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How the new DOTORS Transport Security Legislation affects you

Q: Do all foreign registered a/c visiting Australia have to have an approved TSP before they will be permitted to enter?

A: Yes if they are a prescribed air service as defined in the Regs:

1.06 Prescribed air services

(1) For the definition of **prescribed air service** in section 9 of the Act, an air service of any of the following kinds is prescribed:

- (a) a regular public transport operation;
- (b) an air service in which a jet is used;
- (c) an air service in which an aircraft with a certificated maximum take-off weight greater than 5 700 kilograms is used.

(2) However, an air service is not taken to be a prescribed air service if the Secretary declares, by instrument in writing, that the air service is not a prescribed air service.

There are also transitional arrangements in place. These establish that if the airline had an Aviation Security program in place and approved under the Air Navigation Act 1920, then these programs are taken to be TSPs for the purposes of the Aviation Transport Security Act 2004 and have effect from 10 March 2005 to 9 March 2007. Holders of transitioned programs have until 9 March 2006 to provide a draft TSP that complies with the new Act and Regulations.

Q: Who is the approval body for the TSP? DOTARS?

A: Yes - DOTARS

Q: If the operator has an equivalent safety programme authorised by say the FAA, is this acceptable to DOTARS?

A: The TSP must comply with the Australian law

Q: How is this to be policed and what penalties are likely to be imposed?

A: The penalties are set out in the Act. Compliance auditing will be undertaken by this Department, through Aviation Security Inspectors.

Q: As a ground handler with responsibility for looking after these aircraft when they are on the ground in our care, could we produce a TSP that would provide blanket coverage for visiting a/c and thus avoid the requirement by individual operators to have a DOTARS approved TSP? As you know, there are thousands of operators in the US.

A: Not that I can see under the regulatory framework in the Act. The requirement is on the operators of the air services to prepare the TSP.

Q: Are US and other foreign registered operators aware of the pending changes and the requirements by them to produce TSPs?

A: Yes - all carriers that currently operate into Australia are aware of the requirements.