



Aviation Transport Security Amendment (Airside Security—2017 Measures No. 1) Regulations 2017

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 16 October 2017

Peter Cosgrove
Governor-General

By His Excellency's Command

Darren Chester
Minister for Infrastructure and Transport

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1 Name

This instrument is the *Aviation Transport Security Amendment (Airside Security—2017 Measures No. 1) Regulations 2017*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table	The day after this instrument is registered.	20 October 2017
2. Schedule 1	The day after this instrument is registered.	20 October 2017
3. Schedule 2	The day after the end of the period of 3 months beginning on the day this instrument is registered.	19 January 2018
4. Schedule 3	The day after this instrument is registered.	20 October 2017

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Aviation Transport Security Act 2004*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments commencing day after registration

Aviation Transport Security Regulations 2005

1 Regulation 1.03

Insert:

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

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

2 Regulation 2.18A

Repeal the regulation.

3 Subregulations 2.32(3) and (4)

Repeal the subregulations.

4 Regulation 2.35A

Repeal the regulation.

5 Regulation 3.01

Repeal the regulation, substitute:

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.

6 Regulation 3.13

Insert:

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
 - (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.

7 Regulation 3.13

Repeal the following definitions:

- (a) definition of *exempt goods*;
- (b) definition of *exempt person*;
- (c) definition of *exempt vehicle*.

8 Regulation 3.14

Repeal the regulation, substitute:

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.

9 Paragraph 3.15(3)(a)

Omit “a person authorised to do so who”, substitute “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”.

10 Paragraphs 3.15(3)(b), (c), (d) and (e)

Repeal the paragraphs, substitute:

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

11 Paragraph 3.16(3)(a)

Repeal the paragraph, substitute:

- (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

12 Subregulation 3.16(3) (penalty)

Repeal the penalty, substitute:

Penalty: 200 penalty units.

13 Subregulation 3.16(3) (note)

Repeal the note.

14 After subregulation 3.16(3)

Insert:

- (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.

15 Subdivision 3.3.3

Repeal the Subdivision.

16 Regulations 3.17A, 3.17B and 3.17C

Repeal the regulations.

17 Paragraph 4.04(2)(b)

Omit “explosives; and”, substitute “explosives.”.

18 Paragraph 4.04(2)(c)

Repeal the paragraph.

19 Subregulation 4.09(2)

Repeal the subregulation, substitute:

- (2) A person must receive clearance before the person enters a sterile area.

20 Subregulation 4.09(3)

Omit “an enhanced inspection area or”.

21 Paragraph 4.10(a)

After “who”, insert “is in uniform or who”.

22 Subregulation 4.11(1) (heading)

Repeal the heading, substitute:

Persons who may enter sterile areas or LAGs cleared areas

23 Subregulation 4.11(2) (heading)

Repeal the heading.

24 Subregulation 4.11(3) (heading)

Repeal the heading, substitute:

Additional persons who may enter sterile areas

25 Subregulation 4.11(3)

Omit “an enhanced inspection area or”.

26 Paragraph 4.11(3)(d)

After “who”, insert “is in uniform or who”.

27 After regulation 4.12A

Insert:

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;
- (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.

28 At the end of subregulation 4.53(1)

Add:

- ; (e) an aviation security inspector on duty, or a representative of the screening authority, who is lawfully testing the screening system.

29 Paragraph 4.54(1)(b)

Omit “a uniformed member of the staff”, substitute “an employee or contractor”.

30 Subparagraph 4.54(1)(b)(i)

Repeal the subparagraph, substitute:

- (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

31 Subparagraph 4.54(1)(b)(iv)

Omit “1A Security Guard licence”, substitute “security guard licence (however described)”.

32 Subparagraph 4.54(1)(b)(v)

Omit “uniformed member of the staff of the contractor”, substitute “person who is an employee or contractor of the private security contractor”.

33 After paragraph 4.54(1)(d)

Insert:

- (da) an aviation security inspector on duty, or a representative of the screening authority, who is lawfully testing the screening system;

34 Subregulation 4.54(2)

After “(d),”, insert “(da),”.

Schedule 2—Amendments commencing 3 months after registration

Aviation Transport Security Regulations 2005

1 Regulation 1.03

Insert:

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).

