6) An airport operator's TSP may state that the airport operator (or its agent) must not issue VICs in the form set out in regulation 6.39.

(7) If an airport operator intends to issue VICs, the TSP may set out circumstances in which a VIC need not be returned to the airport operator within 7 days after the VIC has expired.

2.17 What airport operator's TSP must contain—screening and clearing

(1) If a screened air service operates from the airport, the TSP must set out measures and procedures to carry out screening and clearing of persons and baggage.

(2) These measures and procedures must include:
(a) the locations where screening is undertaken; and
(e) measures and procedures to control the movement of passengers; and
(f) procedures for handling and screening transit passengers from inbound international flights at the first point of call in Australia; and
(g) measures to ensure that passengers who have not been cleared on arriving aircraft (for example, small general-aviation aircraft) do not mix or interfere with cleared passengers; and
(h) measures and procedures to handle:
(i) diplomats and other VIPs; and
(ii) government couriers and diplomatic bags; and
(iii) passengers with reduced mobility or a medical condition; and
(iv) persons in custody; and
(v) suspect behaviour by a passenger; and
(vi) transit passengers; and
(i) measures and procedures to follow sterile area breaches, including post-breach recovery plans.

2.18 What airport operator's TSP must contain—checked baggage screening

If the airport operator carries out checked baggage screening itself, the TSP must include:

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(a) measures and procedures to carry out that screening, including details of the locations where screening is undertaken; and
(b) measures and procedures to ensure that checked baggage is protected against tampering and the introduction of explosives; and
(c) procedures to treat unattended and suspect baggage; and
(d) measures and procedures to respond to the detection of explosives.

2.18A What airport operator's TSP must contain—access control and screening for security restricted areas at designated airports

(1) This regulation applies if a security restricted area has been established within the airside area of a designated airport in accordance with section 30 of the Act.

Access control

(2) The airport operator's TSP must set out the following matters:
(a) the location of points of entry into the security restricted area that are to be access control points for the purposes of these regulations;
(b) the aviation industry participant that controls each access control point;
(c) procedures to confirm the following:
(i) the identity of persons entering the security restricted area through access control points controlled by the operator;
(ii) that persons, vehicles and things entering the security restricted area through access control points controlled by the operator are authorised to do so;
(d) procedures to confirm that each person who enters the security restricted area through an access control point controlled by the operator and who is required by Subdivision 3.2.1 to properly display an ASIC in the area:
(i) holds a valid red ASIC; or
(ii) holds a valid VIC, a valid TAC or a valid grey ASIC and is supervised by someone who is authorised to enter the security restricted area and holds a valid red ASIC;
(e) if checks to confirm the matters mentioned in paragraphs (c) and (d) are to be performed at a place in the vicinity of an access control point—the location of that place;
(f) procedures to ensure that a person entering the security restricted area other than through an access control point does not bring any unauthorised weapons into the security restricted area;
(g) if persons are to be permitted to re-enter the security restricted area, other than through an access control point, after leaving the security restricted area to perform work:
(i) the classes of persons to whom that permission applies; and
(ii) if that permission applies only if the work is to be performed at a facility that is in, or in the vicinity of, the airside area—a description of the facility and its location.

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(3) The TSP must be accompanied by a document that identifies the person, or persons jointly, responsible for maintaining the security of:
  (a) the security restricted area; and
  (b) each access control point for the security restricted area.

Screening

(4) The TSP must also set out the following matters:
  (a) measures and procedures to carry out screening of persons, vehicles and goods that enter the security restricted area;
  (b) details of the locations where that screening will take place in accordance with subregulation 3.16E(3);
  (c) if:
    (i) the airport operator controls the security restricted area, or a part of the security restricted area; and
    (ii) the airport operator intends screening to occur inside the area, or the part of the area, in accordance with subregulation 3.16E(4);

  details of the general area or areas in the security restricted area in which that screening will occur.

2.18B What airport operator's TSP must contain—crowded landside zones at designated airports

If an airport operator is responsible for the crowded landside zone at a designated airport, the airport operator's TSP must:
  (a) set out measure and procedures:
    (i) to control crowding in the crowded landside zone; and
    (ii) to reduce the risk and consequences of damage from explosive devices in the crowded landside zone; and
  (b) include details of:
    (i) exercises to be conducted to test the effectiveness of security responses in the crowded landside zone; and
    (ii) how such exercises are scheduled.

2.19 What airport operator's TSP must contain—cargo facilities with direct access to airside

If a screened air service operates from the airport, the TSP must be accompanied by a document listing each facility that has direct access to the airside of the airport and is responsible for receiving, processing and clearing cargo.

2.20 What airport operator's TSP must contain—control of firearms, other weapons and prohibited items

(1) The TSP must include:
  (a) measures to deter unauthorised possession of firearms, other weapons and prohibited items; and

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(b) procedures for dealing with surrendered firearms, other weapons and prohibited items; and
(c) procedures for handling and movement of firearms and other weapons; and
(d) procedures for using firearms and other weapons in the airside area or landside security zones; and
(e) methods for ensuring that staff who have a need to know are aware of the restrictions on the possession and use of firearms, other weapons and prohibited items within the airport.

(2) The airport operator must ensure that procedures in the TSP to handle or transport firearms, other weapons and prohibited items are consistent with relevant Commonwealth, State or Territory laws.

2.21 Required information about measures and procedures in the event of a heightened security alert

(1) The TSP must be accompanied by a document that sets out additional security measures and procedures available in the event of a heightened security alert.

(2) Those measures and procedures must include:
(a) procedures for responding to and investigating aviation security incidents, including threats and breaches of security; and
(b) procedures for reporting aviation security breaches, including occurrences that threaten the security of the airport; and
(c) procedures for evacuation and emergency management in case of an aviation security incident, security threat or breach of security, including an incident, threat or breach involving one or more of the following:
(i) an aircraft hijacking;
(ii) a bomb threat;
(iii) a failure of critical security equipment;
(iv) an unattended or suspect vehicle or thing in a crowded landside zone;
(v) armed persons in a crowded landside zone; and
(d) procedures for responding to any special security direction given by the Secretary, including procedures to communicate directions within the airport; and
(e) procedures for raising the awareness and alertness of staff to security threats and their responsibility to report aviation security incidents and breaches; and
(f) details of any other security contingency procedures and plans.

2.22 What airport operator's TSP must contain—personnel with particular security roles

(1) The TSP must set out the knowledge, skills, training, qualifications or other requirements required by relevant staff of the operator in respect of the security-related aspects of their positions.

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(2) The operator must provide security awareness training for the relevant staff to enable them to properly perform the security-related aspects of their positions at the operator's airport.

(3) In this regulation:

relevant staff of an operator means employees, contractors and other persons who have been assigned particular security duties and responsibilities at the operator's airport.

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Division 2.3—Operators of prescribed air services

2.25 What this Division does

This Division sets out the requirements about the content of a TSP for the operator of a prescribed air service.

2.26 Application of this Division

(1) This Division applies to the operator of a prescribed air service.

(2) A reference in this Division to an ***aircraft operator*** is a reference to the operator of a prescribed air service.

2.27 Scope of aircraft operator's TSP

An aircraft operator's TSP must cover any aviation-security-related activity that is relevant to its operations, including significant facilities on security controlled airports.

2.28 What aircraft operator's TSP must contain—outline etc.

The TSP must set out an outline of the objectives of the TSP and must include:

(a) a statement outlining the local security risk context of the operator, including consideration of location, seasonal and operational factors; and

(b) a list of general threats and generic security risk events to people, assets, infrastructure and operations; and

(c) an outline of the people, assets, infrastructure and operations that need to be protected.

2.29 What aircraft operator's TSP must contain—procedures for managing security etc

(1) The TSP must set out procedures for managing security at the operator's facilities, including:

(a) organisational structures and security management arrangements; and

(b) the roles and responsibilities of security contact officers, security staff and contractors; and

(c) the roles and responsibilities of other staff who have been assigned security duties and responsibilities.

(2) The TSP must, for the purpose of coordinating security-related activities, set out a mechanism for consultation:

(a) between the operator and the operator of any security controlled airport at which the operator has a facility; and

(c) between the operator and relevant third parties.

Note: Relevant third parties might, for example, include police, tenants or lessees.

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(3) The TSP must set out measures to ensure that the TSP and other security information is protected against unauthorised access, amendment and disclosure.

2.30 What aircraft operator's TSP must contain—procedures for quality control

(1) The TSP must set out quality control procedures, including:
  (a) details of how audits are scheduled; and
  (b) the procedures for carrying out an audit; and
  (c) the procedures for reviewing the TSP, including a process for consultation during such a review; and
  (d) a description of the circumstances that will require a review of the TSP, including those surrounding the occurrence of an aviation security incident.

(2) An operator must:
  (a) retain the records of an audit for 7 years; and
  (b) retain the records of a review for 3 years.

2.31 What aircraft operator's TSP must contain—details of operator's name and operations

(1) The TSP must set out:
  (a) the name of the operator; and
  (b) the geographic location of each of its operational facilities that is located within a security controlled airport; and
  (c) for each of the operator's operational facilities—details of procedures for security outside the facility's normal hours of operation.

(1A) The TSP must be accompanied by a document that sets out:
  (a) the types of aircraft operations the operator carries on (including regular public transport, cargo and general aviation operations) that may require security considerations, including:
    (i) details of the operator's aircraft, including aircraft types and numbers; and
    (ii) details of regular routes flown and airports served; and
  (b) for each of the operator's operational facilities—the hours of the facility's normal operation.

(2) The operator of a prescribed air service must, within 7 working days after becoming aware of a change in any of the details mentioned in subregulation (1) or (1A), notify the Secretary in writing of the new details.

Penalty: 20 penalty units.

(3) The TSP must be accompanied by a document that sets out:
  (a) the operator's name; and
  (b) the name of its chief executive officer or manager; and
  (c) the operator's mailing address; and

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(e) the contact telephone number for the operator, including an after-hours number; and

(f) an alternative contact person and number; and

(g) the name of the security contact officer and his or her business phone number, e-mail address and a 24-hour security contact number.

(4) The operator of a prescribed air service must, within 2 working days after becoming aware of a change in contact details (that is, the details required by subregulation (3) to accompany the TSP), notify the Secretary in writing of the new details.

Penalty: 20 penalty units.

(5) A contravention of subregulation (2) or (4) is an offence of strict liability.

(6) The operator of a prescribed air service must give the operator of each security controlled airport at which it has a facility contact details for the facility, including contact details for the operator's security contact officer.

2.32 What aircraft operator's TSP must contain—physical security and access control

(1) The TSP must set out the security measures and procedures to be used within each of the operator's facilities, including measures and procedures:

(a) to control access to aircraft and facilities and maintain the integrity of access control systems; and

(b) to deter and detect unauthorised access into the airside area by people, aircraft, vehicles or things; and

(c) to deter and detect unauthorised access into the airside security zone by people, aircraft, vehicles or things; and

(d) to deter and detect unauthorised access into a landside security zone by people, vehicles or things; and

(e) to be applied to unattended aircraft; and

(f) to assess, identify and respond to unknown substances; and

(g) to investigate, secure, and remove unattended or suspect vehicles, aircraft or things, including baggage and cargo; and

(h) to ensure the security of passwords, keys and key lists, electronic access cards and other security privileges.

(2) The TSP must:

(a) specify the security measures and procedures that have been implemented within each of the operator's facilities; and

(b) be accompanied by a document that sets out a timetable for implementation of any measures and procedures that have not been implemented.

Issuing TACs for access control

(5) If an aircraft operator intends to issue TACs, the TSP must set out the process for how the aircraft operator will issue TACs.

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Issuing VICs for access control

(6) If an aircraft operator intends to authorise agents to issue VICs on behalf of the aircraft operator, the TSP must set out procedures for:
  (a) how the aircraft operator will authorise agents; and
  (b) auditing an agent's practices.

(7) If an aircraft operator is approved by the Secretary to issue VICs and the aircraft operator intends to issue VICs in a form that is different from that set out in regulation 6.39, the TSP must set out:
  (a) the form; and
  (b) whether VICs issued by the aircraft operator's agents will be in the different form.

(8) An aircraft operator's TSP may set out:
  (a) more than 1 form for a VIC; and
  (b) that an aircraft operator's agents may use a different form, set out in the TSP, than that used by the aircraft operator.

(9) An aircraft operator's TSP may state that the aircraft operator (or its agent) must not issue VICs in the form set out in regulation 6.39.

(10) If an aircraft operator is approved by the Secretary to issue VICs, the TSP may set out circumstances in which a VIC need not be returned to the aircraft operator within 7 days after the VIC has expired.

2.33 What aircraft operator's TSP must contain—control of firearms, other weapons and prohibited items

(1) The aircraft operator must ensure that procedures in the TSP include:
  (a) measures to deter unauthorised possession of firearms, other weapons and prohibited items; and
  (b) procedures for dealing with surrendered firearms, other weapons and prohibited items; and
  (c) procedures for handling and movement of firearms and other weapons; and
  (e) methods for ensuring operational staff are aware of the restrictions on the possession and use of firearms, other weapons and prohibited items within the airport.

(2) The aircraft operator must ensure that procedures in the TSP to handle or transport firearms, other weapons and prohibited items are consistent with relevant Commonwealth, State or Territory laws.

2.34 What aircraft operator's TSP must contain—check-in and boarding procedures

The TSP must set out passenger check-in and boarding procedures, including procedures for dealing with any anomalies in passenger reconciliation that may arise during check-in or boarding.

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2.35 What aircraft operator's TSP must contain—screening and clearing

If the operator carries out passenger or crew screening, the TSP must include:

(a) measures and procedures to carry out that screening, including details of the locations where screening is undertaken; and

(b) measures to ensure that cleared passengers departing from or boarding an aircraft do not mix with passengers who have not been cleared on arriving aircraft; and

(c) measures and procedures to carry out screening and clearing of carry-on baggage, including details of the locations where that screening and clearing is undertaken; and

(d) measures and procedures for the screening and clearing of transit passengers, including passengers who cannot leave the aircraft during transit; and

(e) procedures to treat suspect passengers or carry-on baggage; and

(f) measures and procedures to control the movement of passengers; and

(g) measures and procedures to handle:

(i) diplomats and other VIPs; and

(ii) government couriers and diplomatic bags; and

(iii) passengers with reduced mobility or a medical condition; and

(iv) persons in custody; and

(v) transit passengers; and

(i) measures and procedures following sterile area breaches, including post-breach recovery plans.

2.35A What aircraft operator's TSP must contain—access control and screening for security restricted areas at designated airports

Access control

(1) If an aircraft operator controls an access control point into a security restricted area at a designated airport, the TSP must set out the following matters:

(a) procedures to confirm the following:

(i) the identity of persons entering the security restricted area through the access control point;

(ii) that persons, vehicles and things entering the security restricted area through the access control point are authorised to do so;

(b) procedures to confirm that each person who enters the security restricted area through the access control point and who is required by Subdivision 3.2.1 to properly display an ASIC in the area:

(i) holds a valid red ASIC; or

(ii) holds a valid VIC, a valid TAC or a valid grey ASIC and is supervised by someone who is authorised to enter the security restricted area and holds a valid red ASIC;

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(c) if checks to confirm the matters mentioned in paragraphs (a) and (b) are to be performed at a place in the vicinity of the access control point—the location of that place;

(d) procedures to ensure that a person entering a part of the security restricted area that is controlled by the aircraft operator other than through an access control point does not bring any unauthorised weapons into the security restricted area;

(e) if persons are to be permitted to re-enter a part of the security restricted area that is controlled by the aircraft operator, other than through an access control point, after leaving the security restricted area to perform work:

(i) the classes of persons to whom that permission applies; and

(ii) if that permission applies only if the work is to be performed at a facility that is in, or in the vicinity of, the airside area—a description of the facility and its location.

(2) If an aircraft operator controls the whole or a part of a security restricted area at a designated airport, the TSP must be accompanied by a document that identifies the person, or persons jointly, responsible for maintaining the security of each access control point into the area or that part of the area.

Screening

(3) If an aircraft operator carries out screening for a security restricted area at a designated airport, the TSP must also set out the following matters:

(a) measures and procedures to carry out screening of persons, vehicles and goods that enter the security restricted area;

(b) details of the locations where that screening will take place in accordance with subregulation 3.16E(3);

(c) if:

(i) the aircraft operator controls the security restricted area, or a part of the security restricted area; and

(ii) the aircraft operator intends screening to occur inside the area, or the part of the area, in accordance with subregulation 3.16E(4);

details of the general area or areas in the security restricted area in which that screening will occur.

2.36 What aircraft operator's TSP must contain—security of passenger and crew information

The TSP must set out measures to ensure the protection of information about passenger and crew movements.

2.37 What aircraft operator's TSP must contain—checked baggage screening

If the operator carries out checked baggage screening itself, the TSP must include:

(a) measures and procedures to carry out that screening, including details of the locations where screening is undertaken; and

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(c) measures and procedures to ensure that checked baggage is protected against tampering and the introduction of explosives; and
(d) procedures to treat unattended and suspect baggage; and
(e) measures and procedures to respond to the detection of explosives.

2.38 What aircraft operator's TSP must contain—passenger and checked baggage reconciliation

The TSP must include measures and procedures to ensure that checked baggage transported on an aircraft belongs to the passengers on the flight, including:
(a) details of the procedures used to reconcile passengers and baggage; and
(b) procedures to ensure that the requirements of subregulations 4.21(6) and (7) are complied with before the aircraft departs.

2.39 What aircraft operator's TSP must contain—security of aircraft

(1) The TSP must include:
(a) measures and procedures to prevent the unlawful carriage of a firearm, another weapon or a prohibited item, including the procedures to respond to the detection of a firearm, another weapon or a prohibited item; and
(b) measures and procedures to deter unauthorised access to aircraft at all times; and
(c) measures and procedures to ensure that access to an aircraft's flight deck is controlled to prevent unauthorised entry at all times; and
(d) measures and procedures to assess, identify and respond to unknown substances; and
(e) measures and procedures to investigate, secure and remove unattended and suspect items, including baggage and cargo; and
(f) measures and procedures to maintain the security of stores; and
(g) measures and procedures for handling suspect behaviour by a passenger, including:
(i) details of restraining devices that will be carried on board each aircraft and their location; and
(ii) details of the crew members who are authorised to use restraints; and
(iii) the procedures for reporting suspect behaviour by passengers.

(2) If an aircraft operator carries a person in custody as a passenger on an aircraft, the TSP must include measures and procedures to ensure on board security when carrying the person in custody.

2.40 What aircraft operator's TSP must contain—security of aircraft cleaning operations and stores

The TSP must include measures and procedures to ensure the security of aircraft cleaning operations and materials to be taken on board an aircraft and at facilities controlled by the operator.

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2.41 What aircraft operator's TSP must contain—security of cargo etc

(2) The TSP must set out the procedures for receipt and handling of cargo.

(3) The TSP must set out measures and procedures to be used to ensure the security of cargo at all times, including supervising and controlling access to cargo that has received clearance.

(4) The TSP must set out measures and procedures to be used to ensure the security of diplomatic mail.

(5) The TSP must set out measures and procedures to be used for handling and treating high risk cargo.

2.42 What aircraft operator's TSP must contain—security of documents

The TSP must include measures and procedures to control access to operational documents (such as baggage tags, boarding passes and tickets), including those produced electronically.

2.43 Required information about measures and procedures in the event of a heightened security alert

(1) The TSP must be accompanied by a document that sets out additional security measures and procedures available in the event of a heightened security alert.

(2) Those measures and procedures must include:

(a) procedures for responding to and investigating aviation security incidents, including threats and breaches of security; and

(b) procedures for reporting aviation security breaches, including occurrences that threaten aviation security; and

(c) procedures for evacuation and emergency management in case of an aviation security incident, security threat or breach of security, including an incident, threat or breach involving one or more of the following:

(i) an aircraft hijacking;

(ii) a bomb threat;

(iii) a failure of critical security equipment;

(iv) an external attack on an aircraft;

(v) the discovery of an unknown substance on an aircraft in flight;

(vi) the discovery of an unauthorised person on board an aircraft in flight;

(vii) an unattended or suspect vehicle or thing in a crowded landside zone;

(viii) armed persons in a crowded landside zone; and

(d) procedures for responding to any special security directions given by the Secretary; and

(e) procedures for raising the awareness and alertness of staff to security threats and their responsibility to report aviation security incidents and breaches; and

(f) details of any other security contingency procedures and plans.

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2.45 What aircraft operator's TSP must contain—personnel with particular security roles

(1) The TSP must set out the knowledge, skills, training, qualifications or other requirements required by relevant staff of the operator in respect of the security-related aspects of their positions.

(2) The operator must provide security awareness training for the relevant staff to enable them to properly perform the security-related aspects of their positions at the operator's facilities.

(3) In this regulation:

relevant staff of an operator means employees, contractors and other persons who have been assigned particular security duties and responsibilities at the operator's facilities.

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Division 2.6—Airservices Australia

2.75 Definition for Division—*AA*

In this Division:

AA means Airservices Australia.

2.76 What this Division does

This Division sets out the requirements about the content of a TSP for AA.

2.77 Scope of AA's TSP

The TSP must set out the measures and procedures for managing the provision of protective security to minimise the risk of unlawful interference with aviation, including security threats and other major security threats against critical air traffic facilities, aeronautical navigation facilities, telecommunications facilities and surveillance facilities.

2.78 What AA's TSP must contain—outline

The TSP must set out an outline of the objective of the TSP and must include:

(a) a statement outlining the local security risk context of AA's facilities, including consideration of location, seasonal and operational factors; and

(b) a list of general threats and generic security risk events to people, assets, infrastructure and operations; and

(c) an outline of the people, assets, infrastructure and operations that need to be protected.

2.79 What AA's TSP must contain—procedures for managing security etc

(1) The TSP must set out procedures for managing security at its facilities, including:

(a) organisational structures and security management arrangements; and

(b) the roles and responsibilities of AA's security officers, security staff and contractors; and

(c) the roles and responsibilities of other staff who have been assigned other security duties and responsibilities.

(2) The TSP must, for the purpose of coordinating security-related activities, set out a mechanism for consultation between AA and relevant third parties.

Note: Relevant third parties might, for example, include police, aircraft operators, tenants or lessees.

(3) The TSP must set out measures to ensure that the TSP and other security information is protected against unauthorised access, amendment and disclosure.

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2.80 What AA's TSP must contain—procedures for quality control

(1) The TSP must set out quality control procedures, including:
  (a) details of how audits are scheduled; and
  (b) the procedures for carrying out an audit; and
  (c) the procedures for reviewing the TSP, including a process for consultation during such a review; and
  (d) a description of the circumstances that will require a review of the TSP including those surrounding the occurrence of an aviation security incident.

(2) AA must:
  (a) retain the records of an audit for 7 years; and
  (b) retain the records of a review for 3 years.

2.81 What AA's TSP must contain—details of AA's operations

(1) The TSP must set out:
  (a) details of AA's aviation-related facilities (including facilities for air traffic control and related activities) that are covered by the TSP; and
  (b) for each of those facilities—details of:
    (i) the type of operations carried out by the facility, including joint-user facilities and other significant operations that may require security considerations; and
    (ii) the hours of operation of the facility; and
    (iii) the procedures for security outside each facility's normal hours of operation.

(3) The TSP must be accompanied by a document that sets out:
  (b) AA's contact telephone number, an after-hours number and an alternative contact person and number; and
  (c) the name of AA's security contact officer, and his or her business phone number, e-mail address and 24-hour security contact number.

(4) AA must, within 2 working days after becoming aware of a change in contact details (that is, the details required by subregulation (3) to accompany the TSP), notify the Secretary in writing of the new details.

List of AA's contact details

(5) AA must maintain a contact system for all facilities and other significant operations covered under the TSP.

AA to give information

(6) For each of its facilities that is located within a security controlled airport, AA must give the operator of the airport the contact information for the facility, including contact details for AA's security contact officer or the facility security contact officer.

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2.82 What AA's TSP must contain—physical security and access control

(1) The TSP must set out the security measures and procedures to be used by each of its facilities, including measures and procedures:

(a) to control access at facilities and maintain integrity of access control systems, both within a security controlled airport and off-airport; and

(b) to deter and detect unauthorised access by people, vehicles or things; and

(c) to deal with unattended vehicles at a facility that is within a security controlled airport; and

(d) to investigate, secure and remove unattended or suspect items, including vehicles, materials and stores; and

(e) to ensure the continued security of passwords, keys and key lists, electronic access cards and other security privileges; and

(f) to assess, identify and respond to unknown substances.

(2) The TSP must:

(a) specify the security measures and procedures that have been implemented within each of AA's facilities; and

(b) be accompanied by a document that sets out a timetable for implementation of any measures and procedures that have not been implemented.

2.83 What AA's TSP must contain—control of firearms, other weapons and prohibited items

(1) The TSP must include:

(a) measures to deter unauthorised possession of firearms, other weapons and prohibited items; and

(b) procedures for dealing with surrendered firearms, other weapons and prohibited items; and

(c) procedures for the handling and movement of firearms and other weapons; and

(d) procedures for using firearms and other weapons in the airside area or landside security zones; and

(e) methods for ensuring that operational staff are aware of the restrictions on the possession and use of firearms, other weapons and prohibited items within a facility.

(2) AA must ensure that procedures in the TSP to handle or transport firearms, other weapons and prohibited items are consistent with relevant Commonwealth, State or Territory laws.

2.84 Measures for heightened security alert

(1) The TSP must be accompanied by a document that sets out additional security measures and procedures available in the event of a heightened security alert.

(2) The document must include:

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(a) procedures for responding to and investigating aviation security incidents, including threats and breaches of security; and

(b) procedures for reporting aviation security breaches, including occurrences that threaten the security of an AA facility within a security controlled airport; and

(c) procedures for evacuation and emergency management in case of an aviation security incident, security threat or breach of security, including bomb threats and critical security equipment failures; and

(d) procedures for responding to any special security directions given by the Secretary, including procedures to communicate directions within a security controlled airport; and

(e) procedures for raising the awareness and alertness of staff to security threats and responsibility to report aviation security incidents and breaches; and

(f) details of any other security contingency procedures and plans.

2.85 What AA's TSP must contain—control directions

(1) The TSP must describe the procedures that AA will use for passing compliance control directions to the pilot in command of the aircraft concerned.

Note: In relation to compliance control directions, see section 74B of the Act.

(2) The TSP must describe the procedures that AA will use to pass an incident control direction to the pilot in command of an aircraft.

Note: In relation to incident control directions, see section 74D of the Act.

(3) The TSP complies with subregulations (1) and (2) if it refers to another document that sets out the procedures.

2.86 What AA's TSP must contain—personnel with particular security roles

(1) The TSP must set out the knowledge, skills, training, qualifications or other requirements required by relevant staff of AA in respect of the security-related aspects of their positions.

(2) AA must provide security awareness training for the relevant staff to enable them to properly perform the security-related aspects of their positions at AA's facilities.

(3) In this regulation:

relevant staff of AA means employees, contractors and other persons who have been assigned particular security duties and responsibilities at AA's facilities.

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Part 3—Airport areas and zones

Division 3.1A—Security controlled airports—categories

3.01A Definitions

(1) In this Division:

revenue passenger means a passenger who has paid a fee for a flight, including a passenger who has acquired a ticket for the flight under a frequent flyer scheme.

(2) For this Division, the average number of revenue passengers is worked out by:
  (a) adding together the number of revenue passengers departing the airport:
    (i) if the airport has been operating for at least 3 financial years—in each of the 3 previous financial years; or
    (ii) if the airport has been operating for less than 3 financial years—in each of the previous financial years that the airport has been operating; and
  (b) dividing the total by:
    (i) if the airport has been operating for at least 3 financial years—3; or
    (ii) if the airport has been operating for less than 3 financial years—the number of financial years that the airport has been operating.

3.01B Categories of security controlled airports

For the purposes of section 28A of the Act, the following categories of security controlled airports are prescribed:
  (a) designated airport;
  (b) tier 1;
  (c) tier 2;
  (d) tier 3.

Note: The Secretary may assign a particular security controlled airport a category prescribed by this regulation (see subsection 28(6) of the Act).

3.01C Criteria to be considered by Secretary

(1) For subsection 133(1) of the Act, before assigning a particular security controlled airport a category under subsection 28(6) of the Act, the Secretary may consider the matters set out in this regulation.

Note: Under paragraph 126(1)(ea) of the Act, application may be made to the Administrative Review Tribunal for a review of the Secretary's decision to assign a category to a particular security controlled airport.

(2) The Secretary may consider the following:
  (a) whether the airport is a designated airport;
  (b) whether an international air service operates to or from the airport;

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(c) whether aircraft operate regular public transport operations or open charter operations to or from the airport, and if so:
  (i) the seating capacity of those aircraft; and
  (ii) the average number of revenue passengers that depart the airport each year as part of those operations;
(d) whether aircraft operate closed charter operations to or from the airport, and if so, the seating capacity of those aircraft.

(3) The Secretary may also consider the following:
(a) whether the design of the existing terminal at the airport will prevent the airport operator from complying with particular security screening requirements;
(b) whether it is practicable for temporary facilities to be installed at the airport so that the airport operator can comply with particular security screening requirements;
(c) the operational environment of the airport, including:
  (i) the types of aircraft operating to and from the airport; and
  (ii) the services those aircraft provide; and
  (iii) the services available at the airport, such as refuelling and maintenance services;
(d) the number of revenue passengers that:
  (i) departed the airport in each of the 3 previous financial years; and
  (ii) are expected to depart the airport in the following 3 financial years;
(e) the ability of the screening authority for the airport or an area of the airport to:
  (i) provide and operate security screening equipment; and
  (ii) provide particular security screening services;
(f) when the airport operator expects to be able to start complying with particular security screening requirements;
(g) the social and financial implications of requiring, or not requiring, the airport to use or implement equipment or procedures specified in the Act, these Regulations, or in a notice given by the Secretary under regulation 4.17;
(h) any other matter that the Secretary considers relevant.

Example of social implications for paragraph (g): The loss of access by the local community to medical services.

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Division 3.1—Establishment of areas and zones

3.01 Type of airside security zone

For the purposes of section 31 of the Act, the following type of airside security zone is prescribed, that is, the security restricted area.

3.02 Types of landside security zones

For section 33 of the Act, the following types of landside security zones are prescribed:

(a) the sterile area;

(aa) the crowded landside zone;

(b) the fuel storage zone;

(c) the air traffic control facilities zone;

(d) the navigational aids zone.

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.

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Division 3.2—Control of secure areas—use of ASICs etc

Subdivision 3.2.1—Display and use of ASICs, VICs and TACs in secure areas

3.03 Requirement to display ASICs in secure areas

(1) Subject to subregulations (4), (4A) and (5), regulations 3.05 to 3.09 and subregulations 3.18(2) and 3.26(2):

(a) a person in the airside security zone of a security controlled airport must properly display a valid red ASIC; and

(b) a person in a secure area (other than the airside security zone) of such an airport must properly display either a valid red ASIC or a valid grey ASIC.

Penalty: 5 penalty units.

Note 1: The requirement in subregulation (1) applies to a person who is accessing parts of the sterile area not generally accessible to passengers or the public.

Note 2: For ***properly displaying***, see regulation 1.04; for ***valid***, see regulation 1.05; for ***secure area***, see regulation 1.03.

Note 3: A person who properly displays a valid VIC or TAC, and is supervised by a person who properly displays a valid ASIC, need not display a valid ASIC—see regulation 3.09.

(2) To avoid doubt, the obligations in subregulation (1) apply to crew.

(3) A contravention of subregulation (1) is an offence of strict liability.

(4) Subregulation (1) does not apply in relation to a security controlled airport from or to which no regular public transport operation operates.

(4A) At a security controlled airport from or to which no screened air service operates, paragraphs (1)(a) and (b) apply only during traffic periods.

(4B) To avoid doubt, there is no requirement that a person display a VIC or TAC in the secure area of an airport referred to in subregulation (4A) other than during traffic periods.

(5) Subregulation (1) does not apply to a person:

(a) who is in a part of the sterile area that is generally accessible to passengers or the public generally; or

(b) who is a passenger and:

(i) is boarding or disembarking from an aircraft by means of an aerobridge; or

(ii) is boarding or disembarking from an aircraft in the secure area and is moving reasonably directly between the aircraft and the terminal building.

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Regulation 3.04

3.04 Supervision and control while embarking and disembarking etc

(1) For paragraph 44(2)(l) of the Act, a screening authority must have, and must employ, supervision and control measures adequate to ensure that persons, goods and vehicles in the sterile area that have received clearance remain cleared.

(2) For paragraph 44(2)(l) of the Act, an aircraft operator must have, and must employ, supervision and control measures adequate to ensure that:
  (a) persons in the airside area who have received clearance remain cleared while boarding or disembarking from a prescribed air service; and
  (b) goods and vehicles in the airside area that have received clearance remain cleared while being loaded onto or unloaded from a prescribed air service.

(3) The supervision and control measures must ensure that passengers moving between the sterile area and an aircraft do not have access to a weapon or a prohibited item if the aircraft is to operate a screened air service.

3.05 Crew of foreign and state aircraft etc

Despite regulation 3.03, the following people need not display an ASIC in a secure area:
  (a) a person who is a member of the crew of a foreign aircraft (other than a state aircraft) that is engaged in a regular public transport operation or a charter operation and who:
    (i) is in the uniform of the aircraft operator; and
    (ii) displays appropriate identification issued or authorised by the aircraft operator;
  (b) a person who is a member of the crew of a state aircraft (that is, a person who has duties or functions on board such an aircraft during its flight in connection with the flying or safety of the aircraft) and who:
    (i) is in uniform; and
    (ii) displays appropriate identification issued or authorised by the defence force or service of which he or she is a member;
  (c) a person who:
    (i) is a member of a foreign defence force or service; and
    (ii) is undergoing flight training; and
    (iii) is in uniform; and
    (iv) displays appropriate identification issued or authorised by the defence force or service of which he or she is a member; and
    (v) is supervised by a person who is displaying a valid ASIC.

3.06 Members of a defence force

(1) This regulation applies to a member of:
  (a) the Australian Defence Force ***(ADF)***; and
  (b) a visiting force, within the meaning of the *Defence (Visiting Forces) Act 1963*, on training, exercises or operations with the ADF.

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(2) Despite regulation 3.03, a member of a defence force to whom this regulation applies need not display an ASIC in a secure area if the member:
  (a) is on duty and involved:
    (i) in the operation of an aircraft; or
    (ii) in supporting the operation of an aircraft; and
  (b) is in uniform or other role appropriate clothing; and
  (c) displays proper identification as a member of a defence force.

3.07 Persons facilitating movement of cargo or passengers

(1) In this regulation:

cargo facilitator means a person who:
  (a) is at a security controlled airport for the purpose of travelling with cargo on a prescribed aircraft; and
  (b) has arrived at the airport on the aircraft; and
  (c) is travelling for the purpose of assisting with the movement of the cargo; and
  (d) does not travel through the airport for that purpose more than 3 times a year.

Example: A person travelling with a racehorse to move the horse off the aircraft.

medical transport facilitator means a person who is an employee, contractor or volunteer of a State or Territory ambulance service and is at a security controlled airport for the purpose of assisting with the movement of:
  (a) a sick or injured passenger to or from an aircraft; or
  (b) medical cargo.

passenger facilitator means a person who is at a security controlled airport, or on a prescribed aircraft, for the purpose of assisting the movement of a passenger with reduced mobility or a specialised medical need.

(2) Despite regulation 3.03, a cargo facilitator or passenger facilitator need not display an ASIC in the secure area if, while he or she is in the area, he or she is escorted by:
  (a) an employee or officer of the operator of the aircraft on which the relevant cargo or passenger is or will be carried; or
  (b) somebody else who the cargo facilitator or passenger facilitator has reason to believe is authorised to supervise cargo facilitators or passenger facilitators in the area.

(2A) Despite regulation 3.03, a medical transport facilitator is not required to display an ASIC in the secure area if he or she, while in the secure area, is supervised by a person who is displaying a valid ASIC and who is authorised by the operator of the aircraft on which the medical cargo or sick or injured passenger is or will be carried.

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(2B) For subregulation (2A), a medical transport facilitator is supervised if the person who is displaying a valid ASIC:

(a) escorts or accompanies the medical transport facilitator at all times when the medical transport facilitator is in the secure area; or

(b) watches the medical transport facilitator at all times when the medical transport facilitator is in the secure area.

(3) An aircraft operator must ensure that a cargo facilitator or passenger facilitator does not enter, or stay in, a secure area of an airport unless the cargo facilitator or passenger facilitator:

(a) holds, and properly displays, a valid ASIC; or

(b) is directed to enter the area, and while in the area is escorted, by a person referred to in paragraph (2)(a) or (b).

Penalty: 10 penalty units.

(3A) An aircraft operator must ensure that a medical transport facilitator does not enter, or stay in, a secure area of an airport unless the medical transport facilitator:

(a) holds and properly displays a valid ASIC; or

(b) is supervised by a person mentioned in subregulation (2A).

Penalty: 10 penalty units.

(4) A contravention of subregulation (3) or (3A) is an offence of strict liability.

3.07A Persons attending baggage make-up areas

Despite regulation 3.03, a person need not display an ASIC in a secure area if:

(a) he or she is in the area for the purpose of identifying his or her baggage as part of baggage screening or reconciliation; and

(b) at all times while he or she is in the area, he or she is escorted by a person who is properly displaying a valid ASIC.

3.07B Minors exempt from requirement to display ASIC

Despite regulation 3.03, a person is not required to display an ASIC in a secure area if:

(a) the person is:

(i) younger than 5; or

(ii) younger than 16 and on a school excursion; and

(b) at all times the person is in the secure area, he or she is escorted by a person who is properly displaying a valid ASIC.

3.08 Persons exempted by Secretary from requirement to display ASIC

(1) Despite regulation 3.03, somebody to whom the Secretary has given an exemption under this regulation need not display an ASIC in a secure area.

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(2) A person may apply, in writing, to the Secretary for a written exemption from displaying an ASIC in such an area.

(3) Within 30 days after receiving an application, the Secretary must:
  (a) give or refuse the exemption; and
  (b) notify the person in writing of the decision and, if the decision is a refusal, the reasons for it.

(4) On the Secretary's own initiative, the Secretary may give a person, or all persons in a specified class, exemption from displaying an ASIC in a secure area.

(5) Before giving or refusing an exemption, the Secretary must consider:
  (a) why the exemption is necessary; and
  (b) the likely effect of the proposed exemption on aviation security at the airport; and
  (c) how long the proposed exemption will last, if it is given; and
  (d) anything else relevant that the Secretary knows about.

(6) The Secretary may give an exemption:
  (a) for a particular period and subject to a condition or conditions mentioned in the exemption; or
  (b) limited to part of such an area of a particular airport.

(7) If the Secretary gives an exemption to all persons in a specified class, the Secretary must publish a notice of the exemption in the *Gazette*.

(8) To avoid doubt, an exemption under this regulation does not authorise the holder to:
  (a) pass through a screening point without being screened; or
  (b) enter a secure area or a prescribed aircraft otherwise than through a screening point.

3.08A Foreign officials who display white ASIC

(1) Despite regulation 3.03, a foreign official need not display a valid ASIC in a secure area if, while the foreign official is in the secure area, the foreign official:
  (a) is properly displaying a white ASIC; and
  (b) is escorted by a person who is properly displaying a valid ASIC.

(2) A person who is the holder of a valid ASIC, and is escorting a foreign official who holds a white ASIC in a secure area, must not leave the foreign official unsupervised while the foreign official is in the area unless the supervision of the foreign official is taken over by another person who is displaying a valid ASIC.

Penalty: 5 penalty units.

(3) A contravention of subregulation (2) is an offence of strict liability.

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(4) A foreign official who is the holder of a white ASIC, and was escorted by the holder of a valid ASIC into the secure area, must leave the area immediately if no person who is displaying a valid ASIC is supervising the foreign official.

3.09 Persons who display valid VICs or TACs

(1) Despite regulation 3.03, a person who is properly displaying a valid VIC or TAC need not display an ASIC in the secure area to which the VIC or TAC allows access.

(2) A person who is the holder of an ASIC, and has supervised a person who holds a VIC or TAC into the secure area to which the VIC or TAC allows access, must not leave the holder of the VIC or TAC unsupervised while the holder of the VIC or TAC is in the area unless the supervision of the VIC or TAC holder is taken over by another person who is displaying a valid ASIC.

Penalty: 5 penalty units.

(3) A contravention of subregulation (2) is an offence of strict liability.

(4) A person who is the holder of a VIC or TAC, and was supervised by the holder of an ASIC into the secure area to which the VIC or TAC allows access, must leave the area immediately if no person who is displaying a valid ASIC is supervising him or her.

Penalty: 5 penalty units.

3.10 Other cards not to be used as red ASICs, grey ASICs, VICs or TACs

(1) A person must not intentionally use an identity card, or another type of card, to be in a secure area, if he or she knows or believes that the card is not a valid red ASIC, grey ASIC, VIC or TAC.

Penalty: 10 penalty units.

(2) Subregulation (1) does not apply to a person who, under this Division, need not properly display a valid ASIC in the relevant secure area.

3.11 Entry to secure area to be for lawful purposes only

(1) The holder of a red ASIC, grey ASIC, VIC or TAC must not enter, or stay in, a secure area other than for a lawful purpose.

Penalty: 5 penalty units.

(2) A foreign official who is the holder of a white ASIC must not enter, or stay in, a secure area other than for a lawful purpose.

Penalty for a contravention of subregulation (2): 5 penalty units.

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Subdivision 3.2.2—Display and use of ASICs, VICs and TACs outside secure areas

3.12 Persons facilitating passenger check-in or baggage handling outside secure areas

(1) A person who is facilitating:

(a) passenger check-in; or

(b) the handling of checked baggage;

at a security controlled airport (regardless of whether, at the time, he or she is in a secure area) must properly display a valid ASIC at all times while doing so.

Penalty: 5 penalty units.

Note 1: For ***properly displaying***, see regulation 1.04; for ***valid***, see regulation 1.05. The passenger and baggage check-in areas are not normally part of the secure area of an airport.

Note 2: A person who properly displays a valid VIC or TAC, and is supervised by a person who properly displays a valid ASIC, need not display a valid ASIC—see regulation 3.09.

Note 3: At a time when such a person is outside the secure area, he or she complies with subregulation (1) if the ASIC is either a red ASIC or a grey ASIC. At a time when he or she is in the secure area, the ASIC must be either a red ASIC or a grey ASIC in accordance with regulation 3.03.

(2) A contravention of subregulation (1) is an offence of strict liability.

(3) In relation to a security controlled airport from or to which no screened air service operates, subregulation (1) has effect only during traffic periods.

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Division 3.3—Control of airside areas and zones—physical security

Subdivision 3.3.1—Preliminary

3.13 Definitions for Division

In this Division:

entry exempt person, in relation to an airside area or a security restricted area, means any of the following:

(a) a law enforcement officer who is in uniform or who produces his or her identity card as a law enforcement officer;

(b) a member of the Defence Force who is:

(i) responding to an event or threat of unlawful interference with aviation; or

(ii) responding to an emergency in Australia or overseas; or

(iii) on or conducting training exercises;

(c) an officer of Customs who:

(i) is a member of a Counter-Terrorism Unit of the Australian Border Force; and

(ii) is wearing a Counter-Terrorism Unit uniform; and

(iii) has attached to that uniform an identification card, issued by the Australian Border Force, that identifies the officer as such a member and that the officer would be properly displaying if the identification card were an ASIC; and

(iv) is performing duties in the area;

(d) a person in custody;

(e) a person escorting a person in custody;

(f) an employee, contractor or volunteer of an ambulance, rescue or fire service, or of a state or territory emergency service, who is responding to an emergency in Australia or overseas;

(g) a person acting under the direction of a person mentioned in paragraph (f) during an emergency in Australia or overseas;

(h) a medical transport facilitator, or a passenger facilitator, within the meaning of regulation 3.07;

(i) an employee or contractor of an aircraft operator that operates a screened air service, or of an airport operator of an airport from which a screened air service operates, who is responding to an emergency in Australia or overseas;

(j) an employee or contractor of a private security contractor who:

(i) with the consent of a responsible aviation industry participant for the area is in, or facilitating the movement of, an armoured vehicle or a vehicle that is accompanying such a vehicle; and

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(ii) if required by State or Territory legislation—holds, and has on his or her person, a valid security guard licence (however described) issued under the law of the State or Territory;

(k) crew, or passengers under the supervision of an airport operator or aircraft operator, who are moving reasonably directly for the purposes of boarding or disembarking from an aircraft;

(l) the driver of a vehicle that is towing an aircraft.

exempt goods, in relation to a security restricted area at a designated airport, means any of the following:

(a) baggage;

(b) cargo;

(c) goods, of a particular kind, that:

(i) are provided by a person (the ***regular provider***) who has established an arrangement, recorded in writing, with an aviation industry participant for the supply of goods of that kind; and

(ii) have not been accessible to unauthorised persons from the time the goods are accepted from the regular provider by the aviation industry participant, until the start of a screened air service for which the goods are taken on board an aircraft;

(d) duty free items that:

(i) are intended for supply by an aircraft operator, or a duty free shop, operating from the airport; and

(ii) are items that have been authorised by the airport operator for the airport, or the aircraft operator by which the items are to be supplied, as being items needed for delivery to an aircraft located in the area, or as items that must be carried through the area for delivery;

(e) goods carried by a person who is a screening exempt person in relation to the area;

(f) except for the purposes of the definition of ***exempt vehicle*** or ***screening exempt person*** in this regulation—goods carried in a vehicle that is an exempt vehicle in relation to the area;

(g) dogs, performing duties in the area, that are under the control of:

(i) a law enforcement officer; or

(ii) an officer of Customs;

(h) an item that has been seized or detained under the *Customs Act 1901* or another law of the Commonwealth that is being dealt with in accordance with such a law;

(i) fuel and other combustible substances (other than explosives) that are required for operational purposes within the area;

(j) goods that the Secretary, by written notice under paragraph 42(2)(b) of the Act, has provided may pass through a screening point for the area without being screened.

exempt vehicle, in relation to a security restricted area at a designated airport, means any of the following:

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(a) a vehicle being operated by, or carrying, a person who is an entry exempt person in relation to the area;
(b) an armoured vehicle carrying things that are exempt goods in relation to the area;
(c) a driverless vehicle under the control of an airport operator or an aircraft operator;
(d) a vehicle transporting cleared crew or passengers to an aircraft for boarding;
(e) a vehicle transporting crew or passengers outside of the area after disembarking an aircraft;
(f) a vehicle escorting a vehicle covered by paragraph (d) or (e);
(g) a vehicle that the Secretary, by written notice under paragraph 43(2)(b) of the Act, has provided may pass through a screening point for the area without being screened.

responsible aviation industry participant, in relation to an area or a zone, means:
(a) in the case of an area or a zone that is covered by the TSP of an aviation industry participant—that aviation industry participant; or
(b) in any other case—the operator of the security controlled airport at which the area or zone is located.

screening exempt person, in relation to a security restricted area at a designated airport, means any of the following:
(a) an entry exempt person in relation to the area;
(b) a screening officer who is engaged in the management of a screening point;
(c) an officer of Customs who is:
(i) performing duties in the area, in connection with the *Customs Act 1901* or another law of the Commonwealth, that could be compromised if the officer were screened; or
(ii) responding to an emergency in Australia;
(d) the driver of a vehicle that is being used to transport crew or passengers to an aircraft for boarding or from an aircraft for disembarking;
(e) a person that the Secretary, by written notice under paragraph 41(2)(b) of the Act, has provided may pass through a screening point for the area without being screened.

3.14 Common boundaries of airside areas and security restricted areas—requirements for signs

If a boundary within an airside area is a common boundary for the airside area and a security restricted area, only the requirements for signs applicable to the security restricted area apply.

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Subdivision 3.3.1A—Requirements for airside area of all security controlled airports

3.15 Requirements for airside generally

(1) The requirements for the fencing of, and the provision of other physical barriers to entry to, the airside area of a security controlled airport are:

(a) a barrier sufficient to delineate the airside area; and

(b) effective access control points to permit authorised access to the airside area; and

(c) patrolling, electronic surveillance or any other suitable measures to inspect the barriers for damage and to deter and detect unauthorised access to the airside area; and

(d) if possible, illumination of the aircraft parking area while a prescribed aircraft is parked there at night; and

(e) signs, at least 0.4 m wide by 0.3 m high, and otherwise complying with subregulation (4), placed at the barrier in such a way that anyone entering the area knows that it is an airside area; and

(f) either:

(i) a sign, at least 0.4 m wide by 0.3 m high, and otherwise complying with subregulation (6), placed at every entrance to the airside area; or

(ii) signs, at least 0.4 m wide by 0.3 m high, and otherwise complying with subregulation (6A), placed at the barrier in such a way that anyone entering the area knows that it is an airside area.

(3) The responsible aviation industry participant for the airside area of the airport must ensure that the area can be entered only by:

(a) a person who is authorised to do so and who, if required by Subdivision 3.2.1 to properly display an ASIC in the area:

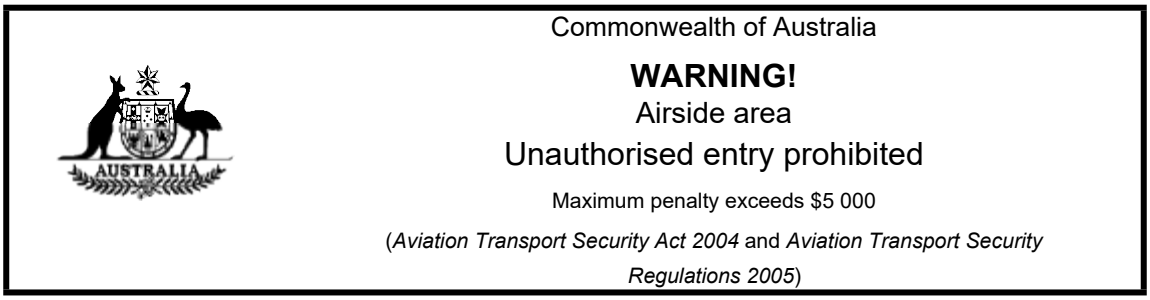
(i) properly displays a valid ASIC; or

(ii) properly displays a valid VIC or TAC and is supervised by someone authorised to enter the area who properly displays a valid ASIC; or

(b) an entry exempt person; or

(c) a vehicle driven by a person mentioned in paragraph (a) or (b).

(4) A sign required by paragraph (1)(e) must be in the following form, or in the form set out in regulation 3.15A:



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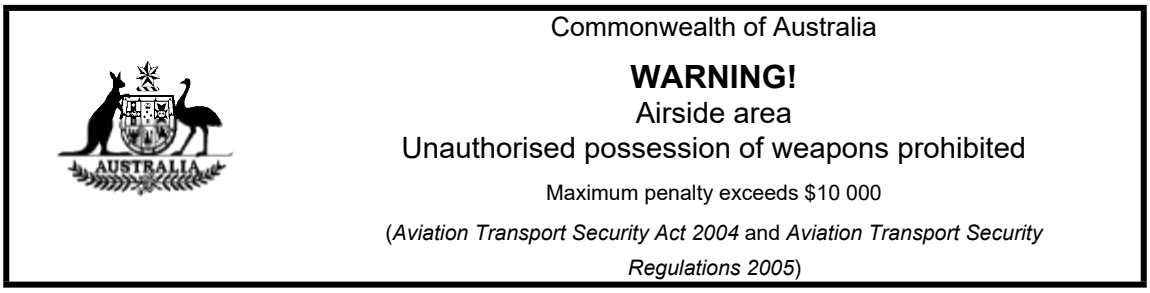
(6) A sign required by subparagraph (1)(f)(i) must be in the following form:



(6A) A sign required by subparagraph (1)(f)(ii) must be in the form set out in regulation 3.15A.

(7) A responsible aviation industry participant for the airside, or part of the airside, of a security controlled airport must comply with the requirements of subregulations (1), (3), (4), (6) and (6A).

Penalty:

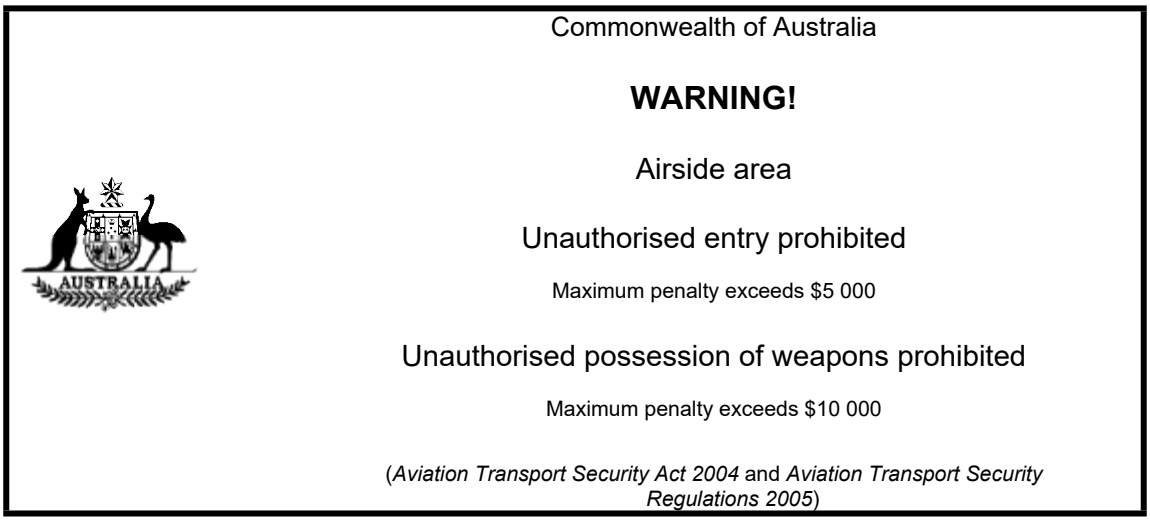
(a) if the offender is an airport operator or an aircraft operator—200 penalty units; or

(b) in any other case—100 penalty units.

(10) If the secure area of a security controlled airport from or to which no screened air service operates is entered, during a period that is not a traffic period for the airport, by a person, or a vehicle driven by a person, not displaying a valid ASIC, VIC or TAC, that entry does not constitute a contravention by the airport operator of paragraph (3)(a) or (c).

3.15A Alternative requirements relating to signs for airside areas

For the purposes of subregulations 3.15(4) and (6A), the form of the sign is as follows:



Subdivision 3.3.2—Additional requirements for security restricted areas not at designated airports

3.16 Additional requirements for security restricted areas not at designated airports

(1) For the purposes of section 36 of the Act, this regulation prescribes additional requirements that apply to security restricted areas that are not at designated airports.

(2) This regulation begins to have effect in relation to an airport when the Secretary establishes such an area for the airport.

(3) The responsible aviation industry participant must ensure that:

(a) the security restricted area can be entered only by:

(i) a person who is authorised to do so and who, if required by Subdivision 3.2.1 to properly display an ASIC in the area, meets the requirements of subregulation (3A); or

(ii) an entry exempt person; or

(iii) a vehicle driven by a person mentioned in subparagraph (i) or (ii); and

(b) if access to the security restricted area or any part of it is not continuously controlled, the security restricted area or part is inspected before it is used; and

(c) signs, at least 0.4 m wide by 0.3 m high, and otherwise complying with subregulation (4), are placed at the boundary of the security restricted area in such a way that anyone entering the security restricted area knows that it is a security restricted area.

Penalty: 200 penalty units.

(3A) For the purposes of subparagraph (3)(a)(i), the person must:

(a) properly display a valid red ASIC; or

(b) properly display a valid VIC, a valid TAC or a valid grey ASIC and be supervised by someone authorised to enter the security restricted area who properly displays a valid red ASIC.

(4) A sign required by paragraph (3)(c) must be in the following form:

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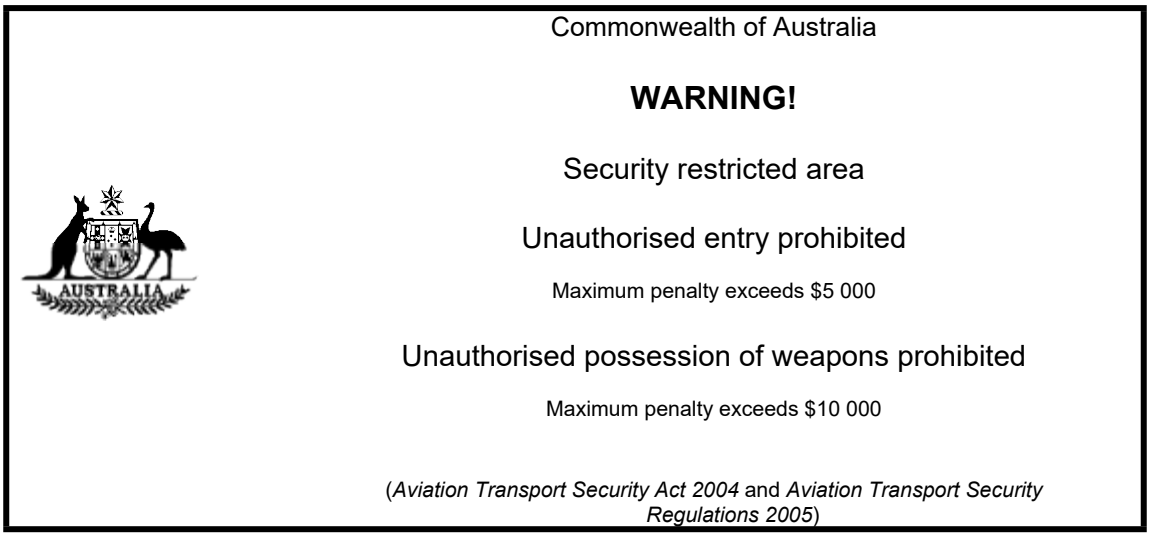

(7) If the secure area of a security controlled airport from or to which no screened air service operates is entered, during a period that is not a traffic period for the airport, by a person, or a vehicle driven by a person, not displaying a valid ASIC, VIC or TAC, that entry does not constitute a contravention by the airport operator of subparagraph (3)(a)(i) or (iii).

Subdivision 3.3.3—Additional requirements for security restricted areas at designated airports

3.16A Purpose and application of Subdivision

For the purposes of sections 36 and 44 of the Act, this Subdivision prescribes additional requirements that apply to security restricted areas at designated airports.

3.16B Entry to security restricted areas at designated airports to be through access control points

(1) A person commits an offence if:
  (a) the person enters a security restricted area at a designated airport; and
  (b) the entry is not through an access control point; and
  (c) the entry is not covered by subregulation (2), (3) or (4).

Penalty: 50 penalty units.

(2) The entry is covered by this subregulation if the person is an entry exempt person for the security restricted area.

(3) The entry is covered by this subregulation if the entry is from:
  (a) a cleared area or a cleared zone; or
  (b) an area that can only be accessed from a cleared area, a cleared zone or the security restricted area.

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(4) The entry is covered by this subregulation if:

(a) the person enters the security restricted area (the ***relevant area***) from an airside area; and

(b) while in the airside area, the person was moving reasonably directly from another part of the relevant area, or from another security restricted area, for the purpose of performing work in the relevant area.

(5) For the purposes of subregulation (1), if:

(a) a person enters the security restricted area at an access control point for the purpose of performing work; and

(b) the person leaves the security restricted area for the purpose of performing work before re-entering the security restricted area for the purpose of performing work; and

(c) while the person is outside the security restricted area, the person is at all times doing one or more of the following:

(i) performing work in the vicinity of the boundary of the security restricted area;

(ii) performing work at a facility that is in, or in the vicinity of, the airside area;

(iii) moving reasonably directly from such a facility to the security restricted area; and

(d) the person is in a class of persons, set out in the TSP of a responsible aviation industry participant for the security restricted area in accordance with subregulation 2.18A(2) or 2.35A(1), who are permitted to re-enter the security restricted area, other than through an access control point, after leaving the security restricted area to perform work; and

(e) if subparagraph (c)(ii) or (iii) applies—the location of the facility is set out in that TSP, in accordance with that subregulation;

the person is taken to remain in the security restricted area while the person is outside the security restricted area as mentioned in paragraph (c).

Note: This means that the re-entry is not treated as an entry for the purposes of subregulation (1).

(6) To avoid doubt, nothing in this regulation is taken to affect any right of access or privilege granted by or under any other Commonwealth law.

Note: Section 131 of the Act preserves rights and privileges granted under other Acts. In addition, law enforcement officers have the right, under section 83 of the Act, to have access to any part of an airport for the purpose of carrying out their duties.

3.16C Responsibility for ensuring security restricted areas at designated airports can only be entered by certain persons and vehicles

A responsible aviation industry participant for a security restricted area at a designated airport must ensure that the security restricted area can be entered only by:

(a) a person who is authorised to do so; or

(b) an entry exempt person; or

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(c) a vehicle driven by a person mentioned in paragraph (a) or (b); or
(d) an exempt vehicle.

Penalty: 200 penalty units.

3.16D Responsibility for controlling entry to security restricted areas at designated airports through access control points

Entry of persons

(1) If an aviation industry participant controls an access control point into a security restricted area at a designated airport, the aviation industry participant must ensure that a person does not enter the security restricted area through the access control point unless:
(a) the aviation industry participant has performed checks in accordance with subregulations (3) and (5) to confirm the matters mentioned in subregulation (2); or
(b) the aviation industry participant, having performed reasonable checks in accordance with subregulation (5), reasonably believes that the person is an entry exempt person.

Note: An aviation industry participant may control an access control point under a lease or other arrangement, even if the participant does not have a security program.

(2) For the purposes of paragraph (1)(a), the aviation industry participant must confirm the following matters:
(a) the person's identity;
(b) that the person is authorised to enter the security restricted area;
(c) if the person is required by Subdivision 3.2.1 to properly display an ASIC in the security restricted area—that the person:
(i) holds a valid red ASIC; or
(ii) holds a valid VIC, a valid TAC or a valid grey ASIC and is supervised by someone who is authorised to enter the security restricted area and holds a valid red ASIC.

(3) For the purposes of paragraph (1)(a):
(a) if the aviation industry participant is an airport operator, an aircraft operator or a RACA—the checks must be performed in accordance with the methods and procedures set out in the participant's security program; and
(b) otherwise—the checks must either:
(i) include an employee of the participant inspecting a valid red ASIC, grey ASIC, VIC or TAC that is held by the person (if the person is required by Subdivision 3.2.1 to properly display an ASIC in the security restricted area); or
(ii) if the participant agrees in writing with a responsible aviation industry participant for the security restricted area to perform the checks in accordance with another method set out in the responsible aviation

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industry participant's security program—be performed in accordance with that other method.

Entry of vehicles

(4) If an aviation industry participant controls an access control point into a security restricted area at a designated airport, the aviation industry participant must ensure that a vehicle does not enter the security restricted area through the access control point unless:

(a) the aviation industry participant has performed checks to confirm the entry is in accordance with procedures set out in:

(i) if the aviation industry participant is an airport operator, an aircraft operator or a RACA—the participant's security program; or

(ii) otherwise—the TSP of a responsible aviation industry participant for the area; or

(b) the aviation industry participant, having performed reasonable checks in accordance with subregulation (5), reasonably believes that the vehicle is an exempt vehicle.

Where checks are to be performed

(5) For the purposes of subregulations (1) and (4), the checks must be performed at:

(a) the access control point; or

(b) a place in the vicinity of the access control point (whether outside or inside the security restricted area), but only if:

(i) the place is identified in a security program mentioned in whichever of subparagraph (4)(a)(i) or (ii) applies in relation to the aviation industry participant as a place where the checks may be performed; and

(ii) persons and vehicles are prevented from passing through the access control point without also passing through the place.

Offence

(6) A person commits an offence if:

(a) the person is an aviation industry participant; and

(b) the person controls an access control point into a security restricted area at a designated airport; and

(c) the persons fails to comply with a requirement in subregulation (1) or (4).

Penalty:

(a) if the person is an airport operator or an aircraft operator—200 penalty units; or

(b) if the person is an aviation industry participant other than an accredited air cargo agent or a participant covered by paragraph (a)—100 penalty units; or

(c) if the person is an accredited air cargo agent—50 penalty units.

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3.16E Responsibility for screening for security restricted areas at designated airports

(1) A responsible aviation industry participant (the ***responsible participant***) that controls a security restricted area at a designated airport, or a part of such an area:

(a) must be able to undertake screening of any person who enters the area, or the part of the area, through an access control point; and

(b) must ensure the following:

(i) unless subparagraph (ii) applies—that a screening point operates for the area, or the part of the area, at all times during traffic periods at the airport;

(ii) if the Secretary has issued a notice under regulation 4.17 that is binding on the responsible participant under subregulation 4.17(3)—that a screening point operates for the area, or the part of the area, in accordance with any methods, techniques and equipment specified by the Secretary in the notice.

Screening point to be operated by a screening authority and to screen only for weapons

(2) The responsible participant must ensure that a screening point operating for the purposes of paragraph (1)(b):

(a) is operated by a screening authority; and

(b) screens only for weapons.

Location of screening points—general rule

(3) The responsible participant must ensure that a screening point operating for the purposes of paragraph (1)(b) is located:

(a) at each access control point into the area or the part of the area; or

(b) at a place in the vicinity of each of those access control points (whether outside or inside the security restricted area), but only if:

(i) the location of the place is set out in the responsible participant's TSP as a place where screening will take place; and

(ii) persons and vehicles are prevented from passing through the access control point without also passing through the place.

Location of screening points—screening inside the security restricted area

(4) However, if:

(a) the Secretary has issued a notice under regulation 4.17 that is binding on the responsible participant under subregulation 4.17(3); and

(b) the notice specifies methods, to be used for screening, that include screening points being located at places in the area, or in the part of the area, other than places mentioned in subregulation (3) of this regulation;

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then the responsible participant need only ensure that a screening point is operating for the purposes of paragraph (1)(b) of this regulation in the area, or the part of the area, in accordance with those methods.

Goods, persons and vehicles that are to be screened

(5) The responsible participant must ensure that the following are screened at a screening point operating for the purposes of paragraph (1)(b):
  (a) unless paragraph (b) of this subregulation applies—all goods, persons and vehicles, other than exempt goods, screening exempt persons or exempt vehicles;
  (b) if the Secretary has issued a notice under regulation 4.17 that is binding on the participant under subregulation 4.17(3) and that specifies goods, persons or vehicles that must be screened at the screening point—the goods, persons or vehicles specified in the notice, other than exempt goods, screening exempt persons or exempt vehicles.

Checks of persons and vehicles to be performed—screening inside the security restricted area

(6) If a screening point is operating as mentioned in subregulation (4), the responsible participant must ensure, for each person or vehicle screened, that the same checks that would be required to be performed under regulation 3.16D (if the person or vehicle were entering the area, or the part of the area, at an access control point controlled by the responsible participant) are performed at the screening point.

Offence

(7) A person commits an offence if:
  (a) the person is a responsible aviation industry participant for a security restricted area at a designated airport; and
  (b) a requirement of this regulation applies in relation to the person; and
  (c) the person fails to comply with the requirement.

Penalty: 200 penalty units.

3.16F Offences relating to screening for security restricted areas at designated airports

Entering security restricted area within 24 hours after refusing to be screened

(1) A person commits an offence if:
  (a) the person is at a screening point operating for the purposes of regulation 3.16E for a security restricted area at a designated airport; and
  (b) the person is required, under the Act or these Regulations, to be screened at the screening point; and
  (c) the person refuses to be screened at the screening point; and

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(d) the person enters the security restricted area within 24 hours after the refusal.

Penalty: 50 penalty units.

Screening authority not operating screening point for security restricted area

(2) A person commits an offence if:

(a) the person is a screening authority responsible for operating a screening point for a security restricted area at a designated airport; and

(b) an aircraft operating a screened air service is at the airport; and

(c) at a particular time, it is a traffic period at the airport; and

(d) at that time, the screening authority does not have in place adequate measures to ensure that persons, goods or vehicles (other than screening exempt persons, exempt goods or exempt vehicles) that are required, under the Act or these Regulations, to be screened, do not enter or remain in the security restricted area without being screened at the screening point.

Penalty: 50 penalty units.

