

EXPLANATORY STATEMENT

Issued by authority of the Secretary of the Department of Home Affairs

Aviation Transport Security Act 2004

Aviation Transport Security (Screening Officer Requirements) Determination 2025

The *Aviation Transport Security Act 2004* (the Aviation Act) establishes a regulatory framework to safeguard against unlawful interference with aviation and to prevent the use of aviation in connection with serious crime. To achieve these purposes, the Aviation Act establishes minimum security requirements for civil aviation in Australia by imposing obligations on persons engaged in civil aviation related activities.

Consistent with these purposes, the *Aviation Transport Security (Screening officer Requirements) Determination 2025* (the Determination) determines requirements for specified screening officers.

Legislative authority

The Determination is made under section 94A of the Aviation Act. Paragraph 94A(a) provides that the Secretary of Home Affairs (the Secretary) may determine, by a legislative instrument, the training and qualification requirements, and any other requirements, for specified screening officers relating to the exercise or performance of a specified power under Division 5 of Part 5 of the Aviation Act, or a specified screening function. Paragraph 94A(b) provides that the Secretary may, by legislative instrument, determine requirements in relation to the use of identity cards or in relation to uniforms for specified screening officers.

The Determination repeals the *Aviation Transport Security (Screening Officer Requirements) Determination 2023* (the 2023 Determination).

Under subsection 33(3) of the *Acts Interpretation Act 1901*, where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character (including rules, regulations or by-laws), the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.

Purpose

The purpose of the Determination is to establish a national standard of competency for all screening officers. In turn, this is intended to strengthen the performance of security screening activities undertaken at Australian security controlled airports and help ensure all screening officers in Australia are equipped to respond to current and emerging threats.

The effect of the Determination is to ensure that all screening officers correctly exercise their powers and perform their screening functions, in accordance with the Aviation Act. Meeting the requirements also ensure screening officers have the knowledge and ability to maintain the Australian aviation security environment in accordance with current international aviation security standards.

This is achieved through the requirement on screening officers to hold or complete relevant training and qualification requirements.

The Determination generally replicates and maintains all of the requirements included in the 2023 Determination. However, the Determination makes a number of technical amendments to the 2023 Determination, most significantly, the removal of previous subsection 9(3). This

subsection provided grandfathering provisions to facilitate the introduction of accreditation testing of screening officers and is no longer required.

Requirements for screening officers

Broadly, the Determination sets out the following requirements for all screening officers engaged or employed under the Aviation Act:

- Screening officers must hold either a Certificate II in Transport Security Protection, or a qualification that the Secretary is satisfied will enable the holder to carry out the duties of a screening officer under the Act;
- Alternative qualification requirements are recognised for persons engaged or employed as a screening officer under the Aviation Act or as a screening officer under the *Maritime Security and Offshore Facilities Act 2003* on or before 16 January 2022 and who did not cease their engagement for a period of more than 24 months on or after 16 June 2020. This facilitates the employment of screening officers in the aviation sector who were previously engaged or employed as a screening officer in the maritime sector.
- Screening officers must complete 40 hours of on-the-job training specific to their role if they were first engaged or employed as a screening officer on or after 1 July 2022, or someone who is re-engaged or re-employed as a screening officer after a continuous period of absence for more than 24 months (a period of at least 24 months occurring on or after 1 July 2022). The determination also recognises the tenure of screening officers who have transitioned from the maritime sector for the purpose of exempting specified persons from the training requirements.
- Screening officers must pass an aviation accreditation test, administered by a person approved by the Secretary and completed using the Department of Home Affairs' ICT systems, before a screening officer may make any independent screening decision in relation to each power or screening function they will exercise or perform. A screening officer must also pass an aviation accreditation test at least once every 12 months for each power or function the screening officer exercises or performs as a screening officer. The non-successful completion of an aviation accreditation test will only prevent a screening officer from exercising powers or performing the functions related to that specific test, and will not prevent a screening officer from exercising powers or performing functions if the screening officer has passed the relevant accreditation test. Screening officers may also retake the relevant test up to three times within a thirty-day (30) period
- Screening officers must complete 12 hours of continuing professional development specific to their role every 12 month after the passing their first aviation accreditation test.
- Screening officers must hold and properly display an Aviation Security Identification Card at all times while on duty or as otherwise required by the Regulations.
- Screening officers must wear a distinctive and recognisable uniform.