2 After regulation 2.18

Insert:

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.
- (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.

3 After regulation 2.35

Insert:

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;
 - (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;

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- (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.

4 Regulation 3.13

Insert:

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:

- (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.

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.

5 After regulation 3.14

Insert:

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

6 Subdivision 3.3.2 (heading)

Repeal the heading, substitute:

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

7 Regulation 3.16 (heading)

Repeal the heading, substitute:

3.16 Additional requirements for security restricted areas not at designated airports

8 Subregulation 3.16(1)

Repeal the subregulation, substitute:

- (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.

9 After Subdivision 3.3.2

Insert:

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

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;
 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
 - (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.

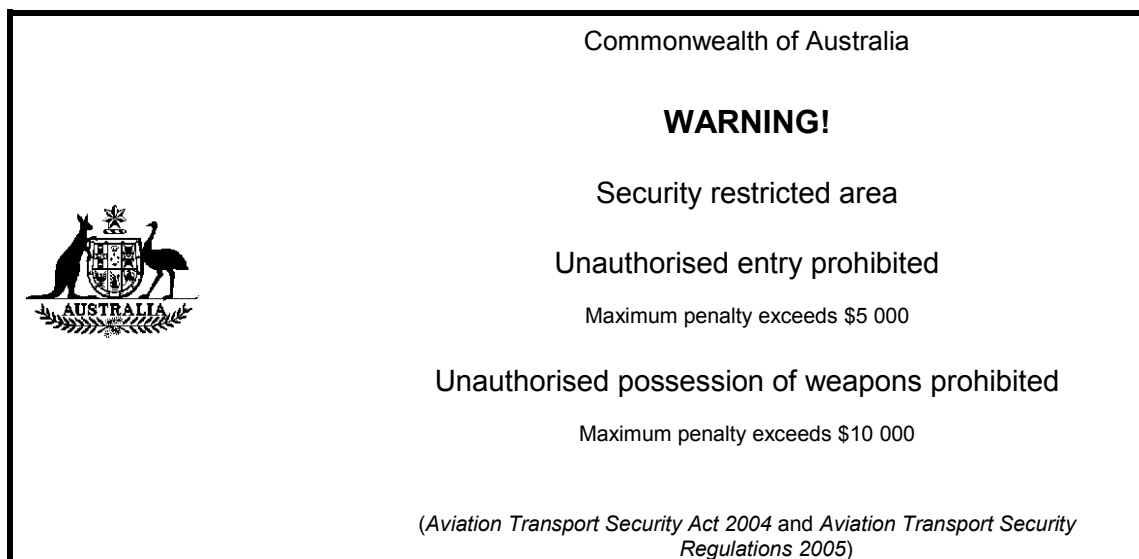
Penalty: 50 penalty units.

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:



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.

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.

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.

10 Subdivision 3.3.4 (heading)

Repeal the heading, substitute:

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

11 At the end of subregulation 4.04(2)

Add:

- ; and (c) on a person, in a vehicle, or in goods, in or entering a security restricted area at a designated airport—weapons.

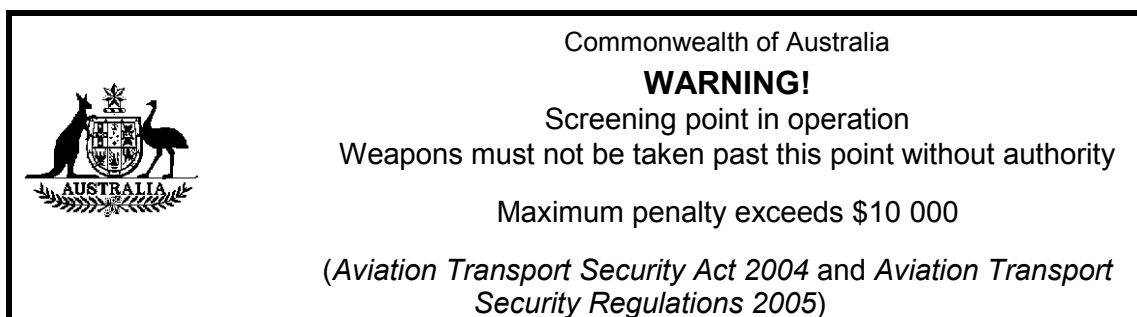
12 Subregulation 4.18(1)

After “carried out”, insert “(other than for a security restricted area at a designated airport)”.