3.16G Signs at boundaries of security restricted areas at designated airports

(1) A person commits an offence if:

(a) the person is a responsible aviation industry participant for a security restricted area at a designated airport; and

(b) the person does not ensure that signs, at least 0.4 m wide by 0.3 m high, and otherwise complying with subregulation (2), are placed at the boundary of the security restricted area in such a way that anyone entering the security restricted area knows that it is a security restricted area.

Penalty: 200 penalty units.

(2) A sign required by paragraph (1)(b) must be in the following form:

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Commonwealth of Australia

WARNING!

Security restricted area

Unauthorised entry prohibited

Maximum penalty exceeds $5 000

Unauthorised possession of weapons prohibited

Maximum penalty exceeds $10 000

(*Aviation Transport Security Act 2004* and *Aviation Transport Security Regulations 2005*)

3.16H Airside security awareness training for security restricted areas at designated airports

(1) An aviation industry participant (the ***relevant participant***) must ensure that each of the relevant participant's regular employees completes airside security awareness training in accordance with this regulation if the relevant participant is:

(a) an airport operator of a designated airport; or

(b) an aircraft operator that carries on operations in a security restricted area at a designated airport; or

(c) a body corporate (other than a RACA, an AACA or a known consignor) that is a contractor who provides services to a person mentioned in paragraph (a) or (b).

*Meaning of **regular employee***

(2) An employee of the relevant participant is a ***regular employee*** at a particular time if the employee has, in the course of performing work for the relevant participant, entered a security restricted area at a designated airport on more than 28 days in the 12 months before that time.

Note: Certain contractors are treated as employees of aviation industry participants (see the definition of ***employee*** in section 9 of the Act).

*Meaning of **airside security awareness training***

(3) ***Airside security awareness training*** is training in the following matters:

(a) the insider threat and how it relates to airside workers;

(b) security obligations and procedures for workers in security restricted areas;

(c) requirements about weapons and tools of trade;

(d) procedures for identifying and reporting airside security issues;

(e) the importance of a challenge culture.

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When airside security awareness training must be completed

(4) A regular employee of the relevant participant must complete airside security awareness training as follows:

(a) if the regular employee was an employee of the relevant participant just before the commencement of this regulation—within 24 months after that commencement;

(b) if the regular employee becomes an employee of the relevant participant at a time that is at or after the commencement of this regulation—within 3 months after that time;

(c) in any case—within 24 months after the regular employee last completed airside security awareness training as required by paragraph (a) or (b), or this paragraph.

Offence

(5) The relevant participant commits an offence if:

(a) a person enters a security restricted area at a designated airport; and

(b) the person is a regular employee of the relevant participant at the time of the entry; and

(c) the person enters the area in the course of performing duties for the relevant participant; and

(d) the person was required by subregulation (4) to have completed airside security awareness training within a particular period that has expired as at the time of entry; and

(e) the person did not complete the airside security awareness training between the start of that period and the time of entry.

Penalty: 20 penalty units.

3.16J Record-keeping requirements

Number of persons and vehicles entering through access control point

(1) If an aviation industry participant (other than an airport operator) controls an access control point into a security restricted area at a designated airport, the participant must prepare and maintain records of reasonable estimates of the number of persons and vehicles entering the area through the access control point.

(2) The estimates may be based on representative samples if it is not practical for them to be prepared on any other basis.

(3) The aviation industry participant (the ***record-keeper***) must allow a responsible aviation industry participant (the ***responsible participant***) for the security restricted area to inspect the records, if the responsible participant gives the record-keeper reasonable notice.

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Compliance with screening notices

(4) A responsible aviation industry participant for a security restricted area at a designated airport must prepare and maintain records sufficient to demonstrate that it has complied, in relation to the security restricted area, with any notice issued by the Secretary under regulation 4.17 that is binding on the participant under subregulation 4.17(3).

Completion of airside security awareness training

(5) An aviation industry participant (the ***relevant participant***) that is subject to a requirement under regulation 3.16H must prepare and maintain records for each regular employee (within the meaning of that regulation) of the relevant participant sufficient to demonstrate that the regular employee has completed training in accordance with that regulation.

Form of records

(6) A record may be prepared and maintained for the purposes of this regulation in written or electronic form.

How long records must be kept

(7) An aviation industry participant must keep a record prepared by the participant for the purposes of this regulation until at least the end of the following period:
  (a) for a record prepared for the purposes of subregulation (1)—6 months after the end of the period to which the record relates;
  (b) for a record prepared for the purposes of subregulation (4)—2 years after the end of the period to which the record relates;
  (c) for a record prepared for the purposes of subregulation (5)—2 years after the regular employee ceases to be a regular employee, or an employee, of the participant (whichever occurs first).

Offence

(8) An aviation industry participant commits an offence if:
  (a) a requirement of this regulation applies in relation to the participant; and
  (b) the participant fails to comply with the requirement.

Penalty: 20 penalty units.

Subdivision 3.3.4—Offences relating to airside areas and zones of all security controlled airports

3.17 Offences relating to entry to airside areas and airside security zones of security controlled airports

(1) In this regulation:

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regulatory officer means a person who has authority, under the Act, these Regulations or another law, to enter the airside area or an airside security zone of a security controlled airport.

(2) A person (other than a regulatory officer) must not enter an airside area or an airside security zone of a security controlled airport without the permission of the responsible aviation industry participant.

Penalty: 50 penalty units.

(3) A person (other than a regulatory officer) must not stay in an airside area or an airside security zone of a security controlled airport after being asked by the responsible aviation industry participant to leave the area or zone.

Penalty: 50 penalty units.

(4) A person (other than a regulatory officer) must not take a vehicle into an airside area or an airside security zone of a security controlled airport without the permission of the responsible aviation industry participant.

Penalty: 50 penalty units.

(5) A person (other than a regulatory officer) must not leave a vehicle in an airside area or an airside security zone of a security controlled airport after being asked by the responsible aviation industry participant to remove the vehicle.

Penalty: 50 penalty units.

(6) To avoid doubt, nothing in this regulation is taken to affect any right of access or privilege granted by or under any other Commonwealth law.

Note: Section 131 of the Act preserves rights and privileges granted under other Acts. In addition, law enforcement officers have the right, under section 83 of the Act, to have access to any part of an airport for the purpose of carrying out their duties.

Subdivision 3.3.5—Emergency Access

3.18 Access by emergency personnel

(1) Nothing in this Division requires or authorises an aviation industry participant to prevent any of the following having access to any part of the airside area or any airside security zone of the airport:

(a) members of the Defence Force who are responding to an event or threat of unlawful interference with aviation;

(b) an employee, contractor or volunteer of an ambulance, rescue or fire service or a state or territory emergency service who is responding to an emergency in Australia or overseas;

(c) a person acting under the direction of a person mentioned in paragraph (b) during an emergency.

(2) A requirement of this Part to display an ASIC, VIC or TAC does not apply to a person referred to in paragraph (1)(a), (b) or (c).

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Division 3.4—Control of landside areas and zones—physical security

3.19 Definitions for Division

In this Division:

responsible aviation industry participant, in relation to an area or a zone, means:

(a) in the case of an area or a zone that is covered by the TSP of an aviation industry participant—that aviation industry participant; or

(b) in any other case—the operator of the security controlled airport at which the area or zone is located.

3.20 Security requirements for sterile areas

(1) The physical security requirements for a landside security zone that is the sterile area of a security controlled airport are as set out in this regulation.

(2) This regulation begins to have effect in relation to an airport when the Secretary establishes such a zone for the airport.

(3) The responsible aviation industry participant for the sterile area must ensure that:

(a) at least 1 screening point is established and maintained; and

(b) the sterile area is enclosed in a barrier sufficient to prevent cleared persons in the sterile area coming into contact with persons who have not been cleared, and to prevent cleared persons getting access to anything from outside the sterile area that has not been cleared; and

(c) appropriate measures are taken to deter and detect unauthorised access to the sterile area; and

(d) a person who enters the sterile area through a screening point is screened and cleared unless the person is of a class that is permitted to pass through a screening point without being screened; and

(e) a person can enter the sterile area other than through a screening point only if he or she is of a class of persons permitted to do so under subregulation 4.09(3) or regulation 4.11 or 4.12A; and

(f) a vehicle that enters the sterile area is screened and cleared; and

(g) goods that enter the sterile area are screened and cleared; and

(h) a cleared vehicle is able to enter the sterile area only if it is authorised to do so and it is driven by a person who is authorised to enter the sterile area who:

(i) properly displays a valid ASIC; or

(ii) properly displays a valid VIC or TAC and is supervised by somebody who properly displays a valid ASIC; and

(i) if the sterile area is not continuously used as a sterile area, the sterile area is inspected before it is so used; and

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(j) signs at least 0.4 m wide by 0.3 m high, and otherwise complying with subregulation (4), are placed at the barrier of the sterile area in such a way that anyone entering the sterile area knows that it is a sterile area.

(4) A sign required by paragraph (3)(j) must be in the following form:

Commonwealth of Australia
WARNING!
Sterile area
Unauthorised possession of weapons or prohibited items prohibited
Maximum penalty exceeds $10 000
Unauthorised entry prohibited
Maximum penalty exceeds $5 000
(*Aviation Transport Security Act 2004* and *Aviation Transport Security Regulations 2005*)

(5) The responsible aviation industry participant for the sterile area must ensure that the requirements of subregulation (3) are complied with in relation to the area.

Penalty: 200 penalty units.

(8) If the secure area of a security controlled airport from or to which no screened air service operates is entered, during a period that is not a traffic period for the airport, by a person, or a vehicle driven by a person, not displaying a valid ASIC, VIC or TAC, that entry does not constitute a contravention by the airport operator of paragraph (3)(h).

3.21 Security requirements for certain landside security zones

(1) The security requirements set out in this regulation apply to a landside security zone of any type other than a sterile area or a crowded landside zone.

(2) The responsible aviation industry participant for the zone must take precautions (for example, barriers, patrolling or surveillance), that are reasonably sufficient to ensure that:

(a) a person can enter the zone only if he or she is authorised to do so and:

(i) properly displays a valid ASIC; or

(ii) properly displays a valid VIC or TAC and is supervised by someone authorised to enter the zone who properly displays a valid ASIC; and

(b) a vehicle can enter the zone only if it is authorised to do so, and is driven by a person who is authorised to enter the zone and:

(i) properly displays a valid ASIC; or

(ii) properly displays a valid VIC or TAC and is supervised by someone authorised to enter the zone who properly displays a valid ASIC.

Penalty: 200 penalty units.

Note: For ***properly displays***, see regulation 1.04; for ***valid***, see regulation 1.05.

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(3) If the secure area of a security controlled airport from or to which no screened air service operates is entered, during a period that is not a traffic period for the airport, by a person, or a vehicle driven by a person, not displaying a valid ASIC, VIC or TAC, that entry does not constitute a contravention by the airport operator of subregulation (2).

3.21A Security requirements for crowded landside zones

(1) This regulation begins to have effect in relation to a designated airport when the Secretary establishes a crowded landside zone for the airport.

(2) An airport operator commits an offence if:
  (a) the Secretary has established a crowded landside zone for a designated airport; and
  (b) the airport operator is responsible for the crowded landside zone at the designated airport; and
  (c) the airport operator does not take measures to control crowding in the crowded landside zone.

Penalty: 200 penalty units.

3.22 Security requirements for fuel storage zones

(1) The additional physical security requirements for a fuel storage zone are as set out in this regulation.

(2) This regulation begins to have effect in relation to an airport when the Secretary establishes such a zone for the airport.

(3) A person commits an offence if:
  (a) the Secretary has established a fuel storage zone for an airport; and
  (b) the person is the responsible aviation industry participant for the fuel storage zone at the airport; and
  (c) either:
    (i) the person does not display signs, at least 0.4 m wide by 0.3 m high, and otherwise complying with subregulation (4), at the boundary of the zone in such a way that anyone entering the zone knows that it is a fuel storage zone; or
    (ii) the person does not display signs, at least 0.4 m wide by 0.3 m high, and otherwise complying with regulation 3.24A, at the boundary of the zone in such a way that anyone entering the zone knows that it is a landside security zone.

Penalty: 200 penalty units.

(4) A sign required by subparagraph (3)(c)(i) must be in the following form:

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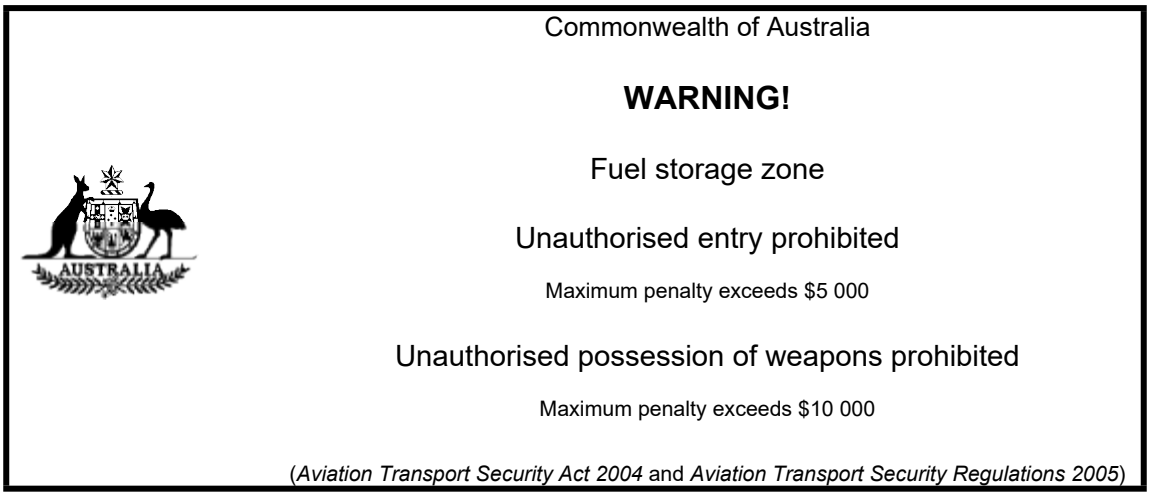


3.23 Security requirements for air traffic control facilities zones

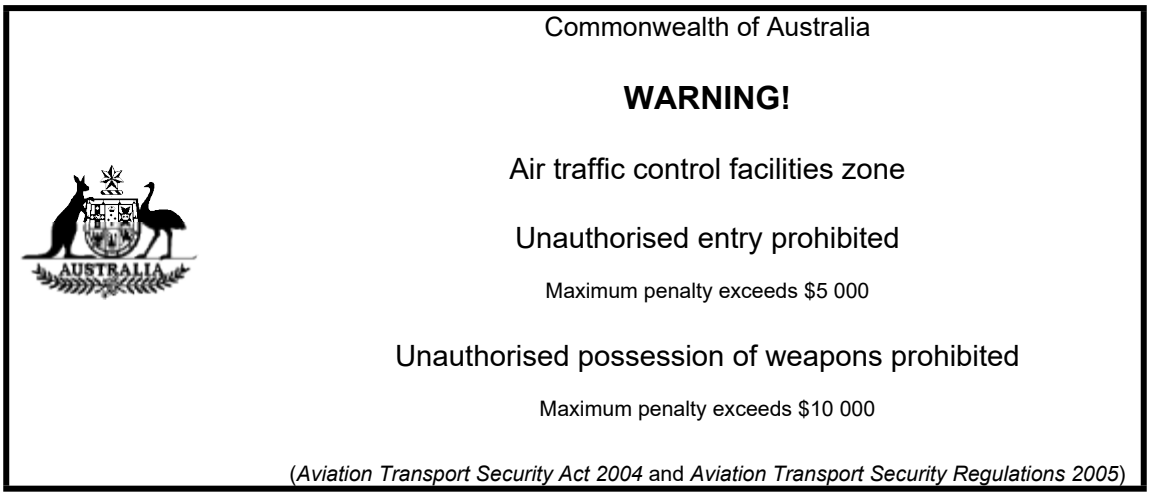
(1) The additional physical security requirements for an air traffic control facilities zone are as set out in this regulation.

(2) This regulation begins to have effect in relation to an airport when the Secretary establishes such a zone for the airport.

(3) A person commits an offence if:
  (a) the Secretary has established an air traffic control facilities zone for an airport; and
  (b) the person is the responsible aviation industry participant for the air traffic control facilities zone at the airport; and
  (c) either:
    (i) the person does not display signs, at least 0.4 m wide by 0.3 m high, and otherwise complying with subregulation (4), at the boundary of the zone in such a way that anyone entering the zone knows that it is an air traffic control facilities zone; or
    (ii) the person does not display signs, at least 0.4 m wide by 0.3 m high, and otherwise complying with regulation 3.24A, at the boundary of the zone in such a way that anyone entering the zone knows that it is a landside security zone.

Penalty: 200 penalty units.

(4) A sign required by subparagraph (3)(c)(i) must be in the following form:



3.24 Security requirements for navigational aids zones

(1) The additional physical security requirements for a navigational aids zone are as set out in this regulation.

(2) This regulation begins to have effect in relation to an airport when the Secretary establishes such a zone for the airport.

(3) A person commits an offence if:
  (a) the Secretary has established a navigational aids zone for an airport; and
  (b) the person is the responsible aviation industry participant for the navigational aids zone at the airport; and
  (c) either:
    (i) the person does not display signs, at least 0.4 m wide by 0.3 m high, and otherwise complying with subregulation (4), at the boundary of the zone in such a way that anyone entering the zone knows that it is a navigational aids zone; or
    (ii) the person does not display signs, at least 0.4 m wide by 0.3 m high, and otherwise complying with regulation 3.24A, at the boundary of the zone in such a way that anyone entering the zone knows that it is a landside security zone.

Penalty: 200 penalty units.

(4) A sign required by subparagraph (3)(c)(i) must be in the following form:

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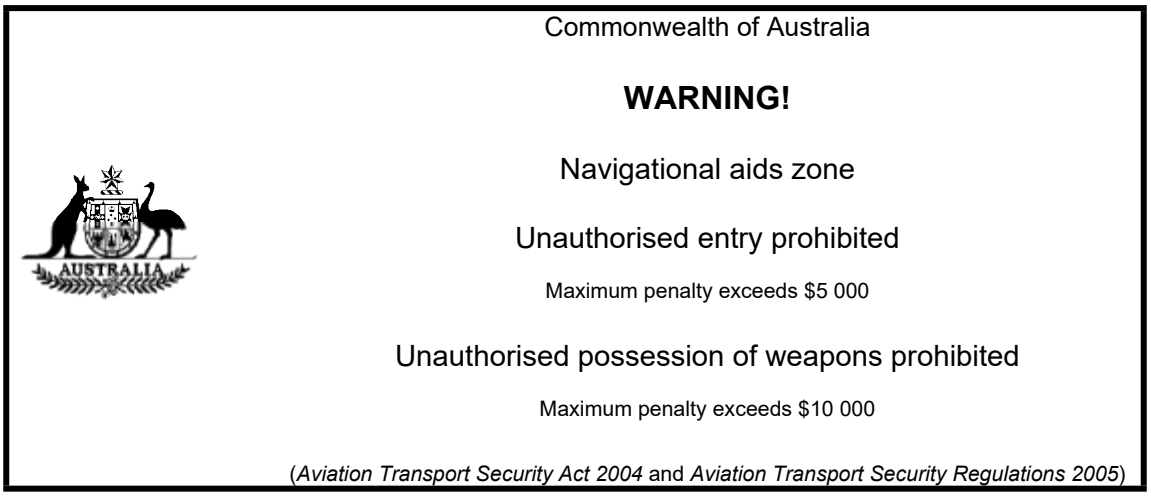
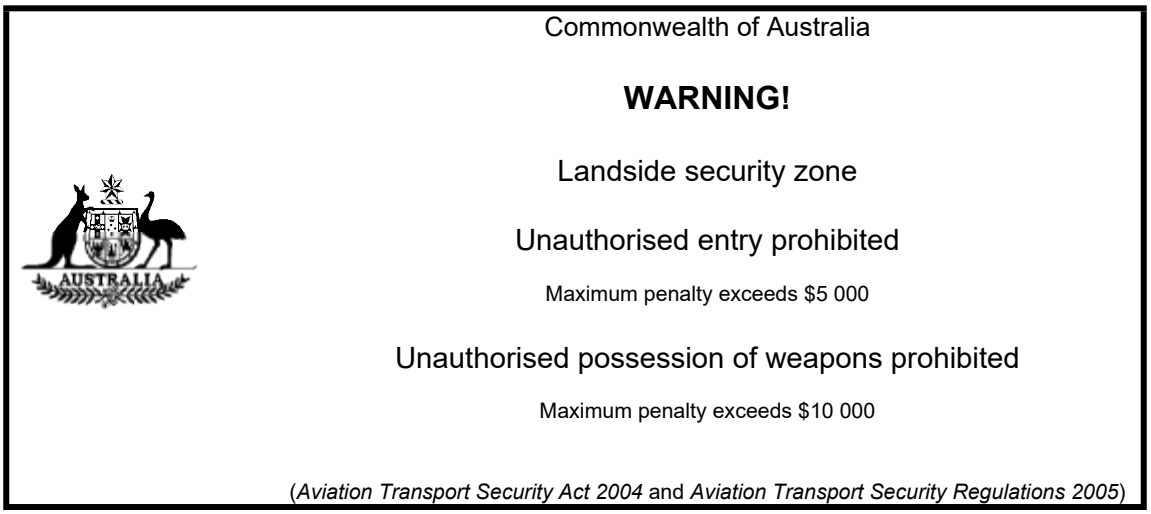


3.24A Alternative requirements relating to signs for landside security zones

For the purposes of subparagraphs 3.22(3)(c)(ii), 3.23(3)(c)(ii) and 3.24(3)(c)(ii), the sign must be in the following form:



3.25 Offences relating to entry to landside security zones

(1) In this regulation:

regulatory officer means a person who has authority, under the Act, these Regulations or another law, to enter the landside security zone of a security controlled airport.

(2) A person (other than a regulatory officer) must not enter a landside security zone (other than a crowded landside zone) of a security controlled airport without the permission of the responsible aviation industry participant.

Penalty: 50 penalty units.

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(3) A person (other than a regulatory officer) must not stay in a landside security zone of a security controlled airport after being asked by the responsible aviation industry participant to leave the zone.

Penalty: 50 penalty units.

(4) A person (other than a regulatory officer) must not take a vehicle into a landside security zone (other than a crowded landside zone) of a security controlled airport without the permission of the responsible aviation industry participant.

Penalty: 50 penalty units.

(5) A person (other than a regulatory officer) must not leave a vehicle in a landside security zone of a security controlled airport after being asked by the responsible aviation industry participant to remove the vehicle.

Penalty: 50 penalty units.

(6) To avoid doubt, nothing in this regulation is taken to affect any right of access or privilege granted by or under any other Commonwealth law.

Note: Section 131 of the Act preserves rights and privileges granted under other Acts. In addition, law enforcement officers have the right, under section 83 of the Act, to have access to any part of an airport for the purpose of carrying out their duties.

3.26 Access by emergency personnel

(1) Nothing in this Division requires or authorises an aviation industry participant to prevent any of the following having access to any part of the landside of the airport:

(a) members of the Defence Force who are responding to an event or threat of unlawful interference with aviation;

(b) an employee, contractor or volunteer of an ambulance, rescue or fire service, or a State or Territory emergency service, who is responding to an emergency in Australia or overseas;

(c) a person acting under the direction of a person mentioned in paragraph (b) during an emergency.

(2) A requirement of this Part to display an ASIC, VIC or TAC does not apply to a person referred to in paragraph (1)(a), (b) or (c).

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Division 3.5—Counter-terrorist first response function

3.28 Definition—*counter-terrorist first response*

For the purposes of this Division, ***counter-terrorist first response*** means providing:

(a) deterrence measures designed to deny information to terrorists and deter acts of terrorism, and if an act is threatened or prospective, to deter or prevent it, being measures that vary in accordance with the threat, and include, but are not limited to, continuous patrolling within the airport by members of a counter-terrorist first response force at all times when the airport is operational, with emphasis on, but not exclusively:

(i) within terminals; and

(ii) approaches to terminals; and

(iii) at barriers that separate the parts of the airport that are publicly accessible from airside areas, airside security zones and landside security zones of the airport in relation to movement of passengers to or from prescribed aircraft or loading and unloading of goods (including baggage and cargo) on a prescribed aircraft; and

(iv) in the areas of the airport where goods (including baggage and cargo) are handled by airline, RACA or airport staff at times when goods (including baggage and cargo) are being handled; and

(v) at locations in the airport that provide access by persons or vehicles to areas of the airport that are not publicly accessible; and

(vi) parts of the airport used for the surface movement of aircraft (except taxiways and runways) and adjacent parts of the airport; and

(b) a response capability that provides:

(i) an initial response capability for acts of terrorism:

(A) to evacuate endangered or potentially endangered persons; and

(B) if the act has occurred or is occurring, to contain it; and

(C) to cordon the location of the act; and

(ii) an initial response to other acts of unlawful interference with aviation; and

(iii) an initial response to other aviation security incidents to make a determination as to whether they are counter-terrorist first response related; and

(iv) at least 2 members of a counter-terrorist first response force to make a rapid response on the activation of an operational screening point duress alarm, or request to attend at an operational screening point for an international or domestic air service; and

(c) to transfer responsibility for command and control after completion of that response to the responsible law enforcement agency or agencies and to pass relevant information relating to a terrorist act to other government agencies, the airport operator and the aircraft operator to ensure that the

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airport and aircraft operators are able to meet their incident reporting obligations under the Act.

3.29 Provision of counter-terrorist first response force

(1) The operator of a designated airport must enter into an agreement with a counter-terrorist first response service provider, in accordance with this Division, for the provision of a counter-terrorist first response force for the airport.

(2) The counter-terrorist first response service provider is responsible for the implementation and operational delivery of the counter-terrorist first response function.

(3) Nothing in this Division requires the service provider to give an airport operator or aircraft operator information the disclosure of which would constitute an offence under an Act or the law of a State or Territory.

3.30 Qualifications of members of counter-terrorist first response force

(1) To be qualified to be a member of a counter-terrorist first response force for a designated airport, a person must be:
  (a) either:
    (i) a member, special member, protective service officer or special protective service officer of the Australian Federal Police; or
    (ii) a member of the police force of the State or Territory in which the airport is located; and
  (b) authorised to bear firearms under the Commonwealth, State or Territory law applying at the airport; and
  (c) trained to a proficient level in the use of firearms, other weapons and other techniques used in the exercise of counter-terrorist first response; and
  (d) trained to a level of competence in general airport procedures in relation to the movement of persons, aircraft, vehicles, other machinery and goods (including baggage and cargo) within an airport; and
  (e) capable of responding promptly and effectively as a member of a counter-terrorist first response force.

(2) To be qualified to be a member of a counter-terrorist first response force at a designated airport, a person must have:
  (a) under the laws of the Commonwealth, State or Territory in which the airport is located, powers of arrest and associated powers not less than the powers conferred by Part II of the *Australian Federal Police Act 1979*; and
  (b) proficiency:
    (i) in contributing to the collection and management of information of value to aviation security intelligence; and
    (ii) in the appropriate application of such intelligence.

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Regulation 3.31

3.31 Dogs at certain airports

In the case of each of the following airports:

(a) Brisbane Airport;

(b) Melbourne Airport;

(c) Sydney Airport;

the agreement required by regulation 3.29 must require the service provider to keep available at least 2 dogs that are trained to detect explosives, and a handler for each dog.

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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.

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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;

(aa) if the aviation industry participant is not the operator of the airport at which the airside special event zone is proposed to be established—details of the consultation undertaken by the aviation industry participant with the airport operator about the establishment of the proposed airside special event zone;

(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;

(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.

Note: If an aviation industry participant needs to revise or make alterations to its transport security program for the purposes of managing and mitigating security risks resulting from a proposed event to be held in a proposed airside special event zone, the aviation industry participant must request the Secretary's approval, see sections 22 and 23A of the Act.

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.

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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) This regulation prescribes requirements for the purposes of section 36A of the Act in relation to airside special event zones.

(2) 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 in respect of that zone; and

(c) the person fails to delineate the boundaries of that zone.

Penalty:

(a) for an offence committed by an airport operator or an aircraft operator—200 penalty units; or

(b) for an offence committed by an aviation industry participant other than an accredited air cargo agent or a participant covered by paragraph (a)—100 penalty units; or

(c) for an offence committed by an accredited air cargo agent—50 penalty units.

(3) A person commits an offence if:

(a) an airside special event zone is established within the airside area of an airport; and

(b) the person is the airside special event zone manager in respect of that zone; and

(c) the person fails to notify relevant aviation industry participants of either or both of the following:

(i) when the zone is in force;

(ii) when the zone ceases to be in force.

Penalty:

(a) for an offence committed by an airport operator or an aircraft operator—200 penalty units; or

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(b) for an offence committed by an aviation industry participant other than an accredited air cargo agent or a participant covered by paragraph (a)—100 penalty units; or

(c) for an offence committed by an accredited air cargo agent—50 penalty units.

(4) In this regulation:

relevant aviation industry participants, in relation to an airside special event zone, means aviation industry participants that are, or are likely to be, affected by the operation of the zone.

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 (other than a crowded landside 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: 50 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 (other than a crowded landside 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;

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(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: 50 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*.

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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;

(aa) if the aviation industry participant is not the operator of the airport at which the landside special event zone is proposed to be established—details of the consultation undertaken by the aviation industry participant with the airport operator about the establishment of the proposed landside special event zone;

(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;

(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.

Note: If an aviation industry participant needs to revise or make alterations to its transport security program for the purposes of managing and mitigating security risks resulting from a proposed event to be held in a proposed landside special event zone, the aviation industry participant must request the Secretary's approval, see sections 22 and 23A of the Act.

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.

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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) This regulation prescribes requirements for the purposes of section 38A of the Act in relation to landside special event zones.

(2) 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 in respect of that zone; and

(c) the person fails to delineate the boundaries of that zone.

Penalty:

(a) for an offence committed by an airport operator or an aircraft operator—200 penalty units; or

(b) for an offence committed by an aviation industry participant other than an accredited air cargo agent or a participant covered by paragraph (a)—100 penalty units; or

(c) for an offence committed by an accredited air cargo agent—50 penalty units.

(3) A person commits an offence if:

(a) a landside special event zone is established within the landside area of an airport; and

(b) the person is the landside special event zone manager in respect of that zone; and

(c) the person fails to notify relevant aviation industry participants of either or both of the following:

(i) when the zone is in force;

(ii) when the zone ceases to be in force.

Penalty:

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(a) for an offence committed by an airport operator or an aircraft operator—200 penalty units; or
(b) for an offence committed by an aviation industry participant other than an accredited air cargo agent or a participant covered by paragraph (a)—100 penalty units; or
(c) for an offence committed by an accredited air cargo agent—50 penalty units.

(4) In this regulation:

relevant aviation industry participants, in relation to a landside special event zone, means aviation industry participants that are, or are likely to be, affected by the operation of the zone.

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 (other than a crowded landside 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: 50 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 (other than a crowded landside zone) that is outside a landside special event zone that is in force; and

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

Penalty: 50 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*.

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Part 4—Other security measures

Division 4.1—Screening and clearing

Subdivision 4.1.1—Screening and clearing generally

4.01 Definition—*operational period*

In this Subdivision:

operational period of an aircraft means:

(a) for a departing aircraft:

(i) if the aircraft is at a designated airport—the period beginning 2 hours before the aircraft's scheduled departure time (or, if it is known in advance that its departure will be delayed, 2 hours before its re-scheduled departure time) and ending 30 minutes after its actual departure time; or

(ii) if the aircraft is at any other security controlled airport—the period beginning 30 minutes before the aircraft's scheduled departure time (or, if it is known in advance that its departure will be delayed, 30 minutes before its re-scheduled departure time) and ending 30 minutes after its actual departure time; and

(b) for an arriving aircraft, the period beginning 30 minutes before its scheduled arrival time (or, if it is known in advance that its arrival will be delayed, 30 minutes before its re-scheduled arrival time) and ending 30 minutes after its actual arrival time.

4.02 Meaning of *screened air service*

(2) An operation of an aircraft is a ***screened air service*** if:

(a) all of the following apply in relation to the operation:

(i) the operation is a regular public transport operation or an open charter operation;

(ii) the aircraft has a seating capacity of 40 or more persons;

(iii) the operation operates from a designated airport or a tier 1 or tier 2 security controlled airport; or

(b) all of the following apply in relation to the operation:

(i) the operation operates from a designated airport;

(ii) the aircraft departs from the same apron as an aircraft (the ***other aircraft***) that is operating a screened air service to which paragraph (a) applies;

(iii) the aircraft is scheduled to depart within the operational period of the other aircraft.

(3) For subregulation (2):

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apron, for an airport, means an apron described in the document accompanying the TSP of an operator of a security controlled airport in accordance with subregulation 2.13(1B).

4.03 Specification of persons to carry out screening

(1) This regulation is made for paragraph 44(2)(a) of the Act.

(2) The Secretary may specify, by a written notice in accordance with subsection 44(3) of the Act, a person, or persons jointly, who are authorised or required to carry out screening at a security controlled airport or part of a security controlled airport.

(3) The Secretary must specify sufficient persons under subregulation (2) for an airport or part of an airport to ensure that at all times:
  (a) there is at least 1 screening authority for the whole of the sterile area of the airport; and
  (b) if 1 or more screening authorities are specified for part of the area, there is at least 1 screening authority for the remainder of the area.

4.03A Persons passing screening point that uses body scanning equipment

(1) This regulation is made for paragraph 44(2)(aa) of the Act.

(2) This regulation applies if:
  (a) a person who is required, under the Act or these Regulations, to be screened by body scanning equipment is at a screening point; and
  (b) the person refuses to be screened by body scanning equipment at the screening point.

(3) A screening officer must not knowingly allow the person to pass through the screening point, within 24 hours after the person refuses to be scanned by body scanning equipment, unless the person is screened by body scanning equipment.

4.04 Things to be detected by screening

(1) This regulation is made for paragraph 44(2)(b) of the Act.

(2) The things that are to be detected by screening are:
  (a) on a person, or in a person's belongings, or in stores entering a sterile area—weapons and prohibited items; and
  (b) in checked baggage—explosives; and
  (c) on a person, in a vehicle, or in goods, in or entering a security restricted area at a designated airport—weapons.

(3) To avoid doubt, subregulation (2) does not oblige a screening authority to detect weapons, prohibited items or explosives if it is not technically possible to do so.

Note 1: See Subdivision 4.1.1A for the requirements for screening for the detection of LAG products.

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Note 2: See Subdivision 4.1.1AB for the requirements for screening for the detection of powder and powder-like substances.

4.05 Dealing with weapons detected during screening

(1) For paragraph 44(2)(c) of the Act, this regulation sets out how weapons detected during screening are to be dealt with.

(2) Subject to subregulation (3), a weapon detected during screening must be:
  (a) surrendered to a screening authority; and
  (b) stored and handled in accordance with subregulation 4.57(2).

(3) Subregulation (2) does not apply if:
  (a) a weapon is detected by a screening authority for a particular screening area; and
  (b) the weapon is in the possession of a person authorised under Division 4.2 to have the weapon:
    (i) in his or her possession; and
    (ii) in the screening area.

Note: Division 4.2 deals with weapons, and the classes of persons authorised to possess weapons in secure areas. Regulation 4.52 authorises an aviation industry participant to have some types of weapon in an airside security zone if the weapon is a tool of trade controlled by the participant.

4.06 Dealing with prohibited items detected during screening

(1) For paragraph 44(2)(c) of the Act, this regulation sets out how prohibited items detected during screening are to be dealt with.

(2) Any prohibited item detected during screening must be stored and handled in accordance with any applicable Commonwealth, State or Territory law.

4.07 Use of hand-held metal detectors

(1) This regulation is made for paragraph 44(2)(j) of the Act.

(2) A hand-held metal detector must not be used for screening at a security controlled airport from which a screened air service does not operate unless its use is required by:
  (a) written notice under subsection 44(3) of the Act; or
  (b) a special security direction under section 67 of the Act.

(3) If a hand-held metal detector is used as a screening tool in accordance with a requirement referred to in subregulation (2), it must be operated in accordance with the relevant direction.

(4) An airport operator must not use or purport to use a hand-held metal detector as a screening device in contravention of subregulation (2) or (3).

Penalty: 50 penalty units.

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4.08 Circumstances in which persons must be cleared in order to board aircraft

(1) This regulation is made for subparagraph 44(2)(d)(i) of the Act.

(2) A person must be cleared to board before boarding an aircraft if:
  (a) the aircraft is to operate a screened air service; and
  (b) the person is a passenger on, or a member of the crew of, the aircraft.

(3) However, subsection (2) does not apply if the person receives clearance to enter the aircraft other than through a screening point.

(4) For subregulation (2), a member of an aircraft's crew is taken to continue to be cleared if he or she, since he or she was last screened, has continuously been:
  (a) in the airside of an airport at which there is a sterile area (and if the sterile area is not continuously in operation, while the area was in operation); or
  (b) in the sterile area of an airport; or
  (c) on board an aircraft that operates a screened air service.

Note: The following table summarises the requirements of these Regulations in relation to foreign aircrew and cabin crew, or the crew of a state aircraft.

Class of person	Entry to aircraft	Entry to sterile area	Wearing of ASIC in secure area	Checked baggage screening (if otherwise applicable)	Baggage remaining on aircraft or overnighting
Crew of foreign aircraft	Screening required	Screening required	Not required, but company uniform and ID required	Screening required when baggage loaded	Screening not required
Crew of state aircraft	Screening not required	Screening required	Not required	Screening not required	Screening not required

4.09 Requirements for clearing

(1) This regulation is made for paragraph 44(1)(b) of the Act.

(2) A person must receive clearance before the person enters a sterile area.

(3) However, a person may enter a sterile area other than through a screening point, or by passing through a screening point without being screened, if:
  (a) in the case of a person arriving at a designated airport or a tier 1 or tier 2 security controlled airport:
    (i) the person is entering the area after disembarking from a screened air service; and
    (ii) all persons on board the service received clearance to board at a designated airport or a tier 1 or tier 2 security controlled airport; or
  (b) in the case of a person arriving at a tier 3 security controlled airport:
    (i) the person is entering the area after disembarking from a screened air service; and
    (ii) all persons on board the service received clearance to board at a designated airport or a tier 1, tier 2 or tier 3 security controlled airport.

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Regulation 4.10

4.10 Persons who may pass through screening point without being screened

For paragraph 41(2)(b) of the Act, the following persons may pass through a screening point without being screened:

(a) a law enforcement officer who is in uniform or who produces his or her identity card as a law enforcement officer;

(b) a screening officer who is engaged in the management of the screening point;

(c) an ambulance, rescue or fire service officer who is responding to an emergency on the landside of the airport;

(d) a member of the Defence Force who is responding to an event or threat of unlawful interference with aviation.

4.11 Persons who may enter certain cleared areas other than through screening point

Persons who may enter sterile areas or LAGs cleared areas

(1) For paragraph 41(2)(c) of the Act, a person mentioned in subregulation (2) may enter an area that is a cleared area other than through a screening point if:

(a) for a sterile area within the cleared area—either of the following apply:

(i) he or she is authorised to do so and properly displays a valid ASIC;

(ii) he or she is authorised to do so, properly displays a valid VIC or TAC and is supervised by somebody who may enter the sterile area other than through a screening point and properly displays a valid ASIC; and

(b) for a LAGs cleared area within the cleared area—he or she does not have in his or her possession an impermissible LAG product or an impermissible powder.

(2) For subregulation (1), the persons are the following:

(a) an aviation security inspector;

(b) an officer of Customs;

(c) a screening officer;

(d) an employee of the operator of the airport in which the sterile area is located;

(e) an employee of the operator of a screened air service aircraft;

(f) a contractor, and an employee of a contractor, to the operator of the airport in which the sterile area is located who is engaged in the loading of cargo, stores or checked baggage, or the boarding of passengers, onto a cleared aircraft that is operating a screened air service, or who is otherwise authorised for access to the aircraft;

(g) a contractor, and an employee of a contractor, to the operator of a screened air service aircraft who is engaged in the loading of cargo, stores or checked baggage, or the boarding of passengers, onto a cleared aircraft that is operating a screened air service, or who is otherwise authorised for access to the aircraft.

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Additional persons who may enter sterile areas

(3) For paragraph 41(2)(c) of the Act, the following persons may enter a cleared area that is a sterile area other than through a screening point:
  (a) an ambulance, rescue or fire service officer who is responding to an emergency;
  (b) a member of the Defence Force who is responding to an event or threat of unlawful interference with aviation;
  (c) an air security officer;
  (d) a law enforcement officer who is in uniform or who produces his or her identity card as a law enforcement officer.

Interpretation

(4) For paragraph (1)(b), an ***impermissible LAG product***, for a person, is a LAG product that is not:
  (a) in a LAGs bag that contains only LAG products that are in LAGs containers and either of the following subparagraphs apply:
    (i) the LAGs bag is sealed and is the only LAGs bag in the person's possession;
    (ii) the LAG products are needed for the use or care of the person because of an infirmity; or
  (b) a tool of trade for the person.

(4A) For the purposes of paragraph (1)(b), a person has an ***impermissible powder*** in the person's possession if:
  (a) the person has an inorganic powder in the person's possession; and
  (b) none of the following apply:
    (i) the inorganic powder is in one or more containers that have a total combined volume of 350ml or less;
    (ii) the inorganic powder is needed for the use or care of the person because of an infirmity;
    (iii) the inorganic powder is a tool of trade for the person.

(5) For the purposes of paragraph (4)(b) and subparagraph (4A)(b)(iii), something is a ***tool of trade*** for a person if:
  (a) the person requires it for the purpose for which he or she is in the sterile area; and
  (b) the purpose is lawful.

4.12 Foreign dignitaries receiving clearance at screening point without being screened

(1) For paragraph 41(2)(b) of the Act, any of the following persons may pass through a screening point without being screened:
  (a) a Head of State of a country recognised by Australia and members of his or her immediate family;

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(b) a Head of the government of a country recognised by Australia and members of his or her immediate family;

(c) a Minister responsible for foreign affairs of the government of a country recognised by Australia and members of his or her immediate family.

(2) For paragraph 42(2)(b) of the Act, carry-on baggage of a person mentioned in subregulation (1) may pass through a screening point with the person without being screened.

Note: The Secretary may also provide for clearance by written notice under subsection 41(2) of the Act.

4.12A Foreign dignitaries receiving clearance other than through a screening point

(1) For paragraph 41(2)(c) of the Act, any of the persons mentioned in subregulation (2) may enter a cleared area, a cleared zone or a cleared aircraft other than through a screening point if the person is accompanied by:

(a) a member of the Australian Federal Police who meets the requirements of paragraph 4.11(3)(d); or

(b) an officer of Customs who meets the requirements of subregulation 4.11(1).

(2) The persons are as follows:

(a) a Head of State of a country recognised by Australia and members of his or her immediate family;

(b) a Head of the government of a country recognised by Australia and members of his or her immediate family;

(c) a Minister responsible for foreign affairs of the government of a country recognised by Australia and members of his or her immediate family.

(3) For paragraph 42(2)(c) of the Act, carry-on baggage of a person mentioned in subregulation (2) may enter a cleared area, a cleared zone or a cleared aircraft with the person other than through a screening point.

Note: The Secretary may also provide for clearance by written notice under subsection 41(2) of the Act.

4.12B Circumstances in which persons are taken to be in a cleared area or cleared zone

For the purposes of subsection 41(4) of the Act, the following supervision and control is prescribed for a person (the ***cleared person***), who has received clearance but is not in a cleared area or cleared zone for a period of time, to be taken to be in such an area or zone during that period:

(a) the cleared person must, at all times during the period, be contained in an area that is exempt from being cleared or on a vehicle that is cleared or exempt from being cleared;

(b) the cleared person must, at all times during the period, be under the supervision of a person (the ***supervisor***) who holds a valid red ASIC;

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(c) the supervisor must ensure that the person does not, during the period, come into contact with persons or goods that have not been cleared.

4.13 Certain inbound international transit passengers—screening of passengers and their carry-on baggage

(1) Subject to subregulation (2), this regulation applies in relation to an aircraft that is operating an inbound international air service if:

(a) the service is a screened air service; and

(b) the aircraft lands in Australia, having flown directly from a foreign country; and

(c) the place of the landing is not the aircraft's final destination;

unless:

(d) no passengers disembark from, or board, the aircraft at the place of the landing referred to in paragraph (b); and

(e) every passenger was screened at the place where he or she boarded the aircraft.

(2) This regulation does not apply if the landing is an unscheduled stop and no passenger boards the aircraft.

(3) Subject to subregulation (7) and regulation 4.13A, every passenger must disembark from the aircraft with his or her carry-on baggage.

(4) The aircraft operator must ensure that before any passenger re-boards the aircraft, the aircraft is inspected.

(5) The inspection must include at least a thorough inspection of:

(a) the interior of the aircraft, including the passenger cabin, seats, overhead baggage lockers, toilets, crew rest stations, catering and food preparation areas, flight crew compartment, and any other technical areas such as the flight deck; and

(b) any unlocked storage facilities in the parts of the aircraft mentioned in paragraph (a).

(6) Each passenger, and each passenger's carry-on baggage, must be cleared before the aircraft departs.

(7) If a passenger has a disability that would make disembarking and re-boarding difficult for him or her, the aircraft operator may arrange to have him or her and his or her carry-on baggage screened in his or her seat.

(8) If subregulation (3), (4), (5) or (6) is not complied with in relation to an aircraft mentioned in subregulation (1), the aircraft's operator is guilty of an offence.

Penalty: 50 penalty units.

(9) An offence against subregulation (8) is an offence of strict liability.

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4.13A Transit passengers may leave LAG items on board certain flights

(1) In this regulation:

permitted item means an item that:

(a) is a LAG product that is in a container that has a capacity of more than 100 ml; and

(b) is purchased by a passenger at an airport retail outlet; and

(c) 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; and

(d) has undergone security screening at the airport before being taken on board an aircraft.

(2) Despite subregulation 4.13(3), a passenger may leave a LAG product on board an aircraft operating an inbound international air service in the circumstances set out in subregulation (3).

(3) For subregulation (2), the circumstances are that:

(a) if the aircraft makes a scheduled transit stop in Australia or outside Australia as part of its journey to its final destination in Australia—all the following apply;

(i) the service is approved by the Secretary;

(ii) the LAG product to be left on board is a permitted item or an exempt duty free item;

(iii) the Secretary has, in the approval under subparagraph (i) or otherwise, also approved the LAG product to remain on board the aircraft; or

(b) if the aircraft makes an unscheduled stop in Australia or outside Australia as a result of an emergency or other technical safety problem during its journey to its final destination in Australia—all the following apply:

(i) the service is approved by the Secretary;

(ii) the LAG product to be left on board is a permitted item or an exempt duty free item;

(iii) the Secretary has, in the approval under subparagraph (i) or otherwise, also approved the LAG product to remain on board the aircraft;

(iv) the passengers disembark from the aircraft in order to allow the emergency or problem to be rectified;

(v) all the passengers board the aircraft after the emergency or problem is rectified and no new passengers board the aircraft.

(4) The Secretary may, by written notice:

(a) approve an inbound international service for subparagraphs (3)(a)(i) and (3)(b)(i); and

(b) approve, for subparagraphs (3)(a)(iii) and (3)(b)(iii), a LAG product that is a permitted item or an exempt duty free item to remain on the board the aircraft operating the service.

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4.14 Circumstances in which goods must be cleared before being taken on to an aircraft

(1) In this regulation:

regular provider, for stores of a particular kind, means a person that has established an arrangement, recorded in writing, with an aircraft operator for the supply of stores of that kind.

(2) An item of stores that is provided by a regular provider of items of that kind may enter a cleared area, a cleared zone or a cleared aircraft otherwise than through a screening point.

(3) To avoid doubt, an item of stores that is not provided by a regular provider of similar items must be cleared before it is taken onto a cleared aircraft or into a landside security zone (other than a crowded landside zone).

(4) The operator of a screened air service must ensure that stores are not accessible to unauthorised persons:

(a) in the case of an item that is provided by a regular provider of similar items—from the time the item is accepted from the provider or the provider's agent by the operator; or

(b) in the case of any other item of stores—from the time it is cleared;

until the start of the screened air service for which it is taken on board the aircraft.

Penalty: 100 penalty units.

(5) For each item of stores loaded onto an aircraft that operates a screened air service, the aircraft operator must keep, until the end of the air service, a record of the provider of the item.

Penalty: 100 penalty units.

4.15 When carry-on baggage must be cleared

Carry-on baggage (including carry-on baggage belonging to an aircraft's flight crew) must be cleared before being taken on to an aircraft if the aircraft is to operate a screened air service.

Note: The carry-on baggage of foreign dignitaries may receive clearance under subregulation 4.12(2) or 4.12A(3).

4.16 Circumstances in which vehicles must be cleared in order to be taken onto aircraft

A vehicle that is to be loaded onto an aircraft that is to operate a screened air service is to be treated as cargo.

4.17 Secretary's notice for screening

(1) The Secretary may, by written notice, specify the following:

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(a) methods, techniques and equipment to be used for screening;
(b) the persons who, or things that, must not pass through a screening point.

(2) A notice under subregulation (1) may specify that it is to be given only to a person or persons responsible for carrying out the relevant screening.

(3) A notice under subregulation (1) is binding on a person if and only if it has been served on the person.

(4) A person must comply with a notice under subregulation (1) that is binding on him or her.

Penalty: 100 penalty units.

(5) If a person is served with a notice under subregulation (1) that is binding on the person, the person must ensure that:
(a) a person or thing specified in a notice made under paragraph (1)(a) is screened, in a circumstance specified in the notice, by using the following:
(i) the methods specified in the notice for the person, thing or circumstance;
(ii) the techniques specified in the notice for the person, thing or circumstance;
(iii) the equipment specified in the notice for the person, thing or circumstance; and
(b) a person or thing specified in a notice made under paragraph (1)(b) does not pass through a screening point.

Penalty: 100 penalty units.

(6) A contravention of subregulation (4) or (5) is an offence of strict liability.

4.17A Secretary's requirements for screening using certain types of equipment

(1) This regulation applies in relation to a screening authority that is responsible for operating a screening point through which persons enter a sterile area of a security controlled airport.

(2) The Secretary may, by written notice given to the screening authority, specify requirements relating to screening that is carried out at the screening point using any of the following equipment:
(a) x-ray equipment fitted with threat image projection software;
(b) a walk-through metal detector;
(c) body scanning equipment;
(d) explosive trace detection equipment.

(3) Without limiting subregulation (2), requirements specified under that subregulation may include:
(a) a requirement that the screening authority use specified performance measures in relation to the screening; or
(b) a performance target that must be met in relation to the screening.

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(4) In considering whether to specify a requirement under subregulation (2), the Secretary may have regard to any of the following:
  (a) Australia's international obligations relating to aviation security;
  (b) aviation security intelligence;
  (c) aviation security information;
  (d) the findings or recommendations of any audit or other investigation relating to screening at one or more security controlled airports;
  (e) the number of persons likely to pass through the screening point while the requirement is in force;
  (f) the information that can be recorded by the equipment used for the screening;
  (g) any other matter the Secretary considers relevant.

(5) A notice given under subregulation (2) may be combined with a notice issued under regulation 4.17.

(6) A person commits an offence of strict liability if:
  (a) the person is the screening authority that is responsible for operating the screening point; and
  (b) the Secretary gives the person a notice under subregulation (2) that specifies a requirement relating to screening carried out at the screening point using specified equipment; and
  (c) screening is carried out at the screening point using that equipment; and
  (d) the requirement specified in the notice is not complied with in relation to the screening.

Penalty for contravention of this subregulation: 100 penalty units.

4.18 Signs to be displayed at places of screening of passengers and carry-on baggage

(1) A sign, at least 0.4 m wide and 0.3 m high, is to be displayed at a place where screening is carried out (other than for a security restricted area at a designated airport), in the following form or in the form required by regulation 4.18B:

Commonwealth of Australia
WARNING!
Screening point in operation
Weapons and prohibited items must not be taken past this point without authority
Maximum penalty exceeds $10 000
(*Aviation Transport Security Act 2004* and *Aviation Transport Security Regulations 2005*)

(1A) A sign, at least 0.4 m wide and 0.3 m high, is to be displayed at a place where screening is carried out for a security restricted area at a designated airport, in the following form or in the form required by regulation 4.18B:

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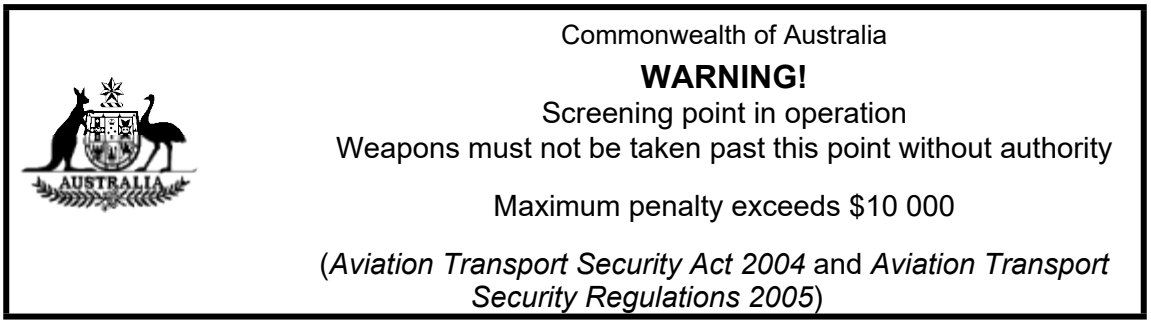
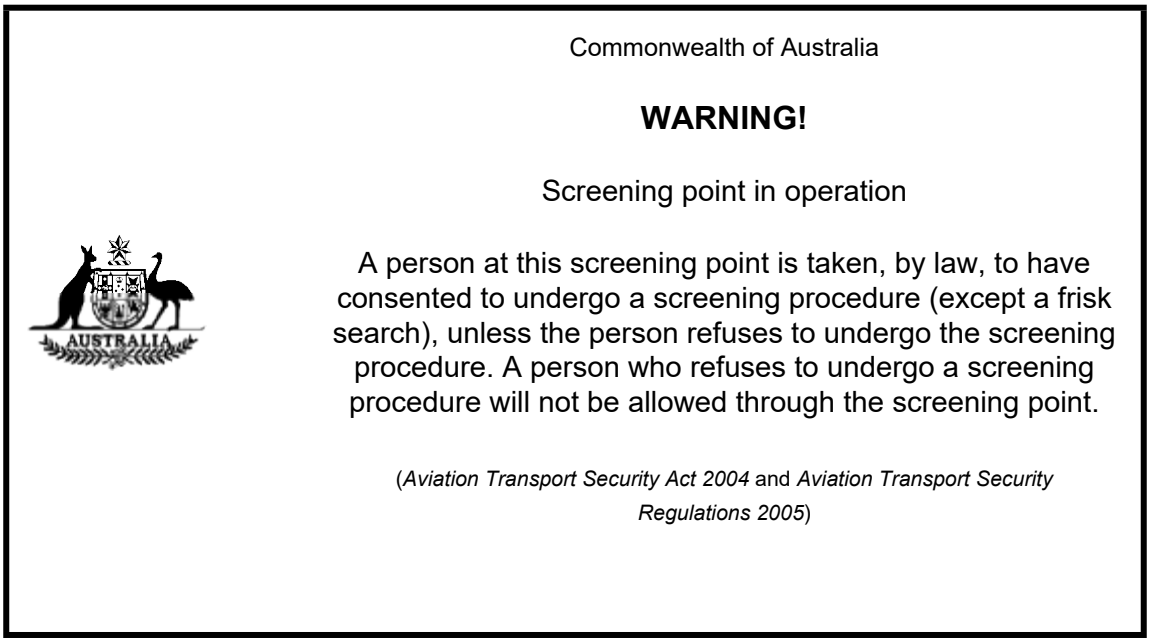


(2) If a sign in accordance with whichever of subregulation (1) or (1A) is applicable is not visibly displayed at an operating screening point, the screening authority responsible for operating the screening point is guilty of an offence.

Penalty: 50 penalty units.

4.18A Signs to be displayed at operating screening point

(1) The screening authority responsible for operating a screening point must clearly display a sign, that is at least 0.4 m wide and 0.3 m high, in the following form, or in the form required by regulation 4.18B, at each place where screening is carried out (other than for a security restricted area at a designated airport):



(1A) The screening authority responsible for operating a screening point must clearly display a sign, that is at least 0.4 m wide and 0.3 m high, in the following form, or in the form required by regulation 4.18B, at each place where screening is carried out for a security restricted area at a designated airport:

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Commonwealth of Australia

WARNING!

Screening point in operation

A person at this screening point is taken, by law, to have consented to undergo a screening procedure (except a frisk search), unless the person refuses to undergo the screening procedure. A person who refuses to undergo a screening procedure will not be allowed in the security restricted area for a period of 24 hours.

(*Aviation Transport Security Act 2004* and *Aviation Transport Security Regulations 2005*)

(2) If the screening authority fails to comply with subregulation (1) or (1A), the screening authority commits an offence.

Penalty: 50 penalty units.

4.18B Alternative requirements relating to signs for screening points

(1) For the purposes of subregulations 4.18(1) and 4.18A(1), the required form of the sign is:

(a) if the place where screening is carried out is also a LAGs screening point—the form set out in subregulation 4.22QL(2); or

(b) if the place where screening is carried out is not a LAGs screening point—the following form:

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Regulation 4.18B

Commonwealth of Australia

WARNING!

Screening point in operation

A person at this screening point is taken, by law, to have consented to undergo a screening procedure (except a frisk search), unless the person refuses to undergo the screening procedure. A person who refuses to undergo a screening procedure will not be allowed through the screening point

Weapons and prohibited items must not be taken past this point without authority

Maximum penalty exceeds $10 000

(*Aviation Transport Security Act 2004* and *Aviation Transport Security Regulations 2005*)

(2) For the purposes of subregulations 4.18(1A) and 4.18A(1A), the required form of the sign is:

Commonwealth of Australia

WARNING!

Screening point in operation

A person at this screening point is taken, by law, to have consented to undergo a screening procedure (except a frisk search), unless the person refuses to undergo the screening procedure. A person who refuses to undergo a screening procedure will not be allowed in the security restricted area for a period of 24 hours.

Weapons must not be taken past this point without authority

Maximum penalty exceeds $10 000

(*Aviation Transport Security Act 2004* and *Aviation Transport Security Regulations 2005*)

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4.19 Supervision etc of baggage

(1) The operator of a prescribed aircraft must ensure that checked baggage is not accessible to an unauthorised person between the time it is checked in and the time it is made available (for example, by being placed on a baggage carousel) for collection at the end of the prescribed air service.

Penalty: 50 penalty units.

Note: For requirements for the control and supervision of baggage that is screened and cleared before it is checked in, see regulation 4.24.

(2) If the operator of a prescribed aircraft knows that a passenger's baggage contains a firearm, the aircraft operator must take reasonable precautions to ensure that the baggage is not retrieved by any person other than the passenger.

Penalty: 50 penalty units.

4.20 Unaccompanied baggage

For the purposes of screening and clearing, unaccompanied baggage is to be treated as cargo.

4.21 Control etc of baggage loading

(1) There must be attached, to each item of checked baggage that is carried on board an aircraft that is operating a domestic or international regular public transport operation or domestic or international open charter operation, a tag that:
  (a) identifies the relevant flight of the aircraft; or
  (b) if the item is carried on board the aircraft in the circumstances mentioned in paragraph (6)(d)—identifies the original flight referred to in paragraph 4.21B(b).

(2) The tag must be attached to the item before the start of the flight referred to in paragraph (1)(a).

(3) Before the start of the flight, a record must be created for each such item that is carried on board the aircraft, and the record must be kept until at least 2 days after the end of the flight.

(4) The record must:
  (a) identify the passenger who checked in the item; and
  (b) record the number of the flight for which the passenger was checked in; and
  (c) match the item to a passenger on board the aircraft, or specify the circumstances of its carriage if the person who checked in the item is not on board the aircraft when it departs.

(5) The operator of a prescribed air service commits an offence if any of subregulations (1) to (4) are not complied with in respect of every item of

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checked baggage that is carried on an aircraft that is operating the prescribed air service.

Penalty: 50 penalty units.

(6) The operator of a prescribed air service commits an offence if, before an aircraft (the ***departing aircraft***) that is operating the prescribed air service departs, every item of checked baggage that is carried on board the departing aircraft is not matched to:

(a) a passenger who is on board the departing aircraft; or

(b) a passenger who was properly checked in for a flight of an aircraft that has departed; or

(c) a passenger who does not re-board, or remain on board, the departing aircraft following diversion of the flight of the aircraft from its scheduled destination to an alternative destination in a circumstance specified in regulation 4.21A; or

(d) a passenger who is not on board the departing aircraft in the circumstances specified in regulation 4.21B.

Penalty: 50 penalty units.

(7) The operator of a prescribed air service commits an offence if, before an aircraft that is operating the prescribed air service departs, every item of checked baggage that cannot be matched to a passenger in accordance with subregulation (6) is not removed from the aircraft.

Penalty: 50 penalty units.

4.21A Circumstances relating to diversion of flights

(1) For paragraph 4.21(6)(c), each of the following paragraphs specifies a circumstance for the diversion of a flight of an aircraft from its scheduled destination to an alternative destination:

(a) the pilot in command of the aircraft was required to divert the aircraft because of:

(i) the meteorological conditions at the scheduled destination or on the way to the scheduled destination; or

(ii) an emergency or other event at the scheduled destination that made the scheduled destination unsuitable for landing of the aircraft; or

(iii) curfew restrictions at the scheduled destination; or

(iv) concerns about the aircraft's remaining fuel supply; or

(v) a malfunction of the aircraft, or aircraft equipment; or

(vi) an instruction or direction given by air traffic control, CASA or the Secretary;

(b) all of the following apply:

(i) the pilot in command of the aircraft diverted the aircraft to the alternative destination for a reason not mentioned in paragraph (a);

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(ii) an item of checked baggage on board the aircraft is matched to a passenger who does not re-board, or remain on board, the aircraft following the diversion;

(iii) before the aircraft departs from the alternative destination, the Secretary gives an approval for the item of checked baggage to remain on board the aircraft when it departs from the alternative destination;

(c) all of the following apply:

(i) the pilot in command of the aircraft diverted the aircraft to the alternative destination for a reason not mentioned in paragraph (a);

(ii) an item of checked baggage on board the aircraft is matched to a passenger who does not re-board, or remain on board, the aircraft following the diversion;

(iii) the alternative destination does not have appropriate equipment for unloading that kind of aircraft.

(2) The Secretary may give an approval under subparagraph (1)(b)(iii) if the Secretary is satisfied that the approval will not adversely affect the safety or security of the aircraft.

(3) If an approval under subparagraph (1)(b)(iii) is not given in writing, the Secretary must make a written record of the approval as soon as practicable after giving the approval.

(4) The record must include:

(a) the date and time the approval was given; and

(b) the reasons for giving the approval.

4.21B Circumstances relating to disruption of flights

For paragraph 4.21(6)(d), the circumstances are that the passenger is not on board the departing aircraft and each of the following applies:

(a) the departing aircraft is operating a domestic air service;

(b) the passenger was properly checked in for a flight on a different air service (the ***original flight***);

(c) the passenger was unable to travel on the original flight due to the disruption of that flight by events outside the passenger's control.

4.22 Clearance of checked baggage removed from prescribed air service aircraft

If checked baggage is removed, for any reason other than an operational requirement, from an aircraft that is operating a prescribed air service, it must be cleared before it is re-loaded on board such an aircraft.

Subdivision 4.1.1A—Liquid, aerosol and gel products

4.22A Definitions

In this Subdivision:

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exempt person means:

(a) a person who is cleared to pass through a screening point without being screened; or

(b) a representative of the screening authority who is lawfully testing the screening system; or

(c) an aviation security inspector who is on duty and requires a LAG product in relation to an exercise of a power by the inspector under paragraph 79(2)(h) or 80(2)(f) of the Act to test a security system.

Note: For the meaning of ***cleared***, see paragraph 41(2)(b) and subsection 41(3) of the Act. See also regulation 4.10.

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

(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 (1A) 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.

(1A) Goods are not ***LAG products*** if they are covered by a notice given by the Secretary under paragraph 42(2)(c) of the Act.

Note: If the Secretary gives a notice covering goods under paragraph 42(2)(c) of the Act, the goods ***receive clearance*** for the purposes of the Act and these Regulations.

(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;

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(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;
(f) material or containers that are required to maintain the temperature, quality or integrity of something mentioned in paragraphs (a) to (e).

(2A) The following things, in relation to a person authorised to enter a LAGs cleared area other than through a screening point, are not ***LAG products***:
(a) a medical product for the person;
(b) a therapeutic product for the person in a quantity that is reasonable having regard to the length of time that he or she will be in the LAGs cleared area;
(c) the contents of a bag being used to manage a medical condition of the person (such as a colostomy bag);
(d) material or containers that are required to maintain the temperature, quality or integrity of something mentioned in paragraphs (a) to (c).

(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.

(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 subregulation 4.22Q(1).

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; or

(iv) a permitted item.

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 point of departure 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; or

(iv) a permitted item.

Penalty: 200 penalty units.

(2) In this regulation:

passenger does not include:

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(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 point of departure 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.

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.

4.22HA Offence—entering LAGs cleared area other than through screening point with impermissible LAG product

(1) For subparagraph 44(2)(d)(ii) of the Act, a person commits an offence if:

(a) the person enters a LAGs cleared area other than through a screening point; and

(aa) the person is not an exempt person; and

(b) when entering the LAGs cleared area, the person has in his or her possession a LAG product; and

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(c) the LAG product is an impermissible LAG product within the meaning of subregulation 4.11(4).

Penalty: 20 penalty units.

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

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: Regulations 4.04 and 4.22QE set out 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 Offence—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) A screening authority commits an offence if:
(a) the screening authority puts in place procedures for the handling and destruction of LAG products surrendered as a result of screening; and
(b) the procedures are not in accordance with any applicable law in the place where screening occurs.

Penalty: 50 penalty units.

(3) A screening authority commits an offence if:
(a) a LAG product is surrendered during screening; and
(b) the LAG product is not 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.

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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.

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 cleared, 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

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(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.

4.22O 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.

4.22Q Notices by the Secretary—LAG products

(1) For the purposes of paragraph 44(2)(aa) of the Act, and in accordance with 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 the purposes of paragraph 44(2)(aa) of the Act, and in accordance with 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.

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Subdivision 4.1.1AB—Powder and powder-like substances

4.22QA Definitions

In this Subdivision:

exempt person means:

(a) a person who is cleared to pass through a screening point without being screened; or

(b) a representative of the screening authority who is lawfully testing the screening system; or

(c) an aviation security inspector who is on duty and requires an inorganic powder in relation to an exercise of a power by the inspector under paragraph 79(2)(h) or 80(2)(f) of the Act to test a security system.

Note: For the meaning of ***cleared***, see paragraph 41(2)(b) and subsection 41(3) of the Act. See also regulation 4.10.

international air service does not include a closed charter service.

4.22QB Meaning of *authorised powder*

(1) A powder is an ***authorised powder*** if it is an organic powder or powder-like substance.

Note: Examples of an organic powder include flour, sugar and spice.

(2) A powder is also an ***authorised powder*** if it is an inorganic powder and any of subregulations (3) to (6) apply.

(3) This subregulation applies if:

(a) the inorganic powder is in the possession of a person travelling on an international air service; and

(b) the inorganic powder:

(i) is in a container that is in a sealed plastic bag; and

(ii) was purchased duty-free at a retail outlet or on board an aircraft; and

(iii) has a visible proof of purchase that is either attached to the plastic bag or inside the plastic bag.

(4) This subregulation applies if:

(a) the inorganic powder is in the possession of a person travelling on an international air service; and

(b) the inorganic powder is any of the following:

(i) cremated human or animal remains;

(ii) if the person is an infant or toddler—a baby product in a quantity that is reasonable having regard to the duration of the flight;

(iii) a medical product for the person;

(iv) a therapeutic product for the person in a quantity that is reasonable having regard to the duration of the flight;

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(v) samples of powder or powder-like substances used for medical research or reproductive health;

(vi) material or containers required to maintain the temperature, quality or integrity of anything mentioned in subparagraphs (i) to (v).

(5) This subregulation applies if:

(a) the inorganic powder is in the possession of a person; and

(b) the inorganic powder 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

(c) the inorganic powder is not for the personal use of the person.