Record keeping

The Determination retains the record obligations for screening authorities who engage or employ screening officers. Screening authorities are required to make electronic records of information relating to screening officers engaged or employed by the screening authority relating to, among other things, those officers' training, qualifications and continuing professional development. These records must be kept by the screening authority for two years after the cessation of the screening officer's employment or engagement, even if the screening authority ceases to be a screening authority.

Other matters

The Determination is a legislative instrument for the purposes of the *Legislation Act 2003*.

The whole of the determination commences on the day after it is registered.

Details of the Determination are set out in **Attachment A**.

The Department of Home Affairs has consulted with transport industry stakeholders on the various updates to the Determination.

The Office of Impact Assessment (OIA) was consulted prior to making this Determination. OIA noted that the Determination was unlikely to have more than a minor regulatory impact and that a Regulation Impact Statement for this Determination was not required (OIA: 22344).

A Statement of Compatibility with Human Rights in accordance with the *Human Rights (Parliamentary Scrutiny) Act 2011* is included at **Attachment B**. The overall assessment is that the Determination is compatible with human rights.

**Details of the Aviation Transport Security (Screening Officer Requirements)
Determination 2025**

Part 1 – Preliminary

Section 1 – Name

Section 1 provides that the title of this instrument is the *Aviation Transport Security (Screening officer requirements) Determination) 2025* (the Determination).

Section 2 – Commencement

Section 2 provides that the Determination commences on the day after it is registered.

Section 3 – Authority

Section 3 provides that the Determination is made under section 94A of the *Aviation Transport Security Act 2004* (Aviation Act). Section 94A provides that the Secretary may, by legislative instrument, determine the training and qualification requirements, and any other requirements, for specified screening officers relating to the exercise or performance of a specified power under Division 5 of Part 5 of the Aviation Act, or a specified screening function. It also provides that the Secretary may, by legislative instrument, determine the requirements of the use of identity cards and uniforms for specified screening officers.

The note under section 3 provides that the Secretary may exempt a class of screening officers from one or more of the requirements in this Determination if the Secretary is satisfied an exceptional circumstance exists (section 94B of the Aviation Act).

Section 4 – Definitions

Section 4 provides the definition of terms used in the Determination.

Act means the *Aviation Transport Security Act 2004*.

Aviation accreditation test is defined to mean a test approved by the Secretary that the Secretary is satisfied is appropriate to test the ability of a screening officer to exercise a power in Division 5 of Part 5 of the Aviation Act that may be used by the screening officer or to perform a specified screening function.

Independent screening decision is defined to mean a decision made by a screening officer when exercising a specified power or a screening function about whether to allow a person, personal effects, carry-on baggage, checked baggage, goods or a vehicle to pass through a screening point, without guidance from a supervising officer.

Maritime entity is defined to mean a port facility operator or ship operator for a regulated Australian ship served a notice under regulation 7.30 of the *Maritime Transport and Offshore Facilities Regulations 2003*.

Maritime screening officer is defined to mean a person who was engaged or employed as a screening officer by a port facility operator or ship operator for a regulated Australian ship under the *Maritime Transport and Offshore Facilities Act 2003*. This term is used in sections 8 and 9 of this Determination.

Regulations is defined to mean the *Aviation Transport Security Regulations 2005* (Aviation Regulations).