13 After subregulation 4.18(1)

Insert:

- (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:



14 Subregulation 4.18(2)

Omit “subregulation (1)”, substitute “whichever of subregulation (1) or (1A) is applicable”.

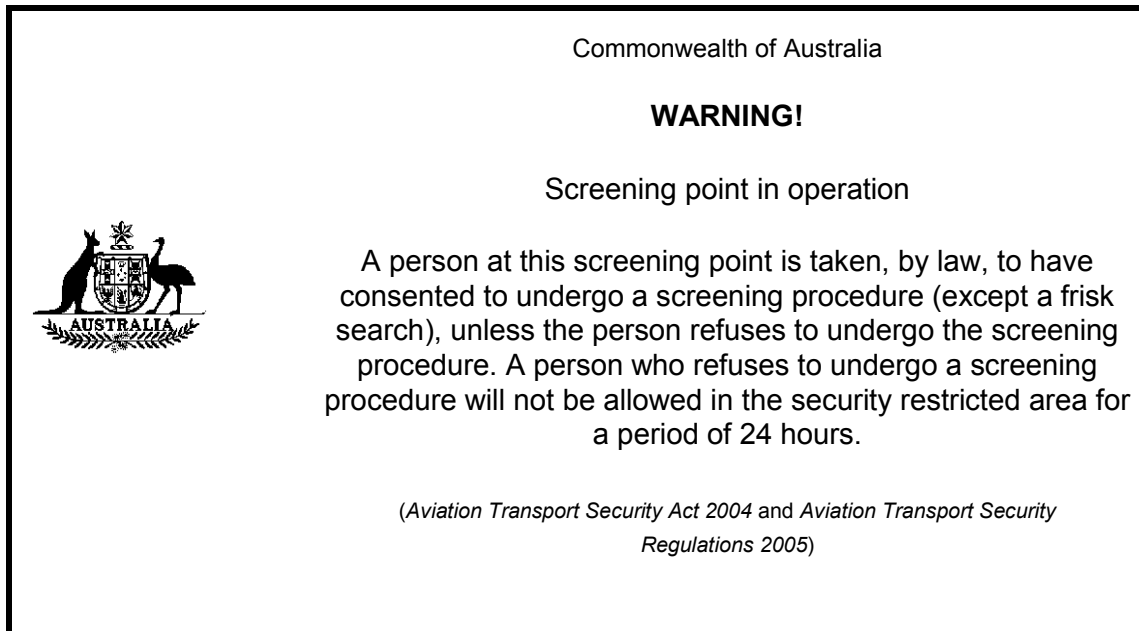
15 Subregulation 4.18A(1)

After “carried out”, insert “(other than for a security restricted area at a designated airport)”.

16 After subregulation 4.18A(1)

Insert:

- (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:



17 Subregulation 4.18A(2)

Omit “do so”, substitute “comply with subregulation (1) or (1A)”.

18 Regulation 4.18B

Before “For the purposes of”, insert “(1)”.

19 At the end of regulation 4.18B


Add:

- (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)

20 After paragraph 4.46(2)(f)

Insert:

- (fa) if the RACA controls an access control point into a security restricted area at a designated airport—the requirements mentioned in subregulation (2A);

21 Paragraph 4.46(2)(g)

Before “measures and procedures”, insert “in any case—”.

22 At the end of subregulation 4.46(2)

Add:

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.

23 After subregulation 4.46(2)

Insert:

- (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;

24 Regulation 4.55 (heading)

Repeal the heading, substitute:

4.55 Persons authorised to carry weapons through screening points—general

25 After regulation 4.55

Insert:

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:
 - (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 regulated 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
 - (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.

Schedule 3—Application, savings and transitional provisions

Aviation Transport Security Regulations 2005

1 In the appropriate position in Part 10

Insert:

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.

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 <i>implementation day</i> 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

(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.
- (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.

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
 - (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.