



Aviation Transport Security Amendment Regulation 2012 (No. 4)¹

Select Legislative Instrument 2012 No. 134

I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation under the *Aviation Transport Security Act 2004*.

Dated 28 June 2012

QUENTIN BRYCE
Governor-General

By Her Excellency's Command

ANTHONY ALBANESE
Minister for Infrastructure and Transport

1 Name of regulation

This regulation is the *Aviation Transport Security Amendment Regulation 2012 (No. 4)*.

2 Commencement

This regulation commences on the day after it is registered.

3 Amendment of *Aviation Transport Security Regulations 2005*

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

Schedule 1 Amendments

(section 3)

[1] Paragraph 3.20 (3) (e)

after

do so under

insert

subregulation 4.09 (3) or

[2] Regulations 4.08 and 4.09

substitute

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.

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- (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) an enhanced inspection area; or
 - (b) a sterile area.
- (3) However, a person may enter an enhanced inspection area or a sterile area other than through a screening point, or by passing through a screening point without being screened, if:
 - (a) the person is entering the area after disembarking from a screened air service and all persons on board the service received clearance to board at a category 1, 2, 3 or 4 security controlled airport; or
 - (b) in the case of a person arriving at a category 5 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 category 1, 2, 3, 4 or 5 security controlled airport.

Note

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