

2016

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

**Transport Security Amendment (Serious
or Organised Crime) Bill 2016**

No. , 2016

(Infrastructure and Regional Development)

**A Bill for an Act to amend the law in relation to
transport security, and for related purposes**

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1 **A Bill for an Act to amend the law in relation to**
2 **transport security, and for related purposes**

3 The Parliament of Australia enacts:

4 **1 Short title**

5 This Act is the *Transport Security Amendment (Serious or*
6 *Organised Crime) Act 2016*.

7 **2 Commencement**

8 (1) Each provision of this Act specified in column 1 of the table
9 commences, or is taken to have commenced, in accordance with
10 column 2 of the table. Any other statement in column 2 has effect
11 according to its terms.
12

Commencement information

Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details

1. The whole of this Act	The day after this Act receives the Royal Assent.	
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1 Note: This table relates only to the provisions of this Act as originally
2 enacted. It will not be amended to deal with any later amendments of
3 this Act.

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

7 **3 Schedules**

8 Legislation that is specified in a Schedule to this Act is amended or
9 repealed as set out in the applicable items in the Schedule
10 concerned, and any other item in a Schedule to this Act has effect
11 according to its terms.

Schedule 1—Amendments

Aviation Transport Security Act 2004

1 Subsection 3(1) (note)

Repeal the note, substitute:

Note: Division 4A of Part 3 and Division 10 of Part 4 have additional purposes (see sections 38AA and 74J).

2 Section 4 (at the end of the paragraph relating to Part 3)

Add “and preventing the use of aviation in connection with serious or organised crime”.

3 Section 27 (after the paragraph relating to Division 4)

Insert:

Regulations under Division 4A will prescribe requirements for the purposes of preventing the use of aviation in connection with serious or organised crime.

4 After Division 4 of Part 3

Insert:

Division 4A—Serious or organised crime

38AA Purpose of this Division

The purpose of this Division is to prevent the use of aviation in connection with serious or organised crime.

38AB Requirements relating to access to areas and zones

- (1) The regulations may, for the purposes of preventing the use of aviation in connection with serious or organised crime, prescribe requirements in relation to areas and zones established under this Part.

- 1 (2) Without limiting the matters that may be dealt with by regulations
2 made under subsection (1), the regulations may deal with the
3 following:
4 (a) access to areas and zones (including conditions of entry, the
5 issue and use of security passes and other identification
6 systems);
7 (b) the security checking (including background checking) of
8 persons who have access to areas and zones.
- 9 (3) Regulations made under this section may prescribe penalties for
10 offences against those regulations. The penalties must not exceed:
11 (a) for an offence committed by an airport operator or an aircraft
12 operator—200 penalty units; or
13 (b) for an offence committed by an aviation industry participant,
14 other than a participant covered by paragraph (a) or (c)—100
15 penalty units; or
16 (c) for an offence committed by an accredited air cargo agent or
17 any other person—50 penalty units.

18 **5 At the end of section 132**

19 Add:

- 20 (8) This Act also has the effect that it would have if its operation were
21 expressly confined to matters incidental to the execution of any of
22 the legislative powers of the Parliament or the executive power of
23 the Commonwealth.

24 ***Maritime Transport and Offshore Facilities Security Act***
25 ***2003***

26 **6 At the end of subsection 3(1)**

27 Add:

28 Note: Division 6 of Part 6 has an additional purpose (see section 113E).

29 **7 Section 101 (after the paragraph relating to Division 5)**

30 Insert:

1
2
3

Division 6 allows regulations to prescribe requirements for the purposes of preventing the use of maritime transport or offshore facilities in connection with serious or organised crime.
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4 **8 After paragraph 105(2)(b)**

5 Insert:

6 (ba) the security checking (including background checking) of
7 persons who have access to port security zones;

8 **9 After paragraph 109(2)(b)**

9 Insert:

10 (ba) the security checking (including background checking) of
11 persons who have access to ship security zones;

12 **10 After paragraph 113(2)(b)**

13 Insert:

14 (ba) the security checking (including background checking) of
15 persons who have access to on-board security zones;

16 **11 After paragraph 113D(2)(b)**

17 Insert:

18 (ba) the security checking (including background checking) of
19 persons who have access to offshore security zones;

20 **12 At the end of Part 6**

21 Add:

22 **Division 6—Serious or organised crime**

23 **113E Purpose of this Division**

24 The purpose of this Division is to prevent the use of maritime
25 transport or offshore facilities in connection with serious or
26 organised crime.

1 **113F Requirements relating to access to zones**

- 2 (1) The regulations may prescribe, for the purposes of preventing the
3 use of maritime transport or offshore facilities in connection with
4 serious or organised crime, requirements relating to:
5 (a) access to zones established under this Part (including
6 conditions of entry, the issue and use of security passes and
7 other identification systems); and
8 (b) the security checking (including background checking) of
9 persons who have access to zones established under this Part.
- 10 (2) Regulations made under this section may prescribe penalties for
11 offences against those regulations. The penalties must not exceed:
12 (a) for an offence committed by a port operator, ship operator,
13 port facility operator or offshore facility operator—200
14 penalty units; or
15 (b) for an offence committed by a maritime industry participant,
16 other than a participant covered by paragraph (a)—100
17 penalty units; or
18 (c) for an offence committed by any other person—50 penalty
19 units.

20 **13 At the end of section 208**

21 Add:

- 22 (9) This Act also has the effect that it would have if its operation were
23 expressly confined to matters incidental to the execution of any of
24 the legislative powers of the Parliament or the executive power of
25 the Commonwealth.