Note 1 to section 4 notes that certain terms used in the Determination are defined in the Aviation Act. Those terms include *baggage*, *checked baggage*, *screening authority*, *screening function* and *screening officer*.

Note 2 to section 4 notes that certain terms used in the Determination are defined in the Aviation Regulations. Those terms include *ASIC*, *holder*, and *properly displaying*.

Note 3 to section 4 notes that certain terms used in the definition of maritime entity and maritime screening officer are defined in the Maritime Act. Those terms include screening officer, *port facility operator*, *regulated Australian ship* and *ship operator*.

Section 5 – Schedules

Section 5 provides that each instrument specified in the Schedule to this Determination is amended or repealed as set out in the applicable terms within the Schedule. Schedule 1 to the Determination repeals the whole of *Aviation Transport Security (Screening Officer Requirements) Determination 2023* (2023 Determination).

Under subsection 33(3) of the *Acts Interpretation Act 1901*, where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character (including rules, regulations or by-laws), the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.

Part 2 – Requirements relating to screening officers

Section 6 – Application of part

Section 6 is an application provision for Part 2 of the Determination. It provides that the requirements in this part apply to all screening officers authorised or required to conduct screening under the Aviation Act.

Section 7 – General qualification requirements

Section 7 sets out the general qualification requirements that apply to all screening officers.

Subsection 7(1) provides that screening officers must hold either a Certificate II in Transport Security Protection, any other qualification that the Secretary is satisfied will enable the holder to carry out the duties of a screening officer under the Aviation Act. Alternatively, screening officers may satisfy the qualification requirements by holding an alternative qualification in subsection 8(2) if they meet the criteria in subsection 8(1).

The purpose of these requirements are to provide a consistent standard of qualification for screening officers to meet. As with all requirements in this Determination, a screening officer may only exercise a power under Division 5 of Part 5 of the Aviation Act or perform a screening function if the screening officer has met the qualification requirements.

In addition, if a screening officer does not meet the qualification requirements, they will not be able to make an independent screening decision (as a consequence of being unable to undertake any aviation accreditation test as required by section 10, explained further below).

Section 8 – Alternative qualification requirements for specified screening officers

Section 8 of the Determination specifies alternative qualifications that specified screening officers can hold in order to satisfy the qualification requirements.

Subsection 8(1) of the Determination establishes which screening officer may hold the alternative qualification requirements listed in subsection 8(2). This section applies to persons who are screening officers under the Aviation Act and who satisfy both paragraph 8(1)(a) and 8(1)(b):

- on or before 16 January 2022—was engaged or employed as a screening officer or as a maritime screening officer; and
- on or after 16 June 2020 — did not cease to be engaged or employed as a screening officer or a maritime screening officer for a continuous period of more than 24 months.

Subsection 8(2) provides that if a screening officer meets the requirements in subsection 8(1), they may, in the alternative to holding a qualification in paragraph 7(1)(a) or 7(1)(b) satisfy the qualification requirements by holding one of the following:

- a Certificate II in Security Operations;
- a qualification that the Secretary is satisfied is equivalent to a Certificate II in Security Operations; or
- if the person was engaged or employed as a maritime screening officer— training and experience acquired while working as a security guard that is sufficient to satisfy the requirements for obtaining a security guard license in the state or territory where the person intends to work as a screening officer.

Prior to 16 January 2022, the standard qualification requirement for screening officers in both the aviation and maritime sectors was a Certificate II in Security Operations. Consistent with the 2023 Determination, screening officers will be able to continue to rely on their existing qualifications. It allows those screening officers to rely on their existing Certificate II or equivalent qualification, without requiring these screening officers to acquire a Certificate II in Transport Security Protection.

The purpose of section 8 is to ensure screening officers who were engaged or employed before the new qualification requirements commenced can continue to rely on their existing qualifications to operate as screening officers.