(6) This subregulation applies if:

(a) the inorganic powder is in the possession of a person specified in column 2 of an item of the table in regulation 4.62; and

(b) the inorganic powder is a tool of trade for the person.

4.22QC Offence—inorganic powder passing through LAGs screening point

(1) For the purposes of 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 inorganic powder in the person's possession; and

(d) the inorganic powder is not in one or more containers that have a total combined volume of 350ml or less; and

(e) the inorganic powder is not an authorised powder.

Penalty: 20 penalty units.

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

4.22QD Offence—entering LAGs cleared area other than through screening point with impermissible powder

(1) For the purposes of subparagraph 44(2)(d)(ii) of the Act, a person commits an offence if:

(a) the person enters a LAGs cleared area other than through a screening point; and

(aa) the person is not an exempt person; and

(b) when entering the LAGs cleared area, the person has in the person's possession an inorganic powder; and

(c) the inorganic powder is an impermissible powder within the meaning of subregulation 4.11(4A).

Penalty: 20 penalty units.

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

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4.22QE Things to be detected by screening—inorganic powder

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

Note: Regulations 4.04 and 4.22I set out 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 inorganic powder 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.

4.22QF Offence—dealing with inorganic powder surrendered during screening

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

(2) A screening authority commits an offence if:

(a) the screening authority puts in place procedures for the handling and destruction of inorganic powder surrendered as a result of screening; and

(b) the procedures are not in accordance with any applicable law in the place where screening occurs.

Penalty: 50 penalty units.

(3) A screening authority commits an offence if:

(a) an inorganic powder is surrendered during screening; and

(b) the inorganic powder is not handled and destroyed in accordance with the procedures put in place under this regulation.

Penalty: 50 penalty units.

4.22QG Offence—preventing destruction of surrendered inorganic powder

For the purposes of 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 inorganic powder; and

(b) inorganic powder has been surrendered to the screening authority as a result of screening; and

(c) the person prevents the destruction of the inorganic powder.

Penalty: 20 penalty units.

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4.22QH Offence—not screening for inorganic powder

For the purposes of 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 inorganic powder through the LAGs screening point unless:

(i) the person is an exempt person; or

(ii) the inorganic powder is an authorised powder; or

(iii) the inorganic powder is in one or more containers that have a total combined volume of 350ml or less.

Penalty: 50 penalty units.

4.22QJ Notices by the Secretary—authorised powders

(1) For the purposes of paragraph 44(2)(aa) of the Act, and in accordance with 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 an authorised powder is taken not to be an authorised powder.

(2) For the purposes of paragraph 44(2)(aa) of the Act, and in accordance with subsection 44(3) of the Act, the Secretary may by written notice provide that a thing, or a class of things, that is not an authorised powder under these Regulations is taken to be an authorised powder.

(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.

Subdivision 4.1.1AC—Signs at LAGs screening points

4.22QK Definitions

In this Subdivision:

international air service does not include a closed charter service.

4.22QL Offence—sign at LAGs screening point

(1) For the purposes of 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:

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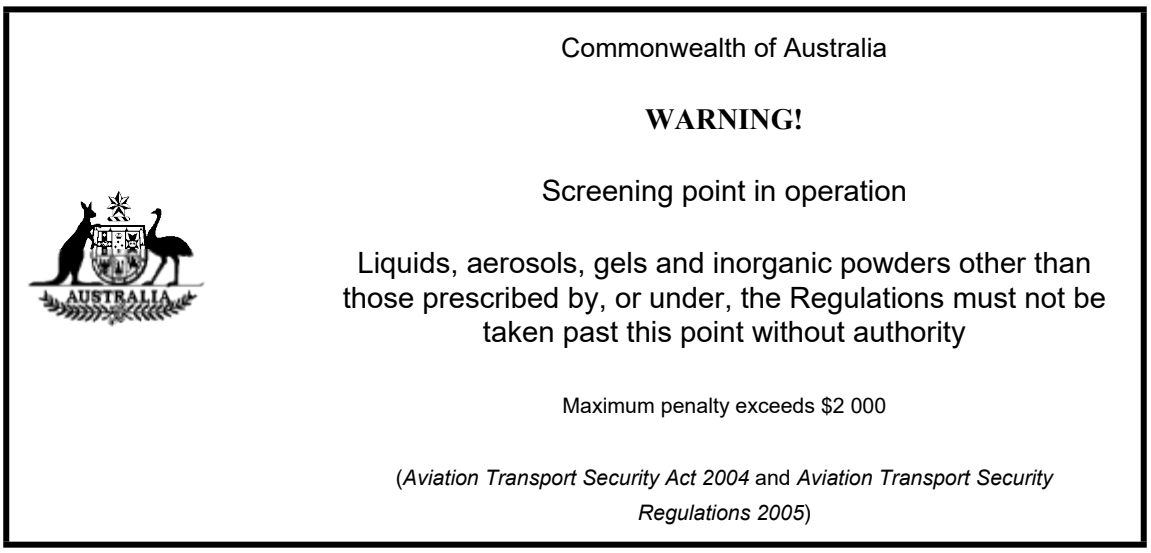
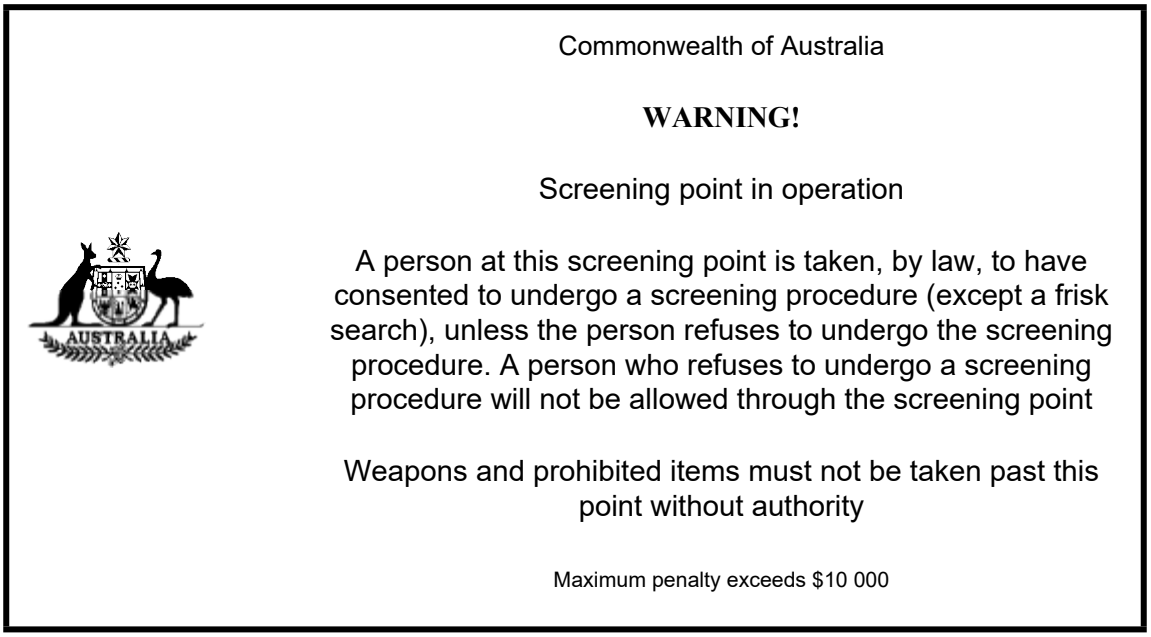
(a) an international air service operates from the airport, or area of the airport, as the case may be; and
(b) the screening authority has established a LAGs screening point at the airport, or area of the airport; and
(c) the screening authority does not display, at the LAGs screening point, a sign that is:
  (i) at least 0.4 m wide and 0.3 m high; and
  (ii) in the following form or in the form set out in subregulation (2):



Penalty: 50 penalty units.

(2) For the purposes of subparagraph (1)(c)(ii), the form of the sign is as follows:



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Liquids, aerosols, gels and inorganic powders other than those prescribed by, or under, the Regulations must not be taken past this point without authority

Maximum penalty exceeds $2 000

(*Aviation Transport Security Act 2004* and *Aviation Transport Security Regulations 2005*)

Subdivision 4.1.1B—Security tamper-evident bags

4.22R Definitions

In this Subdivision:

ICAO Aviation Security Manual means the document titled *Aviation Security Manual*, 10th Edition, 2017, published by the ICAO and as in force on 1 November 2018.

security tamper-evident bag means a bag:

(a) that complies with the technical specifications for security tamper-evident bags set out in the ICAO Aviation Security Manual; and

(b) for which the security requirements set out in regulation 4.22S have been satisfied.

4.22S Security requirements for security tamper-evident bags

(1) For paragraph (b) of the definition of ***security tamper-evident bag*** in regulation 4.22R and subparagraph 4.22T(1)(b)(ii), the requirements are:

(a) the bag was delivered to a retail business within a secure area of an airport (the ***business***) in a sealed container; and

(b) the container was inspected after delivery to the business for signs that it had been tampered with before delivery and no such signs were found; and

(c) the business has in place procedures to ensure that bags under its control cannot be tampered with; and

(d) bags are stored in a secure manner and are accessible only by persons whose names are on a written list of persons authorised by the business to have access to the bags; and

(e) the business keeps records relating to the delivery, storage and handling of the bags.

(2) The Secretary may direct a person who conducts the business to keep a list mentioned in paragraph (1)(d) or a record mentioned in paragraph (1)(e) for the period specified in the direction.

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4.22T Offence—supply of non-compliant security tamper-evident bags

(1) A person who conducts a retail business (the ***business***) within a secure area of an airport commits an offence if:

(a) someone working in the business seals a LAG product or inorganic powder purchased by a person (the ***customer***) in a bag that is represented to the customer by the business to be a security tamper-evident bag; and

(b) either or both of the following apply:

(i) the bag does not comply with the technical specifications for security tamper-evident bags set out in the ICAO Aviation Security Manual;

(ii) the security requirements set out in regulation 4.22S have not been satisfied for the bag.

(2) For paragraph (1)(a), a business is taken to have represented to a customer that a bag is a security tamper-evident bag if signage in the premises of the business or anything said to the customer by someone working in the business would reasonably lead the customer to believe that an item placed in the bag can be taken through a screening point for LAG products or inorganic powder at an airport outside Australia without being surrendered.

Penalty: 20 penalty units.

Subdivision 4.1.2—Checked baggage screening

4.23 Offence—aircraft operator loading checked baggage that has not been cleared

For paragraph 44(2)(f) and subsection 44(4) of the Act, an aircraft operator commits an offence if:

(a) the aircraft operator conducts a screened air service; and

(b) the operator loads an item of checked baggage onto an aircraft that is being used for the air service; and

(c) the operator knows the item has not been cleared.

Penalty: 50 penalty units.

4.24 Offence—failure of screening authority to supervise or control

(1) For paragraph 44(2)(l) and subsection 44(4) of the Act, a screening authority for a security controlled airport, or part of the airport, commits an offence if:

(a) a screened air service operates from the airport or part of the airport, as the case may be; and

(b) the screening authority:

(i) carries out screening and clearing of baggage for the air service at the airport or part of the airport; and

(ii) is required to carry out screening of the baggage in accordance with the specifications of a binding screening notice; and

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(c) baggage belonging to passengers of the air service must be cleared before it is checked in; and

(d) the screening authority does not have appropriate procedures in place to ensure that an item cannot be placed in or on any cleared baggage during the supervision or control period.

Penalty: 50 penalty units.

(2) In this regulation:

binding screening notice, in relation to a screening authority, means a notice:

(a) given under regulation 4.17(1); and

(b) binding on the authority.

Note: Subregulation 4.17(3) sets out the requirement for a binding notice.

supervision or control period means the period that starts when baggage is cleared and ends when baggage is checked in.

4.25 International air services transiting Australia—inbound

(1) This regulation applies in relation to checked baggage on board an inbound international air service that becomes a screened air service by transiting through an airport in Australia.

(2) An item of the baggage must be cleared at the aircraft's first point of call in Australia if:

(a) the aircraft's operator cannot demonstrate that the item:

(i) was screened at the port where the baggage was loaded on the aircraft outside Australia; and

(ii) has been kept continuously secure since it was screened; or

(b) the Secretary, by notice in writing, so requires.

4.26 International air services transferring passengers in Australia—inbound

(1) This regulation applies in relation to checked baggage on board an inbound international air service if some or all of its passengers are to be transferred to a screened air service in Australia.

(2) An item of the baggage must be cleared before it is transferred to the other air service.

4.27 International air services transiting Australia—outbound

(1) This regulation applies in relation to checked baggage on board an outbound international air service that becomes a screened air service by transiting through an airport in Australia.

(2) An item of the baggage must be cleared at the aircraft's last point of departure from Australia if:

(a) the aircraft's operator cannot demonstrate that the item:

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(i) was cleared at any of the aircraft's previous points of call in Australia; and

(ii) has been kept continuously secure since it was cleared; or

(b) the Secretary, by notice in writing, so requires.

4.28 International air services transferring passengers in Australia—outbound

(1) This regulation applies in relation to checked baggage on board an outbound international air service if some or all of its passengers are to be transferred to a screened air service in Australia.

(2) An item of the baggage must be cleared before it is transferred to the other air service if:

(a) the aircraft's operator cannot demonstrate that the item:

(i) was cleared at any of the aircraft's previous points of call in Australia; and

(ii) has been kept continuously secure since it was cleared; or

(b) the Secretary, by notice in writing, so requires.

4.37 Requirement to notify intending passengers about checked baggage screening

(1) A screening authority must display signs, not less than 0.4 m wide by 0.3 m high, in the form set out in subregulation (2), indicating that checked baggage screening may occur.

Penalty: 10 penalty units.

(2) A sign required by subregulation (1) must be in the following form:

Commonwealth of Australia
WARNING!
Checked baggage screening may be in operation
(*Aviation Transport Security Act 2004* and *Aviation Transport Security Regulations 2005*)

4.38 Explosives not to be loaded on board aircraft

(1) Subject to subregulation (3), a screening authority must ensure that an explosive that is detected in an item of checked baggage during screening at the terminal facility is not loaded on board an aircraft.

Penalty: 50 penalty units.

(2) An offence against subregulation (1) is an offence of strict liability.

(3) Subregulation (1) does not apply in relation to an explosive the carriage of which is permitted by or under the *Civil Aviation Safety Regulations 1998*.

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4.39 Opening of checked baggage

Nothing in these Regulations authorises a screening authority or a screening officer to open an item of checked baggage without the consent of a person who is entitled to possession of the item, or of the person who checked the item in, unless:

(a) the screening authority first makes a reasonable attempt to find a person who is entitled to possession of the item, or the person who checked the item in; and

(b) no such person is found.

Subdivision 4.1.3—Record-keeping requirements

4.40 Record-keeping requirements relating to Secretary's notices for screening

(1) This regulation applies in relation to a screening point through which persons enter a sterile area of a security controlled airport.

(2) The screening authority that is responsible for operating the screening point must make records, in electronic form, sufficient to demonstrate that:

(a) the screening authority complies with any notices issued under regulation 4.17 that:

(i) are binding on the screening authority under subregulation 4.17(3); and

(ii) relate to screening that is carried out at the screening point; and

(b) requirements that:

(i) are specified in any notice given to the screening authority under subregulation 4.17A(2); and

(ii) relate to screening carried out at the screening point;

are complied with.

(3) A screening authority that makes a record under subregulation (2) must keep the record, in electronic form, for 2 years after the end of the period to which the record relates (even if the screening authority ceases to be a screening authority, or ceases to be responsible for operating the screening point, before the end of the 2 years).

(4) A person commits an offence of strict liability if:

(a) the person is an aviation industry participant; and

(b) the person is subject to a requirement under subregulation (2) or (3); and

(c) the person engages in conduct; and

(d) the person's conduct breaches the requirement.

Penalty for contravention of this subregulation: 20 penalty units.

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4.41 Record-keeping requirements relating to screening equipment

(1) This regulation applies in relation to screening that is carried out on a day at a screening point through which persons enter a sterile area of a security controlled airport, if any of the following equipment is used for the screening:
  (a) x-ray equipment fitted with threat image projection software;
  (b) a walk-through metal detector;
  (c) body scanning equipment;
  (d) explosive trace detection equipment.

(2) The screening authority that is responsible for operating the screening point must make a record of the following information in relation to the screening carried out at the screening point on the day:
  (a) the airport;
  (b) the terminal at which the screening point is located;
  (c) the location of the screening point within the terminal;
  (d) the day;
  (e) the number of persons passing through the screening point on the day;
  (f) if x-ray equipment fitted with threat image projection software is used for the screening:
    (i) the make and model of the equipment; and
    (ii) the name and version of the software; and
    (iii) the time each threat image projected by the software on the day is projected, if the equipment can record the time; and
    (iv) for each threat image projected on the day—the type of threat and the outcome of the projection;
  (g) if a walk-through metal detector is used for the screening:
    (i) the make and model of the detector; and
    (ii) the number of persons passing through the detector on the day;
  (h) if body scanning equipment is used for the screening:
    (i) the make and model of the equipment; and
    (ii) the number of persons scanned by the equipment on the day; and
    (iii) the time of each scan, if the equipment can record the time;
  (i) if explosive trace detection equipment is used for the screening:
    (i) the make and model of the equipment; and
    (ii) the number of persons in relation to whom the equipment is used on the day; and
    (iii) the number of double positive results occurring on the day; and
    (iv) the time at which each double positive result occurs, if the equipment can record the time.

(3) For the purposes of this regulation, a record made by a screening authority is taken to be made in accordance with a requirement under subregulation (2) if:
  (a) the only reason the making of the record is not in accordance with that requirement is that information in the record is not accurate; and

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(b) the information is not information that can be recorded by the relevant equipment mentioned in paragraph (2)(f), (g), (h) or (i); and

(c) the screening authority made all reasonable efforts to ensure that the information was accurate.

(4) A screening authority that makes a record under subregulation (2) in relation to screening must keep the record for 2 years after the day on which the screening occurs (even if the screening authority ceases to be a screening authority, or ceases to be responsible for operating the screening point, before the end of the 2 years).

(5) A person commits an offence of strict liability if:

(a) the person is an aviation industry participant; and

(b) the person is subject to a requirement under subregulation (2) or (4); and

(c) the person engages in conduct; and

(d) the person's conduct breaches the requirement.

Penalty for contravention of this subregulation: 20 penalty units.

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Division 4.1A—Examining and clearing cargo

Subdivision 4.1A.1—Requirements for examining and clearing cargo

4.41A Application of Subdivision

(1) This Subdivision applies to:
  (a) international cargo; and
  (aa) cargo to which subregulation (2) applies; and
  (b) cargo to which this Subdivision applies because the Secretary has issued a notice to that effect under regulation 4.41J.

(2) This subregulation applies to cargo that is intended to be transported on a domestic air service in the following circumstances:
  (a) the cargo is to be transported by an aircraft that has:
    (i) a seating capacity of 40 or more persons; or
    (ii) a certificated maximum take-off weight of 20,000 kg or more;
  (b) the air service is not a closed charter operation;
  (c) the cargo is to be loaded onto the aircraft at:
    (i) a designated airport; or
    (ii) a tier 1 security controlled airport; or
    (iii) a tier 2 security controlled airport; or
    (iv) Bankstown Airport; or
    (v) Essendon Fields Airport.

4.41B Purpose of Subdivision

(1) This Subdivision sets out the requirements for examining and clearing cargo for the following provisions of the Act:
  (a) section 44B;
  (b) paragraph 44C(1)(a);
  (c) paragraphs 44C(2)(a), (b), (d), (e), (g) and (h);
  (d) subsection 44C(4).

(2) For the purposes of paragraph 44C(2)(e) of the Act, the things to be detected by the examination of cargo are explosives.

4.41C When cargo that has not been examined may receive clearance

For the purposes of paragraph 44B(2)(b) of the Act, cargo may receive clearance without being examined if:
  (a) the cargo originates with a known consignor; and
  (b) the known consignor handles the cargo in accordance with the requirements under the known consignor's security program that deal with

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how cargo that has not been examined is to be handled in order to receive clearance.

Note: There may be other circumstances in which cargo may receive clearance without being examined—see section 44B of the Act.

4.41CA Requirements for cargo to receive clearance

(1) For the purposes of subparagraph 44C(1)(a)(iii) of the Act, in order for cargo to receive clearance, the cargo must satisfy the requirements set out in subregulation (2), (2A) or (3).

Cargo examined by RACAs

(2) For this subregulation to be satisfied, the cargo must:
- (a) have been examined by a RACA in accordance with an examination notice given to the RACA; and
- (b) be handled by the RACA in accordance with the requirements under the RACA's security program that deal with how cargo is to be handled in order to receive clearance; and
- (c) have a security declaration; and
- (d) not contain any unauthorised explosives.

Cargo examined by cargo examining aircraft operators

(2A) For this subregulation to be satisfied, the cargo must:
- (a) have been examined by a cargo examining aircraft operator in accordance with an examination notice given to the operator; and
- (b) be handled by the operator in accordance with the requirements under the operator's TSP that deal with how cargo is to be handled in order to receive clearance; and
- (c) have a security declaration; and
- (d) not contain any unauthorised explosives.

Cargo that need not be examined

(3) For this subregulation to be satisfied, the cargo must:
- (a) not require examination to receive clearance in accordance with:
  - (i) regulation 4.41C; or
  - (ii) a written notice issued by the Secretary under subparagraph 44B(2)(b)(i) of the Act; and
- (b) be handled by a RACA or a cargo examining aircraft operator in accordance with the requirements under:
  - (i) for a RACA—the RACA's security program that deal with how cargo that has not been examined is to be handled in order to receive clearance; or
  - (ii) for a cargo examining aircraft operator—the operator's TSP that deal with how cargo that has not been examined is to be handled in order to receive clearance; and

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(c) have a security declaration; and
(d) not contain any unauthorised explosives.

4.41D Meaning of *security declaration*

(1) A ***security declaration*** is a document that is covered by subregulation (3) or that:
(a) is in relation to cargo; and
(b) is issued by a person (the ***issuer***) that is a known consignor, a RACA or a cargo examining aircraft operator, when the cargo is in the possession of the issuer; and
(c) includes the following:
(i) the name of the issuer;
(ii) the name of the individual issuing the document on behalf of the issuer;
(iii) whether the issuer is a known consignor, a RACA or a cargo examining aircraft operator;
(iv) either a general description of the contents of the cargo or, if the cargo is consolidated, a statement that the cargo is consolidated;
(iva) a unique identifier for the cargo or, if the cargo is consolidated, for the consolidated cargo;
(v) either the airport where the cargo is first loaded onto the aircraft or, if the cargo originates with a known consignor, the physical address at which the cargo originates with the known consignor;

Note: The airport may be named by using the ICAO 4-letter code, the ICAO 3-letter code or the IATA 3-letter code for the airport.

(vi) the airport to which the cargo is being transported;

Note: The airport may be named by using the ICAO 4-letter code, the ICAO 3-letter code or the IATA 3-letter code for the airport.

(vii) the time and date when the document was issued;
(viii) if the cargo is required to be examined to receive clearance—details of the examination method applied to the cargo by the issuer and a statement that the cargo was examined in accordance with an examination notice;
(ix) if the cargo is not required to be examined to receive clearance—a statement of the grounds on which the cargo is not required to be examined to receive clearance;
(x) a declaration that the cargo has received clearance.

Note 1: For the definition of ***document***, see section 2B of the *Acts Interpretation Act 1901*.

Note 2: For the purposes of subparagraph (ix), the 2 grounds on which cargo may not require examination to receive clearance are:
(a) in accordance with regulation 4.41C; or
(b) in accordance with a written notice issued by the Secretary under subparagraph 44B(2)(b)(i) of the Act.

Note 3: Subparagraph (x) refers to cargo having received clearance at the point in time at which the declaration is made. In order for cargo to be cleared at a particular time the cargo must have both received clearance and subsequently at all times have been handled in accordance with these Regulations—see subsection 44B(3) of the Act.

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(2) To avoid doubt:
  (a) a document issued by a known consignor and described in paragraphs (1)(a) and (c) is a ***security declaration*** even if the information described in subparagraph (1)(c)(vi):
    (i) is not included by the known consignor at the time of issue; and
    (ii) is later included in the document by a RACA or a cargo examining aircraft operator; and
  (b) the RACA or cargo examining aircraft operator does not issue the document merely by including that information in the document.

(3) This subregulation covers a document (the ***foreign consignment security declaration***) that:
  (a) relates to cargo that originates overseas; and
  (b) is issued by a person with functions like those of a known consignor, a RACA or a cargo examining aircraft operator, when the cargo is in the possession of the person overseas; and
  (c) is in English or can be readily translated into English by a RACA, or a cargo examining aircraft operator, who handles the cargo in Australia; and
  (d) includes details of how the person assessed the cargo; and
  (e) states that the cargo does not contain an unauthorised explosive.

4.41F Offence—issuing a security declaration in certain circumstances

Known consignors

(1) A known consignor commits an offence of strict liability if:
  (a) the known consignor issues a security declaration for cargo; and
  (b) the Secretary has not issued a notice under subparagraph 44B(2)(b)(i) of the Act in relation to the cargo; and
  (c) the cargo did not originate with the known consignor.

Penalty: 100 penalty units.

(2) A known consignor commits an offence of strict liability if:
  (a) the known consignor issues a security declaration for cargo; and
  (b) the known consignor has not handled the cargo in accordance with the known consignor security program in force for the known consignor.

Penalty: 100 penalty units.

RACAs

(3) A RACA commits an offence of strict liability if:
  (a) the RACA issues a security declaration for cargo; and
  (b) the Secretary has not issued a notice under subparagraph 44B(2)(b)(i) of the Act in relation to the cargo; and
  (c) the RACA has not examined the cargo in accordance with an examination notice given to the RACA.

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Penalty: 100 penalty units.

(4) A RACA commits an offence of strict liability if:
(a) the RACA issues a security declaration for cargo; and
(b) the RACA has not handled the cargo in accordance with the RACA security program in force for the RACA.

Penalty: 100 penalty units.

Cargo examining aircraft operators

(5) A cargo examining aircraft operator commits an offence of strict liability if:
(a) the operator issues a security declaration for cargo; and
(b) the Secretary has not issued a notice under subparagraph 44B(2)(b)(i) of the Act in relation to the cargo; and
(c) the operator has not examined the cargo in accordance with an examination notice given to the operator.

Penalty: 100 penalty units.

(6) A cargo examining aircraft operator commits an offence of strict liability if:
(a) the operator issues a security declaration for cargo; and
(b) the operator has not handled the cargo in accordance with the TSP in force for the operator.

Penalty: 100 penalty units.

Persons other than known consignors, RACAs and cargo examining aircraft operators

(7) A person commits an offence of strict liability if:
(a) the person purports to issue a security declaration, except a foreign consignment security declaration, for cargo; and
(b) the person is not a known consignor, a RACA or a cargo examining aircraft operator.

Penalty for a contravention of subregulation (7): 50 penalty units.

4.41G Offence—loading cargo without security declaration

(1) A person commits an offence of strict liability if:
(a) the person is a loading person; and
(b) the person loads cargo onto a prescribed aircraft; and
(c) at the time of loading, the person does not have a security declaration for the cargo.

Penalty:
(a) if the person is an AACA—50 penalty units; or
(b) in any other case—100 penalty units.

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(2) A person (the ***first person***) commits an offence of strict liability if:
  (a) the first person is a loading person; and
  (b) the first person enters into an arrangement with another person to load cargo onto a prescribed aircraft; and
  (c) the other person is not a loading person; and
  (d) at the time of loading, the first person does not have a security declaration for the cargo.

Penalty for a contravention of subregulation (2):
  (a) if the first person is an AACA—50 penalty units; or
  (b) in any other case—100 penalty units.

(3) In this instrument:

loading person means:
  (a) an AACA; or
  (b) an aircraft operator of a prescribed air service; or
  (c) a known consignor; or
  (d) a RACA.

4.41H Offence—failing to keep records of security declaration

A person commits an offence of strict liability if:
  (a) the person is or was a known consignor, a RACA or a cargo examining aircraft operator; and
  (b) the person has, in that capacity, issued a security declaration for cargo; and
  (c) the person does not keep a record of the declaration for 90 days after issuing the declaration.

Penalty: 50 penalty units.

Subdivision 4.1A.1A—Examination notices

4.41J Examination notices

(1) This regulation is made for the purposes of subsection 44C(3) of the Act.

(2) The Secretary may make a written notice (an ***examination notice***) that sets out requirements in relation to how cargo that is to be loaded onto an aircraft must be examined by a RACA or cargo examining aircraft operator.

(3) Without limiting subregulation (2), an examination notice may include one or more of the following:
  (a) the types of cargo that must be examined in accordance with the notice;
  (b) the methods, techniques and equipment to be used for examination;
  (c) the places where examination is to be conducted;
  (d) who may conduct the examination;
  (e) the things to be detected by examination;

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(f) the procedures for dealing with cargo that has been examined;
(g) the records that must be kept about examination;
(h) any other matter the Secretary considers relevant.

(5) The Secretary must give an examination notice to a RACA or cargo examining aircraft operator if the notice provides that the notice is to be given to the RACA or operator and the Secretary is satisfied on reasonable grounds that:
(a) the RACA or operator is capable of examining cargo in accordance with the notice; and
(b) the RACA or operator intends to examine cargo in accordance with the notice; and
(c) giving the notice to the RACA or operator is in the interests of safeguarding against unlawful interference with aviation.

(5A) An examination notice may make different provision in relation to cargo with respect to different circumstances.

(6) A RACA or cargo examining aircraft operator that has been given an examination notice may, for the purposes of examining cargo, open, deconsolidate or unpack the cargo (whether or not the owner of the cargo, or any other person, has consented).

4.41JB Revocation or variation of examination notice

Revocation on request

(1) The Secretary must, in writing, revoke an examination notice given to a RACA or a cargo examining aircraft operator if the RACA or operator requests the Secretary, in writing, to revoke the notice.

Revocation for cause

(2) The Secretary may, in writing, revoke an examination notice given to a RACA or cargo examining aircraft operator if the Secretary is satisfied on reasonable grounds that:
(a) the RACA or operator:
(i) is not capable of examining cargo in accordance with the notice; or
(ii) is not examining cargo in accordance with the notice; or
(b) revoking the notice is in the interests of safeguarding against unlawful interference with aviation.

(3) If the Secretary revokes an examination notice under subregulation (2), the Secretary must give a copy of the revocation to the RACA or cargo examining aircraft operator.

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Variation or revocation to correct errors or omissions

(4) If the Secretary is satisfied that an examination notice (the ***original notice***) given to a RACA or cargo examining aircraft operator contains an error or omission, the Secretary may, for the purpose of correcting the error or omission, in writing:
  (a) vary the original notice; or
  (b) revoke the original notice and substitute another examination notice;
and, where the Secretary does so, the varied or substituted examination notice has effect as if it had been given at the time the original notice was given.

(5) If, under subregulation (4), the Secretary varies the original notice, or revokes the original notice and substitutes another examination notice, the Secretary must give a copy of the examination notice as varied or substituted to the RACA or cargo examining aircraft operator.

(6) The Secretary may vary or revoke the original notice under subregulation (4) at the Secretary's own initiative or at the written request of a RACA or cargo examining aircraft operator.

4.41K Offence—failure to comply with an examination notice

(1) A RACA commits an offence of strict liability if:
  (a) the Secretary has given the RACA an examination notice; and
  (b) the RACA fails to comply with the notice.

Penalty: 100 penalty units.

(2) A cargo examining aircraft operator commits an offence of strict liability if:
  (a) the Secretary has given the operator an examination notice; and
  (b) the operator fails to comply with the notice.

Penalty for a contravention of subregulation (2): 100 penalty units.

Subdivision 4.1A.1B—Approving known consignors

4.41L Known consignors

For the purposes of paragraph 44C(2)(ha) of the Act, a person is a known consignor if the person:
  (a) carries on a business that engages in originating cargo; and
  (b) is approved as a known consignor under regulation 4.41N.

4.41M Applying for approval as a known consignor

(1) A person may apply, in writing, to the Secretary to be approved as a known consignor if the person:
  (a) carries on a business that engages in originating cargo; or
  (b) intends to carry on such a business.

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(2) The application must:
  (a) be in the form approved, in writing, by the Secretary; and
  (b) include the information required by the form.

Further information

(3) The Secretary may request, in writing, that the applicant provide:
  (a) further information in relation to the application; or
  (b) access for inspection of one or more of the applicant's sites to gather further information in relation to the application.

(4) The notice must specify the period within which the further information or access is to be provided.

(5) An inspection under paragraph (3)(b) may be conducted by any of the following:
  (a) an APS employee;
  (b) a person who is engaged as a consultant or contractor to perform services for the Department;
  (c) a law enforcement officer.

(6) The Secretary may refuse to consider the application until the applicant provides the further information or access.

4.41N Decision on application

(1) The Secretary may, in relation to an application made by an applicant under regulation 4.41M:
  (a) approve the applicant as a known consignor; or
  (b) refuse to approve the applicant as a known consignor.

Matters to be taken into account

(2) In making a decision on the application, the Secretary may take into account:
  (a) any further information provided by the applicant under paragraph 4.41M(3)(a); and
  (b) any further information obtained as a result of any inspections carried out under paragraph 4.41M(3)(b); and
  (c) any other information the Secretary considers relevant.

Notice of decision

(3) The Secretary must:
  (a) notify the applicant, in writing, of the decision; and
  (b) do so within 90 days of the application being made.

Note: If the Secretary approves the applicant as a known consignor:
  (a) the notice must include the duration of the approval—see regulation 4.41P; and
  (b) the Secretary must also provide the known consignor with a security program—see regulation 4.41Z.

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(4) If the decision is to refuse the application, the notice must include the reasons for the decision.

Deemed refusal of application

(5) If the Secretary does not make a decision under subregulation (1) within 90 days of the application being made the Secretary is taken to have refused to approve the applicant as a known consignor at the end of that period.

(6) Paragraph (3)(a) does not apply to a decision that is taken to have been made because of subregulation (5).

Stopping the clock

(7) If the Secretary has requested:
  (a) further information under paragraph 4.41M(3)(a); or
  (b) access for inspection of one or more of the applicant's sites under paragraph 4.41M(3)(b);

then, for the purposes of paragraph (3)(b) of this regulation and subregulation (5) of this regulation, the 90 day period is extended, for each request made under subregulation 4.41M(3), by the number of days falling within the period:
  (c) starting on the day on which the notice was given; and
  (d) ending on:
    (i) the day on which the information requested in the notice was received by the Secretary, or the inspection was conducted; or
    (ii) if the information or access was not provided within the period specified in the notice—the last day of that period.

4.41P Duration of approval

(1) A known consignor's approval as a known consignor commences on the day specified in the notice under subregulation 4.41N(3).

(2) The day specified in the notice must not be earlier than:
  (a) the day the notice is given; or
  (b) if the applicant is not already carrying on a business that engages in originating cargo—the day on which the applicant commences carrying on such a business.

(3) The approval continues in force until the earlier of:
  (a) the end of the period specified in the notice; and
  (b) if the approval is revoked under regulation 4.41V, 4.41W or 4.41X—the day the approval is revoked.

Note: If a known consignor applies for the known consignor's approval to be renewed before the end of the period mentioned in paragraph (a), the approval continues in force until a decision is made on the renewal application—see regulation 4.41T.

(4) The period specified in the notice must be at least 12 months, but not more than 5 years, after the day on which the approval commences.

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4.41Q Action by Secretary in relation to approval

(1) If there is a change to a known consignor's operations resulting in the known consignor no longer carrying on business in accordance with the requirements of the known consignor's security program, the Secretary may issue a notice, in writing, to the known consignor in accordance with subregulation (2).

(2) The notice may propose one or more of the following actions:
   (a) that the known consignor agree to restrict the known consignor's activities to those that are in accordance with the known consignor's security program;
   (b) that the known consignor agree to the Secretary imposing a condition on the known consignor's approval as a known consignor relating to activities that are not in accordance with the known consignor's security program;
   (c) that the known consignor agree to comply with a different known consignor security program;
   (d) that the known consignor's approval as a known consignor be revoked.

(3) The known consignor must:
   (a) notify the Secretary, in writing, of which, if any, of the actions proposed in the notice the known consignor will accept; and
   (b) do so within 14 days of receiving the notice.

Note: The Secretary may revoke the known consignor's approval as a known consignor if the known consignor does not accept a proposed action, or if the known consignor accepts a proposed action but does not complete the action—see regulation 4.41X.

(4) If:
   (a) the notice proposes that the known consignor's approval as a known consignor be revoked in accordance with paragraph (2)(d); and
   (b) the known consignor accepts the proposed action;

the known consignor is taken to have requested the Secretary to revoke the known consignor's approval under regulation 4.41V.

4.41R Application for re-approval

(1) A known consignor may apply, in writing, to the Secretary for re-approval as a known consignor.

(2) The application may only be made within the last 12 months of the period for which the known consignor's approval is in force.

(3) The application must:
   (a) be in the form approved, in writing, by the Secretary; and
   (b) include the information required by the form.

Further information

(4) The Secretary may request, in writing, that the known consignor provide:
   (a) further information in relation to the application; or

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(b) access for inspection of one or more of the known consignor's sites to gather further information in relation to the application.

(5) The notice must specify the period within which the further information or access is to be provided.

(6) An inspection under paragraph (4)(b) may be conducted by any of the following:
(a) an APS employee;
(b) a person who is engaged as a consultant or contractor to perform services for the Department;
(c) a law enforcement officer.

(7) The Secretary may refuse to consider the application until the known consignor provides the further information or access.

4.41S Decision on re-approval application

(1) The Secretary may, in relation to an application made by a known consignor under regulation 4.41R:
(a) re-approve the known consignor as a known consignor; or
(b) refuse to re-approve the known consignor as a known consignor.

Matters to be taken into account

(2) In making a decision on the application, the Secretary may take into account:
(a) any further information provided by the known consignor under paragraph 4.41R(4)(a); and
(b) any further information obtained as a result of any inspections carried out under paragraph 4.41R(4)(b); and
(c) any other information the Secretary considers relevant.

Notice of decision

(3) The Secretary must:
(a) notify the known consignor, in writing, of the decision; and
(b) do so within 90 days of the application being made.

Note: If the Secretary re-approves the known consignor as a known consignor, the notice must include the duration of the re-approval—see regulation 4.41U.

(4) If the decision is to refuse the application, the notice must include the reasons for the decision.

Deemed refusal of application

(5) If the Secretary does not make a decision under subregulation (1) within 90 days of the application being made the Secretary is taken to have refused to re-approve the known consignor as a known consignor at the end of that period

(6) Paragraph (3)(a) does not apply to a decision that is taken to have been made because of subregulation (5).

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Stopping the clock

(7) If the Secretary has requested:

(a) further information under paragraph 4.41R(4)(a); or

(b) access for inspection of one or more of the known consignor's sites under paragraph 4.41R(4)(b);

then, for the purposes of paragraph (3)(b) of this regulation and subregulation (5) of this regulation, the 90 day period is extended, for each request made under subregulation 4.41R(4), by the number of days falling within the period:

(c) starting on the day on which the notice was given; and

(d) ending on:

(i) the day on which the information requested in the notice was received by the Secretary, or the inspection was conducted; or

(ii) if the information or access was not provided within the period specified in the notice—the last day of that period.

4.41T Approval continues until decision on re-approval application

If:

(a) a known consignor makes an application for re-approval as a known consignor under regulation 4.41R; and

(b) the Secretary has not made a decision on the application before the known consignor's approval is due to cease to be in force;

the known consignor's approval is taken to continue until:

(c) if the Secretary re-approves the known consignor as a known consignor—the day specified in the notice under subregulation 4.41S(3) as the day on which the re-approval commences; or

(d) if the Secretary refuses to re-approve the known consignor as a known consignor—the day the Secretary makes the decision to refuse the application.

4.41U Duration of re-approval

(1) A known consignor's re-approval as a known consignor commences on the day specified in the notice under subregulation 4.41S(3) (which must not be earlier than the day the notice is given).

(2) The re-approval continues in force until the earlier of:

(a) the end of the period specified in the notice; and

(b) if the re-approval is revoked under regulation 4.41V, 4.41W or 4.41X—the day the re-approval is revoked.

(3) The period specified in the notice must be at least 12 months, but not more than 5 years, after the day on which the re-approval commences.

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4.41V Revocation of known consignor approval on request

Revocation on request

(1) The Secretary must revoke the approval of a person as a known consignor if the person requests, in writing, the Secretary to revoke the approval.

When revocation has effect

(2) The revocation has effect on:
  (a) the day nominated in the request (which must not be a day before the request is made); or
  (b) if no such day is specified in the request—the day the Secretary receives the request.

4.41W Revocation of known consignor approval to safeguard against unlawful interference with aviation

Revocation to safeguard against unlawful interference with aviation

(1) The Secretary may, at any time by notice in writing, revoke the approval of a person as a known consignor if the Secretary is satisfied on reasonable grounds that revoking the approval is in the interests of safeguarding against unlawful interference with aviation.

(2) The notice must include the reasons for the revocation.

When revocation has effect

(3) The revocation has effect on the day the Secretary gives the person the notice.

4.41X Revocation of known consignor approval on other grounds

Revocation on other grounds

(1) The Secretary may revoke the approval of a person as a known consignor if:
  (a) any information given in the known consignor's application under regulation 4.41M is false or misleading in a material particular; or
  (b) if the known consignor's site has been inspected in accordance with paragraph 4.41M(3)(b) or 4.41R(4)(b)—any information given during the inspection is false or misleading in a material particular; or
  (c) the known consignor has not accepted an action proposed in a notice issued under regulation 4.41Q; or
  (d) the known consignor has accepted an action proposed in a notice issued under regulation 4.41Q but the known consignor has not restricted the known consignor's activities, or has not complied with a condition imposed, in accordance with the notice; or

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(e) if an application has been made for re-approval—any information given in the known consignor's application under regulation 4.41R is false or misleading in a material particular; or

(f) the known consignor's business no longer engages in originating cargo; or

(g) the known consignor has failed to comply with the known consignor security program for the known consignor; or

(h) the known consignor has failed to comply with a direction to vary the known consignor's security program under regulation 4.41ZD; or

(i) the known consignor has failed to comply with a special security direction under section 73 of the Act.

Notice of proposed revocation

(2) Before deciding to revoke a known consignor's approval under subregulation (1), the Secretary must:

(a) notify the known consignor, in writing, of:

(i) the proposed revocation; and

(ii) the reasons for the proposed revocation; and

(b) invite the known consignor to:

(i) make a submission as to why the known consignor's approval should not be revoked; and

(ii) do so within the period specified in the notice.

(3) The period specified in the notice must be at least 14 days commencing on the day the notice is given (the ***response period***).

Decision on revocation

(4) In deciding whether to revoke the known consignor's approval under subregulation (1), the Secretary must consider any submissions made within the response period.

(5) The Secretary must:

(a) notify the known consignor, in writing, of the decision; and

(b) do so within 28 days after the end of the response period.

(6) If the decision is to revoke the known consignor's approval, the notice must include the reasons for the decision.

Deemed decision to revoke

(7) If the notice is not given within 28 days after the end of the response period, the Secretary is taken to have decided to revoke the known consignor's approval at the end of that period.

(8) Paragraph (5)(a) does not apply to a decision that is taken to have been made because of subregulation (7).

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When revocation has effect

(9) If no submissions were made within the response period, the revocation has effect on the day after the last day of the response period.

(10) If submissions were made within the response period, the revocation has effect on:

(a) if the known consignor was given a notice under subregulation (5)—the day after the known consignor was given the notice; or

(b) if the known consignor was not given a notice under subregulation (5)—the day after the Secretary is taken, under subregulation (7), to have decided to revoke the known consignor's approval.

4.41Y Secretary's list of known consignors

(1) The Secretary must keep a list of persons approved as known consignors.

(2) The Secretary may publish the list.

Subdivision 4.1A.1C—Known consignor security programs

4.41Z Secretary must provide known consignor with security program

Security program for persons approved as known consignors

(1) If the Secretary approves a person as a known consignor under regulation 4.41N, the Secretary must:

(a) provide the person with a known consignor security program that:

(i) is appropriate for the kind of business that is carried on by the known consignor; and

(ii) addresses the requirements set out in subregulation (2); and

(b) do so at the same time as the notice of the approval is given under subregulation 4.41N(3).

(2) The known consignor security program must set out the following requirements:

(a) measures and procedures to ensure security of the known consignor's facilities;

(b) measures and procedures to ensure security of the known consignor's personnel;

(c) training requirements and procedures for the known consignor's personnel;

(d) measures and procedures for clearing cargo;

(e) measures and procedures to ensure the chain of custody for cargo;

(f) measures and procedures for oversight of the operation of the measures, procedures and requirements for paragraphs (a) to (e), including quality assurance and incident response.

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Security programs for known consignors that are re-approved

(3) The Secretary may provide a known consignor who is re-approved as a known consignor under regulation 4.41S with a known consignor security program that:
  (a) is appropriate for the kind of business that is carried on by the known consignor; and
  (b) addresses the requirements set out in subregulation (2).

(4) However, if:
  (a) a known consignor is re-approved under regulation 4.41S; and
  (b) immediately before the known consignor was re-approved there was a known consignor security program in force for the known consignor (the ***original security program***); and
  (c) the Secretary does not provide the known consignor with a known consignor security program under subregulation (3);

the original security program continues in force for the known consignor.

4.41ZA When a known consignor security program is in force

When a known consignor security program comes into force

(1) A known consignor security program for a known consignor comes into force at the time specified in the security program.

(2) However, if:
  (a) the time specified in the security program is earlier than the time at which the security program was given to the known consignor; or
  (b) no time is specified in the security program as the time when the security program comes into force;

the security program comes into force when the security program is given to the known consignor.

Known consignor security program remains in force for duration of approval

(3) The security program for the known consignor remains in force for so long as the known consignor is approved as a known consignor.

4.41ZB Secretary may vary known consignor security program

(1) If:
  (a) a known consignor security program for a known consignor is in force; and
  (b) either:
    (i) the Secretary is no longer satisfied that the security program adequately addresses the requirements set out in subregulation 4.41Z(2); or
    (ii) the Secretary is satisfied on reasonable grounds that varying the security program is in the interests of safeguarding against unlawful interference with aviation;

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the Secretary:

(c) may vary the security program; and

(d) must provide a copy of the varied security program to the known consignor.

Note: The Secretary may also direct the known consignor to vary the security program, or the known consignor may request the Secretary to vary the security program—see regulations 4.41ZD and 4.41ZE.

(2) However, the Secretary must not vary the security program under subregulation (1) unless the Secretary is satisfied that the security program, as varied, would adequately address the requirements set out in subregulation 4.41Z(2).

(3) The known consignor must, within 14 days of receiving the varied security program (the ***response period***):

(a) notify the Secretary, in writing, that the known consignor accepts the varied security program; or

(b) request the Secretary, in writing, to amend the varied security program; or

(c) both:

(i) notify the Secretary, in writing, that the known consignor rejects the varied security program; and

(ii) request the Secretary to revoke, under regulation 4.41V, the known consignor's approval as a known consignor.

(4) If, within the response period, the known consignor notifies the Secretary that the known consignor accepts the varied security program, the varied security program comes into force 14 days after the day the known consignor notifies the Secretary of the acceptance.

Note: The variation does not affect the period for which the security program is in force—see regulation 4.41ZA.

(5) If, within the response period, the known consignor requests the Secretary to amend the varied security program, the known consignor must give the Secretary:

(a) written details of the proposed amendment; and

(b) written reasons why the proposed amendment is being requested.

(6) If, within the response period, the known consignor does not take any of the actions mentioned in subregulation (3), the varied security program comes into force 14 days after the end of the response period.

Note: The variation does not affect the period for which the security program is in force—see regulation 4.41ZA.

4.41ZC Consideration of request to amend known consignor security program as varied by the Secretary

(1) The Secretary may, in relation to a request made by a known consignor, under paragraph 4.41ZB(3)(b), to amend a varied known consignor security program:

(a) approve the request; or

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(b) refuse the request.

Matters to be taken into account

(2) In making a decision on the request, the Secretary must take into account the following:
(a) whether the varied known consignor security program, as proposed to be amended, addresses the requirements set out in subregulation 4.41Z(2);
(b) existing circumstances as they relate to aviation security;
(c) the current use of the varied known consignor security program (if any) by a business of the kind carried on by the known consignor;
(d) the efficient administration of the known consignor scheme;
(e) any other matter the Secretary considers relevant.

Notice of decision

(3) The Secretary must:
(a) notify the known consignor, in writing, of the decision; and
(b) do so within 14 days of making the decision.

(4) If the decision is to refuse the request, the notice must include the reasons for the decision.

Approved requests

(5) If the Secretary approves the request, the Secretary must:
(a) incorporate the amendment into the varied security program; and
(b) provide the varied security program, as amended, to the known consignor with the notice under subregulation (3); and
(c) specify in the notice the day on which the varied security program, as amended, comes into force (which must not be earlier than the day of the notice).

Note: The variation does not affect the period for which the security program is in force—see regulation 4.41ZA.

Refused requests

(6) If the Secretary refuses the request, the varied security program comes into force on the day specified in the notice under subregulation (3) (which must not be earlier than the day of the notice).

Note: The variation does not affect the period for which the security program is in force—see regulation 4.41ZA.

Deemed refusal of request

(7) If the Secretary does not make a decision under subregulation (1) within 90 days of the request being made:
(a) the Secretary is taken to have refused the request; and

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(b) the varied security program comes into force at the end of the 90 day period.

Note: The variation does not affect the period for which the security program is in force—see regulation 4.41ZA.

(8) Paragraph (3)(a) does not apply to a decision that is taken to have been made because of subregulation (7).

4.41ZD Secretary may direct known consignors to vary security programs

(1) If:

(a) a known consignor security program is in force for a known consignor; and

(b) either:

(i) the Secretary is no longer satisfied that the security program adequately addresses the requirements set out in subregulation 4.41Z(2); or

(ii) the Secretary is satisfied on reasonable grounds that varying the security program is in the interests of safeguarding against unlawful interference with aviation;

the Secretary may, by written notice given to the known consignor, direct the known consignor to vary the security program.

Note: The Secretary may also vary the security program himself or herself, or the known consignor may request the Secretary to vary the security program—see regulations 4.41ZB and 4.41ZE.

(2) However, the Secretary must not give a direction under subregulation (1) unless the Secretary is satisfied that the security program, as varied, would adequately address the requirements set out in subregulation 4.41Z(2).

(3) In the notice, the Secretary must:

(a) set out the variation; and

(b) specify the period within which the known consignor must give the Secretary the security program as varied.

(4) If the known consignor gives the Secretary the security program:

(a) varied in accordance with the direction; and

(b) within the specified period, or within any further period allowed by the Secretary;

the Secretary must, by written notice given to the known consignor, approve the variation. The variation comes into force when the notice is given.

Note 1: As the security program is not replaced, the variation does not affect the period for which the security program is in force. Regulation 4.41ZA deals with the period for which a known consignor security program is in force.

Note 2: If the known consignor does not vary the security program in accordance with the notice the known consignor's approval as a known consignor may be revoked—see regulation 4.41X.

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4.41ZE Known consignor may request Secretary to vary known consignor security program

(1) A known consignor may request the Secretary to vary the known consignor security program for the known consignor.

(2) The request must:
  (a) be in writing; and
  (b) provide details of the proposed variation; and
  (c) include reasons why the proposed variation is being requested.

4.41ZF Consideration of request to vary known consignor security program

(1) The Secretary may, in relation to a request made by a known consignor, under subregulation 4.41ZE(1), to vary the known consignor security program for the known consignor:
  (a) approve the request; or
  (b) refuse the request.

Matters to be taken into account

(2) In making a decision on the request, the Secretary must take into account the following:
  (a) whether the known consignor's security program, as proposed to be varied, addresses the requirements set out in subregulation 4.41Z(2);
  (b) existing circumstances as they relate to aviation security;
  (c) the current use of the known consignor security program (if any) by a business of the kind carried on by the known consignor;
  (d) the efficient administration of the known consignor scheme;
  (e) any other matter the Secretary considers relevant.

Notice of decision

(3) The Secretary must:
  (a) notify the known consignor, in writing, of the decision; and
  (b) do so within 14 days of making the decision.

(4) If the decision is to refuse the request, the notice must include the reasons for the decision.

Approved requests

(5) If the Secretary approves the request, the Secretary must:
  (a) incorporate the variation into the security program; and
  (b) provide the varied security program to the known consignor with the notice under subregulation (3); and
  (c) specify in the notice the day on which the varied security program comes into force (which must not be earlier than the day of the notice).

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Note: The variation does not affect the period for which the security program is in force—see regulation 4.41ZA.

Deemed refusal of request

(6) If the Secretary does not make a decision under subregulation (1) within 90 days of the request being made, the Secretary is taken to have refused the request at the end of the 90 day period.

(7) Paragraph (3)(a) does not apply to a decision that is taken to have been made because of subregulation (6).

4.41ZG Offence—failure to comply with known consignor security program

A known consignor commits an offence of strict liability if:

(a) there is a known consignor security program in force for the known consignor; and

(b) the known consignor fails to comply with the security program.

Penalty: 100 penalty units.

4.41ZH Offence—disclosing known consignor security program information without consent

A person commits an offence if:

(a) the person discloses information; and

(b) the information is about the content of a known consignor security program for a known consignor; and

(c) the person does not have the consent of the known consignor to disclose the information.

Penalty: 50 penalty units.

Subdivision 4.1A.2—Designating regulated air cargo agents

4.42 Regulated air cargo agents

For the purposes of paragraph 44C(2)(i) of the Act, a person is a RACA if the person:

(a) carries on a business that includes:

(i) the handling, or making arrangements for transport, of cargo to be carried on a prescribed aircraft; and

(ii) the examination, in accordance with an examination notice given to the person, of cargo to be carried on a prescribed aircraft; and

(b) is designated as a RACA under regulation 4.43A.

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4.43 Applying for designation as a RACA

(1) A person may apply, in writing, to the Secretary to be designated as a RACA if the person intends to carry on a business that includes:

. (a) the handling, or making arrangements for transport, of cargo to be carried on a prescribed aircraft; and

(b) the examination, in accordance with an examination notice, of cargo to be carried on a prescribed aircraft.

(2) The application must:

(a) be in the form approved, in writing, by the Secretary; and

(b) include the information required by the form.

Further information

(3) The Secretary may request, in writing, that the applicant provide:

(a) further information in relation to the application; or

(b) access for inspection of one or more of the applicant's sites to gather further information in relation to the application.

(4) The notice must specify the period within which the further information or access is to be provided.

(5) An inspection under paragraph (3)(b) may be conducted by any of the following:

(a) an APS employee;

(b) a person who is engaged as a consultant or contractor to perform services for the Department;

(c) a law enforcement officer.

(6) The Secretary may refuse to consider the application until the applicant provides the further information or access.

4.43A Decision on application

(1) The Secretary may, in relation to an application made by an applicant under regulation 4.43:

(a) designate the applicant as a RACA; or

(b) refuse to designate the applicant as a RACA.

Matters to be taken into account

(2) In making a decision on the application, the Secretary may take into account:

(a) any further information provided by the applicant under paragraph 4.43(3)(a); and

(b) any further information obtained as a result of any inspections carried out under paragraph 4.43(3)(b); and

(c) any other information the Secretary considers relevant.

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Notice of decision

(3) The Secretary must:
  (a) notify the applicant, in writing, of the decision; and
  (b) do so within 90 days of the application being made.

Note: If the Secretary designates the applicant as a RACA:
  (a) the notice must include the duration of the designation—see regulation 4.43B; and
  (b) the Secretary must also provide the applicant with a RACA security program—see regulation 4.46.

(4) If the decision is to refuse the application, the notice must include the reasons for the decision.

Deemed refusal of application

(5) If the Secretary does not make a decision under subregulation (1) within 90 days of the application being made the Secretary is taken to have refused to designate the applicant as a RACA at the end of that period.

(6) Paragraph (3)(a) does not apply to a decision that is taken to have been made because of subregulation (5).

Stopping the clock

(7) If the Secretary has requested:
  (a) further information under paragraph 4.43(3)(a); or
  (b) access for inspection of one or more of the applicant's sites under paragraph 4.43(3)(b);

then, for the purposes of paragraph (3)(b) of this regulation and subregulation (5) of this regulation, the 90 day period is extended, for each request made under subregulation 4.43(3), by the number of days falling within the period:
  (c) starting on the day on which the notice was given; and
  (d) ending on:
    (i) the day on which the information requested in the notice was received by the Secretary, or the inspection was conducted; or
    (ii) if the information or access was not provided within the period specified in the notice—the last day of that period.

4.43B Duration of designation

(1) A RACA's designation as a RACA commences on the day specified in the notice under subregulation 4.43A(3).

(2) The day specified in the notice must not be earlier than:
  (a) the day the notice is given; or
  (b) if the applicant is not already carrying on a business that includes the handling, or making arrangements for the transport, of cargo—the day on which the applicant commences carrying on such a business.

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(3) The designation continues in force until the earlier of:
  (a) the end of the period specified in the notice; or
  (b) if the designation is revoked under regulation 4.44, 4.44A, 4.44B or 4.44C—the day the designation is revoked.

Note: If a RACA applies for the RACA's designation to be renewed before the end of the period mentioned in paragraph (a), the designation continues in force until a decision is made on the renewal application—see regulation 4.43F.

(4) The period specified in the notice must be at least 12 months, but not more than 5 years, after the day on which the designation commences.

4.43C Action by Secretary in relation to designation

(1) If there is a change to a RACA's operations resulting in the RACA no longer carrying on business in accordance with the requirements of the RACA's security program, the Secretary may issue a notice, in writing, to the RACA in accordance with subregulation (2).

(2) The notice may propose one or more of the following actions:
  (a) that the RACA agree to restrict the RACA's activities to those that are in accordance with the RACA's security program;
  (b) that the RACA agree to the Secretary imposing a condition on the RACA's designation as a RACA relating to activities that are not in accordance with the RACA's security program;
  (c) that the RACA agree to comply with a different RACA security program;
  (d) that the RACA's designation as a RACA be revoked.

(3) The RACA must:
  (a) notify the Secretary, in writing, of which, if any, of the actions proposed in the notice the RACA will accept; and
  (b) do so within 14 days of receiving the notice.

Note: The Secretary may revoke the RACA's designation as a RACA if the RACA does not accept a proposed action, or if the RACA accepts a proposed action but does not complete the action—see regulation 4.44B.

(4) If:
  (a) the notice proposes that the RACA's designation as a RACA be revoked in accordance with paragraph (2)(d); and
  (b) the RACA accepts the proposed action;

the RACA is taken to have requested the Secretary to revoke the RACA's designation under regulation 4.44.

4.43D Application for designation to be renewed

(1) A RACA may apply, in writing, to the Secretary for the RACA's designation as a RACA to be renewed.

(2) The application may only be made within the last 12 months of the period for which the RACA's designation is in force.

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(3) The application must:
  (a) be in the form approved, in writing, by the Secretary; and
  (b) include the information required by the form.

Further information

(4) The Secretary may request, in writing, that the RACA provide:
  (a) further information in relation to the application; or
  (b) access for inspection of one or more of the RACA's sites to gather further information in relation to the application.

(5) The notice must specify the period within which the further information or access is to be provided.

(6) An inspection under paragraph (4)(b) may be conducted by any of the following:
  (a) an APS employee;
  (b) a person who is engaged as a consultant or contractor to perform services for the Department;
  (c) a law enforcement officer.

(7) The Secretary may refuse to consider the application until the RACA provides the further information or access.

4.43E Decision on renewal of designation application

(1) The Secretary may, in relation to an application made by a RACA under regulation 4.43D:
  (a) renew the RACA's designation as a RACA; or
  (b) refuse to renew the RACA's designation as a RACA.

Matters to be taken into account

(2) In making a decision on the application, the Secretary may take into account:
  (a) any further information provided by the RACA under paragraph 4.43D(4)(a); and
  (b) any further information obtained as a result of any inspections carried out under paragraph 4.43D(4)(b); and
  (c) any other information the Secretary considers relevant.

Notice of decision

(3) The Secretary must:
  (a) notify the RACA, in writing, of the decision; and
  (b) do so within 90 days of the application being made.

Note: If the Secretary renews the RACA's designation as a RACA, the notice must include the duration of the renewed designation—see regulation 4.43G.

(4) If the decision is to refuse the application, the notice must include the reasons for the decision.

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Deemed refusal of application

(5) If the Secretary does not make a decision under subregulation (1) within 90 days of the application being made the Secretary is taken to have refused to renew the RACA's designation as a RACA at the end of that period.

(6) Paragraph (3)(a) does not apply to a decision that is taken to have been made because of subregulation (5).

Stopping the clock

(7) If the Secretary has requested:
  (a) further information under paragraph 4.43D(4)(a); or
  (b) access for inspection of one or more of the RACA's sites under paragraph 4.43D(4)(b);

then, for the purposes of paragraph (3)(b) of this regulation and subregulation (5) of this regulation, the 90 day period is extended, for each request made under subregulation 4.43D(4), by the number of days falling within the period:
  (c) starting on the day on which the notice was given; and
  (d) ending on:
    (i) the day on which the information requested in the notice was received by the Secretary, or the inspection was conducted; or
    (ii) if the information or access was not provided within the period specified in the notice—the last day of that period.

4.43F Designation continues until decision on renewal application

If:
  (a) a RACA makes an application for renewal of the RACA's designation as a RACA under regulation 4.43D; and
  (b) the Secretary has not made a decision on the application before the RACA's designation is due to cease to be in force;

the RACA's designation is taken to continue until:
  (c) if the Secretary renews the RACA's designation as a RACA—the day specified in the notice under subregulation 4.43E(3) as the day on which the renewed designation commences; or
  (d) if the Secretary refuses to renew the RACA's designation as a RACA—the day the Secretary makes the decision to refuse the application.

4.43G Duration of renewed designation

(1) A RACA's renewed designation as a RACA commences on the day specified in the notice under subregulation 4.43E(3) (which must not be earlier than the day the notice is given).

(2) The renewed designation continues in force until the earlier of:
  (a) the end of the period specified in the notice; or

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(b) if the renewed designation is revoked under regulation 4.44, 4.44A, 4.44B or 4.44C—the day the renewed designation is revoked.

(3) The period specified in the notice must be at least 12 months, but not more than 5 years, after the day on which the renewed designation commences.

4.44 Revocation of RACA designation on request

Revocation on request

(1) The Secretary must revoke the designation of a person as a RACA if the person requests, in writing, the Secretary to revoke the designation.

When revocation has effect

(2) The revocation has effect on:
(a) the day nominated in the request (which must not be a day before the request is made); or
(b) if no such day is specified in the request—the day the Secretary receives the request.

4.44A Revocation of RACA designation to safeguard against unlawful interference with aviation

Revocation to safeguard against unlawful interference with aviation

(1) The Secretary may, at any time by notice in writing, revoke the designation of a person as a RACA if the Secretary is satisfied on reasonable grounds that revoking the designation is in the interests of safeguarding against unlawful interference with aviation.

(2) The notice must include the reasons for the revocation.

When revocation has effect

(3) The revocation has effect on the day the Secretary gives the person the notice.

4.44B Revocation of RACA designation on other grounds

Revocation on other grounds

(1) The Secretary may revoke the designation of a person as a RACA if:
(a) any information given in the RACA's application under regulation 4.43 is false or misleading in a material particular; or
(b) if the RACA's site has been inspected in accordance with paragraph 4.43(3)(b) or 4.43D(4)(b)—any information given during the inspection is false or misleading in a material particular; or
(c) the RACA has not accepted an action proposed in a notice issued under regulation 4.43C; or

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(d) the RACA has accepted an action proposed in a notice issued under regulation 4.43C but the RACA has not restricted the RACA's activities, or has not complied with a condition imposed, in accordance with the notice; or

(e) if an application has been made for renewal of the RACA's designation—any information given in the RACA's application under regulation 4.43D is false or misleading in a material particular; or

(f) the RACA's business no longer includes:

(i) the handling, or making arrangements for transport, of cargo to be carried on a prescribed aircraft; or

(ii) examining cargo, in accordance with an examination notice given to the RACA, that is to be carried on a prescribed aircraft; or

(g) the RACA has failed to comply with the RACA security program for the RACA; or

(h) the RACA has failed to comply with a direction to vary the RACA's security program under regulation 4.46D; or

(i) the RACA has failed to comply with a special security direction under section 73 of the Act.

Notice of proposed revocation

(2) Before deciding to revoke a RACA's designation under subregulation (1), the Secretary must:

(a) notify the RACA, in writing, of:

(i) the proposed revocation; and

(ii) the reasons for the proposed revocation; and

(b) invite the RACA to:

(i) make a submission as to why the RACA's designation should not be revoked; and

(ii) do so within the period specified in the notice.

(3) The period specified in the notice must be at least 14 days commencing on the day the notice is given (the ***response period***).

Decision on revocation

(4) In deciding whether to revoke the RACA's designation under subregulation (1), the Secretary must consider any submissions made within the response period.

(5) The Secretary must:

(a) notify the RACA, in writing, of the decision; and

(b) do so within 28 days after the end of the response period.

(6) If the decision is to revoke the RACA's designation, the notice must include the reasons for the decision.

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Deemed decision to revoke

(7) If the notice is not given within 28 days after the end of the response period, the Secretary is taken to have decided to revoke the RACA's designation at the end of that period.

(8) Paragraph (5)(a) does not apply to a decision that is taken to have been made because of subregulation (7).

When revocation has effect

(9) If no submissions were made within the response period, the revocation has effect on the day after the last day of the response period.

(10) If submissions were made within the response period, the revocation has effect on:
  (a) if the RACA was given a notice under subregulation (5)—the day after the RACA was given the notice; or
  (b) if the RACA was not given a notice under subregulation (5)—the day after the Secretary is taken, under subregulation (7), to have decided to revoke the RACA's designation.

4.44C Automatic revocation if RACA accredited as AACA

Automatic revocation if accredited as AACA

(1) The designation of a person as a RACA is automatically revoked if the person is subsequently accredited as an AACA.

When revocation has effect

(2) The revocation has effect on the day the person is accredited as an AACA.

4.45 Secretary's list of regulated air cargo agents

(1) The Secretary must keep a list of persons designated as RACAs.

(2) The Secretary may publish the list.

Subdivision 4.1A.2A—RACA security programs

4.46 Secretary must provide RACA with security program

Security program for persons designated as RACAs

(1) If the Secretary designates a person as a RACA under regulation 4.43A, the Secretary must:
  (a) provide the person with a RACA security program that:
    (i) is appropriate for the kind of business that is carried on by the RACA; and

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(ii) addresses the requirements set out in subregulation (2); and

(b) do so at the same time as the notice of the designation is given under subregulation 4.43A(3).

(2) The RACA security program must set out the following requirements:

(a) measures and procedures to ensure security of the RACA's facilities;

(b) measures and procedures to ensure security of the RACA's personnel;

(c) training requirements and procedures for the RACA's personnel;

(d) measures and procedures for clearing cargo;

(e) measures and procedures to ensure the chain of custody for cargo;

(f) measures and procedures for handling high risk cargo;

(fa) if the RACA controls an access control point into a security restricted area at a designated airport—the requirements mentioned in subregulation (2A);

(g) in any case—measures and procedures for oversight of the operation of the measures, procedures and requirements for paragraphs (a) to (f), including quality assurance and incident response.

Note: The points of entry into a security restricted area at a designated airport that are access control points are set out in the airport operator's TSP: see the definition of ***access control point*** in regulation 1.03.

(2A) For the purposes of paragraph (2)(fa), the requirements are as follows:

(a) the location of each access control point, controlled by the RACA, into the security restricted area;

(b) procedures to confirm the following:

(i) the identity of persons entering the security restricted area through access control points controlled by the RACA;

(ii) that persons, vehicles and things entering the security restricted area through access control points controlled by the RACA are authorised to do so;

(c) procedures to confirm that each person who enters the security restricted area through an access control point controlled by the RACA and who is required by Subdivision 3.2.1 to properly display an ASIC in the security restricted area:

(i) holds a valid red ASIC; or

(ii) holds a valid VIC, a valid TAC or a valid grey ASIC and is supervised by someone who is authorised to enter the security restricted area and holds a valid red ASIC;

(d) if checks are to be performed to confirm the matters mentioned in paragraphs (b) and (c) at a place in the vicinity of an access control point controlled by the RACA—the location of that place.

