

Transport Security Legislation Amendment (Foreign Officials) Regulations 2021

I, General the Honourable David Hurley AC DSC (Retd), Governor‑General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 08 July 2021

David Hurley

Governor‑General

By His Excellency’s Command

Karen Andrews

Minister for Home Affairs

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1 Name

This instrument is the *Transport Security Legislation Amendment (Foreign Officials) Regulations 2021*.

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. The whole of this instrument | The day after this instrument is registered. | 10 July 2021 |

Note: This table relates only to the provisions of this instrument as originally made.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 following:

(a) the *Aviation Transport Security Act 2004*;

(b) the *Maritime Transport and Offshore Facilities Security Act 2003*.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Aviation Transport Security Regulations 2005

1 Regulation 1.03

Insert:

***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.

2 After regulation 3.08

Insert:

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.

(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 Regulation 3.11

Before “The holder”, insert “(1)”.

4 At the end of regulation 3.11 (after the penalty)

Add:

(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.

5 Subregulation 6.01(1) (at the end of the definition of *operational need*)

Add:

(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.

6 Subregulations 6.03(7) and (9)

Omit “or (h)”, substitute “, (h) or (i)”.

7 In the appropriate position in Part 10

Insert:

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.

Maritime Transport and Offshore Facilities Security Regulations 2003

8 Subregulation 6.07B(1)

Insert:

***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.

9 At the end of subregulation 6.07F(2)

Add:

; or (c) the person is a foreign official who requires access to a maritime security zone for the purposes of the foreign official’s official duties.

10 In the appropriate position in Schedule 2

Insert:

Part 10—Amendments made by the Transport Security Legislation Amendment (Foreign Officials) Regulations 2021

111 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 MSIC in force immediately before the commencement of that Schedule.