This recognises the skills and experience of screening officers who have worked as a screening officer in the aviation sector for a significant period without a continuous break in their employment. Section 8 also recognises the skills and experience of screening officers with screening officer experience in the maritime sector who to transfer into the aviation sector, provided that those screening officer meet the same requirements.

Section 9 – Training

Section 9 specifies the training requirements for screening officers.

Subsection 9(1) requires a screening officer to complete 40 hours of on-the-job training specific to their role if either paragraph 9(1)(a) or 9(1)(b) applies.

Paragraph 9(1)(a) specifies that the training requirements apply to screening officers first engaged or employed on or after 1 July 2022.

Paragraph 9(1)(b) specifies that the training requirements also apply if a screening officer is re-engaged or re-employed as a screening officer after ceasing to be engaged or employed as a screening officer for a continuous period of more than 24 months on or after 1 July 2022.

The example under subsection 9(1) illustrates the effect of this subsection. It provides that if a person left their employment as a screening officer on 1 July 2022 and returned on 3 July 2024 seeking to be re-employed as a screening officer, the person must complete at least 40 hours of on-the-job training specific to their role. This training is required because they have ceased to be engaged for a continuous period of 24 months and one day, all of which fell on or after 1 July 2022.

Subsection 9(2) provides that the training requirements do not apply to a person who was a maritime screening officer before 30 June 2023 unless paragraphs 9(2)(a) and 9(2)(b) are both satisfied. These are if the person is subsequently engaged or employed as a screening officer in the aviation sector and cease to be engaged or employed as a screening officer for a continuous period of 24 months or more occurring after 30 June 2023 and are later re-engaged or re-employed as a screening officer.

Subsection 9(2) allows former maritime screening officers, employed on or before 30 June 2023, to transition to the aviation sector without needing to undertake the training requirements. This recognises that the equivalent training requirement did not apply in the maritime sector until 1 July 2023.

The example under subsection 9(2) illustrates the effect of this subsection. It provides that a person who was a maritime screening officer on or before 30 June 2023, and is subsequently engaged or employed as a screening officer would not need to complete the training requirements unless they have ceased to be engaged as a screening officer for a continuous period of 24 months after 30 June 2023, and are later reengaged or employed as an screening officer.

Subsection 9(3) provides a non-exhaustive list of the types of training which may be undertaken for the purposes of on-the-job training and the requirements of subsection 9(1). This includes:

- supervised practice at a screening point, or where it is not practicable to compete training at a live screening point;
- training on X-ray image interpretation;
- training on specific screening equipment used in the workplace;
- training on weapons and prohibited items;
- training on maintaining the integrity of cleared areas;
- training on methods and techniques for screening; or
- training designed to ensure familiarity with legislation relevant to screening.

The purpose of this requirement is to provide a consistent standard of training for specified screening officers.

Unless the specified screening officers have completed a minimum of 40 hours of on the job training and a supervisor is satisfied that the person is so capable, they will not be able to make an independent screening decision (as a consequence of being unable to undertake any aviation accreditation tests as required by section 10). In addition, as specified above, a screening officer may only exercise a power under Division 5 of Part 5 of the Aviation Act or perform a screening function if the screening officer has met the training requirements.

Section 10 – Testing screening officers

Section 10 specifies the requirements for screening officers to undertake annual aviation accreditation tests.

Subsection 10(1) provides that a screening officer must pass the relevant aviation accreditation test (defined in section 4), for each power or screening function they will exercise or perform, prior to exercising that power or function or making an independent screening decision.

Subsection 10(1) further provides that a screening officer is required to pass an aviation accreditation test for each power and screening function the screening officer exercises or performs before making any independent screening decision and at least once every 12 months after passing their initial aviation accreditation test for the power or screening function.

Subsection 10(2) outlines the requirements that must be met before undertaking an aviation accreditation test. Before a screening officer is able to undertake an aviation accreditation test, they must comply with sections 7 and 9 of the Determination (qualification and training requirements).