Security programs for RACAs whose designation is renewed

(3) The Secretary may provide a RACA whose designation as a RACA is renewed under regulation 4.43E with a RACA security program that:

(a) is appropriate for the kind of business that is carried on by the RACA; and

(b) addresses the requirements set out in subregulation (2).

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(4) However, if:
  (a) a RACA's designation is renewed under regulation 4.43E; and
  (b) immediately before the RACA's designation was renewed there was a RACA security program in force for the RACA (the ***original security program***); and
  (c) the Secretary does not provide the RACA with a RACA security program under subregulation (3);

the original security program continues in force for the RACA.

4.46A When a RACA security program is in force

When a RACA security program comes into force

(1) A RACA security program for a RACA comes into force at the time specified in the security program.

(2) However, if:
  (a) the time specified in the security program is earlier than the time at which the security program was given to the RACA; or
  (b) no time is specified in the security program as the time when the security program comes into force;

the security program comes into force when the security program is given to the RACA.

RACA security program remains in force for duration of designation

(3) The security program for the RACA remains in force for so long as the RACA is designated as a RACA.

4.46B Secretary may vary RACA security program

(1) If:
  (a) a RACA security program is in force for a RACA; and
  (b) either:
    (i) the Secretary is no longer satisfied that the security program adequately addresses the requirements set out in subregulation 4.46(2); or
    (ii) the Secretary is satisfied on reasonable grounds that varying the security program is in the interests of safeguarding against unlawful interference with aviation;

the Secretary:
  (c) may vary the security program; and
  (d) must provide a copy of the varied security program to the RACA.

Note: The Secretary may also direct the RACA to vary the security program, or the RACA may request the Secretary to vary the security program—see regulations 4.46D and 4.46E.

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(2) However, the Secretary must not vary the security program under subregulation (1) unless the Secretary is satisfied that the security program, as varied, would adequately address the requirements set out in subregulation 4.46(2).

(3) The RACA must, within 14 days of receiving the varied security program (the ***response period***):

(a) notify the Secretary, in writing, that the RACA accepts the varied security program; or

(b) request the Secretary, in writing, to amend the varied security program; or

(c) both:

(i) notify the Secretary, in writing, that the RACA rejects the varied security program; and

(ii) request the Secretary to revoke, under regulation 4.44, the RACA's designation as a RACA.

(4) If, within the response period, the RACA notifies the Secretary that the RACA accepts the varied security program, the varied security program comes into force 14 days after the day the RACA notifies the Secretary of the acceptance.

Note: The variation does not affect the period for which the security program is in force—see regulation 4.46A.

(5) If, within the response period, the RACA requests the Secretary to amend the varied security program, the RACA must give the Secretary:

(a) written details of the proposed amendment; and

(b) written reasons why the proposed amendment is being requested.

(6) If, within the response period, the RACA does not take any of the actions mentioned in subregulation (3), the varied security program comes into force 14 days after the end of the response period.

Note: The variation does not affect the period for which the security program is in force—see regulation 4.46A.

4.46C Consideration of request to amend RACA security program as varied by the Secretary

(1) The Secretary may, in relation to a request made by a RACA, under paragraph 4.46B(3)(b), to amend a varied RACA security program:

(a) approve the request; or

(b) refuse the request.

Matters to be taken into account

(2) In making a decision on the request, the Secretary must take into account the following:

(a) whether the varied RACA security program, as proposed to be amended, addresses the requirements set out in subregulation 4.46(2);

(b) existing circumstances as they relate to aviation security;

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(c) the current use of the varied RACA security program (if any) by a business of the kind carried on by the RACA;
(d) the efficient administration of the RACA scheme;
(e) any other matter the Secretary considers relevant.

Notice of decision

(3) The Secretary must:
(a) notify the RACA, in writing, of the decision; and
(b) do so within 14 days of making the decision.

(4) If the decision is to refuse the request, the notice must include the reasons for the decision.

Approved requests

(5) If the Secretary approves the request, the Secretary must:
(a) incorporate the amendment into the varied security program; and
(b) provide the varied security program, as amended, to the RACA with the notice under subregulation (3); and
(c) specify in the notice the day on which the varied security program, as amended, comes into force (which must not be earlier than the day of the notice).

Note: The variation does not affect the period for which the security program is in force—see regulation 4.46A.

Refused requests

(6) If the Secretary refuses the request, the varied security program comes into force on the day specified in the notice under subregulation (3) (which must not be earlier than the day of the notice).

Note: The variation does not affect the period for which the security program is in force—see regulation 4.46A.

Deemed refusal of request

(7) If the Secretary does not make a decision under subregulation (1) within 90 days of the request being made:
(a) the Secretary is taken to have refused the request; and
(b) the varied security program comes into force at the end of the 90 day period.

Note: The variation does not affect the period for which the security program is in force—see regulation 4.46A.

(8) Paragraph (3)(a) does not apply to a decision that is taken to have been made because of subregulation (7).

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4.46D Secretary may direct RACAs to vary security programs

(1) If:

(a) a RACA security program is in force for a RACA; and

(b) either:

(i) the Secretary is no longer satisfied that the security program adequately addresses the requirements set out in subregulation 4.46(2); or

(ii) the Secretary is satisfied on reasonable grounds that varying the security program is in the interests of safeguarding against unlawful interference with aviation;

the Secretary may, by written notice given to the RACA, direct the RACA to vary the security program.

Note: The Secretary may also vary the security program himself or herself, or the RACA may request the Secretary to vary the security program—see regulations 4.46B and 4.46E.

(2) However, the Secretary must not give a direction under subregulation (1) unless the Secretary is satisfied that the security program, as varied, would adequately address the requirements set out in subregulation 4.46(2).

(3) In the notice, the Secretary must:

(a) set out the variation; and

(b) specify the period within which the RACA must give the Secretary the security program as varied.

(4) If the RACA gives the Secretary the security program:

(a) varied in accordance with the direction; and

(b) within the specified period, or within any further period allowed by the Secretary;

the Secretary must, by written notice given to the RACA, approve the variation. The variation comes into force when the notice is given.

Note 1: As the security program is not replaced, the variation does not affect the period for which the security program is in force. Regulation 4.46A deals with the period for which a RACA security program is in force.

Note 2: If the RACA does not vary the security program in accordance with the notice the RACA's designation as a RACA may be revoked—see regulation 4.44B.

4.46E RACA may request Secretary to vary RACA security program

(1) A RACA may request the Secretary to vary the RACA security program for the RACA.

(2) The request must:

(a) be in writing; and

(b) provide details of the proposed variation; and

(c) include reasons why the proposed variation is being requested.

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4.46F Consideration of request to vary RACA security program

(1) The Secretary may, in relation to a request made by a RACA, under subregulation 4.46E(1), to vary the RACA security program for the RACA:
  (a) approve the request; or
  (b) refuse the request.

Matters to be taken into account

(2) In making a decision on the request, the Secretary must take into account the following:
  (a) whether the RACA's security program, as proposed to be varied, addresses the requirements set out in subregulation 4.46(2);
  (b) existing circumstances as they relate to aviation security;
  (c) the current use of the RACA security program (if any) by a business of the kind carried on by the RACA;
  (d) the efficient administration of the RACA scheme;
  (e) any other matter the Secretary considers relevant.

Notice of decision

(3) The Secretary must:
  (a) notify the RACA, in writing, of the decision; and
  (b) do so within 14 days of making the decision.

(4) If the decision is to refuse the request, the notice must include the reasons for the decision.

Approved requests

(5) If the Secretary approves the request, the Secretary must:
  (a) incorporate the variation into the security program; and
  (b) provide the varied security program to the RACA with the notice under subregulation (3); and
  (c) specify in the notice the day on which the varied security program comes into force (which must not be earlier than the day of the notice).

Note: The variation does not affect the period for which the security program is in force—see regulation 4.46A.

Deemed refusal of request

(6) If the Secretary does not make a decision under subregulation (1) within 90 days of the request being made, the Secretary is taken to have refused the request at the end of the 90 day period.

(7) Paragraph (3)(a) does not apply to a decision that is taken to have been made because of subregulation (6).

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4.46G Offence—failure to comply with RACA security program

A RACA commits an offence of strict liability if:

(a) there is a RACA security program in force for the RACA; and

(b) the RACA fails to comply with the security program.

Penalty: 100 penalty units.

4.46H Offence—disclosing RACA security program information without consent

A person commits an offence if:

(a) the person discloses information; and

(b) the information is about the content of a RACA security program for a RACA; and

(c) the person does not have the consent of the RACA to disclose the information.

Penalty: 50 penalty units.

Subdivision 4.1A.3—Accrediting accredited air cargo agents

4.47 Accredited air cargo agents

For paragraph 44C(2)(j) of the Act, a person is an AACA if:

(a) the person carries on a business that includes the handling, or making arrangements for the transport, of cargo; and

(b) the person is accredited by the Secretary as an AACA under this Subdivision.

4.48 Applying for accreditation as an AACA

(1) A person may apply, in writing, to the Secretary to be accredited as an AACA if the person:

(a) carries on a business that includes the handling, or making arrangements for the transport, of cargo; or

(b) intends to carry on such a business.

(2) The application must:

(a) be in the form approved, in writing, by the Secretary; and

(b) include the information required by the form.

Further information

(3) The Secretary may request, in writing, that the applicant provide:

(a) further information in relation to the application; or

(b) access for inspection of one or more of the applicant's sites to gather further information in relation to the application.

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(4) The notice must specify the period within which the further information or access is to be provided.

(5) An inspection under paragraph (3)(b) may be conducted by any of the following:
  (a) an APS employee;
  (b) a person who is engaged as a consultant or contractor to perform services for the Department;
  (c) a law enforcement officer.

(6) The Secretary may refuse to consider the application until the applicant provides the further information or access.

4.49 Decision on application

(1) The Secretary may, in relation to an application made by an applicant under regulation 4.48:
  (a) accredit the applicant as an AACA; or
  (b) refuse to accredit the applicant as an AACA.

Matters to be taken into account

(2) In making a decision on the application, the Secretary may take into account:
  (a) any further information provided by the applicant under paragraph 4.48(3)(a); and
  (b) any further information obtained as a result of any inspections carried out under paragraph 4.48(3)(b); and
  (c) any other information the Secretary considers relevant.

Notice of decision

(3) The Secretary must:
  (a) notify the applicant, in writing, of the decision; and
  (b) do so within 90 days of the application being made.

Note: If the Secretary accredits the applicant as an AACA:
  (a) the notice must include the duration of the accreditation—see regulation 4.50; and
  (b) the Secretary must also provide the AACA with an AACA security program—see regulation 4.51F.

(4) If the decision is to refuse the application, the notice must include the reasons for the decision.

Deemed refusal of application

(5) If the Secretary does not make a decision under subregulation (1) within 90 days of the application being made the Secretary is taken to have refused to accredit the applicant as an AACA at the end of that period.

(6) Paragraph (3)(a) does not apply to a decision that is taken to have been made because of subregulation (5).

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Stopping the clock

(7) If the Secretary has requested:

(a) further information under paragraph 4.48(3)(a); or

(b) access for inspection of one or more of the applicant's sites under paragraph 4.48(3)(b);

then, for the purposes of paragraph (3)(b) of this regulation and subregulation (5) of this regulation, the 90 day period is extended, for each request made under subregulation 4.48(3), by the number of days falling within the period:

(c) starting on the day on which the notice was given; and

(d) ending on:

(i) the day on which the information requested in the notice was received by the Secretary, or the inspection was conducted; or

(ii) if the information or access was not provided within the period specified in the notice—the last day of that period.

4.50 Duration of accreditation

(1) An AACA's accreditation as an AACA commences on the day specified in the notice under subregulation 4.49(3).

(2) The day specified in the notice must not be earlier than:

(a) the day the notice is given; or

(b) if the applicant is not already carrying on a business that includes the handling, or making arrangements for the transport, of cargo—the day on which the applicant commences carrying on such a business.

(3) The accreditation continues in force until the earlier of:

(a) the end of the period specified in the notice; or

(b) if the accreditation is revoked under regulation 4.51D, 4.51DA, 4.51DB or 4.51DC—the day the accreditation is revoked.

Note: If an AACA applies for the AACA's accreditation to be renewed before the end of the period mentioned in paragraph (a), the accreditation continues in force until a decision is made on the renewal application—see regulation 4.51C.

(4) The period specified in the notice must be at least 12 months, but not more than 5 years, after the day on which the accreditation commences.

4.51 Action by Secretary in relation to accreditation

(1) If there is a change to an AACA's operations resulting in the AACA no longer carrying on business in accordance with the requirements of the AACA's security program, the Secretary may issue a notice, in writing, to the AACA in accordance with subregulation (2).

(2) The notice may propose one or more of the following actions:

(a) that the AACA agree to restrict the AACA's activities to those that are in accordance with the AACA's security program;

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(b) that the AACA agree to the Secretary imposing a condition on the AACA's accreditation as an AACA relating to activities that are not in accordance with the AACA's security program;
(c) that the AACA agree to comply with a different AACA security program;
(d) that the AACA's accreditation as an AACA be revoked.

Note: The Secretary may revoke the AACA's accreditation as an AACA if the AACA does not accept a proposed action, or if the AACA accepts a proposed action but does not complete the action—see regulation 4.51DB.

(3) The AACA must:
(a) notify the Secretary, in writing, of which, if any, of the actions proposed in the notice the AACA will accept; and
(b) do so within 14 days of receiving the notice.

(4) If:
(a) the notice proposes that the AACA's accreditation as an AACA be revoked in accordance with paragraph (2)(d); and
(b) the AACA accepts the proposed action;
the AACA is taken to have requested the Secretary to revoke the AACA's accreditation under regulation 4.51D.

4.51A Application for accreditation to be renewed

(1) An AACA may apply, in writing, to the Secretary for the AACA's accreditation as an AACA to be renewed.

(2) The application may only be made within the last 12 months of the period for which the AACA's accreditation is in force.

(3) The application must:
(a) be in the form approved, in writing, by the Secretary; and
(b) include the information required by the form.

Further information

(4) The Secretary may request, in writing, that the AACA provide:
(a) further information in relation to the application; or
(b) access for inspection of one or more of the AACA's sites to gather further information in relation to the application.

(5) The notice must specify the period within which the further information or access is to be provided.

(6) An inspection under paragraph (4)(b) may be conducted by any of the following:
(a) an APS employee;
(b) a person who is engaged as a consultant or contractor to perform services for the Department;
(c) a law enforcement officer.

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(7) The Secretary may refuse to consider the application until the AACA provides the further information or access.

4.51B Decision on renewal of accreditation application

(1) The Secretary may, in relation to an application made by an AACA under regulation 4.51A:
  (a) renew the AACA's accreditation as an AACA; or
  (b) refuse to renew the AACA's accreditation as an AACA.

Matters to be taken into account

(2) In making a decision on the application, the Secretary may take into account:
  (a) any further information provided by the AACA under paragraph 4.51A(4)(a); and
  (b) any further information obtained as a result of any inspections carried out under paragraph 4.51A(4)(b); and
  (c) any other information the Secretary considers relevant.

Notice of decision

(3) The Secretary must:
  (a) notify the AACA, in writing, of the decision; and
  (b) do so within 90 days of the application being made.

Note: If the Secretary renews the AACA's accreditation as an AACA, the notice must include the duration of the renewed accreditation—see regulation 4.51CA.

(4) If the decision is to refuse the application, the notice must include the reasons for the decision.

Deemed refusal of application

(5) If the Secretary does not make a decision under subregulation (1) within 90 days of the application being made the Secretary is taken to have refused to renew the AACA's accreditation as an AACA at the end of that period.

(6) Paragraph (3)(a) does not apply to a decision that is taken to have been made because of subregulation (5).

Stopping the clock

(7) If the Secretary has requested:
  (a) further information under paragraph 4.51A(4)(a); or
  (b) access for inspection of one or more of the AACA's sites under paragraph 4.51A(4)(b);

then, for the purposes of paragraph (3)(b) of this regulation and subregulation (5) of this regulation, the 90 day period is extended, for each request made under subregulation 4.51A(4), by the number of days falling within the period:
  (c) starting on the day on which the notice was given; and

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(d) ending on:
(i) the day on which the information requested in the notice was received by the Secretary, or the inspection was conducted; or
(ii) if the information or access was not provided within the period specified in the notice—the last day of that period.

4.51C Accreditation continues until decision on renewal application

If:
(a) an AACA makes an application for renewal of the AACA's accreditation as an AACA under regulation 4.51A; and
(b) the Secretary has not made a decision on the application before the AACA's accreditation is due to cease to be in force;

the AACA's accreditation is taken to continue until:
(c) if the Secretary renews the AACA's accreditation as an AACA—the day specified in the notice under subregulation 4.51B(3) as the day on which the renewed accreditation commences; or
(d) if the Secretary refuses to renew the AACA's accreditation as an AACA—the day the Secretary makes the decision to refuse the application.

4.51CA Duration of renewed accreditation

(1) An AACA's renewed accreditation as an AACA commences on the day specified in the notice under subregulation 4.51B(3) (which must not be earlier than the day the notice is given).

(2) The renewed accreditation continues in force until the earlier of:
(a) the end of the period specified in the notice; or
(b) if the renewed accreditation is revoked under regulation 4.51D, 4.51DA, 4.51DB or 4.51DC—the day the renewed accreditation is revoked.

(3) The period specified in the notice must be at least 12 months, but not more than 5 years, after the day on which the renewed accreditation commences.

4.51D Revocation of AACA accreditation on request

Revocation on request

(1) The Secretary must revoke the accreditation of a person as an AACA if the person requests, in writing, the Secretary to revoke the accreditation.

When revocation has effect

(2) The revocation has effect on:
(a) the day nominated in the request (which must not be a day before the request is made); or
(b) if no such day is specified in the request—the day the Secretary receives the request.

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4.51DA Revocation of AACA accreditation to safeguard against unlawful interference with aviation

Revocation to safeguard against unlawful interference with aviation

(1) The Secretary may, at any time by notice in writing, revoke the accreditation of a person as an AACA if the Secretary is satisfied on reasonable grounds that revoking the accreditation is in the interests of safeguarding against unlawful interference with aviation.

(2) The notice must include the reasons for the revocation.

When revocation has effect

(3) The revocation has effect on the day the Secretary gives the person the notice.

4.51DB Revocation of AACA accreditation on other grounds

Revocation on other grounds

(1) The Secretary may revoke the accreditation of person as an AACA if:
- (a) any information given in the AACA's application under regulation 4.48 is false or misleading in a material particular; or
- (b) if the AACA's site has been inspected in accordance with paragraph 4.48(3)(b) or 4.51A(4)(b)—any information given during the inspection is false or misleading in a material particular; or
- (c) the AACA has not accepted an action proposed in a notice issued under regulation 4.51; or
- (d) the AACA has accepted an action proposed in a notice issued under regulation 4.51 but the AACA has not restricted the AACA's activities, or has not complied with a condition imposed, in accordance with the notice; or
- (e) if an application has been made for renewal of the AACA's accreditation—any information given in the AACA's application under regulation 4.51A is false or misleading in a material particular; or
- (f) the AACA's business no longer includes the handling, or making arrangements for the transport, of cargo; or
- (g) the AACA has failed to comply with the AACA security program for the AACA; or
- (h) the AACA has failed to comply with a direction to vary the AACA's security program under regulation 4.51FD; or
- (i) the AACA has failed to comply with a special security direction under section 73 of the Act.

Notice of proposed revocation

(2) Before deciding to revoke an AACA's accreditation under subregulation (1), the Secretary must:
- (a) notify the AACA, in writing, of:

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(i) the proposed revocation; and
(ii) the reasons for the proposed revocation; and

(b) invite the AACA to:
(i) make a submission as to why the AACA's accreditation should not be revoked; and
(ii) do so within the period specified in the notice.

(3) The period specified in the notice must be at least 14 days commencing on the day the notice is given (the ***response period***).

Decision on revocation

(4) In deciding whether to revoke the AACA's accreditation under subregulation (1), the Secretary must consider any submissions made within the response period.

(5) The Secretary must:
(a) notify the AACA, in writing, of the decision; and
(b) do so within 28 days after the end of the response period.

(6) If the decision is to revoke the AACA's accreditation, the notice must include the reasons for the decision.

Deemed decision to revoke

(7) If the notice is not given within 28 days after the end of the response period, the Secretary is taken to have decided to revoke the AACA's accreditation at the end of that period.

(8) Paragraph (5)(a) does not apply to a decision that is taken to have been made because of subregulation (7).

When revocation has effect

(9) If no submissions were made within the response period, the revocation has effect on the day after the last day of the response period.

(10) If submissions were made within the response period, the revocation has effect on:
(a) if the AACA was given a notice under subregulation (5)—the day after the AACA was given the notice; or
(b) if the AACA was not given a notice under subregulation (5)—the day after the Secretary is taken, under subregulation (7), to have decided to revoke the AACA's accreditation.

4.51DC Automatic revocation if AACA designated as a RACA

Automatic revocation if designated as a RACA

(1) The accreditation of a person as an AACA is automatically revoked if the person is subsequently designated as a RACA.

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When revocation has effect

(2) The revocation has effect on the day the person is designated as a RACA.

4.51E Secretary's list of AACAs

(1) The Secretary must keep a list of persons accredited as AACAs.

(2) The Secretary may publish the list.

Subdivision 4.1A.4—AACA security programs

4.51F Secretary must provide AACA with security program

Security program for persons accredited as AACAs

(1) If the Secretary accredits a person as an AACA under regulation 4.49, the Secretary must:
  (a) provide the person with an AACA security program that is appropriate for the kind of business that is carried on by the AACA; and
  (b) do so at the same time as the notice of the accreditation is given under subregulation 4.49(3).

(2) Without limiting subregulation (1), the AACA security program may set out requirements in relation to the following:
  (a) measures and procedures to ensure security of the AACA's facilities;
  (b) measures and procedures to ensure security of the AACA's personnel;
  (c) training requirements and procedures for the AACA's personnel;
  (d) measures and procedures for handling cleared cargo;
  (e) measures and procedures to ensure the chain of custody for cargo;
  (f) measures and procedures for handling high risk cargo;
  (g) measures and procedures for oversight of the operation of the measures, procedures and requirements for paragraphs (a) to (f), including quality assurance and incident response.

Security programs for AACAs whose accreditation is renewed

(3) The Secretary may provide an AACA whose accreditation as an AACA is renewed under regulation 4.51B with an AACA security program that is appropriate for the kind of business that is carried on by the AACA.

(4) However, if:
  (a) an AACA's accreditation is renewed under regulation 4.51B; and
  (b) immediately before the AACA's accreditation was renewed there was an AACA security program in force for the AACA (the ***original security program***); and
  (c) the Secretary does not provide the AACA with an AACA security program under subregulation (3);

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the original security program continues in force for the AACA.

4.51FA When an AACA security program is in force

When an AACA security program comes into force

(1) An AACA security program for an AACA comes into force at the time specified in the security program.

(2) However, if:

(a) the time specified in the security program is earlier than the time at which the security program was given to the AACA; or

(b) no time is specified in the security program as the time when the security program comes into force;

the security program comes into force when the security program is given to the AACA.

AACA security program remains in force for duration of accreditation

(3) The security program for the AACA remains in force for so long as the AACA is accredited as an AACA.

4.51FB Secretary may vary AACA security program

(1) If:

(a) an AACA security program is in force for an AACA; and

(b) the Secretary is satisfied on reasonable grounds that varying the security program is in the interests of safeguarding against unlawful interference with aviation;

the Secretary:

(c) may vary the security program; and

(d) must provide a copy of the varied security program to the AACA.

Note: The Secretary may also direct the AACA to vary the security program, or the AACA may request the Secretary to vary the security program—see regulations 4.51FD and 4.51FE.

(2) The AACA must, within 14 days of receiving the varied security program (the ***response period***):

(a) notify the Secretary, in writing, that the AACA accepts the varied security program; or

(b) request the Secretary, in writing, to amend the varied security program; or

(c) both:

(i) notify the Secretary, in writing, that the AACA rejects the varied security program; and

(ii) request the Secretary to revoke, under regulation 4.51D, the AACA's accreditation as an AACA.

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(3) If, within the response period, the AACA notifies the Secretary that the AACA accepts the varied security program, the varied security program comes into force 14 days after the day the AACA notifies the Secretary of the acceptance.

Note: The variation does not affect the period for which the security program is in force—see regulation 4.51FA.

(4) If, within the response period, the AACA requests the Secretary to amend the varied security program, the AACA must give the Secretary:
(a) written details of the proposed amendment; and
(b) written reasons why the proposed amendment is being requested.

(5) If, within the response period, the AACA does not take any of the actions mentioned in subregulation (2), the varied security program comes into force 14 days after the end of the response period.

Note: The variation does not affect the period for which the security program is in force—see regulation 4.51FA.

4.51FC Consideration of request to amend AACA security program as varied by the Secretary

(1) The Secretary may, in relation to a request made by an AACA, under paragraph 4.51FB(2)(b), to amend a varied AACA security program:
(a) approve the request; or
(b) refuse the request.

Matters to be taken into account

(2) In making a decision on the request, the Secretary must take into account the following:
(a) existing circumstances as they relate to aviation security;
(b) the current use of the varied AACA security program (if any) by a business of the kind carried on by the AACA;
(c) the efficient administration of the AACA scheme;
(d) any other matter the Secretary considers relevant.

Notice of decision

(3) The Secretary must:
(a) notify the AACA, in writing, of the decision; and
(b) do so within 14 days of making the decision.

(4) If the decision is to refuse the request, the notice must include the reasons for the decision.

Approved requests

(5) If the Secretary approves the request, the Secretary must:
(a) incorporate the amendment into the varied security program; and

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(b) provide the varied security program, as amended, to the AACA with the notice under subregulation (3); and

(c) specify in the notice the day on which the varied security program, as amended, comes into force (which must not be earlier than the day of the notice).

Note: The variation does not affect the period for which the security program is in force—see regulation 4.51FA.

Refused requests

(6) If the Secretary refuses the request, the varied security program comes into force on the day specified in the notice under subregulation (3) (which must not be earlier than the day of the notice).

Note: The variation does not affect the period for which the security program is in force—see regulation 4.51FA.

Deemed refusal of request

(7) If the Secretary does not make a decision under subregulation (1) within 90 days of the request being made:

(a) the Secretary is taken to have refused the request; and

(b) the varied security program comes into force at the end of the 90 day period.

Note: The variation does not affect the period for which the security program is in force—see regulation 4.51FA.

(8) Paragraph (3)(a) does not apply to a decision that is taken to have been made because of subregulation (7).

4.51FD Secretary may direct AACAs to vary security programs

(1) If:

(a) an AACA security program is in force for an AACA; and

(b) the Secretary is satisfied on reasonable grounds that varying the security program is in the interests of safeguarding against unlawful interference with aviation;

the Secretary may, by written notice given to the AACA, direct the AACA to vary the security program.

Note: The Secretary may also vary the security program himself or herself, or the AACA may request the Secretary to vary the security program—see regulations 4.51FB and 4.51FE.

(2) In the notice, the Secretary must:

(a) set out the variation; and

(b) specify the period within which the AACA must give the Secretary the security program as varied.

(3) If the AACA gives the Secretary the security program:

(a) varied in accordance with the direction; and

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(b) within the specified period, or within any further period allowed by the Secretary;

the Secretary must, by written notice given to the AACA, approve the variation. The variation comes into force when the notice is given.

Note 1: As the security program is not replaced, the variation does not affect the period for which the security program is in force. Regulation 4.51FA deals with the period for which an AACA security program is in force.

Note 2: If the AACA does not vary the security program in accordance with the notice the AACA's accreditation as an AACA may be revoked—see regulation 4.51DB.

4.51FE AACA may request Secretary to vary AACA security program

(1) An AACA may request the Secretary to vary the AACA security program for the AACA.

(2) The request must:
(a) be in writing; and
(b) provide details of the proposed variation; and
(c) include reasons why the proposed variation is being requested.

4.51FF Consideration of request to vary AACA security program

(1) The Secretary may, in relation to a request made by an AACA, under subregulation 4.51FE(1), to vary the AACA security program for the AACA:
(a) approve the request; or
(b) refuse the request.

Matters to be taken into account

(2) In making a decision on the request, the Secretary must take into account the following:
(a) existing circumstances as they relate to aviation security;
(b) the current use of the AACA security program (if any) by a business of the kind carried on by the AACA;
(c) the efficient administration of the AACA scheme;
(d) any other matter the Secretary considers relevant.

Notice of decision

(3) The Secretary must:
(a) notify the AACA, in writing, of the decision; and
(b) do so within 14 days of making the decision.

(4) If the decision is to refuse the request, the notice must include the reasons for the decision.

Approved requests

(5) If the Secretary approves the request, the Secretary must:

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(a) incorporate the variation into the security program; and
(b) provide the varied security program to the AACA with the notice under subregulation (3); and
(c) specify in the notice the day on which the varied security program comes into force (which must not be earlier than the day of the notice).

Note: The variation does not affect the period for which the security program is in force—see regulation 4.51FA.

Deemed refusal of request

(6) If the Secretary does not make a decision under subregulation (1) within 90 days of the request being made, the Secretary is taken to have refused the request at the end of the 90 day period.

(7) Paragraph (3)(a) does not apply to a decision that is taken to have been made because of subregulation (6).

Subdivision 4.1A.5—Offences

4.51G AACA must comply with security program

(1) An AACA commits an offence if:
(a) there is an AACA security program that is currently in force for the AACA; and
(b) the AACA fails to comply with the program.

Penalty: 50 penalty units.

(4) Subregulation (1) is an offence of strict liability.

4.51H Offence—disclosing AACA security program information without consent

A person commits an offence if:
(a) the person discloses information; and
(b) the information is about the content of an AACA security program for an AACA; and
(c) the person does not have the consent of the AACA to disclose the information.

Penalty: 50 penalty units.

Subdivision 4.1A.6—Other matters

4.51J Offence—disclosure of information

(1) A person commits an offence if:
(a) the person is an aviation industry participant (other than a known consignor, a RACA or an AACA); and

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(b) the person discloses to another person details about the airline or flight on which particular cargo will be carried; and

(c) the disclosure is not in accordance with a security program.

Penalty: 50 penalty units.

(2) If:

(a) an aviation industry participant (other than a known consignor, a RACA or an AACA) discloses to another person details about the airline or flight on which particular cargo will be carried; and

(b) the disclosure is in accordance with a security program;

the aviation industry participant must:

(c) make a record of the person who is given the airline or flight information; and

(d) keep the record for 90 days.

(3) A person commits an offence if the person contravenes subregulation (2).

Penalty: 20 penalty units.

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Division 4.2—Weapons

4.52 Aviation industry participants authorised to have weapons (not firearms) in possession in secure areas

(1) An aviation industry participant is authorised to have a weapon (other than a firearm) in its possession in an airside area or a landside security zone if:
  (a) the weapon is a tool of trade; and
  (b) the aviation industry participant takes reasonable precautions to ensure that the weapon remains under its control.

(2) For paragraph (1)(a), something is a ***tool of trade*** if the relevant aviation industry participant requires it for a lawful purpose.

4.53 Persons authorised to have weapons or test weapons (not firearms) in possession in secure areas

Weapons (other than firearms)

(1) Each of the following persons is authorised to have a weapon (not a firearm) in his or her possession in a secure area of an airport:
  (a) an officer of Customs;
  (b) an air security officer;
  (c) a screening officer who is carrying the weapon to or from an aircraft because the weapon:
    (i) has been accepted for carriage by the aircraft's operator; or
    (ii) is being removed from the aircraft;
  (d) an authorised representative of an airline operator who is carrying the weapon to or from an aircraft because the weapon:
    (i) has been accepted for carriage by the aircraft's operator; or
    (ii) is being removed from the aircraft;
  (e) a representative of the screening authority who is lawfully testing the screening system.

(2) A person is authorised to have a weapon (other than a firearm) in his or her possession in a secure area if:
  (a) the weapon is a tool of trade; and
  (b) the person keeps control of the weapon at all times.

(3) For paragraph (2)(b), the person ceases to have control of the weapon if he or she gives possession of it to, or allows it to be accessible to, a person for whom it is not a tool of trade.

(4) For paragraph (2)(a) and subregulation (3), something is a ***tool of trade*** if:
  (a) the person whose possession it is in requires it for the purpose for which he or she is in the relevant area or zone; and

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(b) the purpose is lawful.

Test weapons

(5) A person who is an aviation security inspector is authorised to have a test weapon in the person's possession in a secure area if the person:
(a) is on duty; and
(b) requires the test weapon in relation to an exercise of a power by the inspector under paragraph 79(2)(h) or 80(2)(f) of the Act to test a security system.

4.54 Persons authorised to have firearms in possession in airside areas

(1) Each of the following persons is authorised to have a firearm in his or her possession in an airside area of an airport:
(a) a person who:
(i) with the consent of the airport operator, is engaged in controlling wildlife or other animals on the airport; and
(ii) if the airport is an airport from which a regular public transport operation operates—properly displays a valid ASIC; and
(iii) holds, and has on his or her person, a firearms licence, validly issued under the law of the State or Territory in which the airport is located, for the firearm; and
(iv) if a licence or permission is required under the law of the State or Territory for the person to shoot wildlife or animals on the airport, holds, and has on his or her person, such a licence or permission;
(b) an employee or contractor of a private security contractor who:
(i) with the consent of the airport operator is in, or facilitating the movement of, an armoured vehicle or a vehicle that is accompanying an armoured vehicle; and
(ii) if the airport is an airport from which a regular public transport operation operates—properly displays a valid ASIC; and
(iii) holds, and has on his or her person, a firearms licence, validly issued under the law of the State or Territory in which the airport is located, for the firearm; and
(iv) if required by State or Territory legislation—holds, and has on his or her person, a valid security guard licence (however described) issued under the law of the State or Territory; and
(v) stays close to at least 1 other person who is an employee or contractor of the private security contractor;
(c) a screening officer who is carrying the firearm to or from an aircraft because the firearm:
(i) has been accepted for carriage by the aircraft's operator; or
(ii) is being removed from the aircraft;
(d) an authorised representative of an airline operator who is carrying the firearm to or from an aircraft because the firearm:

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(i) has been accepted for carriage by the aircraft's operator; or

(ii) is being removed from the aircraft;

(da) a representative of the screening authority who is lawfully testing the screening system;

(e) an officer of Customs;

(f) an air security officer.

Note: For the purposes of paragraphs (a) and (b), the requirement to display an ASIC does not apply to security controlled airports that do not have regular public transport operations: see subregulation 3.03(4).

(2) A person (other than a person referred to in paragraph (1)(c), (d), (da), (e) or (f)) in an airside area of an airport who is carrying a firearm, or has a firearm close by and under his or her control, must, on demand by a law enforcement officer, an aviation security inspector or a representative of the airport operator or an airline operator, immediately show the law enforcement officer, aviation security inspector or representative:

(a) the person's firearms licence; and

(b) if the person is a person referred to in paragraph (1)(b), the person's security guard licence; and

(c) if the person is a person referred to in paragraph (1)(a), and the law of the State or Territory requires the person to hold a licence or permission referred to in subparagraph (1)(a)(iv)—that licence or permission.

Penalty: 20 penalty units.

(3) An offence against subregulation (2) is an offence of strict liability.

Note: This regulation does not authorise a person to have a firearm in his or her possession in a land side security zone, including a sterile area. For the carriage of firearms in the sterile area, see the Act, section 46.

4.55 Persons authorised to carry weapons or test weapons through screening points—general

Weapons

(1) The following persons are authorised to carry a weapon through a screening point:

(a) a screening officer on duty, or an employee or contractor of the airport operator or the operator of a screened aircraft (being an employee or contractor who is on duty), if:

(i) the weapon has been detected during screening; and

(ii) the weapon is to be stored until it is handed over in accordance with regulation 4.57; and

(iii) to reach the place where the weapon is to be stored or released, the weapon must be carried through the screening point; and

(iv) the weapon is carried in such a way that its presence is not apparent to members of the public;

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(b) a screening officer on duty, or an employee or a contractor of the airport operator or the operator of a screened aircraft (being an employee or contractor who is on duty), if:

(i) the weapon has been surrendered for the purpose of being carried in the hold of the aircraft; and

(ii) the aircraft operator has agreed to carry the weapon in the hold of the aircraft; and

(iii) to reach the place where the weapon is to be checked in or to be loaded onto the aircraft, the weapon must be carried through the screening point; and

(iv) the weapon is carried in such a way that its presence is not apparent to members of the public;

(c) a representative of the screening authority who is lawfully testing the screening system.

Test weapons

(2) A person who is an aviation security inspector is authorised to carry a test weapon through a screening point if the person:

(a) is on duty; and

(b) requires the test weapon in relation to an exercise of a power by the inspector under paragraph 79(2)(h) or 80(2)(f) of the Act to test a security system.

Note 1: This regulation does not authorise the carrying of a weapon through the sterile area, see the Act, section 46.

Note 2: If a weapon has been surrendered for the purpose of being carried on an international aircraft as checked baggage, and the airline operator is not sure whether carriage of the weapon constitutes an offence of unlawful export under the *Customs Act 1901*, the airline operator should refer the matter to an officer of Customs before loading the weapon on the aircraft.

4.55A Persons authorised to carry weapons through screening points—security restricted areas at designated airports

Persons carrying tools of trade

(1) A person is authorised to carry a weapon (other than a firearm) through a screening point operating for the purposes of regulation 3.16E for a security restricted area at a designated airport if:

(a) the person requires it for the purpose for which he or she is entering, or is in, the security restricted area; and

(b) the purpose is lawful.

Counter-Terrorism Unit members carrying firearms

(2) An officer of Customs is authorised to carry a firearm through a screening point operating for the purposes of regulation 3.16E for a security restricted area at a designated airport if he or she:

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(a) is a member of a Counter-Terrorism Unit of the Australian Border Force; and
(b) is wearing a Counter-Terrorism Unit uniform; and
(c) has attached to that uniform an identification card, issued by the Australian Border Force, that identifies the officer as such a member and that the officer would be properly displaying if the identification card were an ASIC; and
(d) is performing duties in the area.

Officers of Customs carrying weapons that have been seized or detained

(3) An officer of Customs (the ***relevant officer***) is authorised to carry a weapon (including a firearm) through a screening point operating for the purposes of regulation 3.16E for a security restricted area at a designated airport if:
(a) the weapon has been seized or detained by an officer of Customs in connection with the enforcement of the *Customs Act 1901* or another law of the Commonwealth; and
(b) the relevant officer is dealing with the weapon in accordance with such a law.

Persons carrying firearms to control wildlife or other animals

(4) A person is authorised to carry a firearm through a screening point operating for the purposes of regulation 3.16E for a security restricted area at a designated airport if the person:
(a) with the consent of the airport operator, is engaged in controlling wildlife or other animals in the security restricted area; and
(b) if a regular public transport operation operates from the airport—properly displays a valid ASIC; and
(c) holds, and has on his or her person, a firearms licence, validly issued under the law of the State or Territory in which the airport is located, for the firearm; and
(d) if a licence or permission is required under the law of the State or Territory for the person to shoot wildlife or animals on the airport—holds, and has on his or her person, such a licence or permission.

Note: For paragraph (b), the requirement to display an ASIC does not apply to security controlled airports that do not have regular public transport operations: see subregulation 3.03(4).

Persons carrying firearms in armoured vehicles

(5) A person is authorised to carry a firearm through a screening point operating for the purposes of regulation 3.16E for a security restricted area at a designated airport if the person is an employee or contractor of a private security contractor who:
(a) with the consent of the airport operator, is in or facilitating the movement of an armoured vehicle or a vehicle that is accompanying an armoured vehicle; and

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(b) holds, and has on his or her person, a firearms licence, validly issued under the law of the State or Territory in which the airport is located, for the firearm; and

(c) if required by State or Territory legislation—holds, and has on his or her person, a valid security guard licence (however described) issued under the law of the State or Territory.

4.56 Persons authorised to have firearms in possession in sterile areas

An air security officer is authorised to have a firearm in his or her possession in a sterile area.

4.57 Dealing with weapons surrendered at security controlled airports

(1) This regulation sets out how to deal with a weapon surrendered by a person at a security controlled airport.

(2) A weapon surrendered at a security controlled airport is to be stored and handled in accordance with any other applicable Commonwealth law or any applicable State or Territory law.

4.58 Dealing with weapons surrendered etc on aircraft

(1) This regulation sets out how to deal with a weapon surrendered by a person on a prescribed aircraft.

(2) If the person to whom the weapon is surrendered knows or suspects that the carriage of the weapon is an offence, he or she must cause the weapon to be handed over to a law enforcement officer in accordance with the law of the Commonwealth or a State or Territory as soon as practicable after the end of the flight.

(3) Until the weapon is handed over as required by subregulation (2), it must be stored in such a way that its presence is not apparent to passengers.

4.59 Persons authorised to have weapons or test weapons in possession on prescribed aircraft

Weapons

(1) An air security officer is authorised to have a weapon in his or her possession on board a prescribed aircraft.

(2) A representative of the operator of a prescribed aircraft is authorised to possess a weapon on board the aircraft if:

(a) the weapon has been surrendered on board the aircraft; and

(b) the weapon is to be handed over to a law enforcement officer in accordance with the law of the Commonwealth or a State or Territory; and

(c) the weapon is to be stored until it is handed over; and

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(d) the weapon is stored in such a way that its presence is not apparent to passengers.

(3) A person is authorised to have a weapon (other than a firearm) in his or her possession on a prescribed aircraft if:
(a) the weapon is a tool of trade; and
(b) the person keeps control of the weapon at all times.

(4) For paragraph (3)(b), the person ceases to have control of the weapon if he or she gives possession of it to, or allows it to be accessible to, a person for whom it is not a tool of trade.

(5) For paragraph (3)(a) and subregulation (4), something is a ***tool of trade*** if:
(a) the person whose possession it is in requires it for the purpose for which he or she is in a prescribed aircraft; and
(b) the purpose is lawful.

Test weapons

(6) An aviation security inspector is authorised to possess a test weapon on board a prescribed aircraft if the inspector:
(a) is on duty; and
(b) requires the weapon in relation to an exercise of a power by the inspector under paragraph 79(2)(h) or 80(2)(f) of the Act to test a security system.

4.59A Persons authorised to use firearms on prescribed aircraft

(1) For subsection 52(1) of the Act, an air security officer is authorised to use a firearm on board a prescribed aircraft if the use of the firearm is necessary to safeguard against unlawful interference with aviation.

(2) This regulation has extra-territorial application under subsection 134(1) of the Act in relation to prescribed aircraft that are:
(a) Australian aircraft; or
(b) aircraft (other than Australian aircraft) engaged in Australian international carriage;
while the aircraft are outside Australian territory.

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Division 4.3—Prohibited items

4.60 Prescription of sterile area

The sterile area of a security controlled airport is prescribed for the purposes of paragraphs 54(1)(aa) and (3)(aa) of the Act.

4.61 Aviation industry participants authorised to have prohibited items in possession in sterile areas

(1) An aviation industry participant is authorised to have a prohibited item in its possession in the sterile area if:
  (a) the item is a tool of trade; and
  (b) the aviation industry participant takes reasonable precautions to ensure that the item remains under its control.

(2) For paragraph (1)(a), something is a ***tool of trade*** if the relevant aviation industry participant requires it for a lawful purpose.

4.62 Persons authorised to have prohibited items that are tools of trade in possession in sterile areas

(1) A person (other than a person who is an aviation industry participant) described in an item of the following table is authorised to have a prohibited item in his or her possession in the sterile area if:
  (a) any limitations specified in the item are met; and
  (b) the item is a tool of trade in relation to the person; and
  (c) the person keeps control of the item at all times.

Column 1 Item	Column 2 Person	Column 3 Limitations
1	An employee of an aviation industry participant who occupies or controls an area of a security controlled airport, or an employee of a contractor to such an aviation industry participant	In an area which the participant occupies or controls
2	An employee of the operator of a security controlled airport	—
3	An employee of a contractor to the operator of a security controlled airport	—
4	An employee of an operator of a prescribed air service	—
5	An employee of a contractor to an operator of a prescribed air service	—

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Column 1 Item	Column 2 Person	Column 3 Limitations
6	An officer of Customs, a biosecurity official or an officer of the Immigration Department, on duty at the airport concerned	—
7	An officer of a fire service, rescue service or ambulance service, or a medical practitioner, attending at an emergency at the airport	—
8	A medical practitioner or paramedic attending a person who suffers from a medical condition	—

(2) For paragraph (1)(c), a person ceases to have control of an item if he or she gives possession of it to, or allows it to be accessible to, a person for whom it is not a tool of trade.

(3) For paragraph (1)(b) and subregulation (2), something is a ***tool of trade*** if:
(a) the person whose possession it is in requires it for the purpose for which he or she is in the sterile area; and
(b) the purpose is lawful.

(4) A person who suffers from a medical condition is authorised to have a prohibited item in his or her possession in the sterile area if:
(a) the item is medically necessary for the purpose of treating the condition; and
(b) the person shows a screening officer a medical certificate to that effect.

(5) A person who is caring for another person who suffers from a medical condition is authorised to have a prohibited item in his or her possession in the sterile area if:
(a) the item is medically necessary for the purpose of treating the condition; and
(b) the person shows a screening officer a medical certificate to that effect.

4.63 Persons authorised to have prohibited items in possession in sterile areas

(1) An air security officer is authorised to have a prohibited item in his or her possession in a sterile area.

(2) A person escorting a person in custody is authorised to have a prohibited item in his or her possession in the sterile area if the item is reasonably necessary in connection with the escort.

(3) An aviation security inspector is authorised to have a prohibited item in the inspector's possession in the sterile area if the inspector:
(a) is on duty; and
(b) requires the item in relation to an exercise of a power by the inspector under paragraph 79(2)(h) or 80(2)(f) of the Act to test a security system.

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4.64 Persons authorised to carry prohibited items through screening point

(1) A screening officer on duty, or an employee of, or a contractor to, the operator of a screened aircraft (being an employee or contractor who is on duty) is authorised to carry a prohibited item through a screening point if:
  (a) the item has been detected during screening; and
  (b) the item is to be stored until it is disposed of; and
  (c) to reach the place where the item is to be stored, it must be carried through the screening point; and
  (d) the item is carried in such a way that its presence is not apparent to members of the public.

(2) A screening officer on duty, or an employee of, or a contractor to, the operator of a screened aircraft (being an employee or contractor who is on duty) is authorised to carry a prohibited item through a screening point if:
  (a) the item has been surrendered for the purpose of being carried in the hold of the aircraft; and
  (b) the aircraft operator has agreed to carry the item in the hold of the aircraft; and
  (c) to reach the place where the item is to be loaded onto the aircraft, the item must be carried through the screening point; and
  (d) the item is carried in such a way that its presence is not apparent to members of the public.

(3) A person escorting a person in custody is authorised to carry a prohibited item through a screening point if the item is reasonably necessary in connection with the escort.

(4) A person who suffers from a medical condition is authorised to carry a prohibited item through a screening point if:
  (a) the item is medically necessary for the purpose of treating the condition; and
  (b) the person shows a screening officer, or a representative of the screening authority, a medical certificate to that effect.

(5) A person who is caring for another person who suffers from a medical condition is authorised to carry a prohibited item through a screening point if:
  (a) the item is medically necessary for the purpose of treating the condition; and
  (b) the person shows a screening officer, or a representative of the screening authority, a medical certificate to that effect.

(6) An aviation security inspector is authorised to carry a prohibited item through a screening point if the inspector:
  (a) is on duty; and
  (b) requires the item in relation to an exercise of a power by the inspector under paragraph 79(2)(h) or 80(2)(f) of the Act to test a security system.

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4.65 Persons authorised to have prohibited items in possession on prescribed aircraft

(1) An air security officer is authorised to have a prohibited item in his or her possession on board a prescribed aircraft.

(2) An officer of Customs is authorised to have a prohibited item in his or her possession on board a prescribed aircraft if the officer is undertaking duties in accordance with the *Customs Act 1901*.

(2A) An aviation security inspector is authorised to have a prohibited item in the inspector's possession on board a prescribed aircraft if the inspector:

(a) is on duty; and

(b) requires the item in relation to an exercise of a power by the inspector under paragraph 79(2)(h) or 80(2)(f) of the Act to test a security system.

(3) A representative of the operator of a prescribed aircraft is authorised to possess a prohibited item on board the aircraft if:

(a) the item has been surrendered on board the aircraft; and

(b) the item is to be stored; and

(c) the item is stored in such a way that its presence is not apparent to passengers.

(4) A person is authorised to have a prohibited item in his or her possession in a prescribed aircraft if:

(a) the prohibited item is a tool of trade; and

(b) the person keeps control of the prohibited item at all times.

(5) For paragraph (4)(b), the person ceases to have control of the prohibited item if he or she gives possession of it to, or allows it to be accessible to, a person for whom it is not a tool of trade.

(6) For paragraph (4)(a) and subregulation (5), something is a ***tool of trade*** if:

(a) the person whose possession it is in requires it for the purpose for which he or she is in a prescribed aircraft; and

(b) the purpose is lawful.

(7) A person who suffers from a medical condition is authorised to have a prohibited item in his or her possession in a prescribed aircraft if:

(a) the item is medically necessary for the purpose of treating the condition; and

(b) the person shows a representative of the aircraft operator a medical certificate to that effect.

(8) A person who is caring for another person who suffers from a medical condition is authorised to have a prohibited item in his or her possession in a prescribed aircraft if:

(a) the item is medically necessary for the purpose of treating the condition; and

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(b) the person shows a representative of the aircraft operator a medical certificate to that effect.

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Division 4.4—On-board security

4.66 Management and control of passengers

(1) The operator of a domestic regular public transport operation or domestic open charter operation or international regular public transport operation or international open charter operation must carry on board an aircraft enough restraining devices to permit the restraint of at least 2 passengers.

Penalty: 5 penalty units.

(2) The restraining devices must be stored on the aircraft in a place that:
(a) is readily accessible to the aircraft's crew; and
(b) is not visible nor readily accessible to the aircraft's passengers.

Penalty: 5 penalty units.

4.67 Security of flight crew compartment—all aircraft

(1) This regulation applies to an aircraft that is used to operate a prescribed air service.

(2) If such an aircraft has a cockpit door:
(a) the door must be able to be locked; and
(b) there must be a means for the cabin crew to communicate with the flight crew while the door is locked.

(3) If the aircraft has a cockpit door, the door must remain locked from the time the aircraft's passenger doors are closed and secured for departure until they are unlocked to allow the passengers to disembark, except:
(a) when necessary to allow a person to enter or leave the cockpit; or
(b) when otherwise necessary for safety reasons.

(4) A person must not be allowed to enter the cockpit after the aircraft has taken off unless:
(a) he or she is authorised to do so by the aircraft's pilot in command or the aircraft's operator and:
(i) is a member of the aircraft's crew; or
(ii) is an employee of the aircraft's operator; or
(iii) is authorised or required by the *Civil Aviation Regulations 1988* or the *Civil Aviation Safety Regulations 1998* to enter the cockpit; and
(b) he or she holds appropriate identification as a person referred to in paragraph (a).

(5) If subregulation (2), (3) or (4) is contravened, the operator of the aircraft concerned commits an offence.

Penalty: 200 penalty units.

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(6) A contravention of subregulation (5) is an offence of strict liability.

(7) It is a defence to a charge of contravening subregulation (2) or (3) that the aircraft concerned:
  (a) had a faulty door lock, or that the door lock became faulty during flight; and
  (b) was being returned to a place at which the lock could be repaired.

(8) If an operator is returning an aircraft with a faulty door lock to a place at which the lock can be repaired, the operator of the aircraft must inform the Secretary, as soon as practicable, of:
  (a) the flight; and
  (b) the measures taken to ensure that the cockpit of the aircraft is secure during the flight.

Penalty: 50 penalty units.

4.68 Additional requirements for security of flight crew compartment—aircraft with seating capacity 30 or more

(1) This regulation applies in relation to an aircraft operated for the purposes of a regular public transport operation or an open charter operation (in each case, whether a domestic or an international air service).

(2) The operator of an aircraft that has a certificated maximum passenger seating capacity of 30 to 59 must not operate the aircraft unless the aircraft is equipped with a cockpit door that is:
  (a) designed to resist forcible intrusion by unauthorised persons; and
  (b) capable of withstanding impacts of at least 300 joules at critical locations; and
  (c) capable of withstanding at least 1113 newtons constant tensile load on the knob or handle; and
  (d) designed to resist penetration by small arms fire and fragementation devices to a level equivalent to level IIIa of the United States National Institute of Justice Standard (NIJ) 0101.04 Revision A, as in force on 15 January 2002.

Penalty: 50 penalty units.

(3) The operator of an aircraft that has a certificated maximum passenger seating capacity of 60 or more must not operate the aircraft unless the aircraft is equipped with a cockpit door that complies with section 13.2.2 of Annex 6, *Operation of Aircraft*, to the Chicago Convention, as in force on 28 November 2002.

Penalty: 50 penalty units.

Note: The section is as follows:

‘13.2.2 From 1 November 2003, all passenger-carrying aeroplanes of a maximum certificated take-off mass in excess of 45 500 kg or with a passenger seating capacity greater than

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60 shall be equipped with an approved flight crew compartment door that is designed to resist penetration by small-arms fire and grenade shrapnel, and to resist forcible intrusions by unauthorized persons. This door shall be capable of being locked and unlocked from either pilot's station.'.

(4) A contravention of subregulation (2) or (3) is an offence of strict liability.

(5) The Secretary may, by instrument in writing, exempt an operator of a specified aircraft from compliance with subregulation (2) or (3).

4.69 Pre-flight security checks

(1) Before an aircraft operates a prescribed air service, its operator must ensure that a pre-flight security check of the aircraft is carried out in accordance with subregulations (2), (3), (4) and (5):

(a) if the flight is the aircraft's first flight since returning to service after maintenance carried out outside the airside area of a security controlled airport; or

(b) unless, since the aircraft's previous flight, it has been continuously protected, in the way set out in the operator's TSP, from unauthorised access.

Penalty: 50 penalty units.

(2) The checks must include:

(a) a comprehensive inspection of the interior of the aircraft, including the passenger cabin, seats, overhead baggage lockers, toilets, catering and food preparation areas, flight deck and crew rest stations, and cargo hold; and

(b) an inspection of any unlocked storage facilities in a part of the aircraft mentioned in paragraph (a); and

(c) an inspection of the parts of the aircraft's exterior that are reasonably accessible.

(3) The check of the cargo holds must be done before any cargo is loaded.

(4) The check of the passenger cabin must be done before any passenger boards the aircraft.

(5) The check of the baggage compartments must be done before any baggage is loaded.

4.70 Training programs

(1) The operator of a prescribed air service must establish and maintain a training program in accordance with subregulation (2).

Penalty: 50 penalty units.

(2) There must be a program for crew that provides training in:

(a) deciding the seriousness of an occurrence; and

(b) crew communication and coordination; and

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(c) appropriate self-defence; and
(d) the use of non-lethal protective devices, to the extent permitted by law; and
(e) understanding the behaviour of terrorists; and
(f) exercises simulating threatening situations; and
(g) flight deck procedures to protect the aircraft; and
(h) procedures for searching the aircraft; and
(i) least-risk bomb locations for aircraft.

4.71 Unattended aircraft—aircraft operating prescribed air service

If an aircraft that is operated for the purposes of a prescribed air service is not under the continuous supervision of a person authorised by its operator for that purpose, its operator must take reasonable measures to prevent an unauthorised person having access to the aircraft.

Penalty: 50 penalty units.

4.72 Unattended aircraft

(1) In this regulation:

Australian aircraft has the same meaning as in the *Civil Aviation Act 1988*.

(2) There must be reasonable measures taken to protect an Australian aircraft that is a powered aircraft (other than an aircraft to which regulation 4.71 applies) against being flown by an unauthorised person.

(3) For subregulation (2), ***reasonable measures*** include, for example:
(a) wheel locks or clamps; or
(b) lockable control locks; or
(c) the aircraft being chained or padlocked to a permanent tie-down point; or
(d) the aircraft being inside a locked hangar.

(4) The measures taken:
(a) must be reasonably effective to prevent the aircraft being flown by an unauthorised person; and
(b) must be discernible from outside the aircraft; and
(c) must not compromise the aircraft's safety.

(5) If subregulation (2) or (4) is contravened, the registered operator (within the meaning given by the *Civil Aviation Safety Regulations 1998*) of the aircraft concerned is guilty of an offence.

Penalty: 50 penalty units.

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Division 4.5—Movement of persons in custody

Subdivision 4.5.1—Movement of persons in custody—preliminary

4.73 Definitions

In this Division:

approved form means a form approved under regulation 4.90.

custodial agency, for a person in custody, means:

(a) for a person in custody to whom Subdivision 4.5.2 applies—the Immigration Department; or

(b) for a person in custody to whom Subdivision 4.5.3 applies—the enforcement agency for the person within the meaning of regulation 4.83(1).

dangerous:

(a) for a person in custody to whom Subdivision 4.5.2 applies—has the meaning given by subregulation 4.75(1); and

(b) for a person in custody to whom Subdivision 4.5.3 applies—has the meaning given by subregulation 4.83(2).

non-standard movement, in relation to a flight of a prescribed aircraft, has the meaning given by regulation 4.88.

supervised departure, in relation to a person, means the unescorted departure from Australia of the person, where:

(a) the person is not an Australian citizen; and

(b) the person is cooperating in the departure process; and

(c) until he or she departs from Australia, the person is:

(i) in immigration detention; and

(ii) under the supervision of an officer under the Migration Act.

Subdivision 4.5.2—Movement of persons in custody under the Migration Act

4.74 Application of this Subdivision

(1) This Subdivision applies in relation to the travel, on a prescribed aircraft, of persons in custody under the Migration Act.

(2) This Subdivision does not apply to or in relation to:

(a) a person who is in custody because that person has been taken into custody (otherwise than under the Migration Act) at a security controlled airport, or on a prescribed aircraft; or

(b) the departure of a person who has been refused entry at an airport and leaves Australia within 72 hours; or

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(c) the departure from Australia of a person who holds a bridging visa (within the meaning of the Migration Act), and whose departure is monitored by the Immigration Department.

4.75 Meaning of *dangerous* for this Subdivision

(1) In this Subdivision, a person in custody is ***dangerous*** if:

(a) the Immigration Department has assessed him or her as being:

(i) likely to attempt to commit an unlawful interference with aviation; or

(ii) likely to attempt to escape; or

(b) the Immigration Department is aware that:

(i) the person has been charged with an offence involving violence against a person or serious damage to property; and

(ii) the charge is still to be resolved; or

(c) the Immigration Department is aware that the person has been convicted of an offence involving violence against a person or serious damage to property.

(2) For the purposes of subparagraph (1)(b)(ii), a charge for an offence is resolved in relation to a person at the later of the following times:

(a) when:

(i) the charge is withdrawn; or

(ii) the charge is dismissed; or

(iii) the person is not committed on the charge following a committal hearing; or

(iv) the person is acquitted of the offence; or

(v) the person is sentenced for the offence; or

(vi) the person is dealt with by being the subject of an order made as a consequence of a finding of guilt; or

(vii) the charge is otherwise finally dealt with;

(b) if an appeal relating to the charge is not lodged within the period for lodging such an appeal—when that period ends;

(c) if an appeal relating to the charge is lodged—when the appeal lapses or is finally determined.

Despite paragraph (b), if an appeal relating to the charge is lodged after that period ends, the charge ceases to be resolved until that appeal lapses or is finally determined.

(3) Nothing in this regulation affects the operation of Part VIIC of the *Crimes Act 1914*.

Note: Part VIIC of the *Crimes Act 1914* includes provisions that, in certain circumstances, relieve persons from the requirement to disclose spent convictions and require persons aware of such convictions to disregard them.

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4.76 Provision of information to operator of prescribed air service—supervised departures

(1) This regulation applies in relation to a flight of a prescribed aircraft if:
  (a) the aircraft is being used for a prescribed air service; and
  (b) a person in custody is to be a passenger on the flight; and
  (c) the person is undertaking the flight for the purposes of a supervised departure.

(2) The Immigration Department must give the operator of the prescribed air service a written notice relating to the person.

(3) A notice under this regulation must:
  (a) be in the approved form; and
  (b) include the information required by the form; and
  (c) be given not later than:
    (i) 6 hours before the intended start of the flight; or
    (ii) if a later time is agreed to by the operator—that later time.

4.77 Provision of information to operator of prescribed air service—escorted domestic travel maintaining immigration detention

(1) This regulation applies in relation to a flight of a prescribed aircraft if:
  (a) the aircraft is being used for a prescribed air service; and
  (b) a person in custody is to be a passenger on the flight; and
  (c) the person:
    (i) is in immigration detention; and
    (ii) will be escorted on the flight; and
    (iii) is not dangerous; and
  (d) the flight is a domestic air service; and
  (e) the person is not undertaking the flight for the purposes of a supervised departure.

(2) The Immigration Department must give the operator of the prescribed air service a written notice relating to the person.

(3) A notice under this regulation must:
  (a) be in the approved form; and
  (b) include the information required by the form; and
  (c) be given not later than:
    (i) 24 hours before the intended start of the flight; or
    (ii) if a later time is agreed to by the operator—that later time.

4.78 Provision of information to operator of prescribed air service—escorted international travel by non-dangerous persons

(1) This regulation applies in relation to a flight of a prescribed aircraft if:

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(a) the aircraft is being used for a prescribed air service; and
(b) a person in custody is to be a passenger on the flight; and
(c) the person:
(i) will be escorted on the flight; and
(ii) is not dangerous; and
(d) the flight is an international air service.

(2) The Immigration Department must give the operator of the prescribed air service a written notice relating to the person.

(3) A notice under this regulation must:
(a) be in the approved form; and
(b) include the information required by the form; and
(c) be given not later than:
(i) 48 hours before the intended start of the flight; or
(ii) if a later time is agreed to by the operator—that later time.

4.79 Provision of information to operator of prescribed air service and operator of security controlled airport—escorted travel by dangerous persons

(1) This regulation applies in relation to a flight of a prescribed aircraft if:
(a) the aircraft is being used for a prescribed air service; and
(b) a person in custody is to be a passenger on the flight; and
(c) the person:
(i) will be escorted on the flight; and
(ii) is dangerous.

(2) The Immigration Department must give the operator of the prescribed air service a written notice relating to the person.

(3) A notice under subregulation (2) must:
(a) be in the approved form; and
(b) include the information required by the form; and
(c) be given not later than:
(i) 48 hours before the intended start of the flight; or
(ii) if a later time is agreed to by the operator—that later time.

(4) If the operator of the prescribed air service endorses the operator's consent on the notice, the Immigration Department must:
(a) ensure that a copy of the endorsed notice is sent to the operator of each security controlled airport through which the person will travel; and
(b) do so not later than:
(i) 12 hours before the person's intended arrival at the airport; or
(ii) if a later time is agreed to by the operator of the security controlled airport—that later time.

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4.80 Escort arrangements for flights involving movements of non-dangerous persons

(1) This regulation applies in relation to a flight of a prescribed aircraft if:
  (a) the aircraft is being used for a prescribed air service; and
  (b) a person in custody is to be a passenger on the flight; and
  (c) the person is not dangerous.

(2) Such a person, or 2 or more such persons, must be escorted, unless the Immigration Department and the operator of the prescribed air service agree that the person or persons be unescorted.

(3) If the person or persons are escorted, there is no set number of escorts required.

4.81 Provision of information to prescribed aircraft's pilot in command

The operator of a prescribed air service on which a person in custody is to be carried must notify the prescribed aircraft's pilot in command of the following before the aircraft's departure:
  (a) that a person in custody is to be carried on the aircraft;
  (b) the conditions under which the person is to be carried.

Subdivision 4.5.3—Movement of persons in custody other than under the Migration Act

4.82 Application of this Subdivision

(1) This Subdivision applies in relation to the travel, on a prescribed aircraft, of persons in custody under a law other than the Migration Act.

(2) This Subdivision does not apply to or in relation to a person who is in custody because that person has been taken into custody at a security controlled airport, or on a prescribed aircraft.

4.83 Definitions for this Subdivision

(1) In this Subdivision:

enforcement agency means:
  (a) in the case of a person being moved from one custodial facility to another—the agency responsible for the custodial facility from which the person is being moved; or
  (b) in the case of a person in custody under the *Fisheries Management Act 1991*:
    (i) if the person who has the person in custody is an officer of Customs (within the meaning of the *Customs Act 1901*)—the Immigration Department; or

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(ii) if the person who has the person in custody is a member or special member of the Australian Federal Police—the Australian Federal Police; or

(iii) if the person who has the person in custody is a member of the police force or police service of a State or Territory—the police force; or

(iv) if the person who has the person in custody is a member of Australian Defence Force—the Australian Defence Force; or

(v) in any other case—the Australian Fisheries Management Authority; or

(c) in the case of a person (other than a person described in paragraph (a)) in custody under an Act other than the *Fisheries Management Act 1991*—the Australian Federal Police or the police force or police service of a State or Territory; or

(d) in the case of a person (other than a person described in paragraph (a)) in custody under a law of a State or Territory—the police force or police service of the State or Territory.

(2) In this Subdivision, a person in custody is ***dangerous*** if:

(a) the enforcement agency that has the person in custody (the ***relevant enforcement agency***) has assessed him or her as being:

(i) likely to attempt to commit an unlawful interference with aviation; or

(ii) likely to attempt to escape; or

(b) the person has been charged with an offence that:

(i) is an offence against a person or involving actual or threatened damage to property; and

(ii) is punishable by imprisonment for 5 years or more; and

(iii) the charge is still to be resolved; or

(c) the person has been convicted of an offence that:

(i) is an offence against a person or involving actual or threatened damage to property; and

(ii) the offence is punishable by imprisonment for 5 years or more.

(3) For the purposes of subparagraph (2)(b)(iii), a charge for an offence is resolved in relation to a person at the later of the following times:

(a) when:

(i) the charge is withdrawn; or

(ii) the charge is dismissed; or

(iii) the person is not committed on the charge following a committal hearing; or

(iv) the person is acquitted of the offence; or

(v) the person is sentenced for the offence; or

(vi) the person is dealt with by being the subject of an order made as a consequence of a finding of guilt; or

(vii) the charge is otherwise finally dealt with;

(b) if an appeal relating to the charge is not lodged within the period for lodging such an appeal—when that period ends;

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(c) if an appeal relating to the charge is lodged—when the appeal lapses or is finally determined.

Despite paragraph (b), if an appeal relating to the charge is lodged after that period ends, the charge ceases to be resolved until that appeal lapses or is finally determined.

(4) Nothing in this regulation affects the operation of Part VIIC of the *Crimes Act 1914*.

Note: Part VIIC of the *Crimes Act 1914* includes provisions that, in certain circumstances, relieve persons from the requirement to disclose spent convictions and require persons aware of such convictions to disregard them.

4.84 Provision of information to operator of prescribed air service and operator of security controlled airport—escorted travel

(1) This regulation applies in relation to a flight of a prescribed aircraft if:
(a) the aircraft is being used for a prescribed air service; and
(b) a person in the custody of an enforcement agency is to be a passenger on the flight; and
(c) the person will be escorted on the flight.

(2) The enforcement agency must give the operator of the prescribed air service a written notice relating to the person.

(3) A notice under subregulation (2) must:
(a) be in the approved form; and
(b) include the information required by the form; and
(c) be given not later than:
(i) 48 hours before the intended start of the flight; or
(ii) if a later time is agreed to by the operator—that later time.

(4) If:
(a) the person in custody is dangerous; and
(b) the operator of the prescribed air service endorses the operator's consent on the notice;

the enforcement agency must:
(c) ensure that a copy of the endorsed notice is sent to the operator of each security controlled airport through which the person will travel; and
(d) do so not later than:
(i) 12 hours before the person's arrival at the airport; or
(ii) if a later time is agreed to by the operator of the security controlled airport—that later time.

4.85 Escort arrangements for flights involving movements of non-dangerous persons

(1) This regulation applies in relation to a flight of a prescribed aircraft if:

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(a) the aircraft is being used for a prescribed air service; and
(b) a person in custody is to be a passenger on the flight; and
(c) the person is not dangerous.

(2) Such a person, or 2 or more such persons, must be escorted, unless the enforcement agency that has the person or persons in custody and the operator of the prescribed air service agree that the persons be unescorted.

