
Submission to the Senate Legal and Constitutional Affairs Committee

Aviation Transport Security Amendment Bill 2018

3 October 2018

The Transport Workers' Union of Australia

TWU Background

The Transport Workers' Union of Australia (TWU) represents tens of thousands of men and women in Australia's aviation, oil, waste management, gas, road transport, passenger vehicles and freight logistics industries.

With over one hundred years' experience in conducting Australia's freight task, the TWU has been proactive in establishing industry standards that improve the lives and safety of transport workers, their families and the community.

The TWU welcomes the opportunity to contribute to the Committee's inquiry into proposed amendments to the *Aviation Transport Security Amendment Bill 2018*.

Introduction

Safe and secure skies must be the priority of everyone associated with the Australian aviation industry.

A number of serious aviation security issues were set out in the Senate Rural and Regional Affairs and Transport References Committee report into 'Airport and Aviation Security' in 2017.¹ Examples of some of the issues identified in the report included weapons seized at airports, unauthorised individuals accessing secure areas of airports, screenings failing to detect prohibited objects and the contracting out of airport screening services.

Alarming however, the industry continues to have a number of serious vulnerabilities, many linked to the desperate industrial state of the industry. For this reason, as a matter of national security, abundant caution and heavy scrutiny must be exercised before even considering altering any security standards, including transport security programs.

At a time when the Federal Government should be urgently addressing dangerously declining industrial standards across the industry that directly impact safety and security, and requiring airports to take action, amending the *Aviation Transport Security Act* with the intention of easing an administrative burden would appear to be a secondary concern.

State of the aviation workforce: a threat to safety and security

Casualisation and a high turnover of staff are major concerns in the aviation industry. There is an urgent need for the reintroduction of secure, full-time employment into the industry to circumvent the threat that this situation presents.

Australian Bureau of Statistics data shows 126,500 people are employed in the aviation industry.² However forced part-time and casual work has proliferated, replacing once full-time jobs. Understaffing is also prevalent. Workers are increasingly forced to take on a second job, unable to rely on decent conditions of work now or into the future. Indeed a survey of Australian

¹https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Rural_and_Regional_Affairs_and_Transport/AviationSecurity45/Report.

²<http://www.abs.gov.au/ausstats/ABS@Archive.nsf/log?openagent&6291006.xls&6291.0.55.003&Time%20Series%20Spreadsheet&7BC15E4930DE007FCA2582B20018B5CA&0&May%202018&21.06.2018&Latest>.

aviation workers showed that 42% are on part-time hours while 76% said they would not be able to afford to retire at 65.³

The table below illustrates the extent to which full-time jobs have been downgraded in the aviation industry.⁴

Types of employment – ground handling and cabin cleaning contractors with national enterprise agreements

Company	Total Employees	Part-time Employees	Casual Employees	% of Non Full-Time Employees
Dnata*	752	459	4	61.57
Aerocare (Swissport)	2036	1872	147	99.17%
Qantas Ground Services	1666	1436	206	98.56%
Jetstar Services	357	250	0	70.03%
Airline Cleaning Services (Cabin Services Australia)	936	75	841	97.86%
Total	5747	4092	1198	92.05%

* Combined numbers for *dnata Ramp and Cargo Enterprise Agreement 2018* and *dnata Airport Services Pty Ltd Perth International (T1) Airport Enterprise Agreement 2016-2019*.

Insecure work and a high turnover of workers cause serious safety and security issues in the industry.

By way of example, the TWU has for years expressed public concern at the number of aviation workers that are allowed to work with temporary or visitor security passes. This is a direct function of the high turnover rates of workers in an industry that is currently in a 'race to the bottom'. The impact of the turnover - due to low pay and extremely poor working conditions - is that scores of workers may be accessing secure areas of airports on a daily basis without proper security checks or clearances completed.

Further, understaffing and cost-cutting have resulted in a number of serious safety and security breaches over the years. One example of passengers allowed airside to collect their

³ Patty, A., 'TWU survey of aviation workers makes grim reading', The Sydney Morning Herald, 21 October 2015: <https://www.smh.com.au/business/careers/twu-survey-of-aviation-workers-makes-grim-reading-20151021-gkeo68.html>.

⁴ Numbers reported to FWC using F17 forms at most recent application for approval of enterprise agreements.

own baggage at Perth airport in 2017 exposed the dangers associated with a major safety breach that could have resulted in death, injury or damage to other passengers, ground crew or aircraft.⁵ In that instance, a ground handler working for Aerocare was left to unload 600kg of baggage alone, a consequence of deliberate under-staffing.

Aerocare

Aerocare, now owned by Swissport, operates a low-cost model to win contracts from airlines over competitors and is an example of an industry participant business model that manifests into safety and security issues.

Aerocare predominantly employs staff on a 'permanent part-time' basis or as casuals. The company's downward pressure on the industry arises out of an enterprise agreement that was approved in 2012 despite union objections. Examples of rosters and pay slips show split shifts at Aerocare can lead to grueling work patterns, forcing workers to be at the airport for up to 15 hours a day while getting paid for a little as six hours.⁶

Further, in 2017 the media exposed the effects of low pay and split shifts at Aerocare, including video and images of staff forced to sleep at airports.⁷

However, poor conditions for workers are not the only issues at Aerocare. Chronic fatigue and deliberate under-staffing have also led to serious safety and security breaches. For example, records at Sydney airport shows there were 132 injuries reported over a one-year period among an Aerocare staff of 324 workers.

Caution before permitting Secretary-issued transport security programs

Abundant caution and heavy scrutiny must be exercised before considering allowing the Secretary of Home Affairs to give an aviation industry participant a model transport security program (TSP) that sets out the security requirements they must meet. Currently, every industry participant must formulate their own, tailored plans that then must be approved.

The assertion that the costs of preparing TSPs are not proportionate the security benefits for smaller industry participants given their 'lower risk' is dangerous and must carefully examined, as any unlawful interference with civil aviation is an extremely serious matter. Smaller and regional airports are by no means immune from serious security threats, particularly those relating to staffing, with the potential for catastrophic consequences. Smaller airports are also part of the same network that includes our major airports.

It appears that the effects of the Amendment Bill would include the following:

⁵ TWU Media Release, 'TWU warns on flight safety if split shift case succeeds', 23 February 2018: <http://www.twu.com.au/home/campaigns/home-campaigns-aero-care/twu-warns-on-flight-safety-if-split-shift-case-suc/>.

⁶ http://www.twu.com.au/aerocare_shifts/.

⁷ <http://www.abc.net.au/7.30/airport-workers-speak-out-about-poor-work/8371230>.
<https://www.smh.com.au/business/workplace/airport-staff-sleeping-in-third-world-conditions-inside-sydney-airport-20170320-qv20nd.html>.

- Risk assessments not being customised to the operations of industry participants deemed to be at 'lower risk'; and
- Not requiring the preparation of a detailed program regarding how 'lower risk' industry participants would meet their security obligations.

Abundant caution must be exercised in considering this Amendment Bill.

Conclusion

There are clearly many issues throughout the Australian aviation industry that the Federal Government must immediately act on to ensure safe and secure skies. This includes requiring airports to take action to address the current industrial situation.

The current industrial state of the industry has led to serious safety and security vulnerabilities. In the knowledge of these vulnerabilities, and the urgency that they present, the potential winding back of any security measures must be heavily scrutinised.