Subsection 10(3) provides if there is no aviation accreditation test relates to a particular power or screening function that the person may use then the screening officer must pass or have passed any other aviation accreditation test for other powers or functions before they are able to exercise the power or perform the screening function for which there is no aviation accreditation test. The purpose of subsection 10(3) is to ensure a screening officer can demonstrate competency in exercising a power or screening function prior to performing it their official capacity as a screening officer.

Subsection 10(4) provides that if a screening officer fails an aviation accreditation test related to a power or screening function, the screening officer must:

- be supervised by a screening officer who has completed and passed the relevant aviation accreditation test (paragraph 10(4)(a)); and
- not make an independent screening decision in relation to the power or screening function which they have failed the accreditation test for (paragraph 10(4)(b) until the screening officer passes the relevant aviation accreditation test.

Note 1 to section 10 explains the effect of subsection 10(4). It explains that where a screening officer does not pass an aviation accreditation test they will only be prevented from exercising their powers or performing the functions related to the specific test. The screening officer will not be prevented from exercising other powers or performing other functions for which they have passed the aviation accreditation tests for those other powers and functions.

Subsection 10(5) provides that a screening officer who fails an aviation accreditation test may re-take the test at any time. However, they are prohibited from taking the test more than three times in any 30-day period. This requirement is to ensure that screening officers have sufficient time to undertake remediation training before resitting the test.

Note 2 to section 10 explains that the 30-day period for a screening officer to retake an aviation accreditation test commences from the date of the screening officer's first unsuccessful aviation accreditation test. From the date of the first test failure, the screening officer may take the accreditation test a further two times until the 30-day period has elapsed.

The example under subsection 10(5) illustrates the effect of this subsection and explains that if a screening officer were to make their first unsuccessful attempt on 1 January, the screening officer would only be permitted to take two further tests within that 30 day period (ending on 31 January).

Subsection 10(6) specifies that an aviation accreditation test must be administered by a person approved by the Secretary and completed using the Department's ICT systems.

The purpose of an aviation accreditation test is to ensure a national standard of competency for screening officers. This in turn will strengthen the performance of security screening activities undertaken at Australian security controlled airports and help ensure all screening officers in Australia are equipped to respond to current and emerging threats.

Section 11 – Continuing professional development

Section 11 specifies the requirements for screening officers to undertake continued professional development training.

Subsection 11(1) provides screening officers must complete at least 12 hours of continued professional training (CPD) specific to their role every 12 months. Screening officers must undertake 12 hours of CPD every 12 months from the date they passed their first aviation accreditation test.

The example under subsection 11(1) illustrates the effect of subsection 11(1). It provides that if a screening officer passed their first aviation accreditation test on 1 July 2023, they must complete 12 hours of CPD before 1 July 2024. The example also explains that the screening officer must complete 12 hours of CPD every subsequent year from 1 July.

Subsection 11(2) provides a non-exhaustive list of what CPD training may include:

- X-ray image interpretation software;
- upgrades to existing equipment;
- new and emerging threats, or a briefing on these; or
- detection and concealment techniques.

The purpose of the CPD requirement is to ensure that all screening officers continue to develop their skills, and knowledge. CPD is vital to ensure that all screening officers are sufficiently trained and skilled using the tools and technology involved in the role in light of the fact that the technology is evolving and developing.

Section 12 – Aviation security identification cards

Section 12 specifies requirements relating to the use of identity cards by screening officers for the purpose of subparagraph 94A(b)(i) of the Aviation Act.

Subsection 12(1) provides that a screening officer must be the holder of and properly display an Aviation Security Identification Card (ASIC) while on duty, or as otherwise required by the Aviation Regulations.

The note to section 12 clarifies that **holder**, of an ASIC, has the meaning as defined in regulation 6.01 of the Regulations.

The purpose and effect of the requirement to hold an ASIC is to demonstrate that the holder of an ASIC has undergone appropriate background checking prior to working as a screening officer.