(3) If the person or persons are escorted, there is no set number of escorts required.

4.86 Provision of information to prescribed aircraft's pilot in command

The operator of a prescribed air service on which a person in custody is to be carried must notify the prescribed aircraft's pilot in command of the following before the aircraft's departure:
(a) that a person in custody is to be carried on the aircraft;
(b) the conditions under which the person is to be carried.

Subdivision 4.5.4—Movement of persons in custody—dangerous persons

4.87 Required escort arrangements for flights involving movements of dangerous persons

(1) This regulation applies in relation to a flight of a prescribed aircraft if:
(a) the aircraft is being used for a prescribed air service; and
(b) a person in custody is to be a passenger on the flight; and
(c) the person is dangerous.

(2) If the person in custody is travelling:
(a) the person must be escorted at all times, when on the prescribed aircraft or at a security controlled airport, by at least 2 escorts; and
(b) at least one of the escorts must be of the same sex as the person; and
(c) the escorts:
(i) must be law enforcement officers or persons of a kind agreed to between the operator of the prescribed air service and the custodial agency for the person in custody; and
(ii) must not be crew members of the aircraft on which the person is travelling; and
(d) the custodial agency must provide the escorts, unless the custodial agency and the operator of the prescribed air service agree that the operator will provide the escorts.

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Subdivision 4.5.5—Movement of persons in custody—non-standard movements

4.88 Meaning of *non-standard movement*

(1) A flight of a prescribed aircraft that is being used for a prescribed air service involves a ***non-standard movement*** if:

(a) more than 2 escorted persons in custody are travelling on the flight, other than in the circumstances mentioned in subregulation (2); or

(b) more than one escorted person in custody who is dangerous is travelling on the flight; or

(c) an individual escort is responsible for both:

(i) a person in custody who is dangerous who is travelling on the flight; and

(ii) one or more other persons in custody who are travelling on the flight.

(2) For the purposes of paragraph (1)(a), the circumstances are:

(a) more than 2 escorted persons are travelling on the flight in the custody of a custodial agency; and

(b) in the custodial agency's opinion, those persons are all members of a family unit; and

(c) none of the persons are dangerous; and

(d) the operator of the prescribed air service and the custodial agency have agreed on escort arrangements for the persons to be carried on the aircraft; and

(e) no other escorted persons are travelling on the flight.

4.89 Agreement on escort arrangements required for flights involving non-standard movements

(1) This regulation applies in relation to a flight of a prescribed aircraft if:

(a) the aircraft is being used for a prescribed air service; and

(b) the flight involves a non-standard movement.

(2) The aircraft must not be used for the flight unless:

(a) the operator of the prescribed air service; and

(b) the custodial agency or agencies for each person in custody travelling on the flight;

have agreed on escort arrangements for the persons in custody.

(3) To avoid doubt, for the purposes of subregulation (2) there is no set number of escorts required.

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Subdivision 4.5.6—Movement of persons in custody—miscellaneous

4.90 Approved forms

The Secretary may, in writing, approve a form for a notice that is required to be given under this Division.

4.91 Use of single notice for a flight carrying multiple persons in custody

If any one or more of regulations 4.76, 4.77, 4.78, 4.79 and 4.84 apply in relation to a flight of a prescribed aircraft in respect of 2 or more persons in custody, the custodial agency or agencies for the persons in custody may provide a single notice relating to all of the persons.

4.92 Interaction between criminal law and information obligations

To avoid doubt, nothing in this Division requires a custodial agency to give an operator of a prescribed air service or an airport operator any information the disclosure of which would constitute an offence under a law of the Commonwealth, a State or a Territory.

4.93 Incorrect or incomplete information

If a custodial agency finds out that any information that the agency has given to an operator of a prescribed air service or an airport operator is incorrect or incomplete, the agency must give the correct or missing information to the operator as soon as practicable.

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Division 4.6—Control directions

4.95 Compliance control directions

(1) An aviation security inspector may give a compliance control direction orally or in writing.

(2) However, if an aviation security inspector gives such a direction orally, he or she must, as soon as practicable, confirm it in writing.

(3) The written confirmation must:
  (a) identify the direction; and
  (b) set out the reasons for giving it.

(4) If the direction was given to the pilot in command of a prescribed aircraft, the written confirmation may be given either to the pilot or to the aircraft's operator.

(5) An aviation security inspector who has given a compliance control direction must notify the Secretary in writing, as soon as practicable, that he or she has given the direction and its content.

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Part 5—Powers of officials

Division 5.1—Aviation security inspectors

5.01 Identity cards

(1) For subsection 78(2) of the Act, the requirements as to the form of an identity card are as follows:
  (a) the card must set out the holder's full name;
  (b) the card must bear a recent photograph of the holder;
  (c) the card must bear a statement to the effect that the holder is an aviation security inspector for the purposes of Part 5 of the Act and this Part;
  (d) the card must bear the signatures of the holder and the Secretary.

(2) If a person representing or apparently representing an aviation industry participant so requests, an aviation security inspector must show his or her identity card to the person.

  Penalty: 5 penalty units.

(2A) Subregulation (2) does not apply if:
  (a) the aviation security inspector is exercising a power under paragraph 79(2)(h) or 80(2)(f) of the Act to test a security system; and
  (b) the inspector reasonably believes that showing the inspector's identity card to the person would adversely affect the effectiveness of the test.

(3) A person who ceases to be an aviation security inspector must return his or her identity card to the Secretary within 7 days.

  Penalty: 5 penalty units.

(4) Before an aviation security inspector exercises any power under these Regulations (other than regulation 7.08) in relation to a person, the inspector must show his or her identity card to the person.

  Penalty: 5 penalty units.

5.02 Requirements for testing security systems

Requirements relating to general security systems testing

(1) For the purposes of paragraph 79(2)(h) of the Act, the following requirements are prescribed:
  (a) if the aviation security inspector proposes to use a test weapon to conduct a test of a security system, the inspector:
    (i) must, in advance of the test, notify each agency specified in subregulation (3) (to the extent that the agency has functions or

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powers in relation to the place in which the test is to be conducted) of the location, time and day on which the test will be conducted; and

(ii) must hold, and have in the inspector's possession at the time of the test, any licence or permission that is required for the inspector to possess and use the test weapon to test the security system under the law of the State or Territory in which the test is to be conducted; and

(iii) must carry, transport and store the test weapon in accordance with any requirements under the law of the State or Territory in which the test is to be conducted;

(b) upon completion of the test, the inspector:

(i) must advise the person representing or apparently representing an aviation industry participant at the test that the inspector is an aviation security inspector; and

(ii) must show that person the inspector's identity card;

(c) within a reasonable time after the test, the inspector must provide a report of the outcome of the test to each aviation industry participant responsible for the security system that was tested.

Requirements relating to aircraft security systems testing

(2) For the purposes of paragraph 80(2)(f) of the Act, the following requirements are prescribed:

(a) the aviation security inspector must include in the notice given to the aircraft operator under subsection 80(3) of the Act, the location, time and day on which a test of a security system will be conducted;

(b) the inspector must, in advance of the test, also notify the following persons and agencies of the location, time and day on which the test will be conducted:

(i) the airport operator of the airport at which the test is to be conducted;

(ii) each agency specified in subregulation (3) to the extent that the agency has functions or powers in relation to the aircraft in which the test is to be conducted;

(c) if the inspector proposes to use a test weapon to conduct a test of a security system, the inspector:

(i) must hold, and have in the inspector's possession at the time of the test, any licence or permission that is required for the inspector to possess and use the test weapon to test the security system under the law of the State or Territory in which the test is to be conducted; and

(ii) must carry, transport and store the test weapon in accordance with any requirements under the law of the State or Territory in which the test is to be conducted;

(d) upon completion of the test, the inspector:

(i) must advise the person representing or apparently representing an aviation industry participant at the test that the inspector is an aviation security inspector; and

(ii) must show that person the inspector's identity card;

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(e) within a reasonable time after the test, the inspector must provide a report of the outcome of the test to the aircraft operator and any other aviation industry participant responsible for a security system that was tested.

Agencies for notification

(3) For the purposes of subparagraphs (1)(a)(i) and (2)(b)(ii), the following agencies are specified:

(a) the Australian Federal Police;

(b) the police force of a State or Territory;

(c) the Australian Border Force.

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Division 5.2—Airport security guards

5.03 Training and qualifications of airport security guards

(1) For paragraph 91(2)(a) of the Act, the training and qualification requirements for an airport security guard are:

(a) that he or she:

(i) holds at least a Certificate II in Security Operations; or

(ii) holds another qualification that, in the Secretary's opinion, is equivalent to a Certificate II in Security Operations; and

(b) that he or she is licensed as a security guard in the State or Territory in which the airport is located, if required by State or Territory legislation; and

(c) that he or she has completed training, approved by the Secretary, that is designed to ensure familiarity with the Act (in particular, the power of an airport security guard under section 92) and these Regulations.

(2) For paragraph 91(2)(a) of the Act, an additional training requirement for an airport security guard employed at an airport from which screened air services do not operate is that he or she has completed training, approved by the Secretary, that is designed to ensure competency in the use of a hand-held metal detector.

(3) The operator of a security controlled airport from which screened air services do not operate must ensure that the operator has access to the services of at least 1 airport security guard who meets:

(a) the training and qualification requirements mentioned in subregulation (1); and

(b) the training requirement mentioned in subregulation (2).

Penalty: 20 penalty units.

Note: The use of hand-held metal detectors at a security controlled airport from which a screened air service does not operate is regulated—see regulation 4.07.

(4) Subregulation (3) does not apply to operators of security controlled airports from which regular public transport operations do not operate.

5.04 Identity cards for airport security guards

For paragraph 91(2)(b) of the Act, an airport security guard at an airport from which a regular public transport operation operates must hold, and while on duty must at all times properly display, a valid ASIC.

Note: The requirement to display an ASIC does not apply to security controlled airports that do not have regular public transport operations, see subregulation 3.03(4).

5.05 Uniforms of airport security guards

For paragraph 91(3)(a) of the Act, an airport security guard must wear a distinctive and recognisable uniform.

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Division 5.4—Eligible customs officers

5.09 Training of eligible customs officers

For paragraph 89B(1)(c) of the Act, the training requirement for an eligible customs officer is completion by the officer of training approved by the Secretary that is designed to ensure familiarity with the Act and these Regulations (in particular, the powers of an eligible customs officer under Division 3A of Part 5 of the Act and Parts 6 and 7 of these Regulations).

5.10 Identity cards for eligible customs officers

For paragraph 89B(2)(a) of the Act, an eligible customs officer must hold, and while on duty must at all times properly display, a valid ASIC.

5.11 Uniforms of eligible customs officers

For paragraph 89B(2)(b) of the Act, an eligible customs officer must wear a distinctive and recognisable uniform.

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Part 6—Security identification

Division 6.1—Preliminary

6.01 Definitions for this Part

(1) In this Part:

adverse criminal intelligence assessment has the same meaning as in Part III of the *Australian Crime Commission Act 2002*.

Note: For a person's notification and review rights in relation to an adverse criminal intelligence assessment, see section 54E and Division 4 of Part III of the *Australian Crime Commission Act 2002*.

adverse criminal record, in relation to a person, has the meaning given in subregulation (2).

AFP means the Australian Federal Police established under the *Australian Federal Police Act 1979*.

agent means an agent, of an airport operator or a Secretary-approved VIC issuer, authorised to issue VICs on behalf of the airport operator or Secretary-approved VIC issuer under regulation 6.37G.

ASIC program, for an issuing body, means a program of the kind described in regulation 6.06, and includes a program of that kind as varied under regulation 6.09 or 6.10.

ASIO means the Australian Security Intelligence Organisation established under the *Australian Security Intelligence Organisation Act 1979*.

AusCheck scheme means the scheme prescribed for the purposes of section 8 of the *AusCheck Act 2007*.

aviation-security-relevant offence means an offence, of a kind mentioned in an item in a table in Schedule 1, against a law of:

(a) the Commonwealth, a State or Territory; or

(b) a foreign country or part of a foreign country.

background check, for an individual, means an assessment, under the AusCheck scheme, of information about any of the matters mentioned in section 5 of the *AusCheck Act 2007*.

Category A identification document means:

(a) for a person who was born in Australia—either of the following:

(i) the person's Australian birth certificate;

(ii) notice given to the person under section 37 of the *Australian Citizenship Act 2007*; or

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(b) for any other person—a valid document that provides evidence of the start of the person's identity in Australia.

Example 1: An Australian naturalisation certificate.

Example 2: A visa entitling the person to enter Australia.

Example 3: A movement record made available to the person by the Immigration Department.

Category B identification document, for a person, means a current and valid document issued to the person by a Commonwealth, State or Territory Department or agency, or by a government of a foreign country or an agency of a government of a foreign country, that provides photographic proof of the person's identity and includes the person's signature.

Example 1: A driver's licence issued by the Commonwealth, a State or a Territory, or by a foreign government.

Example 2: An Australian or foreign passport.

Category C identification document, for a person, means a current and valid document that provides evidence of the person's use of identity while operating in the community (which may be a community outside Australia).

Example: A Medicare card, or a membership card issued by a private health insurer.

Category D identification document, for a person, means a valid document that provides evidence of the person's current residential address (which may be a residential address outside Australia) and is less than 6 months old.

Example: A utilities notice.

Comptroller-General of Customs means the person who is the Comptroller-General of Customs in accordance with subsection 11(3) or 14(2) of the *Australian Border Force Act 2015*.

conviction (of a person for an offence) has the meaning given by subsection 85ZM(1) of the *Crimes Act 1914*, but does not include:

(a) a spent conviction (within the meaning given by subsection 85ZM(2) of that Act) if Division 3 of Part VIIC of that Act applies to the person; or

(b) a conviction for an offence of which, under a law relating to pardons or quashed convictions, the person is taken never to have been convicted.

Note 1: Under the definition of ***conviction*** in subsection 85ZM(1) of the *Crimes Act 1914*, a person is also taken to have been convicted of an offence if the person has been convicted of the offence but no conviction has been recorded, and if a court has taken the offence into account in sentencing the person for another offence (see paragraphs 85ZM(1)(b) and (c)).

Note 2: Under Part VIIC of the *Crimes Act 1914*, if a person receives a free and absolute pardon for an offence against a law of the Commonwealth or a Territory because the person was wrongly convicted of the offence, the person is taken for all purposes never to have been convicted (see section 85ZR).

Note 3: In certain circumstances, Division 3 of Part VIIC of the *Crimes Act 1914* ceases to apply to a person in relation to a spent conviction if Division 4 (Convictions of further offences) applies.

Note 4: Under the *Crimes Act 1914*, a person need not disclose convictions that:
(a) have been quashed (see section 85ZT); or

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(b) are spent (see section 85ZV).

Note 5: Convictions for offences under the *Crimes (Aviation) Act 1991* or Part 5.3 or 5.3A of the *Criminal Code* do not become spent for the purposes of assessing whether to issue the convicted person with an ASIC (see paragraph 85ZZH(k) of the *Crimes Act 1914* and Schedule 2 to the *Crimes Regulations 2019*).

directly involved in the issue of ASICs: a person is ***directly involved in the issue of ASICs*** if the person performs any of the following activities:

(a) accepting applications for ASICs;

(b) applying for background checks under this Part;

(ba) receiving documents given to an issuing body in person in accordance with this Part;

(c) verifying identification documents for the purposes of this Part;

(d) printing or producing ASICs;

(e) issuing ASICs, including considering whether criteria for the issue of ASICs are satisfied and whether ASICs are to be issued with conditions;

(f) storing equipment associated with the production of ASICs;

(g) destroying ASICs that are no longer required, including expired or cancelled ASICs.

Hague Convention means the *Convention abolishing the Requirement of Legalisation for Foreign Public Documents*, done at the Hague on 5 October 1961.

holder, of an ASIC, VIC or TAC, means the person to whom it is issued.

identification document means any of the following:

(a) a Category A identification document;

(b) a Category B identification document;

(c) a Category C identification document;

(d) a Category D identification document;

(e) any other document used to identify a person for the purposes of this Part.

imprisonment includes periodic detention, home-based detention and detention until the rising of a court, but does not include an obligation to perform community service.

issuing body means a person or agency:

(a) that is authorised to issue ASICs; or

(b) that is a transitional issuing body.

officer of the Commonwealth includes the following:

(a) a Minister;

(b) a person who:

(i) holds an office established by or under an Act; or

(ii) was appointed under an Act; or

(iii) was appointed by the Governor-General or a Minister but not under an Act;

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(c) a person who is a member or officer of an authority of the Commonwealth;
(d) a person who is:
(i) in the service or employment of the Commonwealth, or of an authority of the Commonwealth; or
(ii) employed or engaged under an Act.

operational need means:
(a) a requirement for frequent access to all or part of a secure area of an airport where persons are required to display an ASIC, for either of the following purposes:
(i) the operation of the airport or an aircraft;
(ii) the purpose of a person's occupation or business; or
(b) a requirement under the Act, these Regulations or another instrument made under the Act to properly display a valid ASIC at all times; or
(c) a requirement to be directly involved in the issue of ASICs for an issuing body; or
(d) a requirement to be directly involved in the issue of VICs for a VIC issuer; or
(e) a requirement to perform activities for a known consignor, or for a person who has applied under these Regulations to be approved as a known consignor; or
(f) a requirement to perform activities for a RACA, or for a person who has applied under these Regulations to be designated as a RACA; or
(g) a requirement to perform activities for an AACA, or for a person who has applied under these Regulations to be accredited as an AACA; or
(h) a requirement for an employee of a Commonwealth agency to be directly involved in making decisions relating to the issuing of ASICs; or
(i) a requirement for a foreign official to have access to a secure area of an airport in order to perform activities related to the foreign official's official duties.

Example for subparagraph (a)(ii): A courier or supplier.

Secretary AGD means the Secretary who is responsible for administering the AusCheck scheme.

Secretary-approved VIC issuer means an aircraft operator that the Secretary has approved to issue VICs under regulation 6.37F.

security assessment has the same meaning as in Part IV of the *Australian Security Intelligence Organisation Act 1979*.

sentence includes a suspended sentence.

tier 1 offence means an aviation-security-relevant offence mentioned in the table in clause 1 of Schedule 1.

tier 2 offence means an aviation-security-relevant offence mentioned in the table in clause 2 of Schedule 1.

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tier 3 offence means an aviation-security-relevant offence mentioned in the table in clause 3 of Schedule 1.

transitional issuing body means a body declared by the Secretary under subregulation 6.22A(1) to be a transitional issuing body.

VIC issuer means each of the following:

(a) an airport operator (or its agent);
(b) a Secretary-approved VIC issuer (or its agent);
(c) the Comptroller-General of Customs;
(d) the Director-General of Security.

(2) A person has an ***adverse criminal record*** if the person:

(a) has been convicted of a tier 1 offence or a tier 2 offence; or
(b) has been convicted of, and sentenced to imprisonment for, a tier 3 offence.

6.03 Kinds of ASICs

(1) There are the following kinds of ASICs:

(a) red ASICs;
(b) grey ASICs;
(c) white ASICs.

(2) A red ASIC or a grey ASIC must be either an Australia-wide ASIC or an airport-specific ASIC.

(3) An Australia-wide red ASIC or grey ASIC has effect for the purposes of entry to a secure area at any security controlled airport.

(4) An airport-specific red ASIC or grey ASIC has effect for the purposes of entry to a secure area at only the airport specified on it.

(5) A red ASIC or a grey ASIC must also be either a permanent ASIC or a temporary ASIC.

(6) A white ASIC must be a permanent ASIC.

(7) A red ASIC, grey ASIC or white ASIC has effect, for the purposes of carrying out an activity referred to in paragraph (c), (d), (e), (f), (g), (h) or (i) of the definition of ***operational need*** in subregulation 6.01(1), in any place.

(8) However, subregulation (7) does not authorise a person to enter a secure area at a security controlled airport if the person is not otherwise authorised to enter the area.

(9) An ASIC issued to a person because he or she has an operational need referred to in paragraph (c), (d), (e), (f), (g), (h) or (i) of the definition of ***operational need*** in subregulation 6.01(1) must be a white ASIC.

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6.05 Authentication of certain foreign documents

If a person presents to an issuing body, as an identification document, a document that:

(a) is a public document for the purposes of the Hague Convention; and

(b) was issued in a country (other than Australia) that is a Contracting State to that Convention;

the issuing body may require the person to have the document authenticated in accordance with that Convention.

Note: The authentication procedure involves the endorsement on, or attachment to, the document of a certificate in a standard form. Details of the procedure and any fee payable should be available from the embassy of the country in which the document was issued.

6.05A Identification documents not in English must be translated

(1) This regulation applies if a person gives an issuing body, as an identification document, a document that is not in English.

(2) The person must also give the issuing body an original or certified copy of an accurate translation of the document into English.

6.05B VIC issuers—delegation by Director-General of Security

(1) The Director-General of Security may, by writing, delegate any or all of the functions or powers of the Director-General of Security under this Part to a senior position-holder within the meaning of the *Australian Security Intelligence Organisation Act 1979*.

(2) A delegate must comply with any written directions of the Director-General of Security.

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Division 6.2—ASIC programs

6.06 What an ASIC program is

(1) An ***ASIC program*** for an issuing body sets out the procedures to be followed by the issuing body in the performance of its functions under this Part, and the exercise of its powers under this Part.

(2) The ASIC program must include procedures in relation to the following matters:
- (a) accepting applications for ASICs;
- (b) applying for background checks under this Part;
- (c) verifying identification documents for the purposes of this Part;
- (d) determining whether applicants for ASICs have an operational need for an ASIC;
- (e) printing and producing ASICs;
- (f) issuing ASICs, including considering whether criteria for the issue of ASICs are satisfied and whether ASICs are to be issued with conditions;
- (g) distributing ASICs to applicants;
- (h) ensuring that holders of ASICs are aware of obligations that apply in relation to holding ASICs;
- (i) storing and transporting ASICs;
- (j) collecting, storing and destroying information and documents about ASICs and ASIC applications;
- (k) storing equipment associated with the production of ASICs;
- (l) taking all reasonable steps to recover red ASICs or grey ASICs that are no longer required, including expired or cancelled red ASICs or grey ASICs;
- (m) destroying red ASICs or grey ASICs that are no longer required, including expired or cancelled red ASICs or grey ASICs;
- (n) cancelling access control arrangements that are related to red ASICs or grey ASICs that are no longer required, including expired or cancelled red ASICs or grey ASICs, and red ASICs or grey ASICs that have been lost, stolen or destroyed;
- (o) keeping records of the activities of the issuing body;
- (p) if the issuing body proposes to engage other entities to perform activities on its behalf—engaging such other entities to perform such activities;
- (q) conducting an ongoing quality assurance process of the procedures in the program and the implementation of the procedures;
- (r) conducting an annual audit of the procedures in the program and the implementation of the procedures;
- (s) the issuing body ceasing to be an issuing body, including procedures to ensure that information about applications for ASICs, and holders of ASICs, is appropriately handled or preserved.

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(3) The procedures must be such as to ensure that the issuing body performs its functions under this Part, and exercises its powers under this Part, in an appropriately secure manner.

(4) The ASIC program must be accompanied by a document that sets out the following details:
  (a) the issuing body's name;
  (b) the issuing body's ABN, ACN or ARBN (if any);
  (c) if the issuing body is a body corporate—the name of its chief executive officer or manager;
  (d) the issuing body's postal address;
  (e) the issuing body's physical address (if different from the issuing body's postal address);
  (f) the issuing body's email address;
  (g) the contact telephone number for the issuing body, including an after-hours number;
  (h) an alternative contact person and number.

(5) An issuing body commits an offence of strict liability if:
  (a) the issuing body becomes aware of a change in a detail referred to in subregulation (4); and
  (b) the issuing body does not, within 5 working days after becoming aware of the change, notify the Secretary in writing of the detail as changed.

Penalty: 20 penalty units.

6.07 Issuing body to give effect to ASIC program

(1) An issuing body must not fail to give effect to its ASIC program.

Penalty: 50 penalty units.

(2) Without limiting subregulation (1), an issuing body fails to give effect to its ASIC program if it:
  (a) fails to do something that its ASIC program requires that it do; or
  (b) does something that its ASIC program requires that it not do; or
  (c) does something that its ASIC program requires that it do, but does so in a way that contravenes the program.

(3) A contravention of subregulation (1) is an offence of strict liability.

(4) However, an issuing body may apply, in writing, to the Secretary for exemption from giving effect to its ASIC program in a particular case or respect.

(5) If the Secretary needs more information to deal with an application, the Secretary may ask the applicant, in writing, to provide the information.

(6) Within 30 days after receiving an application (or, if the Secretary asks for more information under subregulation (5), within 30 days after receiving the information), the Secretary must:

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(a) grant or refuse the exemption; and
(b) notify the body in writing of the decision and, if the decision is a refusal, the reasons for the decision.

Note: See section 266 of the *Administrative Review Tribunal Act 2024* for the requirements for the decision-maker to notify persons whose interests are affected by the decision of the making of the decision and their right to have the decision reviewed.

(7) If the Secretary has not approved, or refused to approve, the exemption within the period allowed by subregulation (6), the Secretary is taken to have refused to approve the exemption.

(8) The Secretary may also grant, on his or her own initiative, an issuing body a written exemption from giving effect to its ASIC program in a particular case or respect.

(9) Before granting or refusing an exemption under this regulation, the Secretary must consider:
(a) the justification for the proposed exemption; and
(b) the likely effect of the proposed exemption on each of the matters mentioned in subregulation 6.06(2); and
(c) how long the proposed exemption will be for, if it is granted; and
(d) anything else relevant that the Secretary knows about.

(10) The Secretary may grant an exemption for a particular period and subject to a condition mentioned in the exemption.

6.09 Direction to vary ASIC program

(1) If the Secretary is satisfied that an issuing body's ASIC program does not adequately address a matter mentioned in subregulation 6.06(2), the Secretary may direct the body, in writing, to vary the program.

(2) However, the Secretary must not give a direction under subregulation (1) unless the Secretary is satisfied that the program, as varied, would adequately address the relevant matter mentioned in subregulation 6.06(2).

(3) A direction must:
(a) indicate the variation needed; and
(b) state the time within which the issuing body must submit an appropriately varied program to the Secretary.

(4) An issuing body must comply with such a direction.

Note: Regulation 6.19 provides for the revocation of the authorisation of a body that does not comply with a direction.

6.10 Variation of ASIC program by issuing body

(1) An issuing body may:
(a) review its ASIC program at any time; and

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(b) submit a written proposed variation of the program to the Secretary for approval.

(2) If the Secretary needs more information to deal with an application, the Secretary may ask the applicant, in writing, to provide the information.

(3) Before the end of 30 days after receiving the proposed variation (or, if the Secretary asks for more information under subregulation (2), before the end of 30 days after receiving the information), the Secretary must:

(a) approve or refuse to approve the variation; and

(b) notify the body in writing of the decision and, if the decision is a refusal, the reasons for the decision.

Note: See section 266 of the *Administrative Review Tribunal Act 2024* for the requirements for the decision-maker to notify persons whose interests are affected by the decision of the making of the decision and their right to have the decision reviewed.

(4) If the Secretary has not approved, or refused to approve, the program within the period allowed by subregulation (3), the Secretary is taken to have refused to approve the program.

(5) The Secretary must approve the variation if the program, as varied, will adequately address the matters mentioned in subregulation 6.06(2).

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Division 6.3—Issuing bodies

6.12 Comptroller-General of Customs to be issuing body

(1) The Comptroller-General of Customs is an issuing body.

(2) The Comptroller-General of Customs must have an ASIC program.

6.13 Existing issuing bodies

If, immediately before 21 November 2011, an aviation industry participant or an operator of a security controlled airport was an issuing body under regulation 6.13 or 6.14 of these Regulations as in force immediately before 21 November 2011, the participant or operator is taken to be authorised as an issuing body on and after 21 November 2011.

Note: The Secretary can revoke the authorisation of an issuing body under regulation 6.19 or 6.19A.

6.17 Issuing bodies' staff etc

(1) An issuing body other than a Commonwealth agency must not allow a person to be directly involved in the issue of ASICs if he or she does not hold an ASIC.

Penalty: 20 penalty units.

(2) A Commonwealth agency that is an issuing body must not allow a person to be directly involved in the issue of ASICs if he or she does not hold an ASIC.

6.18 Copies of ASIC program to be made available

An issuing body must make a copy of its ASIC program available to another issuing body if the requesting issuing body can demonstrate that making the program available to it will assist it to avoid hindering or obstructing compliance with the program.

6.19 Revocation of authorisation for cause

(1) If an issuing body is the operator of a security controlled airport, the Secretary must revoke the body's authorisation as an issuing body if, in the opinion of the Secretary:

(a) the body's ASIC program does not adequately address a matter mentioned in subregulation 6.06(2) and it is unlikely that a direction under regulation 6.09 will make the program adequately address the matter; or

(b) allowing the body's authorisation to continue would be likely to be a significant threat to aviation security; or

(c) the body does not comply with a direction of the Secretary under regulation 6.09.

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(2) If an issuing body is not the operator of a security controlled airport, the Secretary must revoke the body's authorisation as an issuing body if, in the opinion of the Secretary:

(a) the body is no longer a person that may appropriately be authorised to issue ASICs; or

(b) the body no longer controls a secure area, or part of a secure area, of a security controlled airport, and does not reasonably require on-going access to such an area or part of an area; or

(c) the ASICs being issued by the body can more appropriately be issued by an airport operator; or

(d) the body's ASIC program does not adequately address a matter mentioned in subregulation 6.06(2) and it is unlikely that a direction under regulation 6.09 will make the program adequately address the matter; or

(e) allowing the body's authorisation to continue would be likely to be a significant threat to aviation security; or

(f) the body does not comply with a direction of the Secretary under regulation 6.09.

(3) The Secretary may revoke the authorisation of an issuing body if the body contravenes:

(a) this Part; or

(b) a condition of its authorisation; or

(c) its ASIC program.

(4) In making a decision under subregulation (3), the Secretary must consider:

(a) the kind and seriousness of the contravention; and

(b) whether the issuing body has previously contravened this Part, a condition of its authorisation or its ASIC program.

(5) As soon as practicable after revoking the authorisation of a body under this regulation, the Secretary must notify the body in writing of the revocation and the reasons for the revocation.

Note: See section 266 of the *Administrative Review Tribunal Act 2024* for the requirements for the decision-maker to notify persons whose interests are affected by the decision of the making of the decision and their right to have the decision reviewed.

(6) The revocation takes effect when written notice of the revocation is given to the body.

6.19A Secretary's discretion to revoke authorisation

(1) The Secretary may revoke the authorisation of a body (the ***relevant body***) as an issuing body:

(a) on the Secretary's own initiative; or

(b) on application by the relevant body under regulation 6.20.

(2) If the Secretary intends to revoke the authorisation of the relevant body under this regulation on the Secretary's own initiative, the Secretary must:

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(a) give the relevant body written notice of the Secretary's intention to revoke the authorisation; and

(b) invite the relevant body to respond within 14 days.

(3) Before deciding whether to revoke the authorisation under this regulation, the Secretary may consider the following matters:

(a) the number of ASICs issued by the relevant body that:

(i) are in effect; or

(ii) are suspended under regulation 6.42B; or

(iii) have been cancelled or have expired, but may be reinstated; or

(iv) have been cancelled or have expired, if another ASIC may be issued to the former holder without a further background check being conducted;

(b) whether there are any applications for ASICs that the relevant body is yet to approve or refuse to approve;

(c) whether the Comptroller-General of Customs can be the issuing body for:

(i) the ASICs issued by the relevant body; and

(ii) any applications referred to in paragraph (b);

(d) if the Comptroller-General of Customs cannot be the issuing body as mentioned in paragraph (c)—whether there is another issuing body that can be the issuing body for the things mentioned in subparagraphs (c)(i) and (ii);

(e) the effect the revocation of the relevant body's authorisation may have on operations;

(f) if the relevant body has responded to a notice under subregulation (2)—the relevant body's response;

(g) any other matter the Secretary considers relevant.

(4) If the Secretary decides to revoke, or refuse to revoke, the relevant body's authorisation under this regulation, the Secretary must give the body written notice of the following:

(a) the Secretary's decision;

(b) the reasons for the decision;

(c) if the Secretary decides to revoke the authorisation—the day on which the authorisation is revoked.

Note: If the body applied for the revocation, the Secretary must make the decision and give the body written notice within 30 days of receiving the application—see subregulation 6.20(2).

(5) If the Secretary decides to revoke the relevant body's authorisation under this regulation, and there are:

(a) ASICs referred to in paragraph (3)(a) issued by the relevant body; or

(b) applications for ASICs that the relevant body is yet to approve or refuse to approve;

the Secretary must decide, under regulation 6.22, that another issuing body is to be the issuing body for the ASICs and applications.

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Note: If there are no ASICs or applications referred to in paragraph (a) or (b), the Secretary may revoke the relevant body's authorisation without making a decision under regulation 6.22.

(6) A revocation of the relevant body's authorisation under this regulation takes effect at the start of the day specified in the notice in accordance with paragraph (4)(c).

6.20 Application by issuing body for revocation of authorisation

(1) An issuing body may apply, in writing, for the Secretary to revoke under regulation 6.19A the authorisation of the body as an issuing body.

(2) Within 30 days after receiving the written application, the Secretary must:
  (a) decide to revoke, or refuse to revoke, the applicant's authorisation as an issuing body; and
  (b) give the applicant written notice under subregulation 6.19A(4).

Note: If the Secretary decides to revoke the applicant's authorisation as an issuing body and there are ASICs or applications referred to in paragraph 6.19A(5)(a) or (b), the Secretary must also make a decision under regulation 6.22.

(3) If the Secretary does not make a decision about an application within the 30 days referred to in subregulation (2), the Secretary is taken to have refused to revoke the applicant's authorisation at the end of that period.

6.22 Responsibility for ASICs, applications and records if body ceases to be an issuing body

(1) This regulation applies in relation to a body (the ***original issuing body***) that was an issuing body if:
  (a) the Secretary revokes the authorisation of the body as an issuing body under regulation 6.19 or 6.19A; or
  (b) the body ceases to exist; or
  (c) for any other reason, the body no longer performs the functions or exercises the powers of an issuing body.

(2) The Secretary may decide that another issuing body (the ***new issuing body***) is to be the issuing body for:
  (a) any ASICs (***transferred ASICs***) issued by the original issuing body that:
    (i) are in effect; or
    (ii) are suspended under regulation 6.42B; or
    (iii) have been cancelled or have expired, but may be reinstated; or
    (iv) have been cancelled or have expired, if another ASIC may be issued to the former holder without a further background check being conducted; and
  (b) any applications for ASICs (***transferred ASIC applications***) made to the original issuing body in relation to which the original issuing body:
    (i) has applied to the Secretary AGD for a background check (whether or not the background check has been completed); but

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(ii) has not yet issued, or refused to issue, an ASIC.

Transferred ASICs and transferred ASIC applications

(4) A transferred ASIC is not affected by the original issuing body no longer being an issuing body.

(5) The new issuing body is not responsible for the actions of the original issuing body in relation to a transferred ASIC.

(6) The new issuing body may continue to deal with a transferred ASIC application as if it had been made to the new issuing body, and if the new issuing body does so:

(a) subject to paragraph (b), anything done by or in relation to the original issuing body in relation to the transferred ASIC application is taken, for the purposes of the new issuing body dealing with the application under this Part, to have been done by or in relation to the new issuing body; but

(b) the new issuing body may disregard anything done by or in relation to the original issuing body in relation to the transferred ASIC application for the purposes of dealing with the application under this Part, if the new issuing body considers it appropriate to do so.

Note: For example, the new issuing body may continue to process a transferred ASIC application, and may issue the ASIC applied for, in reliance on identification documents provided to the original issuing body. However, the new issuing body may choose not to rely on the documents, and may require the applicant to provide identification documents again, if the new issuing body considers it appropriate to do so.

Transfer of records and documents to new issuing body

(7) The original issuing body must transfer to the new issuing body:

(a) the original issuing body's register of ASICs, to the extent that the register relates to transferred ASICs; and

(b) any records or documents (including records or documents containing AusCheck scheme personal information within the meaning of the *AusCheck Act 2007*) in the original issuing body's possession that relate to:

(i) transferred ASICs; or

(ii) transferred ASIC applications.

Transfer of records and documents to Secretary

(8) The original issuing body must transfer to the Secretary any records or documents (including records or documents containing AusCheck scheme personal information within the meaning of the *AusCheck Act 2007*) that subregulation 6.24(2) requires the original issuing body to retain, other than records or documents transferred to a new issuing body (if any) under subregulation (7) of this regulation.

Note: Subregulation (8) applies whether or not there is a new issuing body.

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6.22A Transitional issuing bodies

(1) The Secretary may, in writing, declare an issuing body to be a transitional issuing body.

(2) If the Secretary declares an issuing body to be a transitional issuing body, the following apply to the body:

(a) beginning on the day after the Secretary makes the declaration, the transitional issuing body:

(i) must not issue a new ASIC unless the issuing body received the application for the ASIC before the issuing body was declared to be a transitional issuing body; and

(ii) must not apply to the Secretary AGD for a background check, other than under regulation 6.41A;

(b) the transitional issuing body continues to be the issuing body for any ASICs issued by the issuing body, and may issue replacement ASICs;

(c) the transitional issuing body's authorisation as an issuing body is taken to be revoked immediately after the expiry or cancellation of the last ASIC issued by the body.

Note: A transitional issuing body remains an issuing body (see the definition of ***issuing body*** in subregulation 6.01(1)).

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Division 6.4—Record-keeping

6.23 Register of ASICs

(1) An issuing body must keep a register in accordance with this regulation.

(2) The register must contain the following details of each ASIC issued by the body:
- (a) the name of the person to whom the ASIC was issued;
- (b) subject to subregulation (3), his or her residential address;
- (c) the general reason that he or she has an operational need to hold an ASIC;
- (d) the date of the beginning of the current period during which he or she has continuously held an ASIC;
- (e) whether the card is red, grey, white, permanent, temporary, Australia wide or airport specific;
- (f) the unique number of the ASIC;
- (g) its date of issue;
- (h) its date of expiry;
- (i) if applicable, the date on which it was cancelled;
- (j) if the ASIC is cancelled and the cancellation is set aside by the Secretary or set aside (however described) by the Administrative Review Tribunal:
  - (i) the date the cancellation is set aside; and
  - (ii) if the holder returns the ASIC to the issuing body after the cancellation—the date the body returns the ASIC to the holder;
- (k) if the ASIC is suspended:
  - (i) the date the issuing body tells the holder about the suspension; and
  - (ii) for a red ASIC or a grey ASIC—the date the holder returns the ASIC to the issuing body; and
  - (iii) if the suspension period ends under subregulation 6.42C(3)—the date the body returns the ASIC to the holder;
- (l) if applicable, the date on which the ASIC was reported lost, stolen or destroyed;
- (m) if applicable, the date on which the ASIC is returned to the to the issuing body.

(3) The register need not contain the residential address of an ASIC holder who is a law enforcement officer, an officer or employee of ASIO or an Australian Public Service employee.

(4) The register may be kept by means of a computer or in any other form that can be conveniently audited.

(5) The issuing body must hold the register at its office.

(6) The issuing body must allow an aviation security inspector to inspect the register on request during normal business hours.

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6.24 Other records of issuing bodies

(1) An issuing body must maintain records that are sufficient to demonstrate that it has complied with its ASIC program.

(2) The issuing body must retain the following, in relation to an application for the issuing body to issue an ASIC to a person:

(a) a copy of the application;

(b) if the issuing body issues the ASIC to the person—the record of issue of the ASIC;

(c) copies of the identification documents that were given to the issuing body in relation to the application;

(d) any records, or copies of any documents, that were given to the issuing body in relation to the applicant's operational need for the ASIC.

(2A) The records and documents required to be retained under subregulation (2) must be retained until:

(a) if the issuing body issues the ASIC to the person—the end of 3 years after the completion of the background check requested in relation to the application; or

(b) otherwise—the end of 3 years after the application was made.

(3) The records and documents may be kept by means of a computer or in any other form that can be conveniently audited.

(5) The issuing body must allow an aviation security inspector to inspect the records and documents on request during normal business hours.

6.25 Annual reporting by issuing bodies

An issuing body must report to the Secretary in writing, within 1 month after the end of each financial year:

(a) the total number of ASICs issued by the body that have not expired and have not been cancelled; and

(b) the number of red ASICs or grey ASICs issued by the body that have expired or been cancelled but have not been returned to the body.

Penalty: 20 penalty units.

6.25A Register of VICs and other records

(1) A VIC issuer (other than an agent) must keep a register and other records in accordance with this regulation.

Register and other records

(2) The register must contain the following details of each VIC issued by the VIC issuer (or its agents):

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(a) if the VIC is issued by a Secretary-approved VIC issuer (or its agent), the Comptroller-General of Customs or the Director-General of Security—the airport for which the VIC is valid;

(b) the following details about the person to whom the VIC was issued:

(i) the name of the person;

(ii) the date of birth of the person;

(iii) the residential address of the person;

(c) the reasons stated by the person for why the person needs to be issued a VIC;

(d) the unique number of the VIC;

(e) the date of issue of the VIC;

(f) the date of expiry of the VIC;

(g) if applicable, the date on which the VIC was returned or cancelled, or reported lost, stolen or destroyed;

(h) the following details about the ASIC holder supervising the VIC holder:

(i) the name of the ASIC holder;

(ii) the unique number of the ASIC holder's ASIC;

(iii) the date of expiry of the ASIC holder's ASIC;

(i) a declaration by the VIC holder that he or she has not:

(i) been refused an ASIC; or

(ii) had an ASIC that was suspended or cancelled because the holder had an adverse criminal record; or

(iii) if the VIC is not issued by the Comptroller-General of Customs or the Director-General of Security—been issued with a VIC for the airport for more than a total of 28 days in the previous 12 months, other than a VIC issued in the circumstances set out in subregulation (2A);

(j) if the VIC is issued by a Secretary-approved VIC issuer (or its agent)—a declaration by the VIC holder that he or she has not been issued with a VIC by that issuer for more than a total of 28 days in the previous 12 months;

(k) if the VIC is issued by the Comptroller-General of Customs—a declaration by the VIC holder that he or she has not been issued with a VIC by the Comptroller-General of Customs for more than a total of 28 days in the previous 12 months;

(ka) if the VIC is issued by the Director-General of Security—a declaration by the VIC holder that the holder has not been issued with a VIC by the Director-General of Security for more than a total of 28 days in the previous 12 months;

(l) if paragraph 6.38C(1)(a) or (b) applies, details of the identification document or documents used to confirm the identity of the VIC holder;

(m) confirmation by an ASIC holder of the reasons why the VIC holder needs to enter a secure area of the airport;

(n) if the ASIC holder mentioned in paragraph (m) is not the ASIC holder mentioned in paragraph (h)—the following details about the ASIC holder mentioned in paragraph (m):

(i) the name of the ASIC holder;

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(ii) the unique number of the ASIC holder's ASIC;
(iii) the date of expiry of the ASIC holder's ASIC.

Example for paragraph (l): If the identification document is a passport, the document number, country of issue and expiry date of the passport.

(2A) For the purposes of subparagraph (2)(i)(iii), the circumstances are that the VIC is issued:
(a) by the Comptroller-General of Customs; or
(b) by the Director-General of Security; or
(c) relying on regulation 6.38G, 6.38H or 6.38I; or
(d) relying on an exemption under regulation 6.38F.

(3) The register need not contain the residential address of a VIC holder who is a law enforcement officer, an officer or employee of ASIO, an APS employee, a member of the Parliament of the Commonwealth or a State or a member of the legislature of a Territory.

(4) A person commits an offence if:
(a) the person is required to keep a register under this regulation; and
(b) the person does not retain the record of issue of a VIC issued by the person (or its agent) for 24 months after the issue of the VIC; and
(c) the person knows that the record has not been retained for 24 months.

Penalty: 30 penalty units.

(5) A person commits an offence if:
(a) the person (the ***issuer***) is required to keep a register under this regulation; and
(b) the issuer does not retain a record, for each person to whom the issuer (or its agents) has issued a VIC in the previous 12 months, of the number of days in the previous 12 months that the person has held a VIC for an airport; and
(c) the issuer knows that the record has not been retained; and
(d) the issuer is not exempt from this subregulation under subregulation (6).

Penalty: 30 penalty units.

(6) An issuer is exempt from subregulation (5) if the issuer is an airport operator of an airport from which screened air services do not operate.

Means of maintaining register and other records

(7) The VIC issuer must keep the register and other records by means of a computer or in any other form that can be conveniently audited.

(8) The VIC issuer must hold the register and other records at its office.

(9) The VIC issuer must allow an aviation security inspector to inspect the register and other records on request during normal business hours.

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6.25B Register of TACs

(1) If an aircraft operator issues TACs, the aircraft operator must maintain a register in accordance with this regulation.

(2) The register must contain the following details of each TAC issued by the aircraft operator:
  (a) the name of the person to whom the TAC was issued;
  (b) either:
    (i) the unique number of the TAC holder's ASIC; or
    (ii) the name of the issuing body to whom the TAC holder has applied for an ASIC;
  (c) the unique number of the TAC;
  (d) the date of issue of the TAC;
  (e) the date of expiry of the TAC;
  (f) if applicable, the date on which the TAC was returned or cancelled, or reported lost, stolen or destroyed.

(3) The aircraft operator must retain the record of issue of a TAC for 24 months after the issue of the TAC.

Means of maintaining register

(4) The aircraft operator must keep the register by means of a computer or in any other form that can be conveniently audited.

(5) The aircraft operator must hold the register at its office.

(6) The aircraft operator must allow an aviation security inspector to inspect the register on request during normal business hours.

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Division 6.5—ASICs, TACs and VICs—issue, expiry, suspension and cancellation

Subdivision 6.5.1—Definitions for this Division

6.26A Definitions

(1) In this Division:

AusCheck facility means a facility made available by the Secretary AGD for the purposes of the AusCheck scheme.

ICAO 3-letter code, for an airport, means the second, third and fourth letters of the ICAO 4-letter code for the airport.

(2) In this Division, an ASIC holder is ***supervising*** a person if the ASIC holder is displaying a valid ASIC and:

(a) the ASIC holder escorts or watches the person at all times when the person is required to display an ASIC; or

(b) all of the following apply:

(i) the ASIC holder ensures that the person stays within a particular area;

(ii) the ASIC holder is able to see if the person leaves the area;

(iii) the person has no access, while in that area, to:

(A) an aircraft engaged in a prescribed air service; or

(B) passengers boarding, or intending to board, an aircraft engaged in a prescribed air service; or

(C) anything being loaded, or to be loaded, on board an aircraft engaged in a prescribed air service.

Subdivision 6.5.2—Issue and form of ASICs

6.26 ASICs—application for issue

A person may, in writing, apply to an issuing body for the issue of an ASIC.

6.27 Issue of ASICs

(1) An issuing body may issue ASICs only in accordance with its ASIC program.

(2) A person commits an offence if:

(a) the person issues an ASIC, a card resembling an ASIC, or a card apparently intended to be taken to be an ASIC; and

(b) the person is not an issuing body.

Penalty: 50 penalty units.

(3) An offence under subregulation (2) is an offence of strict liability.

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(4) A person commits an offence if:
  (a) the person is a transitional issuing body; and
  (b) the person issues an ASIC, a card resembling an ASIC, or a card apparently intended to be taken to be an ASIC; and
  (c) the ASIC:
    (i) is not a replacement ASIC; or
    (ii) was not applied for before the person was declared to be a transitional issuing body.

Penalty: 50 penalty units.

(5) An issuing body must not issue an Australia-wide red ASIC or grey ASIC unless the ASIC holder has an operational need to access more than one airport.

6.27A Approval of airport operator for airport-specific ASICs

(1) If an issuing body (other than the Comptroller-General of Customs) intends to issue an airport-specific ASIC to a person, and the issuing body is not the airport operator of that airport, the issuing body must not issue the ASIC unless the issuing body has received the written approval of the airport operator of the airport.

(2) The airport operator may give the issuing body approval subject to conditions.

(3) An issuing body may apply to the Secretary for an exemption from subregulation (1) if:
  (a) the airport operator refuses to give the issuing body approval to issue an airport-specific ASIC; or
  (b) the issuing body does not agree to the conditions imposed on the issuing body by the airport operator in relation to the issuing of an airport-specific ASIC.

(4) Before deciding whether to grant an issuing body an exemption from subregulation (1), the Secretary must consider the following:
  (a) the reasons (if any) given by the airport operator for why approval was not given or the conditions were imposed;
  (b) the issuing body's reasons for wanting to issue airport-specific ASICs for that airport;
  (c) the number of airport-specific ASICs the issuing body has previously issued, and proposes to issue, for that airport;
  (d) the effect that an exemption would have on the airport operator and on aviation security at the airport;
  (e) the significance of any facilities operated by the issuing body at the airport, including:
    (i) if any aircraft use the facilities—the size and number of aircraft that use the facilities; and
    (ii) if any passengers use the facilities—the number of passengers that use the facilities; and

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(iii) whether the issuing body operating the facilities has its own screening point; and

(iv) the measures and procedures in place to control access to the facilities.

(5) Within 30 days of receiving an application for an exemption from an issuing body, the Secretary must:

(a) decide whether to grant the issuing body an exemption from subregulation (1); and

(b) give the issuing body written notice of the decision and the reasons for the decision.

6.27AA Application for background check

(1) An issuing body may apply to the Secretary AGD for a background check on:

(a) an applicant for an ASIC; or

(b) the holder of an ASIC if the issuing body considers on reasonable grounds that either or both of the following subparagraphs apply in relation to the last application (the ***previous application***) for a background check on the holder made under paragraph (a) or (c):

(i) any of the requirements of the *AusCheck Regulations 2017* for the previous application were not satisfied;

(ii) the Secretary AGD did not have all of the required information (within the meaning of the *AusCheck Regulations 2017*) for the individual when AusCheck undertook a background check in response to the previous application; or

(c) the holder of an ASIC who has notified the issuing body under regulation 6.41.

(3) The Secretary may apply to the Secretary AGD for a background check on a person who is an applicant for an ASIC, or the holder of an ASIC, if the Secretary considers on reasonable grounds that:

(a) the person has been convicted of an aviation-security-relevant offence; or

(b) the person constitutes a threat to aviation security; or

(c) there is a risk that the person would use aviation in connection with serious and organised crime.

(4) In considering the matter mentioned in paragraph (3)(a), (b) or (c), the Secretary must take into account:

(a) any information given to the Secretary by the person or the issuing body of the ASIC; and

(b) any information given to the Secretary by the Secretary AGD or a law enforcement agency (however described) about the person; and

(c) anything else relevant that the Secretary knows about.

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6.27AB Requirements for verifying identity

(1) This regulation sets out how a person's identity is to be verified by an issuing body for the purposes of paragraph 6.28(1)(b).

(2) The person must:

(a) subject to subregulation (3), give to the issuing body, in person, an original of each of the following for the person:

(i) a Category A identification document;

(ii) a Category B identification document that is different from the Category A identification document;

(iii) a Category C identification document that is different from the Category A identification document and the Category B identification document;

(iv) if evidence of residential address is not set out in a document already given—a Category D identification document; and

(b) give to the issuing body the information required under the *AusCheck Regulations 2017* to be included in an application for a background check in relation to the person.

(3) If the Secretary has given an approval under regulation 6.27AC for alternative identification requirements to apply to the person, or a class of persons including the person, in relation to a requirement (the ***primary requirement***) referred to in paragraph (2)(a) of this regulation, the person may satisfy the primary requirement by complying with the alternative identification requirements.

(4) The issuing body must verify the person's identity at the time the person gives the documents referred to in paragraph (2)(a) (or any other documents given in accordance with alternative identification requirements) to the issuing body.

(5) To avoid doubt, the person must give the documents referred to in paragraph (2)(a) (or any other documents given in accordance with alternative identification requirements) to the issuing body even if the person has previously given the same documents to the same issuing body in relation to another application for the issue of an ASIC.

6.27AC Alternative requirements for verifying identity

Alternative identification requirements—persons

(1) If a person cannot satisfy one or more requirements to give a document to an issuing body under paragraph 6.27AB(2)(a), the issuing body may apply to the Secretary for approval of alternative identification requirements in relation to those requirements for the person.

(2) The application must:

(a) be in writing; and

(b) state whether the document or documents are one or more of the following:

(i) a Category A identification document;

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(ii) a Category B identification document;
(iii) a Category C identification document;
(iv) a Category D identification document; and

(c) state the reason why the person cannot satisfy the requirement or requirements; and

(d) set out alternative identification requirements; and

(e) if the alternative identification requirements relate to another document or other documents—include a copy of that document or those documents; and

(f) include any other information that may assist the Secretary in making a decision about whether to approve the alternative identification requirements.

(3) In making a decision to approve, or refuse to approve, alternative identification requirements, the Secretary must consider the following matters:

(a) the extent to which the issuing body can show evidence of the identity of the person;

(b) the reason why the person cannot satisfy the requirement or requirements;

(c) whether the alternative identification requirements proposed are sufficient to enable the Secretary AGD to conduct a background check.

(4) If the Secretary requires further information to consider the application, the Secretary may request the issuing body to give the further information.

(5) The Secretary must, in writing and within 30 days after receiving the application or, if further information is requested, within 30 days after receiving the further information:

(a) approve, or refuse to approve, the alternative identification requirements for the person; and

(b) notify the issuing body of the decision; and

(c) if the decision is a refusal—notify the issuing body of the reasons for the refusal.

Note: See section 266 of the *Administrative Review Tribunal Act 2024* for the requirements for the decision-maker to notify persons whose interests are affected by the decision of the making of the decision and their right to have the decision reviewed.

(6) If the Secretary has not made a decision on the application within the period mentioned in subregulation (5), the Secretary is taken to have refused to approve the application.

Alternative identification requirements—classes of persons

(7) If the Secretary is satisfied that a class of persons may be unable to meet one or more requirements under paragraph 6.27AB(2)(a), the Secretary may approve alternative identification requirements in relation to those requirements for the class of persons.

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Regulation 6.28

6.28 ASICs—issue

(1) Subject to subregulations (3), (4), (4A) and (4D) and regulations 6.29, 6.31 and 6.35, an issuing body may issue an ASIC to a person only if:

(a) the person has an operational need for an ASIC; and

(b) the issuing body is satisfied of the person's identity, after verifying the person's identity in accordance with regulation 6.27AB; and

(c) the issuing body is satisfied that the person is not an unlawful non-citizen; and

(d) the issuing body has received a notice from the Secretary AGD stating that:

(i) the Secretary AGD has conducted an assessment under the AusCheck scheme to decide if the person has an adverse criminal record; and

(ii) based on the criminal history, the person does not have an adverse criminal record; and

(e) the issuing body has been notified in writing that a security assessment of the person has been made, and:

(i) the assessment was not adverse; or

(ii) if the assessment was qualified—the issuing body has received a notice from the Secretary that an ASIC may be issued because the person is not a threat to aviation security; and

(ea) the issuing body has been notified in writing by the Secretary that the Department has not been given an adverse criminal intelligence assessment that indicates the Chief Executive Officer of the Australian Crime Commission reasonably believes that preventing the person proposed to be issued an ASIC from holding an ASIC is necessary or desirable to prevent the use of aviation in connection with serious and organised crime; and

(f) the person is not disqualified under regulation 6.48 from holding an ASIC.

Penalty: 50 penalty units.

(2) An offence against subregulation (1) is an offence of strict liability.

(3) The issuing body may issue an ASIC to a person who is under 18 if:

(a) the person meets the criteria in paragraphs (1)(a), (b), (c), (e), (ea) and (f); and

(b) in the case of a person who was under 14 at the time the application for the ASIC was made—the application was accompanied by a written consent, given by a parent or guardian of the person, for the issuing body to perform its functions, and exercise its powers, in relation to the issuing of the ASIC (including by applying for a background check of the person).

(4) The issuing body may issue an ASIC to a person who holds a security designated authorisation that is less than 2 years old if the person meets the criteria in paragraphs (1)(d), (e), (ea) and (f).

(4A) Subject to subregulation (4G), an issuing body may issue an ASIC to a person if:

(a) the person had his or her ASIC cancelled under paragraph 6.43(2)(e) or subregulation 6.43(4A) or 6.47(1); and

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(b) if the cancelled ASIC was a red ASIC or a grey ASIC, either:
  (i) the person has returned the cancelled ASIC to the issuing body that issued the ASIC; or
  (ii) the cancelled ASIC was lost, stolen or destroyed, and the person has complied with regulation 6.46; and
(c) within 12 months after the cancellation:
  (i) the person gives the issuing body a statutory declaration that states:
    (A) the reason why his or her ASIC was cancelled; and
    (B) that, since his or her background checks were completed, he or she has not been convicted of an aviation-security-relevant offence; and
    (C) any relevant circumstances of the person that have changed since his or her background checks were completed; and
  (ii) the issuing body lodges a request for the issue of an ASIC using the facility made available by the Secretary AGD in accordance with the AusCheck facility.

(4B) An issuing body commits an offence if the issuing body issues an ASIC in contravention of subregulation (4A).

Penalty: 50 penalty units.

(4C) An offence against subregulation (4B) is an offence of strict liability.

(4D) Subject to subregulation (4G), an issuing body may issue an ASIC to a person if:
(a) the person held an ASIC that:
  (i) has expired; and
  (ii) had an expiry date less than the maximum period permitted for the person by regulation 6.32; and
(b) unless the ASIC was a white ASIC, the person has complied with regulation 6.45 or 6.46; and
(c) within 12 months after the expiry of the ASIC:
  (i) the person gives the issuing body a statutory declaration that states:
    (A) that, since his or her background checks were completed, he or she has not been convicted of an aviation-security-relevant offence; and
    (B) any relevant circumstances of the person that have changed since the expired ASIC was issued; and
  (ii) the issuing body lodges a request for the issue of an ASIC using the Auscheck facility.

(4E) An issuing body commits an offence if the issuing body issues an ASIC in contravention of subregulation (4D).

Penalty: 50 penalty units.

(4F) An offence against subregulation (4E) is an offence of strict liability.

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(4G) Before an ASIC is issued under subregulation (4A) or (4D), the issuing body must ensure that:

(a) the person meets the criteria in paragraphs (1)(a), (b), (c) and (ea); and

(b) if the cancelled or expired ASIC was issued subject to a condition under subregulation 6.29(6) or regulation 6.43D—the ASIC to be issued is subject to the same condition.

Note: See regulation 6.32 for when the ASIC must expire.

(5) An issuing body may issue an ASIC on a condition, but must notify the holder in writing what the condition is.

(6) In particular, a condition may be that a background check of the holder be conducted more often than required by these Regulations.

Note: See regulation 6.32 for when the ASIC must expire.

6.29 ASICs—application to Secretary if person has adverse criminal record or is disqualified

(1) An issuing body or a person may apply to the Secretary, in writing, for permission for an ASIC to be issued to the person if:

(a) the person is not eligible to be issued an ASIC because he or she:

(i) has an adverse criminal record; or

(ii) is disqualified under regulation 6.48 from holding an ASIC; and

(b) the only other reason (if any) the person is not eligible is that the person does not have an operational need for an ASIC; and

(c) the person has not been convicted of a tier 1 offence.

Note: If the person does not have an operational need for an ASIC, an ASIC must not be issued until the person has an operational need (see subregulation (7)).

(1A) An application under subregulation (1) must be made:

(a) for an issuing body—before the end of 28 days after the issuing body was given advice about the background check of the person under Subdivision A of Division 5 of Part 2 of the *AusCheck Regulations 2017*; or

(b) for the person—before the end of 28 days after the person:

(i) was advised or informed under Subdivision A of Division 5 of Part 2 of *AusCheck Regulations 2017* that the person has an unfavourable criminal history (within the meaning of those regulations); or

(ii) is disqualified under regulation 6.48 from holding an ASIC.

(1B) The Secretary may, on application in writing by an issuing body or the person, extend the time for making the application.

(2) If the Secretary needs more information to deal with an application, the Secretary may ask the issuing body or the person, in writing, to provide the information.

(2A) The Secretary may request information about the person from the Secretary AGD.

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(2B) If the Secretary has asked for more information under subregulation (2), and does not receive the information within 30 days of asking for it, the Secretary may close the application and subregulations (3) and (4) do not apply.

Note: Closing an application is not a refusal to issue an ASIC.

(2C) The Secretary may, on application in writing by an issuing body or the person, extend the time for providing the information.

(2D) If an application was closed under subregulation (2B) and the Secretary extends the time in which the issuing body or person may provide the information, the application is not reopened until the Secretary receives the information.

(3) Within 30 days after receiving an application (or, if the Secretary has asked for information under subregulation (2), after receiving the information), the Secretary must:

(a) decide whether to approve, or refuse to approve, the issuing of the ASIC; and

(b) if the Secretary decides to approve the issuing of the ASIC—tell the following persons, in writing, about the decision:

(i) the person who applied for the ASIC;

(ii) the issuing body;

(iii) the Secretary AGD; and

(c) if the Secretary decides to refuse to approve the issuing of the ASIC:

(i) tell the person who applied for the ASIC, in writing, about the decision and the reasons for it; and

(ii) if the application mentioned in subregulation (1) was made by an issuing body—tell the issuing body, in writing, about the decision.

Note: See section 266 of the *Administrative Review Tribunal Act 2024* for the requirements for the decision-maker to notify persons whose interests are affected by the decision of the making of the decision and their right to have the decision reviewed.

(4) If the Secretary has not approved, or refused to approve, the issue of the ASIC within the period allowed by subregulation (3), the Secretary is taken to have refused to approve the issue of the ASIC.

(5) Before approving or refusing to approve the issue of the ASIC to a person who is not eligible to be issued an ASIC only because the person's adverse criminal record prevents him or her being issued with an ASIC, the Secretary must consider:

(a) the nature of the offence the person was convicted of; and

(b) the length of the term of imprisonment imposed on him or her; and

(c) if he or she has served the term, or part of the term—how long it is, and his or her conduct and employment history, since he or she did so; and

(d) if the whole of the sentence was suspended—how long the sentence is, and his or her conduct and employment history, since the sentence was imposed; and

(e) anything else relevant that the Secretary knows about.

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(6) The Secretary may give an approval subject to a condition, but must notify the issuing body and the person in writing what the condition is.

Applicant who does not have an operational need

(7) If the Secretary approves the issue of an ASIC to a person who does not have an operational need for the ASIC, the ASIC must not be issued until the person has an operational need for the ASIC.

6.29A AusCheck facility to be used when issuing an ASIC

An issuing body issuing an ASIC under regulation 6.28, 6.29 or 6.35 must use the AusCheck facility.

Penalty: 10 penalty units.

6.30 Report to Secretary of refusal to issue ASICs in certain cases

(1) If an issuing body refuses to issue an ASIC to an applicant because the applicant fails to satisfy any of the criteria in paragraph 6.28(1)(c) or (f), the issuing body must, within 7 days of the decision, give the Secretary a written report that sets out:

(a) the applicant's name, address and date of birth; and

(b) the reasons for the refusal.

(2) The Secretary may pass the information on to other issuing bodies or to CASA if he or she thinks that doing so will help to prevent unlawful interference with aviation.

6.31 Persons the subject of qualified security assessments

(1) This regulation applies if a security assessment of a person is a qualified security assessment.

Note: For a person's notification and review rights in relation to a qualified security assessment, see section 38 and Division 4 of Part IV of the *Australian Security Intelligence Organisation Act 1979*.

(2) If the Secretary is satisfied that the holding of an ASIC by the person would not constitute a threat to aviation security, the Secretary must give the issuing body a written notice stating that an ASIC may be issued because the person is not a threat to aviation security.

(3) If the Secretary is satisfied that the holding of an ASIC by the person would constitute a threat to aviation security the Secretary must give the issuing body a written direction not to issue the ASIC to the person.

(4) The Secretary must give the person a notice stating that the Secretary has given the issuing body a notice under subregulation (2) or a direction under subregulation (3).

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(5) An issuing body must not issue an ASIC to a person in contravention of a direction under subregulation (3).

Penalty: 20 penalty units.

6.31A Provision of information to Secretary AGD

If the Secretary makes a decision under regulation 6.29 or 6.31, the Secretary must tell the Secretary AGD about the decision.

6.32 ASICs—period of issue and expiry

(1) Unless earlier cancelled, an ASIC expires at the end of the last day of the month specified on it as its month of expiry.

(2) Subject to subregulation (3), the expiry must not be later than 2 years after the last day of the month in which the background check, undertaken when the person applied for the ASIC, was completed.

Note: For the meaning of ***background check***, see regulation 6.01.

(3) In the case of an ASIC issued to a person under 18 in reliance on subregulation 6.28(3), the expiry must not be later than the earlier of:
(a) 6 months after the person's 18th birthday; and
(b) 2 years after the last day of the month in which the background check, undertaken when the person applied for the ASIC, was completed.

(5) If an ASIC is cancelled under paragraph 6.43(2)(ba) or (d) and the cancellation is set aside (however described) by the Secretary or the Administrative Review Tribunal, the ASIC expires on the earlier of:
(a) the date it would have expired if it had not been cancelled; or
(b) if a condition imposed under regulation 6.43D sets an earlier expiry date—that date.

6.33 Form of ASICs other than temporary ASICs

Form of permanent red ASIC

(1) A permanent red ASIC issued by an issuing body must be in a form approved in writing by the Secretary for the issuing body.

Form of permanent grey ASIC

(2) A permanent grey ASIC issued by an issuing body must be in a form approved in writing by the Secretary for the issuing body.

Form of permanent white ASIC

(3) A permanent white ASIC issued by an issuing body must be in a form approved in writing by the Secretary for the issuing body.

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(4) Without limiting subregulation (1), (2) or (3), the approval of a form under subregulation (1), (2) or (3) may extend to specifying any or all of the following:
  (a) the dimensions of a permanent ASIC and each of its parts;
  (b) the information that must be included on the front or the back of a permanent ASIC;
  (c) the security features that must be incorporated into a permanent ASIC;
  (d) the kind of photograph of the holder of a permanent ASIC that must be included on the permanent ASIC, including the size and quality of the photograph.

(5) The Secretary may approve a form of an ASIC for an issuing body under this regulation only if the Secretary is reasonably satisfied that it is necessary to do so for the purposes of safeguarding against unlawful interference with aviation.

(6) The Secretary may approve the issue of a permanent ASIC showing the holder's name on the back if the Secretary is satisfied that having the holder's name on the front would put the holder's personal security at risk.

(7) A person commits an offence if:
  (a) the person is an issuing body; and
  (b) the Secretary gives the person a copy of a form approved for the issuing body under this regulation for a permanent red ASIC, a permanent grey ASIC or a permanent white ASIC; and
  (c) the person issues a permanent red ASIC, a permanent grey ASIC or a permanent white ASIC; and
  (d) the ASIC issued does not comply in a particular respect with the form approved for the issuing body for that kind of ASIC; and
  (e) the respect in which the form does not comply is not the subject of an approval under subregulation (6).

Penalty: 50 penalty units.

(8) An offence under subregulation (7) is an offence of strict liability.

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

6.34 Issuing body to be given copy of approved form of permanent ASIC

(1) The Secretary must, as soon as practicable after approving a form of a permanent ASIC for an issuing body under regulation 6.33, give a copy of the approved form to the issuing body.

(2) The Secretary may, in the copy of the approved form given to the issuing body, direct that the issuing body must not disclose the details of the approved form to another person except in the circumstances specified in the direction.

(3) A person commits an offence if:
  (a) the person is an issuing body; and

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(b) the Secretary, under subregulation (1), gives the issuing body a copy of a form approved for the issuing body; and

(c) the copy of the approved form contains a direction under subregulation (2); and

(d) the issuing body contravenes the direction.

Penalty: 50 penalty units.

(4) An offence under subregulation (3) is an offence of strict liability.

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

6.34A Issuing body may disclose details of approved form to other persons

(1) An issuing body may, in the circumstances specified in a direction in a copy of an approved form given to the issuing body under regulation 6.34, disclose the details of the approved form to another person.

(2) A person commits an offence if:

(a) an issuing body discloses the details of an approved form to the person in in accordance with subregulation (1); and

(b) the person discloses the details to another person without the written approval of the Secretary.

Penalty: 50 penalty units.

