



1991

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

SENATE

CRIMES (AVIATION) BILL 1991

SUPPLEMENTARY EXPLANATORY MEMORANDUM

Amendments and New Clauses to be moved on Behalf of the Government

(Circulated by authority of the
Attorney-General,
the Honourable Michael Duffy MP)



OUTLINE

PURPOSE OF AMENDMENTS

These amendments to the *Crimes (Aviation) Bill 1991* are required so that the Bill provides for the power to search certain aircraft, people, luggage and freight. This power, which is currently given in section 26 of the *Crimes (Aircraft) Act 1963*, is an important part of the security network ensuring aviation safety.

FINANCIAL IMPACT STATEMENT

The amendments will incur no additional direct costs to the Commonwealth.

NOTES ON CLAUSES

Clause 3 - Definitions

1. The definition of "authorised person" is amended to include people authorised to carry out searches pursuant to clause 48A.

Clause 48A - Search powers

2. This power, given to the aircraft commander and certain other people authorised by the responsible Minister, is complementary to those given in clauses 33, 34 and 35. The aircraft commander or authorised person may use any appropriate assistance to search the aircraft, passengers, crew, luggage or freight where he or she suspects that an offence against Division 2 or 3 has been, is being, or may be committed on board or in relation to the aircraft. The clause would authorise, for instance, a search of luggage where a credible bomb threat had been made against a particular aircraft, airline, or airport, or where a terrorist who had been restrained claimed that a bomb had been planted on board the aircraft or in a Commonwealth aerodrome. C.f. s26 *Crimes (Aircraft) Act 1963*.

3. The power is far reaching, but very necessary for aircraft safety. It is constrained by the requirement that the relevant person actually entertain a reasonable suspicion before he or she exercises the power.

Clause 53 - Savings and Transitional

4. Subclause (1A) saves existing authorisations made under s26 *Crimes (Aircraft) Act 1963*. This ensures there is no period following the repeal of the current aviation crimes legislation in which there are no people authorised to carry out functions under the Bill.