An applicant for an ASIC undergoes a series of background checks as part of the application process, comprising identity confirmation, a criminal history check, a security assessment, and a criminal intelligence assessment. If applicable, an applicant will also undergo a check to ensure they have the right to work in Australia.

Section 13 – Uniforms

Section 13 specifies requirements relating to uniforms for the purpose of subparagraph 94(b)(ii) of the Aviation Act.

The section provides a screening officer must wear a distinctive and recognisable uniform. The phrase ‘distinctive and recognisable’ is not defined in the Determination, the Aviation Act or the Aviation Regulations and should be given its ordinary meaning.

The purpose of this requirement is to ensure that persons performing screening functions are easily identifiable to the public. This provides a safeguard against unlawful interference with aviation.

Part 3 – Record keeping

Section 14 – Record keeping

Section 14 specifies record keeping requirements for screening authorities who engage or employ screening officers.

Subsection 14(1) provides that a screening authority must make an electronic record for each screening officer they engage or employ consisting of the following information:

- the date the screening officer is engaged or employed;
- the qualifications held by a screening officer for section 7 or 8;
- the training undertaken by screening officer for section 9;
- any CPD training undertaken by a screening officers for section 11; and
- the screening officer’s unique ASIC number, the name of the issuing body that issued the ASIC, and when the ASIC ceases to be in effect.

Subsection 14(2) provides that where either section 8 or subsection 9(2) applies to a screening officer, the screening authority must make an electronic record of any evidence relied on to determine that those provisions apply.

The example to subsection 14(2) outlines that the evidence required for the purpose of record keeping may include records of qualifications held or any other information demonstrating that a person was employed or engaged by a maritime entity or other screening authority.

Subsection 14(3) provides that a screening authority must keep records made for the purposes of subsection 14(1) and subsection 14(2) for a minimum of two years after the cessation of the screening officer's employment or engagement, even if the screening authority ceases to be a screening authority during that time.

The purpose of these record-keeping requirements is for screening authorities to be able to demonstrate to compliance officers that they have employed or engaged screening officers who meet the requirements in the Determination. This will also enable the Department to assess the effectiveness of the screening officer legislative framework, in safeguarding against unlawful interference with aviation and preventing the use of aviation in connection with serious crime.

The information collected by screening authorities is protected by the privacy protection framework in the *Privacy Act 1988* (Privacy Act). The collection, storage, use and disclosure of personal information by the Department is undertaken in accordance with the Australian Privacy Principles contained in the Privacy Act.

Schedule 1 - Repeals

Schedule 1 to the Determination repeals the whole of the *Aviation Transport Security (Screening Officer Requirements) Determination 2023*.

ATTACHMENT B

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Aviation Transport Security (Screening Officer Requirements) Determination 2025

This Disallowable Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Disallowable Legislative Instrument

The *Aviation Transport Security Act 2004* (the Aviation Act) establishes a regulatory framework to safeguard against unlawful interference with aviation and to prevent the use of aviation in connection with serious crime. To achieve these purposes, the Aviation Act establishes minimum security requirements for civil aviation in Australia by imposing obligations on persons engaged in civil aviation related activities.

Consistent with these purposes, the *Aviation Transport Security (Screening officer requirements) Determination 2025* (the Determination) determines requirements for specified screening officers.

The Determination is made under section 94A of the Aviation Act. Paragraph 94A(a) provides that the Secretary of Home Affairs may determine, by a legislative instrument, the training and qualification requirements, and any other requirements, for specified screening officers relating to the exercise or performance of a specified power under Division 5 of Part 5 of the Aviation Act, or a specified screening function. Paragraph 94A(b) provides that the Secretary may, by legislative instrument, determine requirements in relation to the use of identity cards or in relation to uniforms for specified screening officers.