(3) An offence under subregulation (2) is an offence of strict liability.

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

6.35 Issue of replacement ASICs

(1) An issuing body may issue a replacement permanent ASIC (the ***replacement ASIC***) to the holder of another permanent ASIC (the ***old ASIC***) issued by the issuing body if:

(a) any of the following apply:

(i) the old ASIC has been lost or destroyed, and the holder has given the issuing body a statutory declaration setting out the circumstances of the loss or destruction (which may be in the same document as the declaration referred to in paragraph (d));

(ii) the old ASIC has been stolen, and the holder has given the issuing body a copy of a police report, or other information issued by the police, regarding the theft;

(iii) the holder's name has changed, and the holder has notified the issuing body of the change in accordance with regulation 6.42;

(iv) the holder wishes to replace the old ASIC with the replacement ASIC because the holder has an operational need for the replacement ASIC; and

(b) the holder has an operational need for the replacement ASIC; and

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(c) in a case where the replacement ASIC is a different kind of ASIC from the old ASIC—the holder has given the issuing body evidence of the holder's operational need for the replacement ASIC; and

(d) the holder has given the issuing body a statutory declaration stating that, since his or her background checks were completed, he or she has not been convicted of an aviation-security-relevant offence.

Issue of replacement ASIC

(2) The replacement ASIC may be any of the following permanent ASICs:

(a) an airport-specific red ASIC or grey ASIC;

(b) an Australian-wide red ASIC or grey ASIC;

(c) a white ASIC.

Note: The holder must have an operational need for the replacement ASIC (see paragraph (1)(b)).

(3) The replacement ASIC must expire no later than the old ASIC would have expired.

(4) The replacement ASIC is subject to:

(a) any conditions to which the old ASIC was subject; and

(b) any conditions which the issuing body imposes on the replacement ASIC by written notice given to the holder of the replacement ASIC.

(5) The number of the replacement ASIC must be unique among ASICs issued by the issuing body.

(6) Either:

(a) the replacement ASIC must bear a number indicating how many times a permanent ASIC has been issued to the person with that expiry date; or

(b) the issuing body must keep a record of how many times it has issued a permanent ASIC to the person with that expiry date.

(7) The issue of a replacement ASIC to a person under this regulation cancels any temporary ASIC the person holds under regulation 6.36.

6.36 Issue of temporary ASICs

(1A) In this regulation, a reference to an ***ASIC*** does not include a white ASIC.

(1) An issuing body may issue a temporary ASIC to the holder of another ASIC if:

(a) he or she has lost the other ASIC, or it has been stolen or destroyed, and he or she makes a statutory declaration setting out the circumstances of the loss or theft; and

(b) where the ASIC has been destroyed, he or she returns any remains of the ASIC to the issuing body; and

(c) where the other ASIC has been stolen, he or she gives the issuing body a copy of his or her report of the theft to the police of the place where the ASIC was stolen.

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(2) An issuing body may issue a temporary ASIC to a person to whom the issue of an ASIC has been approved if the issuing body cannot produce that ASIC for some technical reason.

(3) An issuing body may issue a temporary airport-specific ASIC to a person who holds a valid permanent airport-specific ASIC for another airport.

(4) An issuing body may issue a temporary ASIC to a person who lives and normally works outside Australia if:

(a) the person is:

(i) a station manager or duty manager of an aircraft operator; or

(ii) an engineer employed by a foreign aircraft operator, or a contractor to such an operator, and is in Australia to carry out maintenance on an aircraft; and

(b) he or she has been issued with a security identification card for his or her overseas employment; and

(c) the issuing body is satisfied that the security identification card was issued on the basis of background checks that are equivalent to those carried out for the issue of an ASIC; and

(d) unless the issuing body is the person's employer, the person's employer requests the issuing body, in writing, to issue the temporary ASIC.

(5) An issuing body may issue a temporary ASIC to a person who holds a valid ASIC if:

(a) the person has inadvertently left his or her permanent ASIC at home, or misplaced it; and

(b) it is impracticable because of work commitments for him or her to recover it immediately.

(6) A temporary ASIC must not be issued for a period longer than:

(a) in the case of a temporary ASIC issued to a person under subregulation (5):

(i) if his or her duties will not permit him or her to return within 24 hours to the place where the ASIC was left—as long as is reasonably necessary to recover the ASIC; or

(ii) 24 hours; or

(b) in any other case—3 months or the remaining period of validity of the permanent ASIC, whichever is shorter.

(7) An issuing body may issue a second temporary ASIC to a person immediately after a temporary ASIC issued to him or her expires, but must not issue a third temporary ASIC to him or her immediately after the second temporary ASIC expires.

6.37 Form of temporary ASICs

Form of temporary red ASIC

(1) A temporary red ASIC issued by an issuing body must be in a form approved in writing by the Secretary for the issuing body.

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Form of temporary grey ASIC

(2) A temporary grey ASIC issued by an issuing body must be in a form approved in writing by the Secretary for the issuing body.

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(3) Without limiting subregulation (1) or (2), the approval of a form under subregulation (1) or (2) may extend to specifying any or all of the following:
  (a) the dimensions of a temporary ASIC and each of its parts;
  (b) the information that must be included on the front or the back of a temporary ASIC;
  (c) the security features that must be incorporated into a temporary ASIC;
  (d) the kind of photograph of the holder of a temporary ASIC that must be included on the temporary ASIC, including the size and quality of the photograph.

(4) The Secretary must not approve, under subregulation (1) or (2), a form for a temporary ASIC that is to be issued for more than 24 hours at a designated airport, or for more than 72 hours at an airport that is not a designated airport, unless the form requires the following to be included on the temporary ASIC:
  (a) a photograph of the holder of the temporary ASIC;
  (b) the given name and surname of the holder of the temporary ASIC;
  (c) the expiry date of the temporary ASIC.

(4A) The Secretary may approve a form of a temporary ASIC for an issuing body under this regulation only if the Secretary is reasonably satisfied that it is necessary to do so for the purposes of safeguarding against unlawful interference with aviation.

(5) The Secretary may approve the issue of a temporary ASIC showing the holder's name on the back if the Secretary is satisfied that having the holder's name on the front would put the holder's personal security at risk.

(6) A person commits an offence if:
  (a) the person is an issuing body; and
  (b) the Secretary gives the person a copy of a form approved for the issuing body under this regulation for a temporary red ASIC or a temporary grey ASIC; and
  (c) the person issues a temporary red ASIC or a temporary grey ASIC; and
  (d) the temporary ASIC issued does not comply in a particular respect with the form approved for the issuing body for that kind of temporary ASIC; and
  (e) the respect in which the form does not comply is not the subject of an approval under subregulation (5).

Penalty: 50 penalty units.

(7) An offence under subregulation (6) is an offence of strict liability.

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

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6.37AA Issuing body to be given copy of approved form of temporary ASIC

(1) The Secretary must, as soon as practicable after approving a form of a temporary ASIC for an issuing body under regulation 6.37, give a copy of the approved form to the issuing body.

(2) The Secretary may, in the copy of the approved form given to the issuing body, direct that the issuing body must not disclose the details of the approved form to another person except in the circumstances specified in the direction.

(3) A person commits an offence if:
  (a) the person is an issuing body; and
  (b) the Secretary, under subregulation (1), gives the issuing body a copy of a form approved for the issuing body; and
  (c) the copy of the approved form contains a direction under subregulation (2); and
  (d) the issuing body contravenes the direction.

Penalty: 50 penalty units.

(4) An offence under subregulation (3) is an offence of strict liability.

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

6.37AB Issuing body may disclose details of approved form to other persons

(1) An issuing body may, in the circumstances specified in a direction in a copy of an approved form given to the issuing body under regulation 6.37AA, disclose the details of the approved form to another person.

(2) A person commits an offence if:
  (a) an issuing body discloses the details of an approved form to the person in in accordance with subregulation (1); and
  (b) the person discloses the details to another person without the written approval of the Secretary.

Penalty: 50 penalty units.

(3) An offence under subregulation (2) is an offence of strict liability.

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

6.37AC Holder of temporary ASIC to be supervised

A person who holds a temporary ASIC must be supervised by an ASIC holder whenever the person is required to display an ASIC unless:
  (a) the temporary ASIC displayed by the person contains the following:
    (i) a photograph of the holder as required by the form approved for the temporary ASIC;
    (ii) the given name and surname of the holder of the temporary ASIC as required by the form approved for the temporary ASIC;

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(iii) the expiry date of the temporary ASIC as required by the form approved for the temporary ASIC; or

(b) the holder displays a valid ASIC for a different airport.

Subdivision 6.5.2A—Issue and form of TACs

6.37B Issue of temporary aircrew card

(1) An aircraft operator that conducts regular public transport operations may issue a temporary aircrew card to a person if:

(a) the person:

(i) holds a red ASIC or a grey ASIC and does not have his or her ASIC on his or her person; or

(ii) has applied to an issuing body for a red ASIC or a grey ASIC; and

(b) the person is an employee or contractor of the aircraft operator; and

(c) the person requires access to more than one security controlled airport.

(2) A person commits an offence if:

(a) the person is an aircraft operator that conducts regular public transport operations; and

(b) the aircraft operator issues a TAC to a person; and

(c) the aircraft operator's TSP does not set out the process for how the aircraft operator may issue TACs.

Penalty: 50 penalty units.

(3) The aircraft operator must not issue a TAC that is valid for more than 15 days.

(4) A person commits an offence if:

(a) the person issues a TAC, a card resembling a TAC, or a card apparently intended to be taken to be a TAC; and

(b) the person is not an aircraft operator that conducts regular public transport operations.

Penalty: 50 penalty units.

(5) An offence under subregulation (4) is an offence of strict liability.

6.37C Holder of TAC to be supervised

If a person is issued a TAC, the person must be supervised by an ASIC holder whenever the person is required to display an ASIC.

6.37D Form of TAC

(1) The form of a TAC is as follows:

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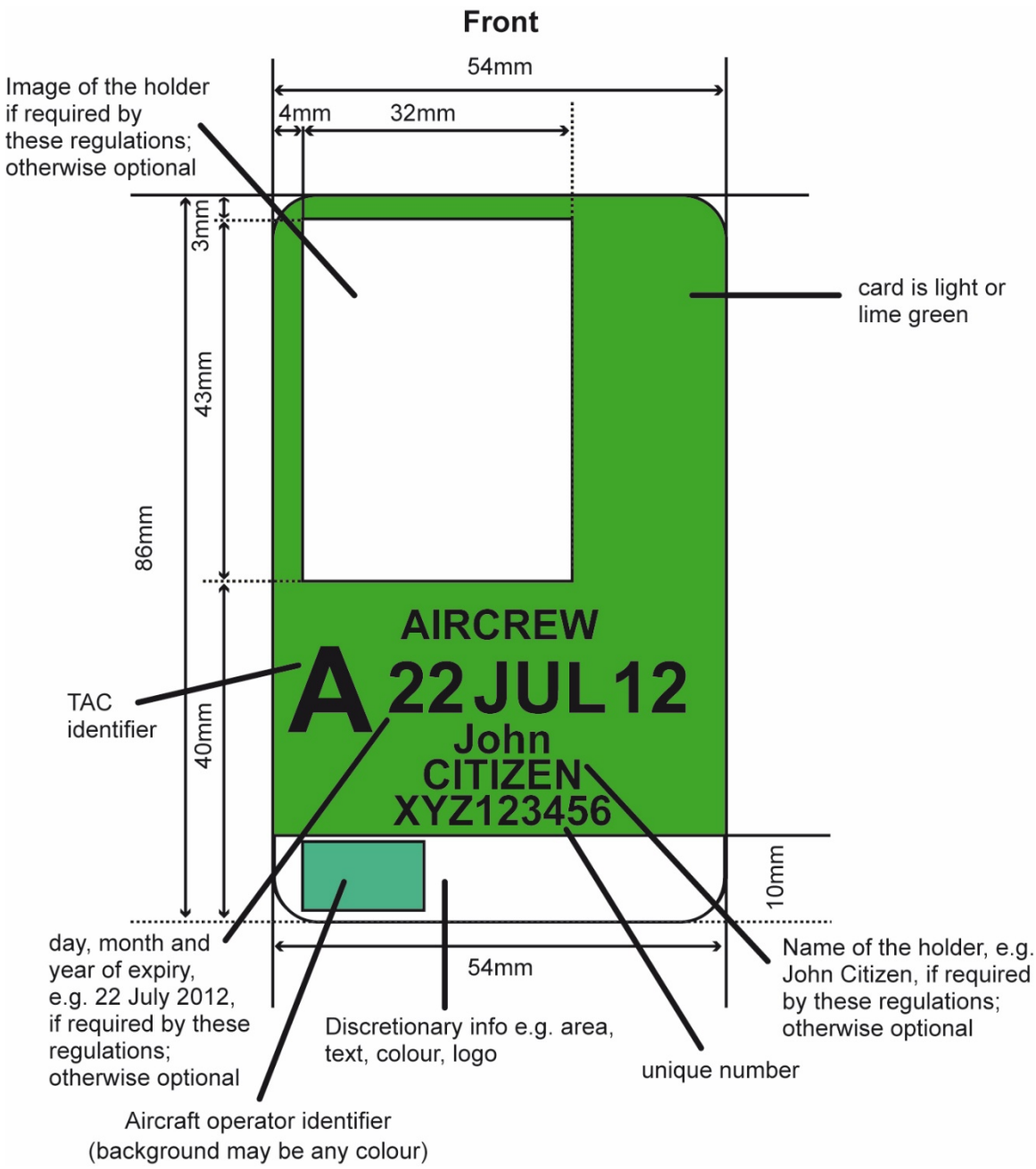

(2) Subject to subregulation (3), a TAC must comply with the following requirements:

(a) the dimensions of the TAC, and of each of its parts, must be as shown in the diagram in subregulation (1);

(b) where the diagram indicates a particular colour, type-face or type size, that colour, type-face or type size must be used;

(c) the image of the holder (if shown on the card) must be a recent photograph of the holder, showing the holder's full face and his or her head and shoulders;

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(d) the given name and surname (if shown on the card) must be those that the holder normally uses;
(e) the number must be unique among TACs issued by that aircraft operator;
(f) the aircraft operator identifier must be the aircraft operator's company name, however the background to the identifier need not be any particular colour;
(g) the expiry date (if shown on the card) must be in the form *day abbreviated month abbreviated year*, where ***abbreviated month*** means the first 3 letters of the name of the month of expiry and ***abbreviated year*** means the last 2 digits of the number of the year of expiry.

(3) If the TAC is valid for more than 72 hours, the TAC must contain:
(a) the image of the TAC holder as mentioned in paragraph (2)(c); and
(b) the given name and surname of the TAC holder as mentioned in paragraph (2)(d); and
(c) the expiry date of the TAC as mentioned in paragraph (2)(g).

(4) A person commits an offence if:
(a) the person is an aircraft operator; and
(b) the person issues a TAC that does not comply with subregulations (1) to (3).

Penalty: 50 penalty units.

(5) An offence under subregulation (4) is an offence of strict liability.

(6) The discretionary information area at the bottom of a TAC may be used by the aircraft operator for its own purposes.

Subdivision 6.5.3—Issue and form of VICs

6.37E Who may issue a VIC

(1) A VIC issuer may issue a VIC.

(2) A person commits an offence if:
(a) the person issues a VIC, a card resembling a VIC, or a card apparently intended to be taken to be a VIC; and
(b) the person is not a VIC issuer.

Penalty: 50 penalty units.

(3) An offence under subregulation (2) is an offence of strict liability.

6.37F Approval of aircraft operators as VIC issuers

(1) An aircraft operator that operates a regular public transport operation from a passenger terminal may apply, in writing, to the Secretary for approval to issue VICs.

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(2) The application must set out:
  (a) the airport or airports for which the aircraft operator wants to issue VICs; and
  (b) the reasons why the aircraft operator wants to be approved to issue VICs.

(3) The Secretary may ask the aircraft operator, or the operator of an airport for which the aircraft operator wants to issue VICs (the ***relevant airport operator***), for more information.

(4) When considering whether to give an aircraft operator approval to issue VICs, the Secretary must consider the following:
  (a) the aircraft operator's reasons for wanting to be approved to issue VICs;
  (b) the number of VICs that the aircraft operator expects to issue;
  (c) the effect that the approval would have on aviation security at the relevant airports, and on the relevant airport operator or operators;
  (d) the significance of the facilities operated by the aircraft operator, including:
    (i) the size and number of aircraft that use the facilities; and
    (ii) the number of passengers that use the facilities; and
    (iii) whether the aircraft operator operating the facilities has its own screening point; and
    (iv) the measures and procedures in place to control access to the facilities;
  (e) whether the aircraft operator intends to authorise agents to issue VICs on behalf of the aircraft operator;
  (f) any other relevant information available to the Secretary.

(5) Within 30 days after receiving an application from an aircraft operator, the Secretary must give the aircraft operator written notice of:
  (a) the Secretary's decision to approve, or refuse to approve, the aircraft operator as an issuer of VICs; and
  (b) if the Secretary approves the application:
    (i) the airports for which the aircraft operator may issue VICs; and
    (ii) any conditions that the aircraft operator must comply with.

(6) If the Secretary does not make a decision about an application within 30 days after receiving the application, the Secretary is taken to have refused to approve the aircraft operator as an issuer of VICs.

(7) If the Secretary gives an aircraft operator approval to issue VICs, the Secretary must give the relevant airport operator or operators written notice of the approval.

6.37G Authorisation of agent of airport operator or Secretary-approved VIC issuer

(1) An airport operator or a Secretary-approved VIC issuer may authorise, in writing, one or more agents to issue VICs on its behalf only if the TSP of the airport operator or the Secretary-approved VIC issuer specifies that the airport

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operator or Secretary-approved VIC issuer may authorise agents to issue VICs on its behalf.

(2) An airport operator or Secretary-approved VIC issuer may only authorise an agent for subregulation (1) if the agent is an appropriate person to issue VICs.

(3) Without limiting subregulation (2), a person is an appropriate person to issue VICs if the following apply:
  (a) the person:
    (i) controls a secure area or part of a secure area; or
    (ii) reasonably needs access to a secure area or part of a secure area; and
  (b) the airport operator or Secretary-approved VIC issuer determines that the person is not likely to be a threat to aviation security; and
  (c) VICs cannot more appropriately be issued by the airport operator or Secretary-approved VIC issuer.

(4) The airport operator or Secretary-approved VIC issuer must revoke the authorisation of an agent if paragraph (3)(a), (b) or (c) no longer applies to the person.

(5) An airport operator or Secretary-approved VIC issuer is responsible for the actions of its agents.

Example: If an agent issues a VIC to a person without confirming that person's identity under regulation 6.38C, the airport operator or Secretary-approved VIC issuer who authorised the agent commits an offence under subregulation 6.38C(4).

6.37H VIC issuers' staff etc

(1) A VIC issuer (other than a Commonwealth agency, the Comptroller-General of Customs or the Director-General of Security) commits an offence if:
  (a) the VIC issuer allows a person to be directly involved in the issue of VICs; and
  (b) the person does not hold an ASIC.

Penalty: 20 penalty units.

(2) A VIC issuer that is a Commonwealth agency, the Comptroller-General of Customs, or the Director-General of Security, must not allow a person to be directly involved in the issue of VICs if the person does not hold an ASIC.

6.38 Issue of VICs

(1) Subject to subregulations (1A) and (2), a VIC issuer may issue a VIC to a person if and only if:
  (a) he or she needs to enter the secure area of a security controlled airport for a lawful purpose; and
  (b) he or she will be supervised by the holder of a valid ASIC while in the area.

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(1A) The Comptroller-General of Customs may only issue a VIC to a person in the circumstances mentioned in subregulation (1) if the person is:

(a) a law enforcement officer; or

(b) an officer or employee of ASIO or the Australian Secret Intelligence Service; or

(c) an officer of the Commonwealth or of a State or Territory government.

(2) The Director-General of Security may issue a VIC to a person in the circumstances mentioned in subregulation (1) only if the person is an officer or employee of ASIO.

(3) Despite subparagraph 6.26A(2)(b)(iii), a VIC holder who is supervised by a representative of a prescribed air service, being a representative who holds an ASIC, may access:

(a) an aircraft engaged in a prescribed air service; or

(b) passengers boarding, or intending to board, such an aircraft; or

(c) anything being loaded, or to be loaded, on board such an aircraft.

(4) A VIC issuer must not issue a VIC in contravention of subregulation (1).

Penalty: 50 penalty units.

Note: An airport operator or Secretary-approved VIC issuer is responsible for the actions of its agents under subregulation 6.37G(5).

(5) A contravention of subregulation (4) is an offence of strict liability.

Persons to whom VIC cannot be issued

(6) A VIC issuer must not knowingly issue a VIC to a person who:

(a) has been refused an ASIC; or

(b) is the holder of an ASIC that has been suspended under regulation 6.42A; or

(c) was the holder of an ASIC that was cancelled under paragraph 6.43(2)(b), (ba), (bb), (d) or (db).

Penalty: 100 penalty units.

Note: An airport operator or Secretary-approved VIC issuer is responsible for the actions of its agents under subregulation 6.37G(5).

(7) A person commits an offence if:

(a) the person applies for a VIC; and

(b) the person declares that he or she has not:

(i) been refused an ASIC; or

(ii) had an ASIC suspended or cancelled because he or she had an adverse criminal record; and

(c) the person knows that the declaration is not true.

Penalty: 20 penalty units.

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6.38A Statement of reasons for entry to secure area

(1) For paragraph 6.38(1)(a), a person must give the VIC issuer a written statement of the reasons why the person needs to enter the secure area.

(2) A person who holds a red ASIC or a grey ASIC must give the VIC issuer written confirmation of the person's reasons why the person needs to enter the secure area.

(3) A person commits an offence if:
  (a) the person gives a VIC issuer a written statement of the reasons why the person needs to enter a secure area; and
  (b) the person knows that the statement is false or misleading.

  Penalty: 10 penalty units.

(4) A person commits an offence if:
  (a) the person holds a red ASIC or a grey ASIC; and
  (b) the ASIC holder gives a VIC issuer written confirmation of the reasons why another person needs to enter a secure area; and
  (c) the ASIC holder knows that the confirmation is false or misleading.

  Penalty: 10 penalty units.

(5) A VIC issuer may approve, or refuse to approve, a reason for why a person needs to enter a secure area.

(6) A person commits an offence if:
  (a) the person is a VIC holder; and
  (b) the person:
    (i) enters a secure area other than for an approved reason; or
    (ii) engages in conduct that is inconsistent with the approved reasons for entry.

  Penalty: 10 penalty units.

6.38B Changed reasons for entry

(1) This regulation applies if:
  (a) a person gives a VIC issuer a statement of the reasons why the person needs to enter a secure area; and
  (b) the person is issued a VIC; and
  (c) the reasons why the person needs to enter or be in the secure area change.

(2) The person must give the VIC issuer a written statement of the changed reasons.

(3) If the person gives the VIC issuer a written statement of the changed reasons, the VIC issuer may approve, or refuse to approve, the changed reasons for entry.

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Note: A person commits an offence under subregulation 6.38A(6) if the person enters a secure area other than for an approved reason, or engages in conduct that is inconsistent with the approved reasons for entry.

6.38C Proof of identity

(1) A VIC issuer must not issue a VIC to a person unless the person confirms his or her identity:

(a) by showing the VIC issuer a Category B identification document for the person; or

(c) in the manner specified by the Secretary in an instrument made for this paragraph.

(3) However, the person does not need to confirm his or her identity if:

(a) the person is a person mentioned in paragraph 4.12(1)(a), (b) or (c); or

(c) the VIC issuer determines that there are exceptional circumstances.

Example for paragraph (c): There is a plumbing or electrical emergency and the person who is to fix the problem has forgotten to bring his or her identification documents.

(4) A person commits an offence if:

(a) the person is a VIC issuer; and

(b) the VIC issuer (or its agent) issues a VIC to a person (the ***VIC holder***); and

(c) at the time of issue, the VIC holder does not confirm his or her identity in accordance with subregulation (1); and

(d) the VIC holder is not exempt from confirming his or her identity under subregulation (3).

Penalty: 50 penalty units.

Note: An airport operator or Secretary-approved VIC issuer is responsible for the actions of its agents under subregulation 6.37G(5).

(5) If a VIC issuer issues a VIC to a person and the person did not confirm his or her identity at the time of issue because the VIC issuer determined that there were exceptional circumstances, the VIC issuer must:

(a) record, in writing, the circumstances under which the VIC was issued; and

(b) maintain the record for 24 months; and

(c) allow an aviation security inspector to inspect the record on request during normal business hours.

6.38D Particulars of VICs

Conditions

(1) A VIC issuer may issue a VIC subject to a condition.

(2) The VIC issuer must notify the VIC holder of the condition in writing or orally.

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VIC only valid in specific airport

(3) A person commits an offence if:
  (a) the person is an airport operator; and
  (b) the airport operator (or its agent) issues a VIC:
    (i) that is valid in more than one airport in Australia; or
    (ii) for an airport that is not operated by the airport operator.

Penalty: 50 penalty units.

Note: An airport operator is responsible for the actions of its agents under subregulation 6.37G(5).

(4) A person commits an offence if:
  (a) the person is a Secretary-approved VIC issuer; and
  (b) the Secretary-approved VIC issuer (or its agent) issues a VIC:
    (i) that is valid in more than 1 airport in Australia; or
    (ii) that is valid in an airport for which the person is not approved to issue VICs.

Penalty: 50 penalty units.

Note: A Secretary-approved VIC issuer is responsible for the actions of its agents under subregulation 6.37G(5).

Period of validity of VIC

(5) Subject to subregulations (6) and (7), a VIC issuer must not issue a VIC that is valid for more than 28 days.

(6) The Comptroller-General of Customs must not issue a VIC:
  (a) that is valid for more than 24 hours; or
  (b) that is valid in more than 1 airport.

(7) The Director-General of Security must not issue a VIC:
  (a) that is valid for more than 24 hours; or
  (b) that is valid in more than 1 airport.

6.38E The 28 day rule—VICs issued for particular airport

(1) This regulation does not apply to the Comptroller-General of Customs or the Director-General of Security.

(2) A person commits an offence if:
  (a) the person is a VIC issuer; and
  (b) the VIC issuer (or its agent) issues a VIC for a particular airport to a person; and
  (c) the person to whom the VIC is issued has held a VIC for that airport for a total of 28 or more days in the previous 12 months.

Penalty: 50 penalty units.

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Note: An airport operator or Secretary-approved VIC issuer is responsible for the actions of its agents under subregulation 6.37G(5).

(3) If a person has held a VIC for a particular airport for less than a total of 28 days in the previous 12 months, a VIC issuer may issue a VIC for that airport to the person only if the period for which the VIC will be valid will not result in the person holding a VIC for that airport for more than a total of 28 days in a 12 month period.

Note: For exceptions to subregulations (2) and (3), see regulations 6.38G to 6.38I.

(4) A person commits an offence if the person:
(a) applies for a VIC for a particular airport; and
(b) the person knows that he or she has held a VIC for that airport for a total of 28 or more days in the previous 12 months.

Penalty: 20 penalty units.

(5) For this regulation, the following must be disregarded when working out how many days a person has held a VIC:
(a) a VIC issued by the Comptroller-General of Customs;
(b) a VIC issued by the Director-General of Security;
(c) a VIC issued relying on regulation 6.38G, 6.38H or 6.38I;
(d) a VIC issued relying on an exemption under regulation 6.38F.

6.38EA The 28 day rule—additional rules for Secretary-approved VIC issuers

(1) A person commits an offence if:
(a) the person is a Secretary-approved VIC issuer who is approved to issue VICs in more than one airport; and
(b) the Secretary-approved VIC issuer (or its agent) issues a VIC to a person; and
(c) the person to whom the VIC is issued has held a VIC, issued by or on behalf of the Secretary-approved VIC issuer, for any of those airports for a combined total of 28 or more days in the previous 12 months.

Penalty: 50 penalty units.

Example: If a Secretary-approved VIC issuer has, in the previous 12 months, issued a VIC to a person for an airport for a total of 18 days, and issued a VIC to the person for another airport for a total of 10 days, the issuer has issued a VIC to the person for any of the airports for a combined total of 28 days in the previous 12 months.

Note: An airport operator or Secretary-approved VIC issuer is responsible for the actions of its agents under subregulation 6.37G(5).

(2) A person commits an offence if the person:
(a) applies to a Secretary-approved VIC issuer for a VIC; and
(b) the person knows that he or she has held a VIC, issued by or on behalf of the Secretary-approved VIC issuer, for a total of 28 or more days in the previous 12 months.

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Penalty: 20 penalty units.

(3) Subregulation (4) applies if:
  (a) a Secretary-approved VIC issuer (or its agent) issues VICs for a particular airport during a particular month; and
  (b) any of the VICs were issued to a person who, by the last day of the month, had held a VIC for the airport for a total of 20 or more days in the previous 12 months; and
  (c) screened air services are operated from the airport.

(4) The Secretary-approved VIC issuer must give to the operator of the airport, by the seventh day of the following month, the following details in relation to each VIC mentioned in paragraph (3)(b):
  (a) the name, date of birth and address of the person to whom the VIC was issued; and
  (b) the date the VIC was issued; and
  (c) how many days the VIC is valid for.

(4A) Paragraph (4)(a) does not apply in relation to a residential address that is not required to be contained on a particular register because of subregulation 6.25A(3).

(5) A Secretary-approved VIC issuer must comply with the Australian Privacy Principles set out in Schedule 1 to the *Privacy Act 1988* in relation to information about VICs or VIC holders.

6.38EB The 28 day rule—additional rule for Comptroller-General of Customs

(1) The Comptroller-General of Customs must not issue a VIC to a person if the person has held a VIC, issued by the Comptroller-General of Customs, for a total of 28 or more days in the previous 12 months.

(2) A person commits an offence if the person:
  (a) applies to the Comptroller-General of Customs for a VIC; and
  (b) the person knows that he or she has held a VIC, issued by the Comptroller-General of Customs, for a total of 28 or more days in the previous 12 months.

Penalty: 20 penalty units.

6.38EC The 28 day rule—additional rule for Director-General of Security

(1) The Director-General of Security must not issue a VIC to a person if the person has held a VIC, issued by the Director-General of Security, for a total of 28 or more days in the previous 12 months.

(2) A person commits an offence if the person:
  (a) applies to the Director-General of Security; and

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(b) has held a VIC issued by the Director-General of Security knowing that it for was for a total of 28 or more days in the previous 12 months.

Penalty: 20 penalty units.

6.38F Temporary exemption from 28 day rule

(1) The Secretary may exempt, in writing, a VIC issuer, a class of VIC issuers, or all VIC issuers from subregulations 6.38E(2) and (3) and 6.38EA(1) for a period specified in the exemption.

(2) An exemption may be subject to conditions.

(3) A VIC issuer to whom the exemption applies must comply with any conditions specified by the Secretary in the exemption.

(4) A VIC issuer may apply, in writing, to the Secretary for an exemption under subregulation (1).

6.38G VIC issued to applicant for ASIC

Despite subregulations 6.38E(2) and (3), a VIC issuer may issue a VIC for a particular airport to a person who has held, or will hold, a VIC for that airport for a total of 28 or more days in a 12 month period if:

(a) the person has applied for an ASIC and the issuing body has not yet issued, or not yet refused to issue, the ASIC; and

(b) the VIC issuer independently confirms that the issuing body has received the completed application but has not yet issued, or refused to issue, the ASIC.

6.38H VIC issued to ASIC holder

(1) Despite subregulations 6.38E(2) and (3), a VIC issuer may issue a VIC for a particular airport to a person who has held, or will hold, a VIC for that airport for a total of 28 or more days in a 12 month period if:

(a) both of the following apply:

(i) the person holds a red ASIC or a grey ASIC and does not have the ASIC on his or her person;

(ii) the VIC issuer independently confirms that the person holds a valid red ASIC or grey ASIC; or

(b) both of the following apply:

(i) the person holds a red ASIC or a grey ASIC and has the ASIC on his or her person;

(ii) the ASIC is for a different airport.

(2) If a VIC issuer issues a VIC to a person under subregulation (1), the VIC issuer must ensure that the VIC does not have any expiry date any later than the expiry date of the ASIC.

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6.38I VIC issued to person in exceptional circumstances

(1) Despite subregulations 6.38E(2) and (3), a VIC issuer may issue a VIC for a particular airport to a person who has held, or will hold, a VIC for that airport for a total of 28 or more days in a 12 month period if the VIC issuer is satisfied on reasonable grounds that there are exceptional circumstances to justify the issue of the VIC.

Example: There is a plumbing or electrical emergency and the person requires a VIC to access areas to fix the problem.

(2) If a VIC issuer issues a VIC in the circumstances mentioned in subregulation (1), the VIC issuer must:

(a) record, in writing, the circumstances under which the VIC was issued; and

(b) maintain the record for 24 months; and

(c) allow an aviation security inspector to inspect the record on request during normal business hours.

6.39 Default form of VICs

(1) Unless the Secretary approves otherwise, the form of a VIC is as follows:

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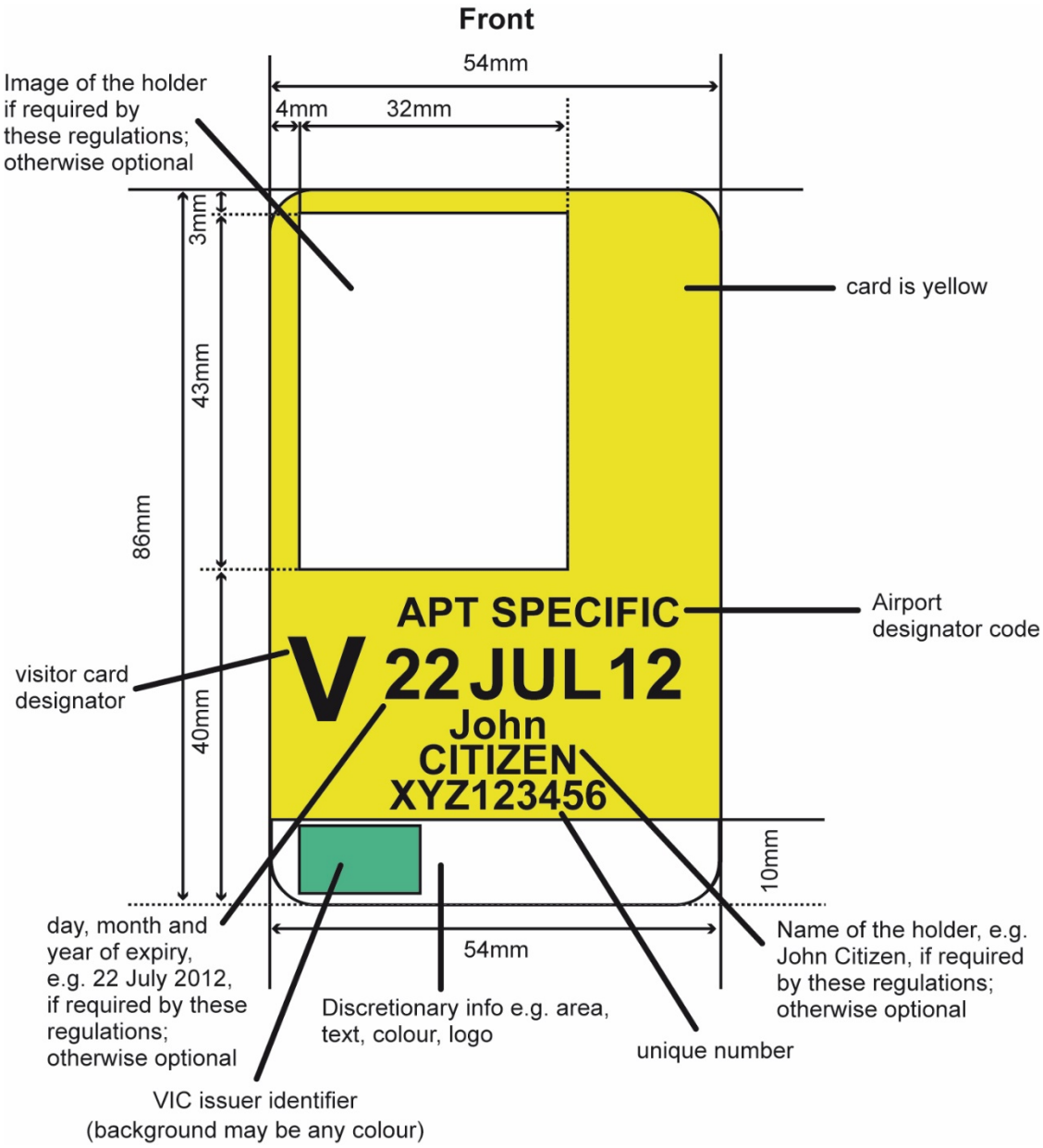

(2) Subject to subregulation (4A), and unless the Secretary approves otherwise, a VIC must comply with the following requirements:

(a) the dimensions of the VIC, and of each of its parts, must be as shown in the diagram in subregulation (1);

(b) where the diagram indicates a particular colour, type-face or type size, that colour, type-face or type size must be used;

(c) the image of the holder (if shown on the card) must be a recent photograph of the holder, showing the holder's full face and his or her head and shoulders;

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(d) the given name and surname (if shown on the card) must be those that the holder normally uses;

(e) the number must be unique among VICs issued by that VIC issuer;

(f) the ICAO 4-letter code, the ICAO 3-letter code or the IATA 3-letter code for the airport must appear where 'APT SPECIFIC' appears on the diagram in subregulation (1);

(g) the VIC issuer identifier must be:

(i) if the VIC is issued by an airport operator or its agent:

(A) the airport operator's logo; or

(B) the ICAO 4-letter code, the ICAO 3-letter code or the IATA 3-letter code for the airport; or

(ii) if the VIC is issued by a Secretary-approved VIC issuer or its agent—the aircraft operator's company or trading name; or

(iii) if the VIC is issued by the Comptroller-General of Customs—the words 'Comptroller-General of Customs';

however, the background to the identifier may be any colour;

(i) the expiry date (if shown on the card) must be in the form *day abbreviated month abbreviated year*, where ***abbreviated month*** means the first 3 letters of the name of the month of expiry and ***abbreviated year*** means the last 2 digits of the number of the year of expiry.

(3) A VIC that is issued to a law enforcement officer or an officer or employee of ASIO may bear the holder's name on the back of the card (that is, the side other than the side on which the other particulars and things required by subregulation (2) appear).

(4) The Secretary may approve the issue of a VIC showing the holder's name on the back if the Secretary is satisfied that having the holder's name on the front would put the holder's personal security at risk.

(4A) If a VIC is valid for more than 24 hours at a designated airport, or more than 72 hours at an airport that is not a designated airport, the VIC must contain:

(a) the image of the VIC holder as mentioned in paragraph (2)(c); and

(b) the given name and surname of the VIC holder as mentioned in paragraph (2)(d); and

(c) the expiry date of the VIC as mentioned in paragraph (2)(i).

(5) Unless the Secretary has approved otherwise, a VIC issuer must not issue a VIC that does not comply with subregulations (1) to (4A).

Penalty: 50 penalty units.

Note: An airport operator or Secretary-approved VIC issuer is responsible for the actions of its agents under subregulation 6.37G(5).

(6) An offence under subregulation (5) is an offence of strict liability.

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

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(7) The discretionary information area at the bottom of a VIC may be used by the VIC issuer for its own purposes.

6.39A Secretary's approval of the issue of VICs in other forms

VICs issued by the Comptroller-General of Customs or Director-General of Security

(1) The Comptroller-General of Customs or the Director-General of Security (the ***requesting VIC issuer***) may apply to the Secretary for approval to issue VICs in a form other than that set out in regulation 6.39.

(2) The application must be in writing and must set out:
  (a) the proposed form of VICs; and
  (b) the reasons for the proposed differences.

(3) If the Secretary needs more information to deal with an application, the Secretary may ask the requesting VIC issuer, in writing, to provide the information.

(4) Within 30 days after receiving an application (or, if the Secretary has asked for information under subregulation (3), after receiving the information), the Secretary:
  (a) must approve, or refuse to approve, in writing, the issue of VICs in the proposed form; and
  (b) must notify the requesting VIC issuer in writing of the decision and, if the decision is a refusal, the reasons for the decision.

(5) If the Secretary has not approved, or refused to approve, the issue of VICs in the proposed form within the period allowed by subregulation (4), the Secretary is taken to have refused to approve the issue of VICs in the proposed form.

(6) Before approving or refusing to approve the issue of VICs in the proposed form, the Secretary must consider:
  (a) the justification offered for the difference; and
  (b) the likely effect of the difference on aviation security in Australia generally; and
  (c) the likely effect of the difference on aviation security at the airport or airports concerned; and
  (d) anything else relevant that the Secretary knows about.

(7) The Secretary may give an approval subject to a condition, but must notify the requesting VIC issuer in writing what the condition is.

VICs issued by airport operators and aircraft operators

(7A) A VIC issuer (other than the Comptroller-General of Customs or the Director-General of Security) may issue VICs in a form that is different from that set out in regulation 6.39 if the Secretary has approved the different form.

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(7B) The Secretary is taken to have approved the different form for subregulation (7A) if:

(a) the VIC issuer's TSP sets out the different form; and

(b) the Secretary has approved the part of the TSP that sets out the different form.

(7C) If the VIC issuer is an agent of an airport operator or Secretary-approved VIC issuer, the agent may only issue VICs in a form that is different from that set out in regulation 6.39 if:

(a) the airport operator's or Secretary-approved VIC issuer's TSP sets out:

(i) the different form; and

(ii) that the agent will issue VICs in the different form; and

(b) the Secretary has approved the part of the TSP that sets out the different form and states that the agent will issue VICs in the different form.

Offence

(8) A person commits an offence if:

(a) the person is a VIC issuer; and

(b) the Secretary has approved a different form for VICs issued by that VIC issuer; and

(c) the VIC issuer:

(i) issues a VIC that does not comply with either the different form or the form set out in regulation 6.39; or

(ii) contravenes a condition of the approval of the different form.

Penalty: 50 penalty units.

Note: An airport operator or Secretary-approved VIC issuer is responsible for the actions of its agents under subregulation 6.37G(5).

(9) An offence under subregulation (8) is an offence of strict liability.

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

(10) A person commits an offence if:

(a) the person is a VIC issuer; and

(b) the VIC issuer is an airport operator or a Secretary-approved VIC issuer; and

(c) the VIC issuer's TSP states that the VIC issuer (or its agent) must not issue a VIC in the form set out in regulation 6.39; and

(d) the VIC issuer (or its agent) issues a VIC in the form set out in regulation 6.39.

Penalty: 50 penalty units.

Note: An airport operator or Secretary-approved VIC issuer is responsible for the actions of its agents under subregulation 6.37G(5).

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Subdivision 6.5.3A—Obligations of VIC issuer, VIC holder, ASIC holder or issuing body

6.40 Obligations of VIC issuer

(1) If a VIC issuer issues a VIC to a person, the VIC issuer must ensure that the VIC holder is aware of the VIC holder's responsibilities under these Regulations.

Examples:

1 The responsibility under regulation 6.45 to return the VIC.

2 The responsibility under regulation 3.09 to leave a secure area if the VIC holder is no longer supervised by a person who is displaying a valid ASIC.

3 The responsibility under regulation 6.38E to comply with the 28 day rule.

(2) A VIC issuer must ensure that the following are kept secure at all times:

(a) unissued VICs;

(b) software and systems used for producing VICs.

(3) A VIC issuer must ensure that:

(a) all areas used for producing VICs are not accessible by the general public; and

(b) access to all areas used for producing VICs is controlled by access control systems or persons employed to issue VICs.

(4) If a VIC issuer needs to use, transport, store or destroy information about VICs or VIC holders, the information must be used, transported, stored or destroyed securely.

(5) A VIC issuer must comply with the Australian Privacy Principles set out in Schedule 1 to the *Privacy Act 1988* in relation to information about VICs or VIC holders.

6.40A Obligations of VIC holder

A person commits an offence if:

(a) the person is a VIC holder; and

(b) the person is refused an ASIC; and

(c) the person does not, before the end of 7 working days after the person becomes aware of the refusal, inform the VIC issuer that issued the VIC, in writing, of the refusal.

Penalty: 50 penalty units.

6.41 Obligation of applicants for, and holders of, ASICs—conviction of aviation-security-relevant offence

(1A) Subregulation (1) applies if a person who is an applicant for, or the holder of, an ASIC is:

(a) convicted of and sentenced for a tier 1 offence or a tier 2 offence; or

(b) convicted of, and sentenced to imprisonment for, a tier 3 offence.

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(1) Within 7 days after being sentenced, the person must notify the issuing body or the Secretary, in writing, of the following matters:
  (a) his or her name, date of birth and residential address;
  (b) if he or she holds one or more ASICs—the unique number of each ASIC held;
  (c) the date he or she was convicted and sentenced;
  (d) the court in which he or she was convicted;
  (e) whether he or she gives consent for:
    (i) his or her identity to be confirmed; and
    (ii) a new background check to be undertaken; and
    (iii) the outcome of the background check to be provided to the issuing body, if the outcome will adversely affect his or her ability to hold an ASIC or to continue holding the ASIC.

Penalty: 50 penalty units.

Note: For the meaning of ***aviation-security-relevant offence*** and ***background check***, see regulation 6.01.

(2) The issuing body or the Secretary may, if not satisfied that all of the information mentioned in subregulation (1) has been provided, request that the person provide that information within 14 days.

(3) For paragraph (1)(e), consent is given if the person gives consent and information requested to confirm his or her identity to:
  (a) if the person notified the issuing body under subregulation (1)—the issuing body; or
  (b) if the person notified the Secretary under subregulation (1)—the Secretary.

(4) The Secretary must tell the issuing body if the person:
  (a) notifies the Secretary under subregulation (1); and
  (b) does not:
    (i) give his or her consent under paragraph (1)(e); or
    (ii) comply with:
      (A) all of the requirements of subregulation (1); and
      (B) any request under subregulation (2) within 14 days after the request.

6.41A Obligation on issuing body notified under regulation 6.41

If an issuing body is notified under regulation 6.41 by a person who is an applicant for, or the holder of, an ASIC, the issuing body must apply to the Secretary AGD for a background check on the person before the end of 2 working days after the person:
  (a) notifies his or her consent under paragraph 6.41(1)(e); and
  (b) provides any information requested under subregulation 6.41(2).

Penalty: 100 penalty units.

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6.42 Obligation of applicants for, and holders of, ASICs—change of name

(1) If a person who is an applicant for, or the holder of, an ASIC changes his or her name, he or she must notify the issuing body to which the application was made or the issuing body that issued the ASIC (as the case may be) of the change, in accordance with subregulation (2), within 30 days after the change.

Penalty: 5 penalty units.

(2) The person must:
(a) notify the issuing body in person; and
(b) at the same time, give the issuing body an original of a current and valid document, showing the new name, which was issued to the person by a Commonwealth, State or Territory Department or agency.

(3) A contravention of subregulation (1) is an offence of strict liability.

(4) The issuing body must notify AusCheck of the change of name, using the AusCheck facility, within 7 days.

Note: If the person is the holder of an ASIC, the issuing body is authorised to issue a replacement ASIC—see regulation 6.35.

Subdivision 6.5.4—Suspension of ASICs

6.42A Suspension of ASICs—Secretary's direction

(1) The Secretary may, in writing, direct an issuing body to suspend an ASIC if:
(a) the holder of the ASIC has been convicted of an aviation-security-relevant offence, but has not yet been sentenced for the offence; and
(b) the Secretary reasonably considers that either:
(i) the holder of the ASIC constitutes a threat to aviation security; or
(ii) there is a risk that the holder of the ASIC may use aviation in connection with serious and organised crime.

(2) In considering whether subparagraph (1)(b)(i) or (ii) applies, the Secretary must consider:
(a) the type of offence for which the holder was convicted and the circumstances in which the offence was committed; and
(b) the effect the suspension may have on the holder's employment; and
(c) the location of the area where the holder is employed; and
(d) whether the holder is employed in a landside security zone or airside area; and
(e) anything else relevant that the Secretary knows about.

(3) If the Secretary makes a direction under subregulation (1), the Secretary must tell the Secretary AGD, in writing, about the direction.

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6.42B Suspension of ASIC by issuing body

(1) An issuing body must immediately suspend an ASIC issued by the body if directed to do so by the Secretary.

Penalty: 100 penalty units.

(2) As soon as practicable after the issuing body suspends the ASIC, the body must tell the holder of the ASIC, in writing, that the ASIC has been suspended and the reasons for the suspension.

Penalty: 100 penalty units.

(3) The suspension takes effect when the holder is told about the suspension.

(4) If the ASIC is a red ASIC or a grey ASIC, the holder of the ASIC must return the ASIC to the issuing body for the ASIC not later than 7 days after the holder is told in writing that the ASIC has been suspended.

Penalty: 10 penalty units.

(5) An offence against subregulation (4) is an offence of strict liability.

6.42C Period of suspension of ASIC

(1) Unless subregulation (2) applies, the suspension of an ASIC continues until the ASIC is cancelled or expires.

(2) If:

(a) the Secretary notifies the issuing body that issued the ASIC of the outcome of a background check of the holder of the ASIC; and

(b) the issuing body is not required under regulation 6.43 to cancel the ASIC;

the suspension of the ASIC ends on the day after the issuing body is notified.

Note: Provisions relating to the conduct of a background check when the holder of an ASIC has been convicted of an aviation-security-relevant offence include regulations 6.27AA and 6.41 of these Regulations, and section 8 of the *AusCheck Regulations 2017*.

6.42D Suspension of temporary ASIC

(1) This regulation applies if a person holds:

(a) an ASIC that is suspended under regulation 6.42B; and

(b) a temporary ASIC.

(2) The temporary ASIC is suspended:

(a) when the ASIC is suspended under regulation 6.42B; and

(b) for the period the ASIC is suspended.

6.42E Report to Secretary of suspension of ASIC

(1) If an issuing body suspends an ASIC, the body must, not later than 7 days after the ASIC is suspended, tell the Secretary, in writing:

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(a) about the suspension; and
(b) the name, date of birth and residential address of the holder of the ASIC; and
(c) if applicable, the name and address of the ASIC holder's employer.

(2) The Secretary may tell the holder's employer that the ASIC has been suspended if the Secretary considers on reasonable grounds that doing so may help to prevent unlawful interference with aviation.

Subdivision 6.5.5—Cancellation and other matters concerning ASICs, VICs and TACs

6.42F Definition

In this Subdivision:

issuer means the following:
(a) for an ASIC—the issuing body that issued the ASIC;
(b) for a VIC issued by an airport operator or its agent—the airport operator;
(c) for a VIC issued by a Secretary-approved VIC issuer or its agent—the Secretary-approved VIC issuer;
(d) for a VIC issued by the Comptroller-General of Customs—the Comptroller-General of Customs;
(da) for a VIC issued by the Director-General of Security—the Director-General of Security;
(e) for a TAC—the aircraft operator that issued the TAC.

6.43 Cancellation of ASICs

(2) An issuing body must immediately cancel an ASIC issued by the body if:
(a) the body finds out that the ASIC was not issued in accordance with the body's ASIC program or this Division; or
(b) the Secretary has notified the issuing body in writing that a security assessment of the holder was adverse; or
(ba) the Secretary or the Secretary AGD has notified the issuing body in writing that the holder is the subject of a qualified security assessment; or
(bb) the Secretary has notified the issuing body in writing that the Department has been given an adverse criminal intelligence assessment that indicates the Chief Executive Officer of the Australian Crime Commission reasonably believes that preventing the holder from holding an ASIC is necessary or desirable to prevent the use of aviation in connection with serious and organised crime; and
(c) the body finds out that the holder is or has become an unlawful non-citizen; or
(d) subject to subregulation (2A), the issuing body has received a notice from the Secretary AGD that the holder has an adverse criminal record; or

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(da) the Secretary advises the issuing body that a background check of the holder has been cancelled under section 11A of the *AusCheck Regulations 2017*; or

(db) the holder does not consent to a background check or does not comply with subregulation 6.41(1) and, if requested, subregulation 6.41(2); or

(dc) both of the following apply:

(i) an application for a background check of the holder is made under regulation 6.27AA of these Regulations or subsection 9(2) or 16A(3) of the *AusCheck Regulations 2017*;

(ii) the Secretary AGD advises the issuing body under section 15A of the *AusCheck Regulations 2017* that the background check is cancelled; or

(e) for a red ASIC or a grey ASIC—the holder no longer has an operational need to enter a secure area; or

(f) the issuing body finds out that the ASIC has been lost, stolen or destroyed; or

(g) the issuing body issues a replacement ASIC under regulation 6.35 for a reason referred to in subparagraph 6.35(1)(a)(iii) (change of name) or 6.35(1)(a)(iv) (operational need for replacement ASIC); or

(h) the issuing body finds out that the holder has changed his or her name, and the holder has not asked the issuing body to issue a replacement ASIC under regulation 6.35.

(2A) For paragraph (2)(d), an issuing body must not cancel an ASIC that was:

(a) issued with the Secretary's approval under regulation 6.29; or

(b) reinstated under regulation 6.43C;

if:

(c) the notice that the holder has an adverse criminal record relates to an application for a new ASIC; or

(d) the Secretary advises the issuing body that there has been no material change in the holder's criminal history.

(3A) An issuing body commits an offence if the issuing body is required to cancel an ASIC under subregulation (2) and fails to do so.

Penalty: 100 penalty units.

(4) An issuing body may cancel an ASIC issued by the body if:

(a) the holder contravenes Subdivision 3.2.1, or a condition of the ASIC; or

(b) the ASIC is altered or defaced (permanently or temporarily).

(4A) An issuing body may cancel an ASIC issued by the body if:

(a) the ASIC included a condition that it would be cancelled if the holder changed employer, contractor for services or volunteer organisation; and

(b) the holder changed employer, contractor for services or volunteer organisation.

(5) For paragraph (4)(a), the issuing body must consider:

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(a) the kind and seriousness of each contravention; and
(b) whether the holder has previously contravened Subdivision 3.2.1 or a condition of the ASIC.

(6) As soon as practicable after an issuing body cancels an ASIC under subregulation (2), (4) or (4A), the issuing body must:
(a) tell the holder, in writing, that the card has been cancelled and the reasons for the cancellation; and
(b) tell the Secretary AGD about the cancellation, using the AusCheck facility.

Penalty: 10 penalty units.

Note: See section 266 of the *Administrative Review Tribunal Act 2024* for the requirements for the decision-maker to notify persons whose interests are affected by the decision of the making of the decision and their right to have the decision reviewed.

(7) Subject to subregulations (8) and (9), a cancellation under subregulation (2) or (4) takes effect when the holder is notified of it in writing.

(8) A cancellation under paragraph (2)(f) takes effect when the issuing body finds out that the ASIC has been lost, stolen or destroyed.

(9) A cancellation under paragraph (2)(g) takes effect when the replacement ASIC is issued.

6.43A Reinstatement of cancelled ASIC—application

(1) This regulation applies if an ASIC is cancelled by an issuing body in accordance with paragraph 6.43(2)(ba) or (d).

(2) The former holder of the ASIC or the issuing body may apply to the Secretary, in writing, for the cancellation to be set aside.

(2A) However, an application must not be made if the former holder of the ASIC has been convicted of a tier 1 offence.

(3) The application must be made not later than 28 days after the former holder of the ASIC is told about the cancellation.

(4) The Secretary may, on application in writing by the former holder of the ASIC or the issuing body, extend the time for making the application.

(5) If the Secretary needs more information to deal with an application, the Secretary may ask the former holder of the ASIC or the issuing body, in writing, for the information.

(6) If the Secretary receives an application under subregulation (2), the Secretary may request information about the former holder of the ASIC from the Secretary AGD.

(7) If the Secretary has asked for more information under subregulation (5), and does not receive the information within 30 days of asking for it, the Secretary may close the application and regulations 6.43B and 6.43C do not apply.

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Note: Closing an application is not a refusal to issue an ASIC.

(8) The Secretary may, on application in writing by the former holder of the ASIC or the issuing body, extend the time for providing the information.

(9) If an application was closed under subregulation (7) and the Secretary extends the time in which the former holder of the ASIC or the issuing body may provide the information, the application is not reopened until the Secretary receives the information.

6.43B Reinstatement of ASIC cancelled for qualified security assessment—Secretary's decision

(1) This regulation applies if:
  (a) an ASIC is cancelled in accordance with paragraph 6.43(2)(ba); and
  (b) the Secretary receives:
    (i) an application mentioned in subregulation 6.43A(2) from the former holder of the ASIC or the issuing body for the ASIC; or
    (ii) any information for which the Secretary asks the former holder of the ASIC or the issuing body under subregulation 6.43A(5).

(2) If the Secretary is satisfied on reasonable grounds that setting aside the cancellation of the ASIC would not constitute a threat to aviation security, the Secretary must set aside the cancellation.

(3) If the Secretary is satisfied on reasonable grounds that setting aside the cancellation of the ASIC would constitute a threat to aviation security, the Secretary must refuse to set aside the cancellation.

(4) Subject to subregulation (5), within 30 days after the Secretary receives the application or, if subparagraph (1)(b)(ii) applies, within 30 days after the Secretary receives the information, the Secretary must:
  (a) decide whether to set aside the cancellation of the ASIC; and
  (b) if the Secretary decides to set aside the cancellation—tell the following persons, in writing, about the decision and any condition under regulation 6.43D to which the setting aside is subject:
    (i) the former holder of the ASIC;
    (ii) the issuing body;
    (iii) the Secretary AGD; and
  (c) if the Secretary refuses to set aside the cancellation:
    (i) tell the former holder of the ASIC, in writing, about the decision and the reasons for it; and
    (ii) if the application mentioned in subregulation 6.43A(2) was made by the issuing body—tell the issuing body, in writing, about the decision.

Note: For a person's notification and review rights in relation to a qualified security assessment, see section 38 and Division 4 of Part IV of the *Australian Security Intelligence Organisation Act 1979.*

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(5) The Secretary may extend the period for making a decision mentioned in paragraph (4)(a) by a further period not exceeding 60 days if the Secretary:
  (a) tells the person who made the application mentioned in subregulation 6.43A(2), in writing, about extending the period for making the decision; and
  (b) tells the person mentioned in paragraph (a) within 30 days after the Secretary receives the application or, if subparagraph (1)(b)(ii) applies, within 30 days after the Secretary receives the requested information.

(6) If the Secretary does not make a decision mentioned in paragraph (4)(a) within the period mentioned in subregulation (4) or, if the period is extended under subregulation (5), within the extended period, the Secretary is taken to have refused to set aside the cancellation of the ASIC.

6.43C Reinstatement of ASIC cancelled for adverse criminal record—Secretary's decision

(1) This regulation applies if:
  (a) an ASIC is cancelled in accordance with paragraph 6.43(2)(d); and
  (b) the Secretary receives:
    (i) an application mentioned in subregulation 6.43A(2) from the former holder of the ASIC or the issuing body for the ASIC; or
    (ii) any information for which the Secretary asks the former holder of the ASIC or the issuing body under subregulation 6.43A(5).

(2) Within 30 days after the Secretary receives the application or, if subparagraph (1)(b)(ii) applies, within 30 days after the Secretary receives the information, the Secretary must:
  (a) decide whether there is a threat to aviation security if the cancellation of the ASIC was set aside; and
  (b) decide whether to set aside the cancellation of the ASIC; and
  (c) if the Secretary decides to set aside the cancellation—tell the following persons, in writing, about the decision and any condition under regulation 6.43D to which the setting aside is subject:
    (i) the former holder of the ASIC;
    (ii) the issuing body;
    (iii) the Secretary AGD; and
  (d) if the Secretary refuses to set aside the cancellation:
    (i) tell the former holder of the ASIC, in writing, about the decision and the reasons for it; and
    (ii) if the application mentioned in subregulation 6.43A(2) was made by the issuing body—tell the issuing body, in writing, about the decision.

(3) Before making a decision mentioned in paragraph (2)(a), the Secretary must consider:
  (a) the type and length of any term of imprisonment imposed on the former holder; and

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(b) if the former holder has served the term, or part of the term—how long it is, and the former holder's conduct, since the term was served; and
(c) the nature of the offence, or offences, for which the former holder was convicted; and
(d) whether the former holder was convicted of the offence before becoming the holder of an ASIC; and
(e) the effect on the former holder's employment of cancellation of the ASIC; and
(f) the location of the secure area where the former holder was employed; and
(g) whether the former holder is or was employed in a landside security zone or airside area; and
(h) anything else relevant that the Secretary knows about.

(4) If the Secretary does not make a decision mentioned in paragraph (2)(b) within the period mentioned in subregulation (2), the Secretary is taken to have refused to set aside the cancellation of the ASIC.

6.43D Reinstatement of ASIC subject to condition

The Secretary may set aside a cancellation mentioned in regulation 6.43B or 6.43C subject to a condition.

Example: A condition that background checking is conducted at stated intervals.

6.43E When issuing body must reinstate cancelled ASIC

If an issuing body is notified by the Secretary under subparagraph 6.43B(4)(b)(ii) or 6.43C(2)(c)(ii), the issuing body must:
(a) reinstate to the former holder his or her ASIC; and
(b) tell the Secretary AGD about the ASIC being reinstated, using the AusCheck facility.

Penalty: 10 penalty units.

6.43F Cancellation of VICs and TACs

(1) An issuer must immediately cancel a VIC or TAC issued by the issuer (or its agent) if the issuer finds out that:
(a) the VIC or TAC was not issued in accordance with this Division; or
(b) if the issuer is an airport operator or a Secretary-approved VIC issuer—the VIC or TAC was not issued in accordance with the TSP of the issuer; or
(c) the VIC or TAC holder has, at any time, had an ASIC cancelled under paragraph 6.43(2)(b), (bb), (c), (d) or (db).

(2) However, paragraph (1)(c) does not apply if the cancellation was set aside and the ASIC reinstated.

(3) An issuer must cancel a VIC or TAC issued by the issuer (or its agent) if:
(a) the holder of the VIC or TAC also holds a red ASIC or a grey ASIC; and

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(b) the issuer finds out that the Secretary has directed the issuing body that issued the ASIC to suspend the ASIC under regulation 6.42A.

(3A) An issuer must immediately cancel a VIC issued by the issuer (or its agent) if the issuer finds out that the holder of the VIC has, at any time, been refused an ASIC.

(3B) However, subregulation (3A) does not apply if the refusal was set aside.

(4) An issuer commits an offence if the issuer is required to cancel a VIC or TAC under subregulation (1), (3) or (3A) and fails to do so.

Penalty: 100 penalty units.

(5) An issuer may cancel a VIC or TAC issued by the issuer (or its agent) if:
(a) the holder of the VIC or TAC contravenes Subdivision 3.2.1; or
(b) if the card is a VIC—the holder of the VIC contravenes a condition of the VIC; or
(c) the VIC or TAC is altered or defaced (permanently or temporarily).

(6) For paragraphs (5)(a) and (b), the issuer must consider:
(a) the kind and seriousness of each contravention; and
(b) whether the holder of the VIC or TAC has previously contravened Subdivision 3.2.1 or a condition of any ASIC or VIC the person has held.

(7) As soon as practicable after an issuer cancels a VIC or TAC under this regulation, the issuer must tell the holder of the VIC or TAC that the VIC or TAC has been cancelled and the reasons for the cancellation.

Penalty: 10 penalty units.

Note: See section 266 of the *Administrative Review Tribunal Act 2024* for the requirements for the decision-maker to notify persons whose interests are affected by the decision of the making of the decision and their right to have the decision reviewed.

(8) A cancellation under this regulation takes effect when the holder is notified of the cancellation.

6.44 Report of cancellation of ASICs, VICs and TACs in certain cases

(1) If an issuer cancels:
(a) an ASIC in the circumstances mentioned in paragraph 6.43(2)(c) or (d); or
(b) a VIC or TAC because the issuer finds out the holder has had an ASIC cancelled in the circumstances mentioned in paragraph 6.43(2)(c) or (d); or
(c) a VIC under subregulation 6.43F(3A);

the issuer must, within 7 days of the cancellation, give the Secretary a written report that sets out the holder's name, address and date of birth, and the reasons for the cancellation.

(1A) Subregulation (1) does not apply in relation to the residential address of a person:
(a) whose VIC was cancelled as mentioned in paragraph (1)(b) or (c); and

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(b) whose residential address is not required to be on a particular register because of subregulation 6.25A(3).

(2) The Secretary may pass the information on to other issuers if the Secretary thinks that doing so will help to prevent unlawful interference with aviation or the use of aviation in connection with serious and organised crime.

6.44A Notifying airport operator or employer of suspended or cancelled ASIC

(1) If a red ASIC or a grey ASIC is suspended or cancelled by an issuing body that is not the airport operator of the airport where the ASIC was valid, the Secretary may notify the airport operator, or the employer of the former ASIC holder, of the suspension or cancellation.

(2) If an ASIC is suspended or cancelled by an issuing body that is not the employer of the former ASIC holder, the Secretary may notify the employer of the former ASIC holder of the suspension or cancellation.

6.45 Return of red ASICs, grey ASICs, VICs and TACs that have expired etc.

(1) A person commits an offence if:
(a) the person is the holder of a red ASIC or a grey ASIC; and
(b) the holder does not return the ASIC to the issuing body within 1 month after:
(i) the ASIC expires; or
(ii) the holder is notified that the ASIC has been cancelled; or
(iii) the ASIC has been damaged, altered or defaced (permanently or temporarily); or
(iv) the holder no longer has an operational need to enter the relevant secure area.

Penalty: 10 penalty units.

(2) A person commits an offence if:
(a) the person is the holder of a VIC; and
(b) the holder does not return the VIC to the VIC issuer within 7 days after:
(i) the VIC expires, and subregulation (3) does not apply; or
(ii) the holder is notified that the VIC has been cancelled; or
(iii) the VIC has been damaged, altered or defaced (permanently or temporarily); or
(iv) the holder no longer needs to enter the relevant secure area.

Penalty: 10 penalty units.

(3) The holder of the VIC does not need to return the VIC to the VIC issuer within 7 days after the VIC expires if:
(a) all of the following apply:
(i) the VIC was issued by an airport operator (or its agent) or a Secretary-approved VIC issuer (or its agent);

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(ii) the issuer's TSP sets out circumstances in which a VIC does not need to be returned to the VIC issuer within 7 days after the VIC expires;
(iii) the Secretary has approved the part of the TSP that sets out the circumstances;
(iv) one or more of the circumstances apply to the VIC holder; or

(b) all of the following apply:
(i) the Comptroller-General of Customs issued the VIC;
(ii) the Secretary has notified the Comptroller-General of Customs, in writing, that, in particular circumstances, a VIC does not need to be returned to the Comptroller-General of Customs within 7 days after the VIC expires;
(iii) one or more of the circumstances apply to the VIC holder; or

(c) all of the following apply:
(i) the Director-General of Security issued the VIC;
(ii) the Secretary has notified the Director-General of Security, in writing, that, in particular circumstances, a VIC does not need to be returned to the Director-General of Security within 7 days after the VIC expires;
(iii) one or more of the circumstances apply to the VIC holder.

(4) If the holder of a VIC does not return the VIC to the VIC issuer, the VIC issuer must take reasonable steps to tell any of the following that the VIC needs to be returned:
(a) the VIC holder;
(b) the ASIC holder who supervised the VIC holder;
(c) the VIC holder's employer.

(5) A person commits an offence if:
(a) the person is the holder of a TAC; and
(b) the holder does not return the TAC to the issuer within 7 days after:
(i) the TAC expires; or
(ii) the holder is notified that the TAC has been cancelled; or
(iii) the TAC has been damaged, altered or defaced (permanently or temporarily); or
(iv) the holder no longer needs to enter the relevant secure area.

Penalty: 10 penalty units.

(6) An offence under subregulation (1), (2) or (5) is an offence of strictly liability.

(7) For this regulation, if a VIC was issued by an agent of an airport operator or a Secretary-approved VIC issuer, the ***VIC issuer*** is either the agent, or the airport operator or Secretary-approved VIC issuer who authorised the agent.

6.46 Notification of lost, stolen or destroyed ASICs, VICs and TACs

(1) A person commits an offence if:

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(a) the person is the holder of a red ASIC, grey ASIC, VIC or TAC; and
(b) the ASIC, VIC or TAC has been lost, stolen or destroyed; and
(c) the holder of the ASIC, VIC or TAC knows about the loss, theft or destruction; and
(d) the holder does not, within 7 days of becoming aware of the loss, theft or destruction, give the issuing body:
(i) a copy of a police report, or other information issued by the police, regarding the theft; or
(ii) a statutory declaration setting out the circumstances of the loss or destruction.

