



LIN 22/043

**Aviation Transport Security (Prohibited cargo—Afghanistan)
Instrument 2022**

I, Karen Andrews, Minister for Home Affairs, make this instrument under subsection 65B(1) of the *Aviation Transport Security Act 2004*.

Dated 31 March 2022

Karen Andrews

Minister for Home Affairs

1 Name

This instrument is the *Aviation Transport Security (Prohibited cargo – Afghanistan) Instrument 2022*.

2 Commencement

This instrument commences on the day after registration.

3 Definitions

Note A number of expressions used in this instrument are defined in the definition section of the *Aviation Transport Security Act 2004*, including Australian territory; aviation industry participant; cargo.

In this instrument:

biological tissue means an item of cargo that consists only of biological matter that is an aggregate of cells and cell products forming a definite kind of structural material in an animal or plant, or biological substances or samples and the necessary packaging to ship the biological matter, substances or samples.

Note Paragraph 23(b) of the *Acts Interpretation Act 1901* provides that words in the singular number include the plural and words in the plural number include the singular;

ETD equipment (explosive trace detection equipment) means technology used to detect and indicate, by audible or visual alarm, the presence of an explosive material.

government article means an item of cargo that:

- (a) is sent by the Commonwealth or an authority of the Commonwealth; and
- (b) bears on its face a security classification; and
- (c) bears a security classification that is referred to in the protective security policy applicable to the Australian Government when the article is sent.

human remains means an item of cargo which meets all of the following requirements:

- (a) the item consists only of human remains and necessary packaging;
- (b) the sender of the item is a funeral director;
- (c) the airline transporting the item has sighted a copy of the death certificate of the person to whom the human remains relate.

last port of call airport means an airport that is the last international port that the aircraft departs from before landing in Australian territory.

letter product means an item of cargo that has all of the following characteristics:

- (a) it weighs 500g or less;
- (b) it contains only flexible items, nothing rigid or inflexible;

Note 1 Flexible items include thick cardboard to protect items from being bent or crushed

Note 2 Examples of rigid or inflexible items are pens, keys, USBs or CDs

- (c) its longest dimension is 360 mm or less;

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- (d) its second longest dimension is 260 mm or less;
 - (e) its shortest dimension is 20 mm or less.

security controls means requirements or procedures that, under the laws applying at the last port of call airport, must be applied to detect the presence of explosives in items of cargo.

small item means an item of cargo that weighs 250g or less, and is 5 mm or less in its shortest dimension.

X-ray observation equipment means screening X-ray equipment that:

- (a) has a threat image projection system capability; and
- (b) can differentiate between organic and inorganic material; and
- (c) can display the following in different colours:
 - (i) metals;
 - (ii) inorganic material;
 - (iii) organic material.

4 Prohibited cargo

- (1) An aviation industry participant must not bring, or cause to be brought, into Australian territory cargo that has originated in or transited through Afghanistan.
- (2) The prohibition in subsection (1) does not apply to cargo that is any one of the following types:
 - (a) a letter product;
 - (b) a small item;
 - (c) a live animal and the necessary packaging to ship the animal;
 - (d) human remains;
 - (e) biological tissue;
 - (f) dangerous goods that are permitted, under section 23 of the *Civil Aviation Act 1988*, to be carried on board an aircraft and the necessary packaging to ship the goods;
 - (g) a government article;
 - (h) an item of cargo in a diplomatic bag.
- (3) The prohibition in subsection (1) also does not apply to cargo if, since originating from or transiting through Afghanistan, and at the time the cargo was brought into Australian territory the cargo has been examined under security controls at one of the last port of call airports listed in the following table:

Country	Airport
Canada	Vancouver International Airport
Japan	(a) Narita Airport, Tokyo; or (b) Osaka International Airport

Country	Airport
People's Republic of China	(a) Hong Kong International Airport; or (b) Shanghai Pudong International Airport
Republic of South Africa	O.R. Tambo International Airport, Johannesburg
Singapore	Changi International Airport
Thailand	Suvarnabhumi International Airport, Bangkok
United Arab Emirates	Dubai International Airport
United States of America	(a) Honolulu International Airport; or (b) Los Angeles International Airport

- (4) For subsection (3), examined under security controls means examination using any of the following:
- (a) X-ray observation equipment;
 - (b) ETD equipment;
 - (c) physical examination in accordance with subsection (5).
- (5) Physical examination includes all of the following:
- (a) the item is deconsolidated or unpacked into the smallest box, carton or other unit into which it can be deconsolidated or unpacked;
 - (b) each unit is examined as follows:
 - (i) the sides, top and bottom of the unit, including packaging, are checked for hidden compartments and for signs that the piece has been tampered with;
 - (ii) the unit is opened and all areas of the interior of the unit are searched;
 - (iii) the contents of the unit are searched systematically, layer by layer;
 - (iv) the search of the interior areas and the contents of the unit proceeds in a sequence that ensures that every area of the unit and all its contents are thoroughly inspected.