The Determination repeals the *Aviation Transport Security (Screening Officer Requirements) Determination 2023* (the 2023 Determination).

The purpose of the Determination is to establish a national standard of competency for all screening officers. In turn, this is intended to strengthen the performance of security screening activities undertaken at Australian security controlled airports and help ensure all screening officers in Australia are equipped to respond to current and emerging threats.

The effect of the Determination is to ensure that all screening officers correctly exercise their powers and perform their screening functions, in accordance with the Aviation Act. Meeting the requirements also ensure screening officers have the knowledge and ability to maintain the Australian aviation security environment in accordance with current international aviation security standards.

This is achieved through the requirement on screening officers to hold or complete relevant training and qualifications requirements.

The Determination generally replicates and maintains all of the requirements included in the 2023 Determination. However, the Determination makes a number of technical amendments to the 2023 Determination, most significantly the removal of previous subsection 9(3). This subsection provided grandfathering provisions to facilitate the introduction of accreditation testing of screening officers and is no longer required. New requirements and processes

related to aviation accreditation testing have been introduced under new section 10 in the Determination.

Requirements for screening officers

Broadly, the Determination sets out the following requirements for all screening officers engaged or employed under the Aviation Act:

- Screening officers must hold either a Certificate II in Transport Security Protection, or a qualification that the Secretary is satisfied will enable the holder to carry out the duties of a screening officer under the Aviation Act;
- Alternative qualification requirements are recognised for persons engaged or employed as a screening officer under the Aviation Act or as a screening officer under the *Maritime Security and Offshore Facilities Act 2003* on or before 16 January 2022 and who did not cease their engagement for a period of more than 24 months on or after 16 June 2020. This facilitates the employment of screening officers in the aviation sector who were previously engaged or employed as a screening officer in the maritime sector.
- Screening officers must complete 40 hours of on-the-job training specific to their role if they were first engaged or employed as a screening officer on or after 1 July 2022, or have been re-engaged or re-employed as a screening officer after a continuous period of absence for more than 24 months (a period of at least 24 months falling on or after 1 July 2022). The determination also recognises the tenure of screening officers who have transitioned from the maritime sector for the purpose of exempting specified persons from the training requirements.
- Screening officers must pass an aviation accreditation test, administered by a person approved by the Secretary and completed using the Department of Home Affairs' ICT systems, before a screening officer may make any independent screening decision in relation to each power or screening function they will exercise or perform. A screening officer must also pass an aviation accreditation test at least once every 12 months for each power or function the screening officer exercises or performs as a screening officer. The non-successful completion of an aviation accreditation test will only prevent a screening officer from exercising powers or performing the functions related to that specific test, and will not prevent a screening officer from exercising powers or performing functions if the screening officer has passed the relevant accreditation test. Screening officers may also retake the relevant test up to three times within a thirty-day (30) period.
- Screening officers must complete 12 hours of continual professional development specific to their role every 12 month after the passing their first aviation accreditation test.
- Screening officers must be the holder of and properly display an Aviation Security Identification Card at all times while on duty or as otherwise required by the Regulations.
- Screening officers must wear a distinctive and recognisable uniform.

Record keeping

The Determination retains the record obligations for screening authorities who engage or employ screening officers. Screening authorities are required to make electronic records of information relating to screening officers engaged or employed by the screening authority relating to, among other things, those officers' training, qualifications and continuing professional development. These records must be kept by the screening authority for two years after the cessation of the screening officer's employment or engagement, even if the screening authority ceases to be a screening authority.

Human rights implications

This Determination does not engage any of the applicable rights or freedoms.

This Determination generally replicates and maintains all existing requirements of the 2023 Determination, and makes a number of technical amendments, including the removal of redundant provisions.

Conclusion

The Disallowable Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

Crystol Fox
Assistant Secretary
Screening and Maritime Security Policy Branch
Cyber and Infrastructure Security Group
Department of Home Affairs