Penalty: 10 penalty units.

(2) Strict liability applies to paragraph (1)(d).

(3) Subregulation (1) does not apply if the ASIC, VIC or TAC has been destroyed by the issuer that issued it.

6.47 Cancellation of ASICs, VICs or TACs at holder's request

(1) An issuer must cancel an ASIC, a VIC or a TAC it issued if the holder of the ASIC, VIC or TAC asks the issuer to cancel it.

(2) A cancellation under subregulation (1) (other than the cancellation of a white ASIC) takes effect when the ASIC, VIC or TAC is returned to the issuer.

(3) The cancellation of a white ASIC under subregulation (1) takes effect when the issuer receives the request.

6.48 Disqualification from holding ASICs for contravening display requirements

(1) If regulation 3.03 is contravened by the holder of a red ASIC or a grey ASIC 3 times or more within a period of 2 years, he or she is disqualified from holding a red ASIC or a grey ASIC for the longer of:
(a) the remaining period of validity of the ASIC; or
(b) 1 year.

(2) The holder must return the ASIC to the issuing body within 1 month.

Penalty: 5 penalty units.

6.49 Minister may recall ASICs, VICs and TACs

(1) The Minister may direct in writing that all ASICs, VICs or TACs (or classes of ASICs, VICs or TACs) are cancelled.

(2) For subregulation (1), a class of ASICs, VICs or TACs may be defined by reference to the issuer that issued them or in any other way.

(3) A direction under subregulation (1) must be published:

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(a) in the *Gazette*; and
(b) on 2 separate occasions at least 1 week apart in a daily newspaper that circulates throughout Australia, or in 2 or more daily newspapers that together circulate throughout Australia.

(4) A direction under subregulation (1) has effect 1 month after the second or last publication required by paragraph (3)(b).

6.50 Sample ASICs, VICs and TACs for training purposes

(1) An issuer may issue a sample ASIC, VIC or TAC bearing the name and image of a fictitious person, or otherwise not conforming to the design of a genuine ASIC, VIC or TAC, for use in training.

(2) A sample ASIC, VIC or TAC must be clearly marked to distinguish it from a genuine ASIC, VIC or TAC.

(3) Subject to subregulation (2), the form and content of a sample ASIC, VIC or TAC may be decided by the issuer.

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Division 6.6—Powers of security officers in relation to ASICs, VICs and TACs

6.52 Definition—*security officer*

In this Division:

security officer means:

(a) a law enforcement officer; or

(b) an airport security guard; or

(c) an aviation security inspector; or

(d) an eligible customs officer.

6.53 Directions to show valid ASICs, VICs and TACs

(1) In this regulation:

exempt person, in relation to a part of the secure area of a security controlled airport, means somebody who, under the Act or these Regulations, is not required to properly display a valid ASIC, valid VIC or valid TAC in that part of that area.

(2) Subject to subregulation (2A), if:

(a) a security officer knows, or has reason to believe, that a person who is in a part of a security controlled airport is required under these Regulations to properly display a valid ASIC, valid VIC or valid TAC; but

(b) the person is apparently not properly displaying a valid ASIC, valid VIC or valid TAC;

the security officer may (unless the security officer knows the person to be an exempt person in relation to that part of the airport) direct the person to show him or her a valid ASIC, valid VIC or valid TAC.

(2A) At a security controlled airport from or to which no screened air service operates, subregulation (2) applies only during a traffic period for the airport.

(3) Before giving a person a direction under subregulation (2), a security officer must show the person:

(a) the officer's identity card; or

(b) another appropriate form of identification.

(4) A person (other than a person who is an exempt person for the area or part) must comply with a direction of a security officer under subregulation (2).

Penalty: 10 penalty units.

(5) If an exempt person is given a direction by a security officer under subregulation (2), the exempt person must show the security officer identification that establishes that he or she is an exempt person.

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Penalty: 10 penalty units.

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Division 6.7—Security designated authorisations

6.54 Definitions for Division

(1) In this Division:

issue, used in relation to a security designated authorisation, includes grant.

(2) For the purposes of this Division, an ***aviation security status check*** of a person includes:

(a) if the person is not an Australian citizen, a check as to whether the person is an unlawful non-citizen; and

(b) a check of police records to find out whether the person has a criminal record; and

(c) a security assessment of the person.

(3) Unless the contrary intention appears:

(a) an expression used in this Division that is also used in Division 9 of Part 4 of the Act has the same meaning in this Division as in that Division of the Act; and

(b) an expression used in this Division that is also used in regulations made under the *Civil Aviation Act 1988* has the same meaning in this Division as in those regulations.

Note: The holder of a flight crew licence must hold a red ASIC or a grey ASIC (and therefore must have a background check done) to enter the secure area of a security controlled airport—see regulation 3.03.

6.55 Exercise of privileges of flight crew licences etc

(1) A person who holds a security designated authorisation must not perform a duty that is essential to the operation of an aircraft while the aircraft is in Australian territory if the Secretary:

(a) has determined that the person has an adverse aviation security status; and

(b) has given a copy of the determination to the person.

Penalty: 20 penalty units.

Note: A flight crew licence is a security designated authorisation (see regulation 1.08 and section 74G of the Act).

(2) Subject to subregulation (4), a person who is over 18, and holds a security designated authorisation, must not perform a duty that is essential to the operation of an aircraft while the aircraft is in Australian territory unless:

(a) his or her aviation security status check is current; or

(b) he or she has requested an aviation security status check.

Penalty: 20 penalty units.

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(3) For paragraph (2)(a), a person's aviation security status check is current at a particular time if:
  (a) it was carried out no more than 5 years before that time; or
  (b) he or she has requested that a new check be carried out; or
  (c) within the previous 2 years, he or she underwent a background check for the issue of an ASIC.

(4) If a security designated authorisation is issued to a person who is under 18, subregulation (2) does not have effect in relation to him or her until 3 months after his or her 18th birthday.

6.55A Functions of CASA

(1) For paragraph 74H(1)(j) of the Act, CASA may collect, on behalf of the Commonwealth, any fee payable for the determination by the Secretary of the aviation security status of an applicant for, or the holder of, a security designated authorisation.

(2) For paragraph 74H(1)(k) of the Act, the function is conferred upon CASA of determining, under subsection 74G(1) of the Act, that a person has an adverse aviation security status.

(3) For paragraph 74H(1)(l) of the Act, the Director of CASA may delegate any or all of CASA's functions and powers under this Division to a person holding, or performing the duties of, an office or position within CASA that is at a level equivalent to that of an SES employee.

(4) For paragraphs 74H(1)(k) and (m) of the Act, the following functions, incidental to the function referred to in subregulation (2), are conferred upon CASA:
  (a) obtaining checks by the Australian Federal Police and the Immigration Department, and security assessments, in relation to holders of, or applicants for, security designated authorisations;
  (b) assessing the results of those checks and assessments.

6.56 Request for aviation security status check

(1) The holder of a security designated authorisation, or an applicant for such an authorisation, who is over 18 may request that an aviation security status check be carried out.

(2) The application:
  (a) must be in writing on the form approved by CASA for the purpose; and
  (b) must be accompanied by the applicable fee prescribed by the *Civil Aviation (Fees) Regulations 1995*.

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6.56A Authorisation of certain disclosures of personal information

(1) For the purpose of carrying out an aviation security status check in relation to a person, CASA and the Department are authorised to disclose personal information about the person to the following:
  (a) the Australian Federal Police;
  (b) the Immigration Department;
  (c) the Australian Security Intelligence Organisation.

(2) For that purpose, the Australian Federal Police is authorised to disclose personal information about the person to the police force or police service of each State and Territory.

(3) For the purpose of enabling CASA or the Secretary to determine a person's aviation security status:
  (a) each agency mentioned in paragraphs (1)(a), (b) and (c) is authorised to disclose personal information about the person to CASA and the Department; and
  (b) the police force or police service of each State and Territory is authorised to disclose personal information about the person to the Australian Federal Police.

6.57 Flight crew licences etc—requirements in relation to issue

(1) Despite anything in regulations under the *Civil Aviation Act 1988*, and subject to subregulations (2) and (3), CASA is not to issue a security designated authorisation to a person unless:
  (a) the person has verified his or her identity by showing CASA a Category A identification document for the person and either:
    (i) a Category B identification document for the person; or
    (ii) 2 Category C identification documents for the person; and
  (b) either:
    (i) he or she has shown CASA his or her Australian birth certificate, Australian passport or Australian naturalisation certificate; or
    (ii) CASA is satisfied that he or she is not an unlawful non-citizen; and
  (c) an aviation security status check has shown that the person does not have an adverse criminal record; and
  (d) CASA has been notified in writing that a security assessment of the person has been made, and is not adverse or qualified.

  Note: If the Secretary has determined that the person has an adverse aviation security status, CASA must refuse the application—see the Act, section 74G.

(2) In the case of a person who is under 18, CASA may issue the authorisation to him or her despite paragraphs (1)(c) and (d) if he or she meets the criteria in paragraphs (1)(a) and (b).

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(3) In the case of a person who holds a red ASIC, or a grey ASIC, that is less than 2 years old, CASA may issue the authorisation to him or her despite anything in subregulation (1).

(4) For paragraph (1)(c), a person has an ***adverse criminal record*** if he or she:
  (a) is, after 10 March 2005, convicted of an aviation-security-relevant offence (other than an offence against Part 2 of the *Crimes (Aviation) Act 1991* or Part 5.3 of the *Criminal Code*) and sentenced to imprisonment; or
  (b) is convicted of an offence against Part 2 of the *Crimes (Aviation) Act 1991* or Part 5.3 of the *Criminal Code* and sentenced to imprisonment.

6.58 Secretary's determination whether a person has adverse aviation security status

(1) This regulation sets out what the Secretary must consider in determining that a person has, or does not have, an adverse aviation security status.

(2) If the person is an unlawful non-citizen, the Secretary must determine that the person has an adverse aviation security status.

(3) If a security assessment of the person was adverse, the Secretary must determine that the person has an adverse aviation security status.

Note: If an adverse or qualified security assessment about a person is provided to a Commonwealth body, the body must notify the person in writing within 14 days (including a copy of the assessment) and must notify him or her how to apply to the Administrative Review Tribunal for review of the assessment—see the *Australian Security Intelligence Organisation Act 1979*, section 38.

(4) If a security assessment of the person was qualified, the Secretary must consider the reasons for the assessment being qualified, and whether the holding of a security designated authorisation by the person would constitute a threat to aviation security.

(5) If the person has an adverse criminal record (within the meaning given by subregulation 6.57(4)), the Secretary must consider:
  (a) the nature of the offence the person was convicted of; and
  (b) the length of the term of imprisonment imposed on him or her; and
  (c) if he or she has served the term, or part of the term—how long it is, and his or her conduct and employment history, since he or she did so; and
  (d) if the whole of the sentence was suspended—how long the sentence is, and his or her conduct and employment history, since the sentence was imposed; and
  (e) anything else relevant that the Secretary knows about.

6.58A Matters to which CASA must have regard in determining aviation security status

(1) Regulation 6.58 has effect in relation to the determination by CASA of a person's aviation security status as if each reference in that regulation to the Secretary were a reference to CASA.

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(2) In the interests of consistent decision-making, the Secretary may give advice or directions in writing as to principles or policies to be followed in determining whether a person who has an adverse criminal record, or is the subject of a qualified security assessment, has an adverse aviation security status.

(3) In determining whether such a person has an adverse aviation security status, CASA must have regard to any such advice or directions of the Secretary.

6.58B Notice by CASA of certain decisions

If CASA determines that a person has an adverse aviation security status, CASA must inform the Secretary of:

(a) the person's name; and

(b) the determination and the reasons for it.

6.59 Conviction of holders of security designated authorisation of aviation-security-relevant offences

If the holder of a security designated authorisation is convicted of an aviation-security-relevant offence, he or she must notify CASA in writing of the conviction and any sentence within 7 days.

Penalty: 20 penalty units.

Note: For the meaning of ***aviation-security-relevant offence***, see regulation 6.01.

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Division 6.8—Miscellaneous

6.60 Fees

(1) For the purposes of paragraph 133(2)(a) of the Act, an issuing body may charge a person who asks the body to issue an ASIC a fee to recover costs and expenses reasonably incurred by the body in relation to the issue of the ASIC.

(2) A fee charged under subregulation (1) must not be such as to amount to taxation.

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Part 6A—Information-gathering

6A.01 Aviation security information—statistical information about VICs

(1) For subsection 111(1) of the Act, statistical information relating to the issue of VICs is aviation security information if the information is not personal information (within the meaning of the *Privacy Act 1988*) or security compliance information.

(2) Without limiting subregulation (1), the statistical information may include the following:

(a) the number of VICs that were issued during a specified period;

(b) the number of people who were issued a VIC during a specified period;

(c) the number of people who were issued more than one VIC during a specified period;

(d) the number of people who were issued a VIC for more than a specified number of days during a specified period;

(e) the number of VICs that were issued during a specified period to a person without the person confirming his or her identity because the VIC issuer (within the meaning given by subregulation 6.01(1)) determined that there were exceptional circumstances under paragraph 6.38C(3)(c);

(f) the number of VICs that were issued during a specified period relying on regulation 6.38G, 6.38H or 6.38I;

(g) the number of VICs that were not returned in accordance with regulation 6.45 during a specified period;

(h) the number of VICs that were lost, stolen or destroyed during a specified period;

(i) the information mentioned in paragraphs (a) to (h) for VICs issued by an agent (within the meaning given by subregulation 6.01(1)).

6A.02 Aviation security information—information about screening points

(1) For the purposes of section 111 of the Act, the following information relating to a screening point through which persons enter a sterile area of a security controlled airport is prescribed:

(a) the screening authority that operates the screening point;

(b) the airport;

(c) the terminal at which the screening point is located;

(d) the location of the screening point within the terminal;

(e) statistical information relating to screening carried out at the screening point;

(f) without limiting paragraph (e)—the following information relating to screening carried out at the screening point:

(i) the number of persons passing through the screening point in a period;

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(ii) if x-ray equipment fitted with threat image projection software is used for the screening—the information specified by subregulation (2);
(iii) if a walk-through metal detector is used for the screening—the information specified by subregulation (3);
(iv) if body scanning equipment is used for the screening—the information specified by subregulation (4);
(v) if explosive trace detection equipment is used for the screening—the information specified by subregulation (5).

X-ray equipment fitted with threat image projection software

(2) For the purposes of subparagraph (1)(f)(ii), the following information is specified in relation to x-ray equipment that is fitted with threat image projection software and used for the screening:
(a) the make and model of the equipment;
(b) the name and version of the software;
(c) for each threat image projected by the software:
(i) the day and time the image is projected; and
(ii) the type of the threat; and
(iii) the outcome of the projection.

Walk-through metal detector

(3) For the purposes of subparagraph (1)(f)(iii), the following information is specified in relation to a walk-through metal detector used for the screening:
(a) the make and model of the detector;
(b) the number of persons who pass through the detector in a period.

Body scanning equipment

(4) For the purposes of subparagraph (1)(f)(iv), the following information is specified in relation to body scanning equipment used for the screening:
(a) the make and model of the equipment;
(b) the number of persons scanned using the equipment in a period;
(c) for each scan—the day and time of the scan.

Explosive trace detection equipment

(5) For the purposes of subparagraph (1)(f)(v), the following information is specified in relation to explosive trace detection equipment used for the screening:
(a) the make and model of the equipment;
(b) the number of persons in relation to whom the equipment is used in a period;
(c) the number of double positive results occurring in a period;
(d) for each double positive result—the day and time the double positive result occurs.

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Part 7—Enforcement

7.01 Purpose and effect of Part

(1) For section 117 of the Act, this Part sets up an infringement notice scheme in relation to alleged offences against the Act and these Regulations as an alternative to prosecution.

(2) This Part does not:
  (a) require an infringement notice to be issued to a person for an alleged offence; or
  (b) affect the liability of a person to be prosecuted for an alleged offence if an infringement notice is not issued to the person for the offence; or
  (c) prevent the issue of 2 or more infringement notices to a person for an alleged offence; or
  (d) affect the liability of a person to be prosecuted for an alleged offence if the person does not comply with an infringement notice for the offence; or
  (e) limit or otherwise affect the penalty that may be imposed by a court on a person convicted of an offence.

7.02 Definition for Part—*authorised person*

In this Part:

authorised person means:
  (a) a law enforcement officer; or
  (b) an airport security guard; or
  (c) an aviation security inspector; or
  (d) an eligible customs officer.

7.03 Penalty payable under infringement notice

The penalty payable under an infringement notice issued under this Part for an alleged offence against the Act or these Regulations is one-fifth of the maximum penalty that a court could impose for the offence.

7.04 Authorised persons may issue infringement notices

(1) If an authorised person (other than an eligible customs officer) believes on reasonable grounds that a person has committed an offence of strict liability against the Act or these Regulations, the authorised person may, subject to subregulation (2), issue to the person an infringement notice for the alleged offence.

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(2) The authorised person must not issue an infringement notice for an alleged offence against subsection 13(1), 46(1), 47(1), 48(1), 54(1), 55(1) or 56(1) of the Act.

(3) If an authorised person who is an eligible customs officer believes on reasonable grounds that a person has committed an offence against subregulation 3.03(1), 3.07(3), 3.07(3A) or 3.12(1), the authorised person may issue to the person an infringement notice for the alleged offence.

7.05 Contents of infringement notice

(1) An infringement notice:

(a) must bear a unique number; and

(b) must state the name of the authorised person who issued it, and:

(i) if he or she is a law enforcement officer—the name of the police force or police service of which he or she is a member, protective service officer or special protective service officer; or

(ii) if he or she is an airport security guard, aviation security inspector or eligible customs officer—that fact; and

(c) must state its date of issue; and

(d) must state the full name, or the surname and initials, and the address, of the person to whom it is issued; and

(e) must give brief details of the alleged offence for which it is issued, including:

(i) the date and time of the alleged offence; and

(ii) where the alleged offence happened; and

(iii) the provision of the Act or these Regulations that was allegedly contravened; and

(f) must state the penalty for the alleged offence payable under the notice; and

(g) must state where and how that penalty can be paid (including, if the penalty can be paid by posting the payment, the place to which it should be posted); and

(h) must state that if the person to whom it is issued (the ***recipient***) pays the penalty within 28 days after the day when the notice is served (or any longer time allowed in writing by an aviation security inspector), then (unless the infringement notice is subsequently withdrawn and any penalty paid refunded):

(i) any liability of the recipient for the alleged offence will be discharged; and

(ii) the recipient will not be prosecuted in a court for the alleged offence; and

(iii) the recipient will not be taken to have been convicted of the alleged offence; and

(i) must state the maximum penalty that a court could impose on the recipient for the alleged offence; and

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(j) must state that if the recipient is prosecuted in court and found guilty of the offence, the recipient may be convicted of the offence and ordered to pay a penalty and costs, and be subject to any other order that the court makes; and

(k) must state how and to whom the recipient can apply to be allowed more time to pay the penalty; and

(l) must be signed by the authorised person who issued it.

(2) An infringement notice may contain any other information that the authorised person who issues it thinks necessary.

7.06 Service of infringement notices

(1) An infringement notice must be served on the person to whom it is issued.

(2) An infringement notice may be served on an individual:

(a) by giving it to the individual; or

(b) by leaving it at, or by sending it by post, telex, fax or similar facility to, the address of the place of residence or business (the ***relevant place***) of the individual last known to the authorised person who issues it; or

(c) by giving it, at the relevant place, to someone who:

(i) lives or is employed, or apparently lives or is employed, there; and

(ii) is, or the authorised person who issues it has reason to believe is, over 16 years.

(3) An infringement notice may be served on a corporation:

(a) by leaving it at, or by sending it by post, telex, fax or similar facility to, the address of the head office, a registered office or a principal office of the corporation; or

(b) by giving it, at an office mentioned in paragraph (a), to someone who is, or the authorised person who issues it has reason to believe is, an officer or employee of the corporation.

7.07 Time for payment of penalty

The penalty stated in an infringement notice must be paid:

(a) within 28 days after the day on which the notice is served on the person to whom it is issued; or

(b) if the person applies for a further period of time in which to pay the penalty, and that application is granted—within the further period allowed; or

(c) if the person applies for a further period of time in which to pay the penalty, and the application is refused—within 7 days after the notice of the refusal is served on the person; or

(d) if the person applies for the notice to be withdrawn, and the application is refused—within 28 days after the notice of the refusal is served on the person.

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7.08 Extension of time to pay penalty

(1) The person to whom an infringement notice is issued (the ***recipient***) may apply, in writing, to an aviation security inspector for a further period of up to 28 days in which to pay the penalty stated in the notice.

(2) Within 14 days after receiving the application, the aviation security inspector must:
  (a) grant or refuse a further period not longer than the period sought; and
  (b) notify the recipient in writing of the decision and, if the decision is a refusal, the reasons for it.

(3) Notice of the decision may be served on the recipient in any way in which the infringement notice could have been served on the recipient.

7.09 Effect of payment of penalty

(1) If an infringement notice is not withdrawn, and the person to whom it is issued for an alleged offence pays the penalty stated in the notice:
  (a) any liability of the person for the alleged offence is discharged; and
  (b) the person may not be prosecuted in a court for the alleged offence; and
  (c) the person is not taken to have been convicted of the alleged offence.

(2) If 2 or more infringement notices are issued to a person for the same alleged offence, the person's liability to be prosecuted for the offence ceases if the person pays the penalty stated in any of the notices.

7.10 Withdrawal of infringement notice

(1) Before the end of 28 days after receiving an infringement notice, a person may apply, in writing, to the Secretary for the infringement notice to be withdrawn.

(2) Within 14 days after receiving the application, the Secretary must:
  (a) withdraw or refuse to withdraw the notice; and
  (b) notify the person in writing of the decision and, if the decision is a refusal, the reasons for the decision.

(3) If the Secretary has not approved, or refused to approve, the withdrawal of the notice within the period allowed by subregulation (2), the Secretary is taken to have refused to approve the withdrawal of the notice.

(4) Before withdrawing or refusing to withdraw a notice, the Secretary must consider:
  (a) whether the person has been convicted previously of an offence against the Act or these Regulations; and
  (b) the circumstances of the alleged offence stated in the notice; and
  (c) whether the person has previously paid a penalty under an infringement notice issued to the person for an alleged offence of the same type as the alleged offence mentioned in the notice; and

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(d) any other relevant matter.

(5) The Secretary may also withdraw an infringement notice without an application having been made.

7.11 Notice of withdrawal of infringement notices

(1) Notice of the withdrawal of an infringement notice may be served on a person in any way in which the infringement notice could have been served on the person.

(2) A notice withdrawing an infringement notice served on a person for an alleged offence:

(a) must include the following information:

(i) the full name, or surname and initials, and address of the person;

(ii) the number of the infringement notice;

(iii) the date of issue of the infringement notice; and

(b) must state that the notice is withdrawn; and

(c) if the Secretary intends to prosecute the person in a court for the alleged offence, must state that the person may be prosecuted in a court for the offence.

7.12 Refund of penalty

If an infringement notice is withdrawn after the penalty stated in it has been paid, the Commonwealth must refund the amount of the penalty to the person who paid it.

7.13 Evidence of certain matters in relation to infringement notices

(1) At the hearing of a prosecution for an offence in relation to which an infringement notice has been issued, a certificate of any of the following kinds, signed by or on behalf of the Secretary, is evidence of the facts stated in it:

(a) a certificate stating that:

(i) the infringement notice was served on the alleged offender; and

(ii) the infringement notice penalty has not been paid in accordance with this Part;

(b) a certificate stating that the notice was withdrawn on a day specified in the certificate;

(c) a certificate stating that:

(i) a further period was refused for payment of the infringement notice penalty; and

(ii) the infringement notice penalty has not been paid in accordance with this Part;

(d) a certificate stating that:

(i) the further time mentioned in the certificate for payment of the infringement notice penalty was granted; and

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(ii) the infringement notice penalty was not paid in accordance with the notice or within the further time.

(2) A certificate that purports to have been signed by or on behalf of the Secretary is presumed to have been so signed unless the contrary is proved.

7.14 Effect of certain admissions

Evidence of an admission made by a person in an application under regulation 7.10 is not admissible in proceedings against the person for the relevant alleged offence unless the person introduces the application into evidence.

7.15 Matter not to be taken into account in determining sentence

If a person to whom an infringement notice has been issued:

(a) does not pay the infringement notice penalty; and

(b) is prosecuted for, and convicted of, the alleged offence mentioned in the infringement notice;

the court must not, in determining the penalty to be imposed, take into account the fact that the person did not pay the infringement notice penalty.

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Part 8—Reconsideration and review of decisions

8.01 Definitions

In this Part:

ART means the Administrative Review Tribunal.

ART Act means the *Administrative Review Tribunal Act 2024*.

decision has the same meaning as in the ART Act.

Tribunal means the Administrative Review Tribunal.

8.01A Reconsideration of decisions in relation to ASICs and related matters—decisions of Secretary

Decisions in relation to issuing bodies

(1) Application may be made to the Secretary for reconsideration of a decision of the Secretary:
  (a) to refuse to exempt an issuing body from giving effect to its ASIC program in a particular case or respect; or
  (b) to impose a condition on an exemption; or
  (c) to direct an issuing body to vary its ASIC program; or
  (d) to refuse to approve a variation of an issuing body's ASIC program; or
  (e) to revoke an issuing body's authorisation; or
  (f) to refuse to revoke an issuing body's authorisation.

Decisions in relation to issue, suspension and cancellation of ASICs

(2) Application may be made to the Secretary for reconsideration of a decision of the Secretary:
  (a) to grant, or to refuse to grant, an issuing body an exemption from needing the relevant airport operator's approval to issue an airport-specific ASIC to a person for an airport under regulation 6.27A; or
  (b) to refuse to approve the issuing of an ASIC; or
  (c) to approve the issuing of an ASIC subject to a condition; or
  (d) to give the issuing body for an ASIC a direction under subregulation 6.31(3); or
  (e) to direct the suspension of an ASIC; or
  (f) to refuse to set aside the cancellation of an ASIC under regulation 6.43B or 6.43C; or
  (g) to set aside the cancellation of an ASIC subject to a condition under regulation 6.43D.

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Decisions in relation to wearing and use of ASICs

(3) Application may be made to the Secretary for reconsideration of a decision of the Secretary:

(a) to refuse to exempt somebody from displaying a valid ASIC in a secure area, or part of such an area; or

(b) to impose a condition on such an exemption.

8.01B If Secretary makes no decision

If a person applies to the Secretary under regulation 8.01A for reconsideration of a decision and, 30 days after making the application, the Secretary has not notified the Secretary's decision about the application to the applicant, the Secretary is taken to have refused to vary the original decision.

8.02 Review of decisions in relation to ASICs and related matters—decisions of Secretary

Reconsideration decisions

(1) Applications may be made to the Tribunal for review of decisions of the Secretary under regulation 8.01A or 8.01B.

Decisions in relation to adverse aviation security status

(2) Application may be made under the ART Act to the Tribunal for review of a decision of the Secretary that on the basis of a qualified security assessment, a person has an adverse aviation security status.

Note: For review of a decision not to issue a security designated authorisation on grounds other than a person's adverse aviation security status, see Part 16 of the *Civil Aviation Regulations 1988*.

Decisions relating to alternative identification requirements

(3A) Applications may be made to the Tribunal for review of decisions of the Secretary under regulation 6.27AC to refuse to approve alternative identification requirements for a person.

Decisions in relation to the substituted exercise of the powers of an issuing body

(5) Application may be made under the ART Act to the Tribunal for review of a decision of the Secretary:

(a) to authorise, or refuse to authorise, a person to perform the functions, or exercise the powers, of an issuing body; or

(b) to authorise a person to perform the functions or exercise the powers of an issuing body subject to a condition.

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8.03 Review of decisions in relation to ASICs and related matters—decisions of issuing bodies

Application may be made under the ART Act to the Tribunal for review of a decision of an issuing body:

(a) to refuse to issue an ASIC to somebody; or

(b) to issue an ASIC subject to a condition; or

(c) to cancel an ASIC.

8.03A Review of decisions in relation to known consignors

Application may be made under the ART Act to the Tribunal for review of a decision by the Secretary:

(a) to refuse to approve an applicant as a known consignor; or

(b) to revoke the approval of a person as a known consignor; or

(c) to refuse to accept amendments to a known consignor security program.

8.04 Review of decisions in relation to regulated air cargo agents

Application may be made under the ART Act to the Tribunal for review of a decision by the Secretary:

(a) to refuse to designate an applicant as a RACA; or

(b) to revoke the designation of a person as a RACA; or

(c) to refuse to accept amendments to a RACA security program.

8.05 Review of decisions in relation to AACAs

Application may be made under the ART Act to the Tribunal for review of a decision by the Secretary:

(a) to refuse to accredit a person as an AACA; or

(b) to revoke an AACA's accreditation; or

(c) to refuse to accept amendments to an AACA security program.

8.06 Review of decisions in relation to VIC issuers

Application may be made under the ART Act to the Tribunal for review of a decision by the Secretary not to approve an aircraft operator as a VIC issuer.

8.07 Reconsideration of decisions in relation to screening requirements

Applications for reconsideration

(1) A person who is given a notice under regulation 4.17A specifying a requirement in relation to screening may apply to the Secretary for reconsideration of the decision of the Secretary to specify the requirement.

(2) The application must be in writing.

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Reconsideration

(3) If:

(a) a person applies under subregulation (1) of this regulation for reconsideration of a decision; and

(b) the application is in accordance with subregulation (2);

the Secretary must:

(c) reconsider the decision; and

(d) by written notice given to the person:

(i) affirm the decision; or

(ii) vary the decision; or

(iii) set aside the decision and make a decision in substitution for it.

(4) If the Secretary does not make a decision under paragraph (3)(d) within 30 days after the person makes the application, the Secretary is taken to have affirmed the decision mentioned in paragraph (3)(a) at the end of those 30 days.

ART review of Secretary's decisions

(5) Applications may be made to the Tribunal for review of decisions of the Secretary under this regulation to affirm decisions.

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Part 9—Miscellaneous

9.01 Threats regarding aviation security

(1) A person must not, while at a security controlled airport or on board an aircraft, engage in conduct that a reasonable person could interpret as a threat to commit an act of unlawful interference with aviation.

Penalty: 50 penalty units.

(1A) Subregulation (1) does not apply to an aviation security inspector who is performing a duty, or carrying out a responsibility, under or for the purposes of the Act or these Regulations.

Note: A defendant bears an evidential burden in relation to the matter in subregulation (1A) (see section 13.3 of the *Criminal Code*).

(2) An offence against subregulation (1) is an offence of strict liability.

Examples of conduct for subregulation (1):

Making jokes about bombs in baggage

Leaving articles of baggage unattended.

9.02 Service of notices

A notice required under these Regulations may be served by fax or e-mail.

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Part 10—Application and transitional matters

Division 1—Amendments made by the Customs and Other Legislation Amendment (Australian Border Force) Regulation 2015

10.01 Amendments made by the *Customs and Other Legislation Amendment (Australian Border Force) Regulation 2015*

(1) A thing done by, or in relation to, the Australian Customs and Border Protection Service under these Regulations before 1 July 2015 has effect on and after that day as if it had been done by, or in relation to, the Comptroller-General of Customs.

(2) Without limiting subregulation (1), if an ASIC program was in force in relation to the Australian Customs and Border Protection Service immediately before 1 July 2015, then, on and after that day, the program is taken to be in force in relation to the Department administered by the Minister administering Part XII of the *Customs Act 1901*.

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Division 2—Amendments made by the Aviation Transport Security Amendment (2015 Measures No. 1) Regulation 2015

10.02 Amendments made by the *Aviation Transport Security Amendment (2015 Measures No. 1) Regulation 2015*

The amendments made by Schedule 1 to the *Aviation Transport Security Amendment (2015 Measures No. 1) Regulation 2015* apply in relation to the approval of a TSP, or of proposed alterations of a TSP, under section 19, 21 or 23A of the *Aviation Transport Security Act 2004* on or after 1 September 2015, whether:

(a) the TSP is given to the Secretary under that Act before, on or after that day; or

(b) the request under section 22 or 23A of that Act relating to the TSP is made before, on or after that day.

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Division 3—Amendments made by the Transport Security Legislation Amendment (Job Ready Status) Regulation 2015

10.03 Amendments made by the *Transport Security Legislation Amendment (Job Ready Status) Regulation 2015*

The amendments of these Regulations made by Part 1 of Schedule 1 to the *Transport Security Legislation Amendment (Job Ready Status) Regulation 2015* apply in relation to an application for an ASIC made on or after the commencement of that Part.

Note: Part 1 of Schedule 1 to the *Transport Security Legislation Amendment (Job Ready Status) Regulation 2015* commenced on 15 December 2015.

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Division 4—Amendments made by the Aviation Transport Security Amendment (Cargo) Regulation 2016

Subdivision A—Preliminary

10.04 Definitions

In this Division:

amending Regulation means the *Aviation Transport Security Amendment (Cargo) Regulation 2016*.

old Regulations means these Regulations as in force immediately before 1 November 2016.

Subdivision B—Amendments made by Schedule 1 to the Aviation Transport Security Amendment (Cargo) Regulation 2016

10.05 Continuation of existing designations for RACAs who have a notice given under regulation 4.41J

Persons to whom this regulation applies

(1) This regulation applies to a person if:
  (a) immediately before 1 November 2016 the person was designated as a RACA under regulation 4.43 of the old Regulations (the ***previous designation***); and
  (b) the RACA had been given a notice under regulation 4.41J of the old Regulations; and
  (c) before 1 November 2016 the notice had not been revoked for the RACA; and
  (d) immediately before 1 November 2016 a TSP for the RACA was in force.

Previous designations continue

(2) Subject to this regulation, the previous designation has effect, on and after 1 November 2016, as if the previous designation were a designation of the person as a RACA by the Secretary under regulation 4.43A, as inserted by Schedule 1 to the amending Regulation.

Period during which designations remain in force

(3) If:
  (a) the previous designation of a person as a RACA is taken to continue because of subregulation (2); and

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(b) the TSP for the RACA would have remained in force under subsection 20(3) of the Act until on or after 1 July 2017 (the ***remaining period***) if the amending Regulation had not been made;

the previous designation has effect until the end of the remaining period, unless revoked earlier under regulation 4.44, 4.44A, 4.44B or 4.44C, as inserted by Schedule 1 to the amending Regulation.

(4) If:

(a) the previous designation of a person as a RACA is taken to continue because of subregulation (2); and

(b) the TSP for the RACA would have remained in force under subsection 20(3) of the Act until a day between 1 November 2016 and 30 June 2017 (the ***remaining period***) if the amending Regulation had not been made;

the previous designation has effect until the day specified by the Secretary by written notice, unless revoked earlier under regulation 4.44, 4.44A, 4.44B or 4.44C, as inserted by Schedule 1 to the amending Regulation.

(5) The Secretary:

(a) must give the notice under subregulation (4) by 15 November 2016; and

(b) must not specify a day before the notice is given.

10.06 Security programs for RACAs whose designation has been continued under regulation 10.05

(1) This regulation applies to the TSP for a RACA (a ***previous TSP***) whose designation as a RACA is continued under regulation 10.05.

(2) Subject to this regulation, the previous TSP has effect, on and after 1 November 2016, as if:

(a) the previous TSP were a RACA security program for the RACA provided by the Secretary under regulation 4.46, as amended by Schedule 1 to the amending Regulation; and

(b) the measures and procedures for handling and treating suspect cargo under subregulation 2.41(5) of the old Regulations were measures and procedures for handling high risk cargo.

(3) The Secretary may, by written notice given to the RACA, direct the RACA to vary the RACA security program that is taken to exist because of subregulation (2).

(4) In the notice, the Secretary must:

(a) set out the variation; and

(b) specify the period within which the RACA must give the Secretary the security program as varied.

(5) Despite subregulation 4.46D(4), as inserted by Schedule 1 to the amending Regulation, the variation comes into force when the notice is given to the RACA.

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(6) If the RACA does not vary the security program in accordance with the notice, the Secretary may immediately revoke the RACA's designation as a RACA.

Period during which security programs remain in force

(7) To avoid doubt, a RACA security program for a RACA that is taken to exist because of subregulation (2) has effect, and may be dealt with, for so long as the RACA is designated as a RACA.

Other variation powers not affected

(8) This regulation does not limit the power of the Secretary to:
  (a) vary a RACA security program under regulation 4.46B, as inserted by Schedule 1 to the amending Regulation; or
  (b) direct a RACA to vary a RACA security program under regulation 4.46D, as inserted by Schedule 1 to the amending Regulation.

10.07 Transition of existing designations for RACAs who do not have a notice given under regulation 4.41J

(1) This regulation applies to a person if:
  (a) immediately before 1 November 2016 the person was designated as a RACA under regulation 4.43 of the old Regulations (the ***previous designation***); and
  (b) either:
    (i) the RACA had not been given a notice under regulation 4.41J of the old Regulations; or
    (ii) before 1 November 2016 the RACA has been given a notice under regulation 4.41J of the old Regulations but the notice has been revoked for the RACA; and
  (c) immediately before 1 November 2016 a TSP for the RACA was in force.

Previous designations continue as AACA accreditations

(2) Subject to this regulation, the previous designation has effect, on and after 1 November 2016, as if the Secretary had accredited the person as an AACA under regulation 4.49, as amended by Schedule 1 to the amending Regulation.

Period during which transitional designations remain in force

(3) If:
  (a) a person who was a RACA is taken to be an AACA because of subregulation (2); and
  (b) the TSP for the RACA would have remained in force under subsection 20(3) of the Act until on or after 1 July 2017 (the ***remaining period***) if the amending Regulation had not been made;

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the accreditation of the person as an AACA has effect until the end of the remaining period, unless revoked earlier under regulation 4.51D, 4.51DA, 4.51DB or 4.51DC, as inserted by Schedule 1 to the amending Regulation.

(4) If:

(a) a person who was a RACA is taken to be an AACA because of subregulation (2); and

(b) the TSP for the RACA would have remained in force under subsection 20(3) of the Act until a day between 1 November 2016 and 30 June 2017 (the ***remaining period***) if the amending Regulation had not been made;

the accreditation of the person as an AACA has effect until the day specified by the Secretary by written notice, unless revoked earlier under regulation 4.51D, 4.51DA, 4.51DB or 4.51DC, as inserted by Schedule 1 to the amending Regulation.

(5) The Secretary must:

(a) give the notice under subregulation (4) by 15 November 2016; and

(b) must not specify a day before the notice is given.

10.08 Security programs for RACAs whose designation has been transitioned to accreditation as an AACA under regulation 10.07

(1) This regulation applies to the TSP for a RACA (a ***previous TSP***) whose designation as a RACA is transitioned to accreditation as an AACA (the ***transitioned AACA***) under regulation 10.07.

(2) Subject to this regulation, the previous TSP has effect, on and after 1 November 2016, as if:

(a) the previous TSP were an AACA security program for the transitioned AACA provided by the Secretary under regulation 4.51F, as amended by Schedule 1 to the amending Regulation; and

(b) the measures and procedures for handling and treating suspect cargo under subregulation 2.41(5) of the old Regulations were measures and procedures for handling high risk cargo.

(3) The Secretary may, by written notice given to the transitioned AACA, direct the transitioned AACA to vary the AACA security program that is taken to exist because of subregulation (2).

(4) In the notice, the Secretary must:

(a) set out the variation; and

(b) specify the period within which the transitioned AACA must give the Secretary the security program as varied.

(5) Despite subregulation 4.51FD(3), as inserted by Schedule 1 to the amending Regulation, the variation comes into force when the notice is given to the transitioned AACA.

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(6) If the transitioned AACA does not vary the security program in accordance with the notice, the Secretary may immediately revoke the transitioned AACA's accreditation as an AACA.

Period during which transitional security programs remain in force

(7) To avoid doubt, an AACA security program for an AACA that is taken to exist because of subregulation (2) has effect, and may be dealt with, for so long as the AACA is accredited as an AACA.

Other variation powers not affected

(8) This regulation does not limit the power of the Secretary to:
  (a) vary an AACA security program under regulation 4.51FB, as amended by Schedule 1 to the amending Regulation; or
  (b) direct an AACA to vary an AACA security program under regulation 4.51FD, as amended by Schedule 1 to the amending Regulation.

10.09 Revocation of existing designations for RACAs who do not have a TSP in force immediately before 1 November 2016

(1) This regulation applies to a person if, immediately before 1 November 2016:
  (a) the person was designated as a RACA under regulation 4.43 of the old Regulations (the ***previous designation***); and
  (b) a TSP for the RACA was not in force.

Previous designation is revoked

(2) The previous designation is:
  (a) taken to have been revoked under regulation 4.44, as amended by Schedule 1 to the amending Regulation; and
  (b) the revocation has effect on 1 November 2016.

10.10 Continuation of existing accreditations for AACAs

(1) This regulation applies to a person if immediately before 1 November 2016 the person was accredited as an AACA under regulation 4.51A of the old Regulations (a ***previous accreditation***).

Previous accreditations continue

(2) Subject to this regulation, the previous accreditation has effect, on and after 1 November 2016, as if the previous accreditation were an accreditation of the person as an AACA by the Secretary under regulation 4.49, as amended by Schedule 1 to the amending Regulation.

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Period during which transitional accreditations remain in force

(3) The previous accreditation that is taken to continue because of subregulation (2) has effect until the day specified by the Secretary by written notice, unless revoked earlier under regulation 4.51D, 4.51DA, 4.51DB or 4.51DC, as inserted by Schedule 1 to the amending Regulation.

(4) The Secretary:
  (a) must give the notice under subregulation (3) by 30 June 2017; and
  (b) must not specify a day before the notice is given.

10.11 Security programs for AACAs whose accreditation has been continued under regulation 10.10

The Secretary must:
  (a) provide a person whose accreditation as an AACA is continued under regulation 10.10 with an AACA security program under regulation 4.51F, as amended by Schedule 1 to the amending Regulation; and
  (b) do so by 15 November 2016.

10.12 Application of offence of loading cargo without security declaration

Regulation 4.41G, as amended by Schedule 1 to the amending Regulation, applies in relation to cargo that is loaded onto a prescribed aircraft on or after 1 November 2016, whether or not a security declaration for the cargo was made before that day.

10.13 Notices issued under regulation 4.41J

(1) This regulation applies to a notice if:
  (a) the notice was issued under regulation 4.41J of the old Regulations; and
  (b) the notice was in force immediately before 1 November 2016.

(2) Between 1 November 2016 and 30 June 2017 the notice has effect (and may be dealt with) as if the notice had been issued under:
  (a) regulation 4.41J, as amended by Schedule 1 to the amending Regulation; or
  (b) regulation 4.41JA, as inserted by Schedule 1 to the amending Regulation.

10.14 High risk cargo

The amendment made by item 9 in Schedule 1 to the amending Regulation applies in relation to a TSP for an operator of a prescribed air service that is prepared or varied on or after 1 November 2016.

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Subdivision C—Amendments made by Schedule 2 to the Aviation Transport Security Amendment (Cargo) Regulation 2016

10.15 Offence of loading cargo without security declaration—from 1 July 2017

Persons to whom this regulation applies

(1) This regulation applies in relation to cargo that:
  (a) is loaded onto a prescribed aircraft on or after 1 July 2017; and
  (b) is required to be examined to receive clearance.

Cargo to be unloaded at a category 1 destination

(2) For the purposes of regulation 4.41G on and after 1 July 2017, if the cargo is to be unloaded at a category 1 destination, the cargo must have a security declaration that states that the cargo has been examined in accordance with a regulation 4.41JA notice.

Cargo to be unloaded at a category 2 destination

(3) For the purposes of regulation 4.41G on and after 1 July 2017, if the cargo is to be unloaded at a category 2 destination, the cargo must have a security declaration that states that the cargo has been examined in accordance with either:
  (a) a regulation 4.41J notice; or
  (b) a regulation 4.41JA notice.

Security declaration may be issued before 1 July 2017

(4) To avoid doubt, for the purposes of this regulation it does not matter whether the security declaration was issued before, on or after 1 July 2017.

10.16 Notices issued under regulation 4.41J—from 1 July 2017

(1) This regulation applies to a notice if:
  (a) the notice was issued under regulation 4.41J, as amended by Schedule 1 to the amending Regulation; and
  (b) the notice was in force immediately before 1 July 2017.

(2) The notice has effect (and may be dealt with) on and after 1 July 2017 as if the notice had been issued under regulation 4.41J, as amended by Schedule 2 to the amending Regulation.

10.17 Notices issued under regulation 4.41JA—from 1 July 2017

(1) This regulation applies to a notice if:
  (a) the notice was issued under regulation 4.41JA, as inserted by Schedule 1 to the amending Regulation; and

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(b) the notice was in force immediately before 1 July 2017.

(2) The notice has effect (and may be dealt with) on and after 1 July 2017 as if the notice had been issued under regulation 4.41JA, as amended by Schedule 2 to the amending Regulation.

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Division 5—Amendments made by the Transport Security Legislation Amendment (Identity Security) Regulation 2016

10.18 Amendments made by the *Transport Security Legislation Amendment (Identity Security) Regulation 2016* and commencing 1 November 2016

ASIC programs

(1) Despite the repeal and substitution of regulation 6.06 of the old regulations by item 19 of Schedule 1 to the amending regulation, an issuing body's ASIC program that is in effect under Part 6 of the old regulations immediately before 1 November 2016 has effect, during the issuing body's implementation period, as if it were a program of the kind described in regulation 6.06 of the new regulations.

(2) However, subregulation (1) does not:
  (a) prevent the Secretary giving a direction to an issuing body under regulation 6.09, or revoking an issuing body's authorisation under regulation 6.19 because of the issuing body's ASIC program, on or after 1 November 2016; or
  (b) affect a direction given by the Secretary to an issuing body under regulation 6.09 before 1 November 2016 and not complied with before that day.

(3) If subregulation (1) applies to an issuing body's ASIC program, the issuing body must give the Secretary the document required by subregulation 6.06(4) of the new regulations on 1 November 2016, or as soon as practicable afterwards.

(4) If:
  (a) subregulation (1) applies to an issuing body's ASIC program; and
  (b) before the end of 1 December 2016, the issuing body submits to the Secretary a proposed variation of the issuing body's ASIC program under paragraph 6.10(1)(b) for the purposes of complying with the new regulations;

regulation 6.10 applies in relation to the proposed variation as if each reference to 30 days in subregulation 6.10(3) were a reference to 60 days.

Requirement to retain records and documents

(5) The amendment made by item 32 of Schedule 1 to the amending regulation applies in relation to:
  (a) an application for an ASIC made to an issuing body on or after 1 November 2016; and
  (b) an ASIC issued as a result of such an application.

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Person directly involved in the issue of ASICs

(6) Subject to subregulation (7), the amendments made by items 26, 27 and 42 of Schedule 1 to the amending regulation apply to an issuing body on and after 1 November 2016.

(7) The amendments made by items 26, 27 and 42 of Schedule 1 to the amending regulation apply, in relation to a person who was directly involved in the issue of ASICs at any time within the period of 2 years ending on 1 November 2016, at the earlier of the following times (but not before 1 November 2016):

(a) the end of 2 years after the last day of the month in which the person's most recent background check applied for under regulation 6.27AA of the old regulations was completed;

(b) the start of 1 August 2017.

Application for a VIC by a person who has been refused an ASIC

(8) The amendments made by items 70, 80, 81, 82 and 83 of Schedule 1 to the amending regulation apply in relation to refusals of ASICs on or after 1 November 2016.

Definitions

(9) In this regulation:

amending regulation means the *Transport Security Legislation Amendment (Identity Security) Regulation 2016*.

implementation period, in relation to an issuing body, means the period that begins on 1 November 2016 and ends:

(a) if, before the end of 1 December 2016, the issuing body submits to the Secretary a proposed variation of the issuing body's ASIC program under paragraph 6.10(1)(b) for the purposes of complying with the new regulations—at the end of the earlier of the following days:

(i) the day the Secretary approves the variation in accordance with regulation 6.10;

(ii) 1 February 2017; or

(b) otherwise—at the end of 1 December 2016.

new regulations means these Regulations as in force on and after 1 November 2016.

Note: 1 November 2016 is the day Part 1 of Schedule 1 to the amending regulation commences.

old regulations means these Regulations as in force immediately before 1 November 2016.

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Regulation 10.19

10.19 Amendments made by the *Transport Security Legislation Amendment (Identity Security) Regulation 2016* and commencing 1 August 2017

The amendments made by Part 2 of Schedule 1 to the *Transport Security Legislation Amendment (Identity Security) Regulation 2016* apply in relation to applications for ASICs, and applications for VICs, made on or after 1 August 2017.

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Division 6—Amendments made by the Transport Security Legislation Amendment (Security Assessments) Regulation 2016

10.20 Amendments made by the *Transport Security Legislation Amendment (Security Assessments) Regulation 2016*

(1) The amendments made by items 1, 2, 3, 5, 6 and 7 of Schedule 1 to the *Transport Security Legislation Amendment (Security Assessments) Regulation 2016* apply in relation to:

(a) an application for an ASIC made to an issuing body on or after 1 November 2016; and

(b) an ASIC issued as a result of such an application.

(2) The amendment made by item 4 of Schedule 1 to the *Transport Security Legislation Amendment (Security Assessments) Regulation 2016* applies in relation to the issue of a VIC on or after 1 November 2016.

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Division 7—Amendments made by the Transport Security Legislation Amendment (Issuing Body Processes) Regulation 2016

10.21 Amendments made by the *Transport Security Legislation Amendment (Issuing Body Processes) Regulation 2016*

(1) Subject to subregulation (2), the amendments of these Regulations made by Schedule 1 to the *Transport Security Legislation Amendment (Issuing Body Processes) Regulation 2016* apply in relation to the following:

(a) a decision of the Secretary made on or after 1 November 2016 to revoke the authorisation of a body as an issuing body (including such a decision made on the basis of matters that arose before that day);

(b) any other event referred to in subregulation 6.22(1) that occurs on or after 1 November 2016.

(2) The amendments of these Regulations made by Schedule 1 to the *Transport Security Legislation Amendment (Issuing Body Processes) Regulation 2016* apply in relation to an application for the Secretary to revoke the authorisation of a body as an issuing body made on or after 1 November 2016.

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Division 8—Amendments made by the Aviation Transport Security Amendment (Streamlining and Other Measures) Regulation 2016

10.22 Amendments made by the *Aviation Transport Security Amendment (Streamlining and Other Measures) Regulation 2016*

(1) Despite the amendment of regulation 3.16 of these Regulations by Schedule 2 to the amending Regulation, subregulation 3.16(4) of these Regulations has effect during the period of 3 years starting on the commencement day as if it required a sign to be either:

(a) in the form set out in that subregulation; or

(b) in the form set out in subregulation 3.16(4) of the old regulations.

(2) Despite the amendment of regulations 3.22, 3.23 and 3.24 of these Regulations by Schedule 2 to the amending Regulation, paragraphs 3.22(3)(c), 3.23(3)(c) and 3.24(3)(c) of these Regulations have effect during the period of 4 months starting on the commencement day as if they required a sign to be:

(a) for the purposes of paragraph 3.22(3)(c)—either:

(i) in the form set out in subregulation 3.22(4) or regulation 3.24A of these Regulations; or

(ii) in the form set out in subregulation 3.22(4) of the old regulations; and

(b) for the purposes of paragraph 3.23(3)(c)—either:

(i) in the form set out in subregulation 3.23(4) or regulation 3.24A of these Regulations; or

(ii) in the form set out in subregulation 3.23(4) of the old regulations; and

(c) for the purposes of paragraph 3.24(3)(c)—either:

(i) in the form set out in subregulation 3.24(4) or regulation 3.24A of these Regulations; or

(ii) in the form set out in subregulation 3.24(4) of the old regulations.

(3) The amendments of these Regulations made by Schedule 3 to the amending Regulation apply in relation to the approval of a TSP, or of proposed alterations of a TSP, under section 19, 21 or 23A of the Act on or after the commencement day whether:

(a) the TSP is given to the Secretary under the Act before, on or after the commencement day; or

(b) the request under section 22 or 23A of the Act relating to the TSP is made before, on or after the commencement day.

(4) In this regulation:

amending Regulation means the *Aviation Transport Security Amendment (Streamlining and Other Measures) Regulation 2016*.

commencement day means the day the amending Regulation commences.

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old regulations means these Regulations as in force immediately before the commencement day.

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Division 9—Amendments made by the Aviation Transport Security Amendment (Persons in Custody) Regulations 2017

10.23 Amendments made by the *Aviation Transport Security Amendment (Persons in Custody) Regulations 2017*

The amendments made by items 2 to 4 of Schedule 1 to *the Aviation Transport Security Amendment (Persons in Custody) Regulations 2017* apply in relation to the approval of a TSP, or of proposed alterations of a TSP, under section 19, 21 or 23A of the Act on or after the day the Schedule commences, whether:

(a) the TSP is given to the Secretary under the Act before, on or after that day; or

(b) the request under section 22 or 23A of the Act relating to the TSP is made before, on or after that day.

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Division 10—Amendments made by the Aviation Transport Security Amendment (Airside Security—2017 Measures No. 1) Regulations 2017

Subdivision A—Preliminary

10.24 Definitions

In this Division:

amending regulations means the *Aviation Transport Security Amendment (Airside Security—2017 Measures No. 1) Regulations 2017*.

Note: Schedule 1 to the amending regulations commences on the day after those regulations are registered, and Schedule 2 to those regulations commences on the day after the end of the period of 3 months beginning on the day those regulations are registered (see section 2 to the amending regulations).

implementation day for an aviation industry participant for a security restricted area: see regulation 10.27.

implementation plan: see subregulation 10.30(1).

Subdivision B—Amendments made by Schedule 1 to the amending regulations

10.25 TSPs—requirements about enhanced inspection areas

The repeal of regulation 2.18A, subregulations 2.32(3) and (4) and regulation 2.35A by Schedule 1 to the amending regulations applies in relation to the approval of a TSP, or of proposed alterations of a TSP, under section 19, 21 or 23A of the Act on or after the commencement of that Schedule whether:

(a) the TSP is given to the Secretary under the Act before, on or after that commencement; or

(b) the request under section 22 or 23A of the Act relating to the TSP is made before, on or after that commencement.

10.26 Savings provision—security restricted areas already in force

Despite the repeal and substitution of regulation 3.01 by Schedule 1 to the amending regulations, that regulation as in force immediately before the commencement of that Schedule continues to apply (as if that repeal and substitution had not happened) to an airside security zone that was in force as a security restricted area immediately before that commencement.

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Subdivision C—Amendments made by Schedule 2 to the amending regulations

10.27 Implementation day for aviation industry participants

For the purposes of this Subdivision, the ***implementation day*** for an aviation industry participant for a security restricted area is worked out in accordance with the following table.

Implementation day for an aviation industry participant for a security restricted area

Item	For this kind of aviation industry participant …	the *implementation day* for the security restricted area is …
1	an airport operator or aircraft operator that has given an implementation plan for the security restricted area in accordance with subregulation 10.30(2) the effect of which has not been cancelled under subregulation 10.30(7)	the first day after the end of the period of 12 months starting on the later of: (a) the commencement of Schedule 2 to the amending regulations; and (b) the day the implementation plan is given to the Secretary
2	an airport operator or aircraft operator that has given an implementation plan for the security restricted area in accordance with subregulation 10.30(2) the effect of which has been cancelled under subregulation 10.30(7)	the day after notice of the cancellation is given to the airport operator or aircraft operator
3	an airport operator or aircraft operator that is given a notice under subparagraph 10.30(2)(b)(ii) but does not give an implementation plan for the security restricted area by the end of the period specified in the notice	the first day after the end of the period specified in the notice
4	an airport operator or aircraft operator not covered by item 1, 2 or 3 in relation to the security restricted area	the day on which Schedule 2 to the amending regulations commences
5	an aviation industry participant other than an airport operator or aircraft operator	the first day after the end of the period of 6 months starting on the commencement of Schedule 2 to the amending regulations

10.28 Security programs—requirements about security restricted areas at designated airports

TSPs for airport operators and aircraft operators

(1) Regulations 2.18A and 2.35A, as inserted by Schedule 2 to the amending regulations, apply in relation to the approval under section 19, 21 or 23A of the Act of:

(a) a TSP for an airport operator or aircraft operator that relates to a security restricted area at a designated airport; or

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(b) proposed alterations of such a TSP;

if the TSP is given under the Act, or the request under section 22 or 23A of the Act relating to the TSP is made, on or after:

(c) the implementation day for the airport operator or aircraft operator for the security restricted area (unless paragraph (d) applies); or

(d) if the Secretary, by written notice given to the airport operator or aircraft operator, determines that a later day would be more appropriate for operator for the security restricted area—the day specified in the notice.

(2) However, if:

(a) a TSP for an airport operator or aircraft operator that relates to a security restricted area at a designated airport is given under the Act, or a request under section 22 or 23A of the Act relating to such a TSP is made, before the day applicable under paragraph (1)(c) or (d); and

(b) the TSP, or the proposed alterations of the TSP, complies with regulations 2.18A and 2.35A (as inserted by Schedule 2 to the amending regulations) in relation to the security restricted area;

then those regulations apply in relation to the approval under section 19, 21 or 23A of the Act of the TSP, or the proposed alterations, so far as they relate to the security restricted area.

RACA security programs

(3) Subregulation 4.46(2), as amended by Schedule 2 to the amending regulations, applies in relation to:

(a) the designation of a person as a RACA under regulation 4.43A, if the application for the designation is made under regulation 4.43 on or after the commencement of that Schedule; and

(b) the variation of a RACA security program on or after the commencement of that Schedule, even if the security program was in force before that commencement.

10.29 Requirements for security restricted areas at designated airports

Access control

(1) Paragraphs 3.16B(5)(d) and (e), as inserted by Schedule 2 to the amending regulations, do not apply in relation to a person's entry into a security restricted area until:

(a) if there is only one responsible aviation industry participant for the security restricted area—the responsible aviation industry participant's implementation day for the security restricted area; or

(b) if there are 2 or more responsible aviation industry participants for the security restricted area—the last occurring implementation day for those responsible aviation industry participants for the security restricted area.

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(2) Regulation 3.16C, as inserted by Schedule 2 to the amending regulations, applies in relation to a responsible aviation industry participant for a security restricted area on or after:

(a) the responsible aviation industry participant's implementation day for the security restricted area (unless paragraph (b) applies); or

(b) if the Secretary, by written notice given to the responsible aviation industry participant, determines that a later day would be more appropriate for the participant for the security restricted area—the day specified in the notice.

(3) Regulation 3.16D, as inserted by Schedule 2 to the amending regulations, applies in relation to the entry of a person or vehicle into a security restricted area through an access control point controlled by an aviation industry participant if the entry occurs on or after:

(a) the aviation industry participant's implementation day for the security restricted area (unless paragraph (b) applies); or

(b) if the Secretary, by written notice given to the aviation industry participant, determines that a later day would be more appropriate for the participant for the security restricted area—the day specified in the notice.

Screening

(4) Regulation 3.16E, as inserted by Schedule 2 to the amending regulations, applies in relation to a responsible aviation industry participant for a security restricted area on and after:

(a) the aviation industry participant's implementation day for the security restricted area (unless paragraph (b) applies); or

(b) if the Secretary, by written notice given to the aviation industry participant, determines that a later day would be more appropriate for the participant for the security restricted area—the day specified in the notice.

Airside security awareness training

(5) Regulation 3.16H, as inserted by Schedule 2 to the amending regulations, applies in relation to an aviation industry participant and a security restricted area on and after:

(a) the commencement of that Schedule (unless paragraph (b) applies); or

(b) if the Secretary, by written notice given to the aviation industry participant, determines that a later day would be more appropriate for the participant for the security restricted area—the day specified in the notice.

(6) For the purposes of subregulation (5), a person may be a regular employee (within the meaning of regulation 3.16H) of an aviation industry participant because of entries into a security restricted area at a designated airport that occur before, on or after the commencement of Schedule 2 to the amending regulations.

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Record-keeping

(7) Regulation 3.16J, as inserted by Schedule 2 to the amending regulations, applies in relation to an aviation industry participant as follows:

(a) for a record that is required to be prepared under subregulation 3.16J(1) in relation to a security restricted area—from the time that regulation 3.16D (as inserted by that Schedule) applies in relation to the participant in relation to the area (see subregulation (3) of this regulation);

(b) for a record that is required to be prepared under subregulation 3.16J(4) in relation to a security restricted area—from the time that regulation 3.16E (as inserted by that Schedule) applies in relation to the participant in relation to the area (see subregulation (4) of this regulation);

(c) for a record that is required to be prepared under subregulation 3.16J(5) in relation to a security restricted area—from the time that regulation 3.16H (as inserted by that Schedule) applies in relation to the participant in relation to the area (see subregulation (5) of this regulation).

10.30 Implementation plans

Giving implementation plans

(1) An airport operator or an aircraft operator (the ***relevant operator***) may give the Secretary a plan (the ***implementation plan***) for a security restricted area at a designated airport that complies with subregulations (3) and (4) and, if applicable, subregulation (5).

Note: The effect of giving an implementation plan for a security restricted area is, broadly, to delay the application of the amendments made by Schedule 2 to the amending regulations in relation to the relevant operator.

Time by which implementation plan is to be given

(2) The implementation plan must be given to the Secretary:

(a) before the commencement of Schedule 2 to the amending regulations; or

(b) if the Secretary:

(i) is satisfied that the relevant operator requires a longer period (not exceeding 3 months after that commencement) to prepare the implementation plan; and

(ii) gives the relevant operator written notice of that period before that commencement;

before the end of the period specified in the notice.

Content of implementation plans—general

(3) The implementation plan must set out requirements for the relevant operator to enable the relevant operator to progressively achieve compliance with Subdivision 3.3.3 (as inserted by Schedule 2 to the amending regulations) in relation to the area during the period that:

(a) starts on the day the implementation plan is given to the Secretary; and

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(b) ends just before the relevant operator's implementation day.

Note: The effect of the implementation plan may be cancelled under subregulation (7) if the relevant operator fails to comply with a requirement of the plan.

(4) The implementation plan must have the effect that the relevant operator will achieve compliance with particular provisions of that Subdivision as soon as reasonably practicable during that period, having regard to the relevant operator's operational and fiscal requirements.

Content of implementation plans—access control points

(5) If the relevant operator is an airport operator, the implementation plan must identify the location of points of entry into the security restricted area that are to be access control points for the purposes of these regulations for the security restricted area during the period:

(a) starting when the implementation plan is given to the Secretary; and

(b) ending when a TSP for the airport operator comes into force that complies with subregulation 2.18A(2) (as inserted by the amending regulations).

These regulations have effect accordingly.

Varying implementation plans

(6) The relevant operator may vary the implementation plan with the written agreement of the Secretary.

Cancelling the effect of implementation plans for non-compliance

(7) The Secretary may, by written notice given to the relevant operator, cancel the effect of the implementation plan if the Secretary is satisfied that the relevant operator has failed to comply with a requirement of the implementation plan that applies to the relevant operator.

Note: If the effect of the implementation plan is cancelled, the relevant operator's implementation day for the security restricted area becomes the day after notice of the cancellation is given to the relevant operator: see item 2 of the table in regulation 10.27.

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Division 11—Amendments made by the Transport Security Legislation Amendment (ASIC and MSIC Measures) Regulations 2018

10.31 Amendments made by the *Transport Security Legislation Amendment (ASIC and MSIC Measures) Regulations 2018*

(1) Despite the amendments of these Regulations by Schedule 1 to the amending regulations, an ASIC or a temporary ASIC that was:

(a) issued under the old regulations; and

(b) in force immediately before the commencement time;

continues to be valid and in force (and subject to the same conditions) on and after the commencement time until the end of the period for which it was issued under the old regulations, unless it is suspended or cancelled in accordance with these Regulations before the end of that period.

(2) Despite the amendments of regulations 6.33 and 6.37 of these Regulations by Schedule 1 to the amending regulations, regulations 6.33 and 6.37 of these Regulations have effect for an issuing body during the body's transition period as if they required an ASIC or a temporary ASIC to be, and authorised the body to issue an ASIC or temporary ASIC:

(a) for a permanent ASIC—in the form set out in regulation 6.33 of the old regulations; and

(b) for a temporary ASIC—in the form set out in regulation 6.37 of the old regulations.

(3) If a temporary ASIC is issued by an issuing body as mentioned in paragraph (2)(b) during the body's transition period, then regulation 6.37A of the old regulations applies in relation to the temporary ASIC during the body's transition period rather than regulation 6.37AC.

(4) In this regulation:

amending regulations means the *Transport Security Legislation Amendment (ASIC and MSIC Measures) Regulations 2018*.

commencement time means the time when this regulation commences.

old regulations means these Regulations as in force immediately before the commencement time.

transition period, for an issuing body, means the period starting at the commencement time and ending at the earlier of the following times:

(a) at the end of 3 months starting at the commencement time;

(b) at the time the Secretary first gives the issuing body an approved form under regulation 6.34 or 6.37AA.

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Division 12—Amendments made by the Aviation Transport Security Amendment (Carriage of Powders) Regulations 2018

Subdivision A—Preliminary

10.32 Definitions

In this Division:

amending Regulations means the *Aviation Transport Security Amendment (Carriage of Powders) Regulations 2018*.

old Regulations means these Regulations as in force immediately before the commencement of the amending Regulations.

Subdivision B—Amendments made by Schedule 1 to the amending Regulations

10.33 Transitional—sign at LAGs screening point (carriage of powders)

Despite the amendment made by item 17 of Schedule 1 to the amending Regulations, regulation 4.22QL of these Regulations has effect during the period of 1 month starting on the commencement of that item as if the regulation required a sign to be:

(a) in the form set out in subregulation 4.22QL(1) or (2); or

(b) in the form set out in subregulation 4.22P(1) or (2) of the old Regulations.

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Division 13—Amendments made by the Transport Security Legislation Amendment (2019 Measures No. 1) Regulations 2019

10.34 Requirements for TSPs

The amendments of these Regulations made by Schedule 1 to the *Transport Security Legislation Amendment (2019 Measures No. 1) Regulations 2019* apply in relation to the approval of a TSP, or of proposed alterations of a TSP, under section 19, 21 or 23A of the Act on or after 1 July 2019, whether:

(a) the TSP is given to the Secretary under the Act before, on or after 1 July 2019; or

(b) the request under section 22 or 23A of the Act relating to the TSP is made before, on or after 1 July 2019.

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Division 14—Amendments made by the AusCheck Legislation Amendment (2019 Measures No. 1) Regulations 2019

10.35 Applications for additional background checks

For the purposes of paragraph 6.27AA(1)(b), as inserted by the *AusCheck Legislation Amendment (2019 Measures No. 1) Regulations 2019*, it does not matter whether the previous application was made before, on or after 1 July 2019.

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Division 15—Amendments made by the Aviation Transport Security Amendment (Landside Security) Regulations 2019

10.36 Amendments made by the *Aviation Transport Security Amendment (Landside Security) Regulations 2019*

The amendments made by items 2 to 4 of Schedule 1 to the *Aviation Transport Security Amendment (Landside Security) Regulations 2019* apply in relation to the approval of a TSP, or of proposed alterations of a TSP, under section 19, 21 or 23A of the Act on or after the day that Schedule commences, whether:

(a) the TSP is given to the Secretary under the Act before, on or after that day; or

(b) the request under section 22 or 23A of the Act relating to the TSP is made before, on or after that day.

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Division 16—Amendments made by the Aviation Transport Security Amendment (Domestic Cargo) Regulations 2020

Subdivision A—Preliminary

10.37 Definitions

In this Division:

amended Regulations means these Regulations as amended by the amending Regulations.

amending Regulations means the *Aviation Transport Security Amendment (Domestic Cargo) Regulations 2020*.

old Regulations means these Regulations as in force immediately before 1 July 2020.

Subdivision B—Amendments made by Schedule 1 to the amending Regulations

10.38 Saving provision—regulation 4.41JA notices

A regulation 4.41JA notice that was in force immediately before 1 July 2020 continues to have effect (and may be dealt with) on and after 1 July 2020 as if it were an examination notice given under subregulation 4.41J(2) of the amended Regulations.

10.39 Application—request for revocation

The amendment of regulation 4.41JB of the old Regulations made by item 39 of Schedule 1 to the amending Regulations does not apply in relation to a request made before 1 July 2020.

10.40 Saving of certain security declarations

(1) This regulation applies if:
  (a) a security declaration is issued under the old Regulations in relation to international cargo in the period commencing 1 June 2020 and ending on 30 June 2020; and
  (b) the security declaration is in force immediately before 1 July 2020; and
  (c) the cargo to which the security declaration relates is kept continuously secure from the time the cargo receives clearance until it is loaded onto an aircraft.

(2) The security declaration remains in force according to its terms on and after 1 July 2020 as if it were a security declaration issued under regulation 4.41D of the amended Regulations.

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Division 17—Amendments made by the Transport Security Legislation Amendment (Foreign Officials) Regulations 2021

10.41 Amendments made by the *Transport Security Legislation Amendment (Foreign Officials) Regulations 2021*

The amendments of these Regulations made by Schedule 1 to the *Transport Security Legislation Amendment (Foreign Officials) Regulations 2021* do not apply in relation to an ASIC in force immediately before the commencement of that Schedule.

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Division 18—Amendments made by the Aviation Transport Security Amendment (Screening Information) Regulations 2021

10.42 Amendments made by the *Aviation Transport Security Amendment (Screening Information) Regulations 2021*

(1) Regulations 4.40 and 4.41 apply in relation to screening carried out on or after 1 August 2021.

(2) For the purposes of regulation 6A.02, it does not matter whether screening occurred before, on or after 1 August 2021.

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Division 19—Amendments made by the Aviation Transport Security Amendment (Domestic Air Cargo—Regional Airports) Regulations 2021

10.43 Application of new paragraph 4.41A(2)(c)

Paragraph 4.41A(2)(c), as added by Part 1 of Schedule 2 to the *Aviation Transport Security Amendment (Domestic Air Cargo—Regional Airports) Regulations 2021*, applies to cargo that is to be loaded onto an aircraft after the commencement of that Part.

10.44A Application of amended paragraph 4.41A(2)(c)

Paragraph 4.41A(2)(c), as amended by Part 2 of Schedule 2 to the *Aviation Transport Security Amendment (Domestic Air Cargo—Regional Airports) Regulations 2021*, applies to cargo that is to be loaded onto an aircraft after the commencement of that Part.

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Division 20—Amendments made by the Transport Security Legislation (Serious Crime) Regulations 2021

10.44 Definitions

In this Division:

amended Regulations means these Regulations as amended by the amending Regulations.

amending Regulations means the *Transport Security Legislation (Serious Crime) Regulations 2021*.

convicted has the same meaning as in Part 6 of the amended Regulations.

old Regulations means these Regulations as in force immediately before the commencement of the amending Regulations.

10.45 Continued application of old Regulations

Despite the amendments made to these Regulations by the amending Regulations, the old Regulations continue to apply in relation to the following:

(a) an application for a background check made before the commencement of the amending Regulations;

(b) an application made to the Secretary under regulation 6.29 that:

(i) is made before the commencement of the amending Regulations; or

(ii) relates to the outcome of a background check to which the old Regulations apply;

(c) an application made to the Secretary under regulation 6.43A before the commencement of the amending Regulations.

10.46 Obligation to report past conviction for aviation-security-relevant offence

(1) This regulation applies in relation to a person who is the holder of, or an applicant for, an ASIC when the amending Regulations commence if:

(a) before that commencement, the person was:

(i) convicted of and sentenced for a tier 1 offence or a tier 2 offence (within the meaning of Part 6 of the amended Regulations); or

(ii) convicted of, and sentenced to imprisonment for, a tier 3 offence (within the meaning of Part 6 of the amended Regulations); and

(b) the offence was not an aviation-security-relevant offence within the meaning of Part 6 of the old Regulations.

(2) The person must notify the issuing body for the ASIC or the Secretary, in writing, of the matters in paragraphs 6.41(1)(a) to (e) in relation to the offence within 30 days after the day the amending Regulations commence.

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(3) A person commits an offence if:

(a) the person is required to notify an issuing body or the Secretary under subregulation (2) in relation to an offence; and

(b) the person fails to comply with the requirement.

Penalty: 20 penalty units.

(4) The following provisions of the amended Regulations apply in relation to notification under subregulation (2) of this regulation as if it were notification under subregulation 6.41(1) of the amended Regulations:

(a) paragraph 6.27AA(1)(c);

(b) subregulations 6.41(2) to (4);

(c) regulation 6.41A;

(d) paragraph 6.43(2)(db).

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Division 21—Amendments made by the Transport Security Legislation Amendment (Issuing Body Reform) Regulations 2022

10.47 Definitions

In this Division:

amending Regulations means the *Transport Security Legislation Amendment (Issuing Body Reform) Regulations 2022*.

old Regulations means these Regulations as in force immediately before the commencement of the amending Regulations.

10.48 Continued authorisation as issuing body

The repeal, by the amending Regulations, of regulation 6.16 does not affect the continuity of an authorisation as an issuing body that was in force immediately before that repeal.

Note: The Secretary can revoke the authorisation of an issuing body under regulation 6.19 or 6.19A.

10.49 Outstanding applications for authorisation as issuing body will lapse

Without limiting the effect of the repeal of regulation 6.16 by the amending Regulations, the repeal applies in relation to an application for authorisation as an issuing body made before the commencement of the amending Regulations if a decision on the application under subregulation 6.16(2) was not made before that commencement.

10.50 Secretary's discretion to revoke authorisation as issuing body

Despite the amendments made by the amending Regulations, regulation 6.19A continues to apply, in relation to a notice given under subregulation 6.19A(2), or an application made under regulation 6.20, before the commencement of the amending Regulations, as if those amendments had not been made.

10.51 Review of certain decisions of Secretary made under old Regulations

Despite the amendments made by the amending Regulations, regulation 8.02 continues to apply, in relation to a decision referred to in paragraph 8.02(1)(a) or (b) of the old Regulations that was made before the commencement of the amending Regulations, as if those amendments had not been made.

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Division 22—Amendments made by the Transport Security Legislation Amendment (Serious Crime) Regulations 2022

10.52 Application of amendments made by Schedule 1

Despite the amendments made by Schedule 1 to the *Transport Security Legislation Amendment (Serious Crime) Regulations 2022*, Part 8 continues to apply, in relation to any decision mentioned in regulation 8.02 (as in force immediately before the commencement of that Schedule) made before that commencement, as if those amendments had not been made.

10.53 Application of amendments made by Schedule 2

(1) The amendments of regulation 6.27AA made by Schedule 2 to the *Transport Security Legislation Amendment (Serious Crime) Regulations 2022* apply in relation to any application for a background check made after the commencement of that Schedule.

(2) The amendments of regulation 6.28 made by Schedule 2 to the *Transport Security Legislation Amendment (Serious Crime) Regulations 2022* apply in relation to any issue of an ASIC if the application for the background check on the applicant for the issue of the ASIC is made after the commencement of that Schedule.

(3) The amendment of regulation 6.43 made by Schedule 2 to the *Transport Security Legislation Amendment (Serious Crime) Regulations 2022* applies in relation to any ASIC issued before or after the commencement of that Schedule.

(4) The amendment of regulation 6.43F made by Schedule 2 to the *Transport Security Legislation Amendment (Serious Crime) Regulations 2022* applies in relation to any ASIC cancelled after the commencement of this Schedule, whether the ASIC, VIC or TAC was issued before or after that commencement.

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Division 23—Amendments made by the Transport Security Legislation Amendment (Criminal Intelligence Threshold) Regulations 2023

10.54 Application of amendments made by the *Transport Security Legislation Amendment (Criminal Intelligence Threshold) Regulations 2023*

(1) The amendments of regulation 6.28 made by Schedule 1 to the *Transport Security Legislation Amendment (Criminal Intelligence Threshold) Regulations 2023* apply in relation to any issue of an ASIC if the application for the background check on the applicant for the issue of the ASIC (the ***relevant person***) is made after the commencement of that Schedule (the ***commencement time***).

(2) The amendments of regulation 6.28 made by Schedule 1 to the *Transport Security Legislation Amendment (Criminal Intelligence Threshold) Regulations 2023* also apply in relation to any issue of an ASIC if:

(a) the application for the background check on the relevant person is made before the commencement time; and

(b) the Secretary does not, before the commencement time, notify in writing the issuing body mentioned in that regulation whether or not an adverse criminal intelligence assessment of the relevant person has been given to the Secretary.

(3) The amendments of regulation 6.43 made by Schedule 1 to the *Transport Security Legislation Amendment (Criminal Intelligence Threshold) Regulations 2023* apply in relation to any ASIC issued before or after the commencement time.

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Division 24—Amendments made by the Aviation Transport Security Amendment (Air Cargo Security Declaration) Regulations 2023

10.55 Application of amendments made by the *Aviation Transport Security Amendment (Air Cargo Security Declaration) Regulations 2023*

The amendment of paragraph 4.41D(1)(c) made by Schedule 1 to the *Aviation Transport Security Amendment (Air Cargo Security Declaration) Regulations 2023* applies in relation to security declarations issued on or after 1 July 2023.

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Division 25—Amendments made by the Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026

10.56 Application of amendments made by the *Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026*

(1) The amendment of paragraph 6.27AA(3)(c) made by Division 4 of Part 2 of Schedule 2 to the *Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026* applies in relation to an application for a background check made on or after the commencement of that Part.

(2) The amendments of regulation 6.28 made by Division 4 of Part 2 of Schedule 2 to the *Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026* apply in relation to the issue of an ASIC on or after the commencement of that Part.

(3) The amendment of subparagraph 6.42A(1)(b)(ii) made by Division 4 of Part 2 of Schedule 2 to the *Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026* applies in relation to a direction made on or after the commencement of that Part.

(4) The amendments of paragraph 6.43(2)(bb) made by Division 4 of Part 2 of Schedule 2 to the *Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026* apply in relation to a cancellation of an ASIC on or after the commencement of that Part, whether the ASIC was issued before, on or after that commencement.

(5) The amendment of subregulation 6.44(2) made by Division 4 of Part 2 of Schedule 2 to the *Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026* applies in relation to a cancellation of an ASIC, VIC or TAC on or after the commencement of that Part, whether the ASIC, VIC or TAC was issued before, on or after that commencement.

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Schedule 1—Aviation-security-relevant offences

Note: See the definitions of ***aviation-security-relevant offence***, ***tier 1 offence***, ***tier 2 offence*** and ***tier 3 offence*** in subregulation 6.01(1).

1 Tier 1 offences

The following table lists offences that are tier 1 aviation-security-relevant offences.

Aviation-security-relevant offences—tier 1 offences

Item	Offence
1	An offence involving terrorism
2	An offence involving treason, advocating terrorism or genocide, or urging violence
3	An offence involving espionage or selling national secrets
4	An offence relating to engagement in hostile activities in a foreign country or involvement with foreign armed forces
5	An offence relating to weapons of mass destruction
6	An offence involving hijacking or destroying an aircraft, vessel or offshore facility that is used in commerce or owned by the government
7	An offence involving endangerment of an aircraft, airport, vessel, port or offshore facility that is used in commerce or owned by the government
8	An offence involving an act of piracy at sea
9	An offence relating to involvement with a criminal organisation or gang
10	An offence involving the smuggling or trafficking of people

Note: A person convicted of an offence mentioned in the table will have an adverse criminal record (see the definition of ***adverse criminal record*** in subregulation 6.01(2)).

2 Tier 2 offences

The following table lists offences that are tier 2 aviation-security-relevant offences.

Aviation-security-relevant offences—tier 2 offences

Item	Offence
1	An offence relating to assaulting or threatening a person on an aircraft, vessel or offshore facility, or in an airport or port
2	An offence relating to theft of an aircraft or vessel that is used in commerce or owned by the government
3	An offence relating to questioning conducted by a person or body investigating serious crime or corruption
4	An offence under the Act that is punishable by imprisonment (whether or not the person is in fact sentenced to imprisonment)

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Aviation-security-relevant offences—tier 2 offences	
Item	**Offence**
5	An offence under the *Maritime Transport and Offshore Facilities Security Act 2003* that is punishable by imprisonment (whether or not the person is in fact sentenced to imprisonment)

Note: A person convicted of an offence mentioned in the table will have an adverse criminal record (see the definition of ***adverse criminal record*** in subregulation 6.01(2)).

3 Tier 3 offences

The following table lists offences that are tier 3 aviation-security-relevant offences.

Aviation-security-relevant offences—tier 3 offences	
Item	**Offence**
1	Murder or manslaughter
2	An offence relating to false imprisonment, deprivation of liberty or taking a hostage
3	An offence relating to assault (other than offences referred to in clauses 1 and 2 of this Schedule), including indecent or sexual assault
4	An offence relating to the sexual abuse or sexual exploitation of a child
5	An offence relating to intimidation (other than offences referred to in clauses 1 and 2 of this Schedule)
6	An offence relating to endangerment of others (other than offences referred to in clauses 1 and 2 of this Schedule), but not including traffic offences except where a vehicle is used as a weapon
7	An offence relating to affray or riot
8	An offence relating to assaulting or resisting a law enforcement officer or other public officer
9	An offence of impersonating a law enforcement officer or other public officer
10	An offence of racial hatred or racial vilification
11	An offence relating to firearms, ammunition, weapons or the use of an item as a weapon
12	An offence relating to explosives or explosive devices
13	Arson or an offence of a kind equivalent to arson
14	An offence relating to production, possession, supply, import or export of an illegal drug or controlled substance
15	An offence relating to illegal import or export of goods, fauna or flora
16	An offence relating to interference with goods under customs control
17	An offence relating to extortion or blackmail
18	An offence relating to theft (other than offences referred to in clauses 1and 2 of this Schedule)
19	An offence relating to forgery or fraud
20	An offence relating to tax evasion
21	An offence relating to money laundering or currency violations
22	An offence relating to dealing with proceeds of crime
23	An offence relating to bribery or corruption

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Clause 3

Aviation-security-relevant offences—tier 3 offences	
Item	**Offence**
24	An offence of perjury or otherwise relating to perversion of the course of justice
25	An offence relating to use of a false identity or false identity documents
26	An offence relating to the unauthorised use, access, modification or destruction of data or electronic communications

Note: A person convicted of an offence mentioned in the table and sentenced to imprisonment will have an adverse criminal record (see the definition of ***adverse criminal record*** in subregulation 6.01(2)).

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Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes
Endnote 2—Abbreviation key
Endnote 3—Legislation history
Endnote 4—Amendment history

Abbreviation key—Endnote 2
The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4
Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes
The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments
A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and "(md not incorp)" is added to the amendment history.

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Endnote 2—Abbreviation key

ad = added or inserted

am = amended

amdt = amendment

C[x] = Compilation No. x

ch = Chapter(s)

cl = clause(s)

cont. = continued

def = definition(s)

Dict = Dictionary

disallowed = disallowed by Parliament

div = Division(s)

ed = editorial change

exp = expires/expired or ceases/ceased to have effect

gaz = gazette

LA = *Legislation Act 2003*

LIA = *Legislative Instruments Act 2003*

(md) = misdescribed amendment can be given effect

(md not incorp) = misdescribed amendment cannot be given effect

mod = modified/modification

No. = Number(s)

Ord = Ordinance

orig = original

p = page(s)

para = paragraph(s)/subparagraph(s) /sub-subparagraph(s)

pres = present

prev = previous

(prev…) = previously

pt = Part(s)

r = regulation(s)/Court rule(s)

reloc = relocated

renum = renumbered

rep = repealed

rs = repealed and substituted

s = section(s)/subsection(s) /rule(s)/subrule(s)/order(s)/suborder(s)

sch = Schedule(s)

SLI = Select Legislative Instrument

SR = Statutory Rules

sub ch = Sub-Chapter(s)

sub div = Subdivision(s)

sub pt = Subpart(s)

underlining = whole or part not commenced or to be commenced

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Endnote 3—Legislation history

Number and year	Registration	Commencement	Application, saving and transitional provisions
2005 No. 18	25 Feb 2005 (F2005L00366)	10 Mar 2005 (r 1.02)	
2005 No. 198	26 Aug 2005 (F2005L02343)	31 Aug 2005	—
2005 No. 222	10 Oct 2005 (F2005L02901)	11 Oct 2005	—
2005 No. 223	10 Oct 2005 (F2005L02969)	11 Oct 2005	—
2005 No. 289	2 Dec 2005 (F2005L03743)	3 Dec 2005	—
2005 No. 320	16 Dec 2005 (F2005L04098)	r 1–3 and Sch 1: 1 Jan 2006 Remainder: 6 Mar 2006	—
2006 No. 40	20 Feb 2006 (F2006L00564)	27 Feb 2006	—
2006 No. 45	6 Mar 2006 (F2006L00654)	6 Mar 2006 (r 2)	r 4
2006 No. 100	10 May 2006 (F2006L01457)	11 May 2006	—
2006 No. 224	25 Aug 2006 (F2006L02777)	26 Aug 2006	—
2006 No. 320	1 Dec 2006 (F2006L03921)	4 Dec 2006	—
2007 No. 13	19 Feb 2007 (F2007L00391)	20 Feb 2007	—
2007 No. 170	26 June 2007 (F2007L01802)	r 1–3 and Sch 1: 1 July 2007 Remainder: 3 Sept 2007	—
2007 No. 276	11 Sept 2007 (F2007L03485)	14 Sept 2007 (r 2)	r 4
2007 No. 317	28 Sept 2007 (F2007L03847)	30 Sept 2007	—
2008 No. 58	14 Apr 2008 (F2008L01057)	15 Apr 2008	—
2008 No. 190	22 Sept 2008 (F2008L03477)	1 Oct 2008	—
2008 No. 271	18 Dec 2008 (F2008L04625)	19 Dec 2008	—
2009 No. 24	2 Mar 2009 (F2009L00695)	12 Mar 2009 (r 2) Note: disallowed by the Senate on 10 Sept 2009	—
2009 No. 85	15 May 2009 (F2009L01814)	16 May 2009	—
2009 No. 172	13 July 2009 (F2009L02635)	14 July 2009	—
2009 No. 275	9 Oct 2009 (F2009L03774)	10 Oct 2009	—
2009 No. 377	16 Dec 2009 (F2009L04406)	17 Dec 2009	—
2009 No. 394	24 Dec 2009 (F2009L04729)	25 Dec 2009	—
2010 No. 80	11 May 2010 (F2010L01200)	12 May 2010 (r 2) Note: disallowed by the Senate on 24 June 2010	—
2010 No. 176	2 July 2010 (F2010L01808)	3 July 2010	—
2010 No. 200	12 July 2010 (F2010L01867)	13 July 2010	—
2010 No. 201	12 July 2010 (F2010L01868)	13 July 2010	—
2010 No. 298	26 Nov 2010 (F2010L03064)	1 Dec 2010	r 4

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Endnote 3—Legislation history

Number and year	Registration	Commencement	Application, saving and transitional provisions
61, 2011	17 May 2011 (F2011L00777)	r 1–3 and Sch 1: 18 May 2011 (r 2(a)) Remainder: 21 Nov 2011 (r 2(b))	r 4
264, 2011	9 Dec 2011 (F2011L02608)	10 Dec 2011	—
5, 2012	10 Feb 2012 (F2012L00266)	11 Feb 2012	—
30, 2012	13 Mar 2012 (F2012L00565)	14 Mar 2012	—
67, 2012	14 May 2012 (F2012L01029)	5 June 2012 (s 2)	—
134, 2012	30 June 2012 (F2012L01480)	1 July 2012	—
257, 2012	26 Nov 2012 (F2012L02247)	27 Nov 2012	—
304, 2012	13 Dec 2012 (F2012L02424)	14 Dec 2012	—
47, 2013	3 Apr 2013 (F2013L00601)	4 Apr 2013	—
90, 2015	19 June 2015 (F2015L00854)	Sch 2 (items 33–71): 1 July 2015 (s 2(1) item 2)	—
123, 2015	28 July 2015 (F2015L01192)	Sch 1 and Sch 2: 1 Sept 2015 (s 2(1) item 2) Remainder: 29 July 2015 (s 2(1) items 1, 3)	—
124, 2015	28 July 2015 (F2015L01191)	Sch 1 (items 1–9): 29 July 2015 (s 2(1) item 1)	—
186, 2015	17 Nov 2015 (F2015L01809)	18 Nov 2015 (s 2(1) item 1)	—
248, 2015	14 Dec 2015 (F2015L01966)	Sch 1 (items 1–18): 15 Dec 2015 (s 2(1) item 1)	—

Name	Registration	Commencement	Application, saving and transitional provisions
Biosecurity (Consequential Amendments and Transitional Provisions) Regulation 2016	9 May 2016 (F2016L00717)	Sch 2 (items 2, 3) and Sch 3: 16 June 2016 (s 2(1) item 1)	Sch 3
Aviation Transport Security Amendment (Cargo) Regulation 2016	14 Oct 2016 (F2016L01615)	Sch 1: 1 Nov 2016 (s 2(1) item 2) Sch 2: 1 July 2017 (s 2(1) item 3)	—
Aviation Transport Security Amendment (Screening and Clearance) Regulation 2016	17 Oct 2016 (F2016L01624)	Sch 1: 18 Oct 2016 (s 2(1) item 1)	—
Transport Security Legislation Amendment (Identity Security) Regulation 2016	28 Oct 2016 (F2016L01656)	Sch 1 (items 1–97): 1 Nov 2016 (s 2(1) item 2) Sch 1 (items 98–112): 1 Aug 2017 (s 2(1) item 3)	—

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Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Transport Security Legislation Amendment (Security Assessments) Regulation 2016	28 Oct 2016 (F2016L01659)	Sch 1: 1 Nov 2016 (s 2(1) item 2)	—
Transport Security Legislation Amendment (Issuing Body Processes) Regulation 2016	28 Oct 2016 (F2016L01660)	Sch 1: 1 Nov 2016 (s 2(1) item 2)	—
Aviation Transport Security Amendment (Streamlining and Other Measures) Regulation 2016	29 Nov 2016 (F2016L01828)	30 Nov 2016 (s 2(1) item 1)	—
Aviation Transport Security Amendment (Persons in Custody) Regulations 2017	18 Apr 2017 (F2017L00440)	25 Apr 2017 (s 2(1) item 1)	—
AusCheck and Other Laws (Repeal and Consequential Amendments) Regulations 2017	31 July 2017 (F2017L00972)	Sch 1 (items 2–5): 1 Aug 2017 (s 2(1) item 1)	—
Aviation Transport Security Amendment (Airside Security—2017 Measures No. 1) Regulations 2017	19 Oct 2017 (F2017L01369)	Sch 2: 19 Jan 2018 (s 2(1) item 3) Remainder: 20 Oct 2017 (s 2(1) items 1, 2, 4)	—
Transport Security Legislation Amendment (ASIC and MSIC Measures) Regulations 2018	26 Nov 2018 (F2018L01603)	Sch 1: 27 Nov 2018 (s 2(1) item 1)	—
Aviation Transport Security Amendment (Carriage of Powders) Regulations 2018	18 Dec 2018 (F2018L01785)	19 Dec 2018 (s 2(1) item 1)	—
AusCheck Legislation Amendment (Required Information) Regulations 2019	22 Mar 2019 (F2019L00355)	Sch 1 (item 29): 1 July 2019 (s 2(1) item 1)	—
Transport Security Legislation Amendment (2019 Measures No. 1) Regulations 2019	17 June 2019 (F2019L00829)	Sch 1 (items 1–64): 18 June 2019 (s 2(1) item 1)	—
AusCheck Legislation Amendment (2019 Measures No. 1) Regulations 2019	19 June 2019 (F2019L00840)	Sch 2 (items 2, 3): 1 July 2019 (s 2(1) item 5)	—
Crimes Legislation Amendment (2019 Measures No. 1) Regulations 2019	26 July 2019 (F2019L01004)	Sch 1 (item 2): 27 July 2019 (s 2(1) item 1)	—
Aviation Transport Security Amendment (Landside Security) Regulations 2019	4 Dec 2019 (F2019L01573)	5 Dec 2019 (s 2(1) item 1)	—

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Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Aviation Transport Security Amendment (Security Controlled Airports) Regulations 2019	18 Dec 2019 (F2019L01656)	19 Dec 2020 (s 2(1) items 2, 3)	—
Aviation Transport Security Amendment (Domestic Cargo) Regulations 2020	10 Mar 2020 (F2020L00240)	Sch 1: 1 July 2020 (s 2(1) item 2) Sch 2: 1 July 2021 (s 2(1) item 3)	—
Aviation Transport Security Amendment (Security Systems Testing) Regulations 2020	18 Dec 2020 (F2020L01641)	19 Dec 2020 (s 2(1) item 1)	—
Civil Aviation Legislation Amendment (Flight Operations—Fees and Other Consequential Amendments) Regulations 2021	1 June 2021 (F2021L00673)	Sch 2 (item 12): 2 Dec 2021 (s 2(1) item 5)	—
Transport Security Legislation Amendment (Repeal of Screening Officer Requirements) Regulations 2021	1 June 2021 (F2021L00675)	Sch 1 (items 1, 2): 15 June 2021 (s 2(1) item 1)	—
Aviation Transport Security Amendment (Screening Information) Regulations 2021	11 June 2021 (F2021L00736)	1 Aug 2021 (s 2(1) item 1)	—
Aviation Transport Security Amendment (Domestic Air Cargo—Regional Airports) Regulations 2021	25 June 2021 (F2021L00835)	Sch 2 (items 1, 2): 1 July 2021 (s 2(1) item 3) Sch 2 (items 3, 4): 1 July 2022 (s 2(1) item 4) Remainder: 26 June 2021 (s 2(1) items 1, 2)	—
Transport Security Legislation Amendment (Foreign Officials) Regulations 2021	9 July 2021 (F2021L00971)	Sch 1 (items 1–7): 10 July 2021 (s 2(1) item 1)	—
Transport Security Legislation Amendment (Serious Crime) Regulations 2021	20 Aug 2021 (F2021L01145)	Sch 1 (items 15–37): 23 Aug 2021 (s 2(1) item 1)	—
Transport Security Legislation Amendment (Issuing Body Reform) Regulations 2022	18 Mar 2022 (F2022L00338)	Sch 1 (items 1–15): 19 Mar 2022 (s 2(1) item 1)	—
Transport Security Legislation Amendment (Serious Crime) Regulations 2022	4 Apr 2022 (F2022L00517)	Sch 1 (items 17–23): 5 Apr 2022 (s 2(1) item 2) Sch 2 (items 6–16): 22 June 2022 (s 2(1) item 3)	—

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Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Transport Security Legislation Amendment (Criminal Intelligence Threshold) Regulations 2023	3 Mar 2023 (F2023L00192)	sch 1 (items 6-8): 4 Mar 2023 (s 2(1) item 1)	—
Aviation Transport Security Amendment (Air Cargo Security Declaration) Regulations 2023	9 June 2023 (F2023L00760)	1 July 2023 (s 2(1) item 1)	—
Administrative Review Tribunal Legislation Consequential Amendments (2024 Measures No. 1) Regulations 2024	11 Oct 2024 (F2024L01299)	sch 8 (items 3-13): 14 Oct 2024 (s 2(1) item 1)	—
Counter-Terrorism Legislation Amendment (State Sponsors of Terrorism) Regulations 2025	12 Dec 2025 (F2025L01544)	sch 1 (item 1): 13 Dec 2025 (s 2(1) item 1)	—

Act (Register ID)	Number and year	Assent	Commencement	Application, saving and transitional provisions
Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026 (C2026A00001)	1, 2026	21 Jan 2026	sch 2 (items 65-75): 22 Jan 2026 (s 2(1) item 3)	—

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Endnote 4—Amendment history

Provision affected	How affected
Part 1	
r 1.02	rep LA s 48D
r 1.03	am No 222, 2005; No 317, 2007; No 190, 2008; No 85, 2009; No 377, 2009; No 200, 2010; No 298, 2010; No 61, 2011; No 5, 2012; No 30, 2012; No 67, 2012; No 90, 2015; No 123, 2015; F2016L00717; F2016L01615; F2016L01656; F2016L01659; F2017L00440; F2017L01369; F2018L01603; F2018L01785; F2019L00829; F2019L01573; F2019L01656; F2020L00240; F2021L00673; F2021L00835; F2021L00971; F2022L00517
r 1.03A	ad F2016L01615
r. 1.04	am. 2011 No. 61
r. 1.05	am. 2010 No. 298; 2011 No. 61; F2016L01656
r. 1.05A	ad 2012 No. 304
	am F2019L01656
r. 1.07	am. 2009 No. 394; 2010 No. 200
	rep. 2012 No. 304
r 1.08	rs F2019L00829
Part 2	
Division 2.1	
r 2.01	am F2019L00829
r 2.02	am No 123, 2015
r. 2.03	am. 2005 No. 198; 2011 No. 264
	rs F2016L01615
Division 2.2	
r 2.10	am No 123, 2015
r 2.11	am No 123, 2015
r 2.12	am No 123, 2015
r 2.13	am No 123, 2015; F2016L01828; F2019L00829
r 2.14	am No 172, 2009; No 123, 2015
r 2.15	am No 123, 2015; F2016L01828
r 2.16	am No 61, 2011; No 123, 2015
r 2.17	am No 123, 2015; F2019L00829
r 2.18	am No 123, 2015
r 2.18A	ad No 172, 2009
	am No 123, 2015
	rep F2017L01369
	ad F2017L01369
r 2.18B	ad F2019L01573
r 2.21	am No 123, 2015; F2019L01573

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Provision affected	How affected
r 2.22	rs No 123, 2015
r 2.23	am No 304, 2012
	rep No 123, 2015
r 2.24	rep No 275, 2009
Division 2.3	
r 2.28	am No 123, 2015
r 2.29	am No 123, 2015
r 2.30	am No 123, 2015
r 2.31	am No 123, 2015; F2016L01828; F2019L00829
r 2.32	am No 172, 2009; No 61, 2011; No 123, 2015; F2017L01369
r 2.33	am No 123, 2015
r 2.35	am No 123, 2015; F2017L00440; F2019L00829
r 2.35A	ad No 172, 2009
	am No 123, 2015
	rep F2017L01369
	ad F2017L01369
r 2.37	am No 123, 2015
r. 2.38	am. 2009 No. 377
	rs No 123, 2015
	am No 186, 2015
r 2.39	am No 123, 2015; F2017L00440
r. 2.41	rs. 2007 No. 276
	am No 123, 2015; F2016L01615
r 2.43	am No 123, 2015; F2019L01573
r 2.44	rep No 123, 2015
r 2.45	rs No 123, 2015
	am F2016L01828
r. 2.46	rep. 2009 No. 275
Division 2.4	rep F2016L01615
r 2.47	rep F2016L01615
r. 2.48	rs. 2007 No. 276
	rep F2016L01615
r 2.49	am No 123, 2015
	rep F2016L01615
r. 2.50	am. 2012 No. 67
	rep No 123, 2015
r. 2.51	am. 2007 No. 276; 2008 No. 190; No 123, 2015
	rep F2016L01615
r 2.52	am No 123, 2015
	rep F2016L01615

Endnote 4—Amendment history

Provision affected	How affected
r 2.53	am No 123, 2015
	rep F2016L01615
r. 2.54	am. 2007 No. 276; 2012 No. 67; No 123, 2015
	rep F2016L01615
r. 2.55	am. 2008 No. 190; No 123, 2015
	rep F2016L01615
r. 2.56	rep. 2008 No. 190
r 2.57	am No 123, 2015
	rep F2016L01615
r 2.58	rs No 123, 2015
	rep F2016L01615
r. 2.59	rs. 2008 No. 190
	rep F2016L01615
r 2.60	rep F2016L01615
r. 2.61	am. 2005 No. 223; No 123, 2015
	rep F2016L01615
Division 2.5	rep. 2005 No. 198
rr. 2.62–2.74	rep. 2005 No. 198
Division 2.6	
r 2.78	am F2016L01828
r 2.79	am F2016L01828
r 2.80	am F2016L01828
r 2.81	am F2016L01828; F2019L00829
r 2.82	am F2016L01828
r 2.84	am F2016L01828
r 2.86	rs F2016L01828
Part 3	
Division 3.1A	
Division 3.1A	ad. 2011 No. 264
r 3.01A	ad. 2011 No. 264
	F2019L01656; F2020L00240
r. 3.01B	ad 2011 No. 264
	rs 2012 No. 304
	rs F2019L01656
r 3.01C	ad 2011 No. 264
	am F2019L01656; F2021L00736; F2024L01299
Division 3.1	
r 3.01	am No 172, 2009
	rs F2017L01369
r 3.02	am F2019L01573

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Provision affected	How affected
r. 3.02A	ad. 2006 No. 320
r. 3.02B	ad. 2006 No. 320
Division 3.2	
Subdivision 3.2.1	
Subdivision 3.2.1 heading	rs. 2011 No. 61
r. 3.03	am. 2005 Nos. 222 and 289; 2009 No. 275; 2011 No. 61
r 3.05	am F2016L01656
r. 3.06	rs. 2007 No. 170
r. 3.07	am. 2010 No. 298; 2011 No. 61; F2016L01656
r. 3.07A	ad. 2005 No. 289
r. 3.07B	ad. 2011 No. 61
r 3.08	am No 289, 2005
r 3.08A	ad F2021L00971
r. 3.09	am. 2011 No. 61; F2016L01656
r. 3.10	am. 2011 No. 61; F2016L01656
r. 3.11	am. 2011 No. 61; F2016L01656; F2021L00971
Subdivision 3.2.2	
Subdivision 3.2.2 heading	rs No 61, 2011
r 3.12	am No 222, 2005; No 61, 2011
Division 3.3	
Subdivision 3.3.1	
Subdivision 3.3.1 heading	ad No 172, 2009
r 3.13	am No 45, 2006; No 172, 2009; No 298, 2010; F2017L01369
r 3.14	rs No 172, 2009; F2017L01369
Subdivision 3.3.1A	
Subdivision 3.3.1A heading	ad F2017L01369
r 3.15	am No 222, 2005; No 275, 2009; No 61, 2011; No 123, 2015; F2016L01828; F2017L01369
r 3.15A	ad F2016L01828
Subdivision 3.3.2	
Subdivision 3.3.2 heading	ad No 172, 2009
	rs F2017L01369
r 3.16	am No 222, 2005; No 275, 2009; No 61, 2011; F2016L01828; F2017L01369; F2019L00829
Subdivision 3.3.3	
Subdivision 3.3.3	ad No 172, 2009
	rep F2017L01369
	ad F2017L01369
r 3.16A	ad No 172, 2009
	rep F2017L01369

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Endnote 4—Amendment history

Provision affected	How affected
	ad F2017L01369
r 3.16B	ad No 172, 2009
	rep F2017L01369
	ad F2017L01369
r 3.16C	ad No 172, 2009
	rep F2017L01369
	ad F2017L01369
r 3.16D	ad No 172, 2009
	rep F2017L01369
	ad F2017L01369
	am F2019L00829
r 3.16E	ad F2017L01369
r 3.16F	ad F2017L01369
r 3.16G	ad F2017L01369
r 3.16H	ad F2017L01369
r 3.16J	ad F2017L01369
Subdivision 3.3.4	
Subdivision 3.3.4 heading	ad No 172, 2009
	rs F2017L01369
r 3.17A	ad No 172, 2009
	rep F2017L01369
r 3.17B	ad No 172, 2009
	rep F2017L01369
r 3.17C	ad No 172, 2009
	rep F2017L01369
Subdivision 3.3.5	
Subdivision 3.3.5 heading	ad. 2009 No. 172
r. 3.18	am. 2009 No. 172; 2010 No. 298; 2011 No. 61
Division 3.4	
r 3.19	am F2016L01828
r 3.20	am No 222, 2005; No 85, 2009; No 275, 2009; No 61, 2011; No 132, 2012; F2016L01828
r. 3.21	am. 2005 No. 222; 2011 No. 61; F2019L01573
r 3.21A	ad F2019L01573
r 3.22	am F2016L01828
r 3.23	am F2016L01828
r 3.24	am F2016L01828
r 3.24A	ad F2016L01828
r 3.25	am F2019L01573
r. 3.26	am. 2011 No. 61

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Provision affected	How affected
Division 3.5	
r. 3.27	rep. 2011 No. 61
Part 3A	
Part 3A	ad. 2006 No. 320
Division 3A.1	
r. 3A.01	ad. 2006 No. 320
Division 3A.2	
Subdivision 3A.2.1	
r. 3A.02	ad. 2006 No. 320
	am F2016L01828
r. 3A.03	ad. 2006 No. 320
r. 3A.04	ad. 2006 No. 320
Subdivision 3A.2.2	
r 3A.05	ad No 320, 2006
	am No 61, 2011
	rs F2016L01828
	am F2019L00829
Subdivision 3A.2.3	
r. 3A.06	ad. 2006 No. 320
	am F2016L01828; F2019L01573
r. 3A.07	ad. 2006 No. 320
	am F2016L01828; F2019L01573
Division 3A.3	
Subdivision 3A.3.1	
r. 3A.08	ad. 2006 No. 320
	am F2016L01828
r. 3A.09	ad. 2006 No. 320
r. 3A.10	ad. 2006 No. 320
Subdivision 3A.3.2	
r 3A.11	ad No 320, 2006
	am No 61, 2011
	rs F2016L01828
	am F2019L00829
Subdivision 3A.3.3	
r. 3A.12	ad. 2006 No. 320
	am F2016L01828; F2019L01573
r. 3A.13	ad. 2006 No. 320
	am F2016L01828; F2019L01573

Endnote 4—Amendment history

Provision affected	How affected
Part 4	
Division 4.1	
Subdivision 4.1.1	
r 4.01	am 2012 No. 304; F2019L01656
r 4.02	am 2010 No. 176; 2011 No. 264; 2012 No. 304; No 123, 2015; F2016L01828; F2019L01656
r. 4.03A	ad. 2012 No. 257
r 4.04	am No 317, 2007; No 172, 2009; F2017L01369; F2018L01785
r. 4.05	am. 2009 No. 172
r. 4.08	rs. 2012 No. 134
r 4.09	am No 85, 2009
	rs No 172, 2009; No 134, 2012
	am F2017L01369; F2019L01656
r 4.10	am No 172, 2009; F2017L01369
r 4.11	am No 172, 2009
	rs No 200, 2010
	am No 61, 2011; No 90, 2015; F2017L01369; F2018L01785
r. 4.12	rs. 2009 No. 85
r 4.12A	ad No 85, 2009
	am No 61, 2011; No 90, 2015; F2019L00829
r 4.12B	ad F2017L01369
r. 4.13	am. 2005 No. 223; 2010 No. 200; F2016L01624
r. 4.13A	ad. 2010 No. 200
r 4.14	am F2019L01573
r 4.15	am No 85, 2009
r. 4.17	am. 2012 No. 257
r 4.17A	ad F2021L00736
r 4.18	am No 275, 2009; F2016L01828; F2017L01369
r 4.18A	ad No 257, 2012
	am F2016L01828; F2017L01369
r 4.18B	ad F2016L01828
	am F2017L01369; F2018L01785
r 4.19	am No 58, 2008
r. 4.21	am. 2009 No. 377; No 186, 2015
r. 4.21A	ad. 2009 No. 377
	am No 186, 2015
r 4.21B	ad No 186, 2015
Subdivision 4.1.1A	
Subdivision 4.1.1A	ad. 2007 No. 317
r. 4.22A	ad. 2007 No. 317

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Provision affected	How affected
	am F2016L01624; F2020L01641
r. 4.22B	ad. 2007 No. 317
r 4.22C	ad No 317, 2007
	am No 200, 2010; F2016L01624; F2018L01785
r. 4.22D	ad. 2007 No. 317
r 4.22E	ad No 317, 2007
	am No 200, 2010; F2019L00829
r 4.22F	ad No 317, 2007
	am No 200, 2010; F2019L00829
r. 4.22G	ad. 2007 No. 317
r. 4.22H	ad. 2007 No. 317
r. 4.22HA	ad. 2010 No. 200
	am F2020L01641
r 4.22I	ad No 317, 2007; F2018L01785
r 4.22J	ad No 317, 2007; F2018L01785
r. 4.22K	ad. 2007 No. 317
r. 4.22L	ad. 2007 No. 317
r. 4.22M	ad. 2007 No. 317
	am F2016L01624
r. 4.22N	ad. 2007 No. 317
r. 4.22O	ad. 2007 No. 317
r 4.22P	ad No 317, 2007
	am F2016L01828
	rep F2018L01785
r 4.22Q	ad No 317, 2007
	am F2018L01785
Subdivision 4.1.1AB	
Subdivision 4.1.1AB	ad F2018L01785
r 4.22QA	ad F2018L01785
	am F2020L01641
r 4.22QB	ad F2018L01785
r 4.22QC	ad F2018L01785
r 4.22QD	ad F2018L01785
	am F2020L01641
r 4.22QE	ad F2018L01785
r 4.22QF	ad F2018L01785
r 4.22QG	ad F2018L01785
r 4.22QH	ad F2018L01785
r 4.22QJ	ad F2018L01785

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Provision affected	How affected
Subdivision 4.1.1AC	
Subdivision 4.1.1AC	ad F2018L01785
r 4.22QK	ad F2018L01785
r 4.22QL	ad F2018L01785
Subdivision 4.1.1B	
Subdivision 4.1.1B	ad. 2010 No. 200
r 4.22R	ad No 200, 2010
	am F2018L01785
r. 4.22S	ad. 2010 No. 200
r 4.22T	ad No 200, 2010
	am F2018L01785
Subdivision 4.1.2	
r. 4.23	rs. 2008 No. 58
r. 4.24	rs. 2008 No. 58
	am F2021L00736
r 4.25	am F2019L00829
r 4.26	am F2019L00829
r 4.27	am F2019L00829
r 4.28	am F2019L00829
rr. 4.29–4.35	rep. 2008 No. 58
r. 4.36	rep. 2009 No. 85
r. 4.37	am. 2009 No. 275
Subdivision 4.1.3	
Subdivision 4.1.3	rep 2007 No 276
	ad F2021L00736
r 4.40	rs 2007 No 276
	am 2008 No 190
	rep 2012 No 67
	ad F2021L00736
r 4.41	rs 2007 No 276
	rep 2012 No 67
	ad F2021L00736
Division 4.1A	
Division 4.1A heading	rs No 67, 2012
Division 4.1A	ad. 2007 No. 276
Subdivision 4.1A.1	
Subdivision 4.1A.1	rs No 67, 2012
r 4.41A	ad No 67, 2012
	am F2020L00240; F2021L00835
r. 4.41B	ad. 2012 No. 67

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Provision affected	How affected
	am No 123, 2015
r. 4.41C	ad. 2012 No. 67
	rs F2016L01615
r 4.41CA	ad F2016L01615
	am F2016L01615; F2020L00240
r 4.41D	ad No 67, 2012
	rs F2016L01615
	am F2016L01615; F2020L00240; F2021L00835; F2023L00760
r. 4.41E	ad. 2012 No. 67
	am. 2012 No. 257
	rep F2016L01615
r 4.41F	ad No 67, 2012
	rs F2016L01615
	am F2016L01615; F2020L00240; F2021L00835
r 4.41G	ad No 67, 2012
	rs F2016L01615; F2020L00240
	am F2021L00835
r. 4.41H	ad. 2012 No. 67
	rs F2016L01615
	am F2020L00240
Subdivision 4.1A.1A	
Subdivision 4.1A.1A heading	rs F2020L00240
Subdivision 4.1A.1A	ad. 2012 No. 67
r. 4.41J	ad. 2012 No. 67
	rs F2016L01615
	am F2016L01615 (Sch 2 item 8 md not incorp); F2020L00240
r 4.41JA	ad F2016L01615
	am F2016L01615
	rep F2020L00240
r 4.41JB	ad F2016L01615
	rs F2020L00240
r. 4.41K	ad. 2012 No. 67
	rs F2016L01615; F2020L00240
Subdivision 4.1A.1B	
Subdivision 4.1A.1B	ad F2016L01615
r 4.41L	ad F2016L01615
r 4.41M	ad F2016L01615
r 4.41N	ad F2016L01615
r 4.41P	ad F2016L01615
r 4.41Q	ad F2016L01615

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Provision affected	How affected
r 4.41R	ad F2016L01615
r 4.41S	ad F2016L01615
r 4.41T	ad F2016L01615
r 4.41U	ad F2016L01615
r 4.41V	ad F2016L01615
r 4.41W	ad F2016L01615
r 4.41X	ad F2016L01615
r 4.41Y	ad F2016L01615
Subdivision 4.1A.1C	
Subdivision 4.1A.1C	ad F2016L01615
r 4.41Z	ad F2016L01615
r 4.41ZA	ad F2016L01615
r 4.41ZB	ad F2016L01615
r 4.41ZC	ad F2016L01615
r 4.41ZD	ad F2016L01615
r 4.41ZE	ad F2016L01615
r 4.41ZF	ad F2016L01615
r 4.41ZG	ad F2016L01615
r 4.41ZH	ad F2016L01615
Subdivision 4.1A.2	
r 4.42	rs No 276, 2007; F2016L01615
	am F2020L00240
r 4.43	rs No 276, 2007
	am No 190, 2008; No 123, 2015
	rs F2016L01615
	am F2020L00240
r 4.43A	ad F2016L01615
r 4.43B	ad F2016L01615
r 4.43C	ad F2016L01615
r 4.43D	ad F2016L01615
r 4.43E	ad F2016L01615
r 4.43F	ad F2016L01615
r 4.43G	ad F2016L01615
r 4.44	rs No 276, 2007
	am No 190, 2008; No 67, 2012
	rs F2016L01615
r 4.44A	ad F2016L01615
r 4.44B	ad F2016L01615
	am F2020L00240
r 4.44C	ad F2016L01615

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Provision affected	How affected
r 4.45	rs No 276, 2007
r 4.45A	ad No 190, 2008
	rep F2016L01615
r 4.46	rs No 276, 2007; No 190, 2008
	rep F2016L01615
Subdivision 4.1A.2A	
Subdivision 4.1A.2A	ad F2016L01615
r 4.46	ad F2016L01615
	am F2017L01369
	ed C53
r 4.46A	ad F2016L01615
r 4.46B	ad F2016L01615
r 4.46C	ad F2016L01615
r 4.46D	ad F2016L01615
r 4.46E	ad F2016L01615
r 4.46F	ad F2016L01615
r 4.46G	ad F2016L01615
r 4.46H	ad F2016L01615
Subdivision 4.1A.3	
Subdivision 4.1A.3	ad. 2008 No. 190
r. 4.47	rep 2007 No. 276
	ad. 2008 No. 190
r. 4.48	rep 2007 No. 276
	ad. 2008 No. 190
	am No 67, 2012
	rs F2016L01615
Subdivision 4.1.4	rep 2007 No. 276
r. 4.49	rep 2007 No. 276
	ad. 2008 No. 190
	am No 123, 2015
	rs F2016L01615
r. 4.50	rep 2007 No. 276
	ad. 2008 No. 190
	am No 123, 2015
	rs F2016L01615
r. 4.51	rep 2007 No. 276
	ad. 2008 No. 190
	rs F2016L01615
r. 4.51A	ad. 2008 No. 190
	rs F2016L01615

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Provision affected	How affected
r. 4.51B	ad. 2008 No. 190
	rs F2016L01615
r. 4.51C	ad. 2008 No. 190
	rs F2016L01615
r 4.51CA	ad F2016L01615
r. 4.51D	ad. 2008 No. 190
	rs F2016L01615
r 4.51DA	ad F2016L01615
r 4.51DB	ad F2016L01615
r 4.51DC	ad F2016L01615
r. 4.51E	ad. 2008 No. 190
Subdivision 4.1A.4	
Subdivision 4.1A.4 heading	rs No 123, 2015
	rs F2016L01615
Subdivision 4.1A.4	ad. 2008 No. 190
	rs F2016L01615
r. 4.51F	ad. 2008 No. 190
	rs F2016L01615
r 4.51FA	ad No 123, 2015
	rs F2016L01615
r 4.51FB	ad No 123, 2015
	rs F2016L01615
r 4.51FC	ad No 123, 2015
	rs F2016L01615
r 4.51FD	ad No 123, 2015
	rs F2016L01615
r 4.51FE	ad F2016L01615
r 4.51FF	ad F2016L01615
Subdivision 4.1A.5	
Subdivision 4.1A.5	ad. 2008 No. 190
r. 4.51G	ad. 2008 No. 190
	am F2016L01615
r. 4.51H	ad. 2008 No. 190
	rs F2016L01615
Subdivision 4.1A.6	
Subdivision 4.1A.6	ad F2016L01615
r 4.51J	ad F2016L01615
Division 4.2	
r 4.53	am No 61, 2011; No 90, 2015; F2017L01369; F2020L01641
r 4.54	am No 61, 2011; No 90, 2015; F2017L01369; F2019L00829; F2020L01641

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Provision affected	How affected
r 4.55	am No 172, 2009; No 61, 2011; No 90, 2015; F2017L01369; F2020L01641
r 4.55A	ad F2017L01369
	am F2019L00829
r 4.59	am F2020L01641
r. 4.59A	ad. 2008 No. 271
Division 4.3	
r. 4.62	am No 61, 2011; No 90, 2015; F2016L00717
r 4.63	am F2020L01641
r 4.64	am F2020L01641
r. 4.65	am No 61, 2011; No 90, 2015; F2020L01641
Division 4.5	
Division 4.5	rs F2017L00440
Subdivision 4.5.1	
r 4.73	rs F2017L00440
Subdivision 4.5.2	
r 4.74	rs F2017L00440
r. 4.75	rs. 2011 No. 61; F2017L00440
r. 4.76	am. 2011 No. 61
	rs F2017L00440
r. 4.77	am. 2011 No. 61
	rs F2017L00440
r. 4.78	am. 2011 No. 61
	rs F2017L00440
r. 4.79	am. 2011 No. 61
	rs F2017L00440
r. 4.80	am. 2011 No. 61
	rs F2017L00440
r. 4.81	am. 2011 No. 61
	rs F2017L00440
Subdivision 4.5.3	
r 4.82	rs F2017L00440
r. 4.83	am. 2011 No. 61
	rs F2017L00440
r. 4.84	am. 2011 No. 61
	rs F2017L00440
r 4.85	rs F2017L00440
r 4.86	rs F2017L00440
Subdivision 4.5.4	
r 4.87	rs F2017L00440

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Provision affected	How affected
Subdivision 4.5.5	
r 4.88	rs F2017L00440
r 4.89	rs F2017L00440
Subdivision 4.5.6	
r 4.90	rs F2017L00440
r 4.91	rs F2017L00440
r 4.92	rs F2017L00440
r 4.93	rs F2017L00440
r 4.94	rep F2017L00440
Part 5	
Division 5.1	
r. 5.01	am F2020L01641
r. 5.02	rep. 2009. No. 275
	ad F2020L01641
Division 5.2	
r. 5.03	am. 2007 No. 13; 2009 No. 275
	rs. 2010 No. 201
r 5.04	am No 201, 2010; F2019L00829
r. 5.05	am. 2010 No. 201
Division 5.3	rep F2021L00675
r 5.06	am 2007 No 13
	rs 2010 No 201
	am 2012 No 304
	rep F2021L00675
r 5.07	am 2010 No 201
	rep F2021L00675
r 5.08	am 2010 No 201
	rep F2021L00675
Division 5.4	
Division 5.4	ad. 2010 No. 201
r. 5.09	ad. 2010 No. 201
	am No 124, 2015
r. 5.10	ad. 2010 No. 201
r. 5.11	ad. 2010 No. 201
Part 6	
Division 6.1	
r 6.01	am No 320, 2005; No 170, 2007; No 61, 2011; No 90, 2015; F2016L01656; F2019L00829; F2019L01004; F2021L00675; F2021L00971
	ed C65
	am F2021L01145; F2022L00517; F2025L01544; Act No 1, 2026

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Endnote 4—Amendment history

Provision affected	How affected
r. 6.02	rs. 2006 Nos. 45 and 100
	am. 2007 No. 170
	rep. 2007 No. 170
r 6.03	am F2016L01656; F2021L00971
r. 6.04	am. 2005 No. 222; 2007 No. 170
	rep F2016L01656
r. 6.05	am. 2005 No. 289
	rs. 2005 No. 320
r 6.05A	ad F2016L01656
r 6.05B	ad F2019L00829
Division 6.2	
r 6.06	am No 61, 2011
	rs F2016L01656
	am F2022L00338
r 6.07	am No 222, 2005; F2016L01656; F2024L01299
r. 6.08	rep. 2011 No. 61
r 6.09	am F2016L01656
r 6.10	am No 222, 2005; F2016L01656; F2024L01299
r. 6.11	am. 2005 No. 222
	rep. 2009 No. 275
	ad. 2011 No. 61
	rep F2016L01656
Division 6.3	
r 6.12	am No 61, 2011
	rs No 61, 2011
	am No 90, 2015
	rs F2022L00338
r. 6.12A	ad. 2005 No. 222
	rep. 2011 No. 61
r 6.13	am No 222, 2005
	rs No 61, 2011
	am F2022L00338
r 6.14	am No 222, 2005
	rep No 61, 2011
r 6.15	am No 222, 2005; No 61, 2011
	rep F2022L00338
r 6.16	am No 222, 2005; No 61, 2011; F2016L01656
	rep F2022L00338
r. 6.17	am. 2007 No. 170; F2016L01656
r 6.19	am No 222, 2005; No 61, 2011; F2016L01656

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Endnote 4—Amendment history

Provision affected	How affected
	rs F2016L01660
	am F2024L01299
r 6.19A	ad No 61, 2011
	rs F2016L01660
	am F2022L00338
r 6.20	rs No 61, 2011; F2016L01660
	am F2022L00338
r 6.21	rs F2016L01660
	rep F2022L00338
r. 6.22	rs. 2011 No. 61; F2016L01660
	am F2022L00517
r. 6.22A	ad. 2011 No. 61
	am F2016L01660
Division 6.4	
r 6.23	am No 170, 2007; No 298, 2010; No 61, 2011; F2016L01656; F2024L01299
r. 6.24	am. 2011 No. 61; F2016L01656
r 6.25	am No 61, 2011; F2016L01656
r 6.25A	ad No 61, 2011
	am No 90, 2015; F2016L01656; F2019L00829
r. 6.25B	ad. 2011 No. 61
Division 6.5	
Division 6.5	rs. 2010 No. 298; 2011 No. 61
Subdivision 6.5.1	
Subdivision 6.5.1 heading	rs. 2011 No. 61
Subdivision 6.5.1	ad. 2006 No. 100
r. 6.26A	ad. 2006 No. 100
	am. 2006 No. 224; 2007 No. 170
	rs. 2010 No. 298
	am. 2011 No. 61; F2016L01656; F2017L00972
Subdivision 6.5.2	
Subdivision 6.5.2 heading	ad. 2006 No. 100
	rs. 2011 No. 61
r. 6.26	am. 2006 No. 45; 2007 No. 170
	rs. 2007 No. 170
	am No 248, 2015
r 6.27	am No 275, 2009
	rs. No 61, 2011
	am F2016L01656
r 6.27AA	ad No 170, 2007

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Endnote 4—Amendment history

Provision affected	How affected
	am No 298, 2010; No 248, 2015; F2016L01656; F2019L00840; F2022L00517; Act No 1, 2026
r 6.27AB	ad F2016L01656
	am F2017L00972
	ed C51
r 6.27AC	ad F2016L01656
	am F2024L01299
r. 6.27A	ad No 45, 2006
	am No 100, 2006; No 170, 2007
	rep No 170, 2007
	ad No 61, 2011
	am No 90, 2015
r. 6.27B	ad. 2007 No. 170
	rep. 2011 No. 61
r 6.28	am No 222, 2005; No 320, 2005; No 45, 2006; No 100, 2006; No 170, 2007
	rs No 170, 2007
	am No 298, 2010; No 61, 2011; F2016L01656; F2016L01659; F2021L01145; F2022L00517; F2023L00192; Act No 1, 2026
r 6.29	am No 222, 2005; No 170, 2007; No 298, 2010; No 61, 2011; No 248, 2015; F2016L01656; F2017L00972;F2021L01145; F2024L01299
r. 6.29A	ad. 2010 No. 298
	am F2016L01656
r. 6.30	am. 2006 No. 45
r. 6.31	am. 2006 No. 45; 2007 No. 170
	rs. 2007 No. 170
	am. 2010 No. 298
r. 6.31A	ad. 2007 No. 170
r 6.32	am No 320, 2005; No 298, 2010; F2016L01659; F2021L01145; F2024L01299
r 6.33	am No 224, 2006; No 61, 2011; No 90, 2015; F2016L01656; F2018L01603
r 6.34	rep 2011 No. 61
	ad F2018L01603
r 6.34A	ad F2018L01603
r. 6.35	am. 2007 No. 170; 2010 No. 298
	rs F2016L01656
r 6.36	am F2016L01656
r 6.37	am No 224, 2006; No 61, 2011; No 90, 2015; F2018L01603
r 6.37A	ad 2011 No. 61
	rep F2018L01603
r 6.37AA	ad F2018L01603
r 6.37AB	ad F2018L01603
r 6.37AC	ad F2018L01603

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Endnote 4—Amendment history

Provision affected	How affected
Subdivision 6.5.2A	
Subdivision 6.5.2A	ad. 2011 No. 61
r. 6.37B	ad. 2011 No. 61
	am F2016L01656
r. 6.37C	ad. 2011 No. 61
r. 6.37D	ad. 2011 No. 61
Subdivision 6.5.3	
Subdivision 6.5.3	ad. 2011 No. 61
r. 6.37E	ad. 2011 No. 61
r. 6.37F	ad. 2011 No. 61
r. 6.37G	ad. 2011 No. 61
	am. No. 47, 2013
r 6.37H	ad F2016L01656
	am F2019L00829
r 6.38	am No 298, 2010; No 61, 2011; No 90, 2015; F2019L00829; F2022L00517
r. 6.38A	ad. 2011 No. 61
	am F2016L01656
r. 6.38B	ad. 2011 No. 61
r. 6.38C	ad. 2011 No. 61
	am F2016L01656; F2016L01659
r 6.38D	ad No 61, 2011
	am No 90, 2015; F2019L00829
r 6.38E	ad No 61, 2011
	am No 90, 2015; F2016L01656; F2019L00829
r 6.38EA	ad No 61, 2011
	am F2016L01656
r 6.38EB	ad No 61, 2011
	am No 90, 2015
r 6.38EC	ad F2019L00829
r. 6.38F	ad. 2011 No. 61
r. 6.38G	ad. 2011 No. 61
r. 6.38H	ad. 2011 No. 61
	am F2016L01656
r. 6.38I	ad. 2011 No. 61
r. 6.39	rs No 289, 2005
	am No 224, 2006; No 61, 2011; No 90, 2015
r 6.39A	ad No 289, 2005
	am No 61, 2011; No 90, 2015; F2019L00829
Subdivision 6.5.3A	
Subdivision 6.5.3A heading	rs F2016L01656

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Provision affected	How affected
Subdivision 6.5.3A	ad. 2011 No. 61
r. 6.40	rs. 2011 No. 61
	am F2016L01656
r 6.40A	ad F2016L01656
r. 6.41	am. 2010 No. 298; 2011 No. 61; No 248, 2015; F2021L01145
r. 6.41A	ad. 2010 No. 298
	am No 248, 2015
r 6.42	am No 248, 2015; F2016L01656
Subdivision 6.5.3	ad. 2006 No. 100
	rep. 2009 No. 275
r. 6.42A	ad. 2006 No. 100
	am. 2007 No. 170
	rep. 2009 No. 275
r. 6.42B	ad. 2006 No. 100
	rep. 2009 No. 275
r. 6.42C	ad. 2006 No. 100
	rep. 2009 No. 275
r. 6.42D	ad. 2006 No. 100
	am. 2007 No. 170
	rep. 2009 No. 275
r. 6.42E	ad. 2006 No. 100
	rep. 2009 No. 275
r 6.42F	ad No 100, 2006
	rep No 275, 2009
r. 6.42G	ad. 2006 No. 100
	rep. 2009 No. 275
Subdivision 6.5.4	
Subdivision 6.5.4 heading	ad. 2006 No. 100
	rs No 298, 2010; No 61, 2011
r 6.42A	ad No 298, 2010
	am F2016L01656; F2021L01145; Act No 1, 2026
r. 6.42B	ad. 2010 No. 298
	am F2016L01656
r. 6.42C	ad. 2010 No. 298
	rs F2021L01145
r. 6.42D	ad. 2010 No. 298
r. 6.42E	ad. 2010 No. 298
Subdivision 6.5.5	
Subdivision 6.5.5	ad. 2011 No. 61
r 6.42F	ad No 61, 2011

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Provision affected	How affected
	am No 90, 2015; F2019L00829
r 6.43	am No 222, 2005; No 320, 2005; No 100, 2006; No 170, 2007; No 298, 2010; No 61, 2011; F2016L01656; F2016L01659; F2019L00355; F2021L01145; F2022L00517; F2023L00192; F2024L01299; Act No 1, 2026
r. 6.43A	ad. 2006 No. 100
	rs. 2010 No. 298
	am. 2011 No. 61; F2021L01145
r. 6.43B	ad. 2010 No. 298
r. 6.43C	ad. 2010 No. 298
r. 6.43D	ad. 2010 No. 298
r. 6.43E	ad. 2010 No. 298
r 6.43F	ad No 61, 2011
	am F2016L01656; F2022L00517; F2024L01299
r 6.44	am No 170, 2007
	rs No 61, 2011
	am F2016L01656; F2021L01145; Act No 1, 2026
r. 6.44A	ad. 2011 No. 61
	am F2016L01656
r 6.45	am No 170, 2007
	rs No 61, 2011
	am No 90, 2015; F2016L01656; F2019L00829
r. 6.46	rs. 2011 No. 61
	am F2016L01656
r. 6.47	rs. 2011 No. 61
	am F2016L01656
r 6.48	am F2016L01656
r. 6.49	am. 2011 No. 61
r. 6.50	am. 2005 No. 222; 2006 No. 224
	rep. 2009 No. 275
	ad. 2011 No. 61
r. 6.51	am. 2006 No. 224
	rep. 2009 No. 275
Division 6.6	
Division 6.6 heading	rs. 2011 No. 61
r 6.52	am No 124, 2015
r. 6.53	am. 2005 No. 222; 2011 No. 61
Division 6.7	
r. 6.54	am. 2007 No. 170; F2016L01656
r 6.55	rs No 320, 2005
	am F2019L00829

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Endnote 4—Amendment history

Provision affected	How affected
r. 6.55A	ad. 2005 No. 222
	am. 2011 No. 61
r. 6.56	am. 2005 No. 222
r. 6.56A	ad. 2005 No. 222
	am. 2011 No. 61
r 6.57	am F2016L01656
r 6.58	am F2024L01299
r. 6.58A	ad. 2005 No. 222
r. 6.58B	ad. 2005 No. 222
Division 6.8	
Division 6.8	ad F2022L00338
r 6.60	ad F2022L00338
Part 6A	
Part 6A	ad. No. 47, 2013
r. 6A.01	ad. No. 47, 2013
r 6A.02	ad F2021L00736
Part 7	
r 7.01	am No 124, 2015
r 7.02	am No 124, 2015
r 7.03	rs No 124, 2015
r 7.04	am No 124, 2015
r 7.05	am No 124, 2015
r 7.09	am No 124, 2015
r 7.10	am No 124, 2015
r 7.11	am No 124, 2015
r 7.13	ad F2019L00829
r 7.14	ad F2019L00829
r 7.15	ad F2019L00829
Part 8	
Part 8 heading	am F2022L00517
r 8.01	rs F2024L01299
r 8.01A	ad F2022L00517
r 8.01B	ad F2022L00517
r 8.02	am No 45, 2006; No 100, 2006; No 298, 2010; No 61, 2011; F2016L01656; F2022L00338; F2022L00517; F2024L01299
r 8.03	am F2024L01299
r 8.03A	ad F2016L01615
	am F2024L01299
r 8.04	am F2016L01615; F2024L01299
r 8.05	ad No 190, 2008

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Provision affected	How affected
	am F2024L01299
r 8.06	ad No 61, 2011
	am F2024L01299
r 8.07	ad F2021L00736
	am F2024L01299
Part 9	
r 9.01	rs No 40, 2006
	am F2019L00829
Part 10	
Part 10 heading	rs F2016L01615
Part 10	ad No 90, 2015
Division 1	
Division 1 heading	ad F2016L01615
r 10.01	ad No 90, 2015
Division 2	
Division 2 heading	ad F2016L01615
r 10.02	ad No 123, 2015
Division 3	
Division 3 heading	ad F2016L01615
r 10.03	ad No 248, 2015
Division 4	
Division 4	ad F2016L01615
Subdivision A	
r 10.04	ad F2016L01615
Subdivision B	
r 10.05	ad F2016L01615
r 10.06	ad F2016L01615
r 10.07	ad F2016L01615
r 10.08	ad F2016L01615
r 10.09	ad F2016L01615
r 10.10	ad F2016L01615
r 10.11	ad F2016L01615
r 10.12	ad F2016L01615
r 10.13	ad F2016L01615
r 10.14	ad F2016L01615
Subdivision C	
Subdivision C	ad F2016L01615
r 10.15	ad F2016L01615
r 10.16	ad F2016L01615
r 10.17	ad F2016L01615

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Provision affected	How affected
Division 5	
Division 5	ad F2016L01656
r 10.18	ad F2016L01656
r 10.19	ad F2016L01656
Division 6	
Division 6	ad F2016L01659
r 10.20	ad F2016L01659
Division 7	
Division 7	ad F2016L01660
r 10.21	ad F2016L01660
Division 8	
Division 8	ad F2016L01828
r 10.22	ad F2016L01828
Division 9	
Division 9	ad F2017L00440
r 10.23	ad F2017L00440
Division 10	
Division 10	ad F2017L01369
Subdivision A	
r 10.24	ad F2017L01369
Subdivision B	
r 10.25	ad F2017L01369
r 10.26	ad F2017L01369
Subdivision C	
r 10.27	ad F2017L01369
r 10.28	ad F2017L01369
r 10.29	ad F2017L01369
r 10.30	ad F2017L01369
Division 11	
Division 11	ad F2018L01603
r 10.31	ad F2018L01603
Division 12	
Division 12	ad F2018L01785
Subdivision A	
r 10.32	ad F2018L01785
Subdivision B	
r 10.33	ad F2018L01785
Division 13	
Division 13	ad F2019L00829
r 10.34	ad F2019L00829

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Endnote 4—Amendment history

Provision affected	How affected
Division 14	
Division 14	ad F2019L00840
r 10.35	ad F2019L00840
Division 15	
Division 15	ad F2019L01573
r 10.36	ad F2019L01573
Division 16	
Division 16	ad F2020L00240
Subdivision A	
r 10.37	ad F2020L00240
Subdivision B	
r 10.38	ad F2020L00240
r 10.39	ad F2020L00240
r 10.40	ad F2020L00240
Division 17	
Division 17	ad F2021L00971
r 10.41	ad F2021L00971
Division 18	
Division 18	ad F2021L00736
r 10.42	ad F2021L00736
Division 19	
Division 19	ad F2021L00835
r 10.43	ad F2021L00835
r 10.44 (first occurring)	ad F2021L00835
	renum
	ed C72
r 10.44A (prev r 10.44 first occurring)	
Division 20	
Division 20	ad F2021L01145
r 10.44 (second occurring)	ad F2021L01145
r 10.45	ad F2021L01145
r 10.46	ad F2021L01145
Division 21	
Division 21	ad F2022L00338
r 10.47	ad F2022L00338
r 10.48	ad F2022L00338
r 10.49	ad F2022L00338
r 10.50	ad F2022L00338

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Endnote 4—Amendment history

Provision affected	How affected
r 10.51	ad F2022L00338
Division 22	
Division 22	ad F2022L00517
r 10.52	ad F2022L00517
r 10.53	ad F2022L00517
Division 23	
Division 23	ad F2023L00192
r 10.54	ad F2023L00192
Division 24	
Division 24	ad F2023L00760
r 10.55	ad F2023L00760
Division 25	
Division 25	ad Act No 1, 2026
r 10.56	ad Act No 1, 2026
Schedule	rep F2017L00440
Schedule 1	
Schedule 1	ad F2021L01145

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