

## **1. Media Reports**

### **1.1 November 10, 2014**

Seven News Sydney, Brisbane, Melbourne (Video and Print story):

<https://au.news.yahoo.com/a/25476954/serious-security-breaches-at-australian-airports/>

(Transcript supplied in Appendices)

### **1.2 November, 2014** Today Tonight Adelaide, Perth:

<http://www.todaytonightadelaide.com.au/stories/airline-breaches>

(Transcript supplied in Appendices)

### **1.3 July 24, 2014**

Seven News Sydney, Brisbane, Melbourne:

<https://au.news.yahoo.com/investigations/a/24541260/airport-security-warning/>

(Transcript supplied in Appendices)

### **1.4 July, 2014**

Today Tonight Adelaide, Perth:

<http://www.todaytonightadelaide.com.au/stories/airport-security-report>

(Transcripts supplied in Appendices)

### **1.5 August 3, 2010**

“Guns, knives pass flight checkpoints” Courier Mail, by Alison Sandy

<http://www.theaustralian.com.au/travel/news/guns-knives-pass-flight-checkpoints/story-e6frg8ro-1225900321526>

## **2. FOI Documents**

**2.1 Summary:** This part of the submission deals with the FOI documents referenced in the stories aired by Seven News and Today Tonight. These documents are contained in the Appendices of this Submission.

**2.2 Doc 6\_redacted** – Contains reports of 282 security breaches at Australian airports between January 2013 and April 2014.

**2.3 Weapons seized by Airport Security** - Contains photographs of prohibited items and weapons recovered at Airports.

### **2.4 FOI Appeal Decision**

- FOI 14-90 - internal review - signed decision\_Redacted – Contains the review of the Seven News FOI application and the decision to allow the release of further documents.
- In particular, the Review notes that some airports have ceased reporting security breaches to the Department because Seven News requested information on them:

<p>118. In relation to 116(b) above, I note that some of the AIPs have already ceased voluntary reporting to the Department on aviation security incidents due to this FOI request, and therefore similar information may not be obtained in the future.</p>
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### **3. Response from Government:**

Reporter Bryan Seymour made repeated requests for comment to the Minister for Infrastructure and Regional Development, Mr. Warren Truss, Deputy Prime Minister. Mr Truss declined to comment on camera or in writing.

Finally, after the story aired on November 10, Mr. Truss's Department did respond with the email below in response to questions.

Critically, this email contains the following sentence: **"The fact that there have been no major security incidents in Australia to date is also evidence that strong arrangements are in place..."**.

This ignores the likely reality that there has been no major security incident because no-one has decided to attack an airport. It also seems to suggest that it will be necessary to consider the security in Australia's airports only after a catastrophic incident occurs.

**From:**

**Sent:** Tuesday, 11 November 2014 2:04 PM

**To:** Seymour, Bryan

**Subject:** RE: Seven News - Questions [SEC=UNCLASSIFIED]

Here you go mate. From a spokesman...

How concerned is Mr Truss by the 282 Security Breaches at Australian Airports identified by the Dept of Infrastructure and Regional Development?

- Providing the Australian public with safe and secure air travel is an Australian Government priority.
- The fact that these incidents were detected and reported demonstrates that aviation security is taken very seriously by both Government and industry in Australia.
- It is unfortunate that these incidents occurred, however they must be considered in the context of the significant numbers of passengers that travel daily through our Australian airports.
- To put this in perspective, in 2013/14, 4.8 million people travelled on a domestic flight per month or 57.6 million per annum. In addition, 2.6 million people travelled per month or 31.2 million per annum on an international flight either to or from Australia.
- The fact that there have been no major security incidents in Australia to date is also evidence that strong arrangements are in place at Australian airports to detect, prevent and respond to acts of terrorism and other acts of unlawful interference with aviation.

What action is Mr Truss taking to address these concerns?

- The Government operates a system of continuous monitoring and review of aviation security.

- All incidents are reviewed by the Department of Infrastructure and Regional Development and, where necessary, follow up action is taken.
- In the case of the incidents included in the FOI release, action was taken at the time of the incident to identify the cause of any system failure and, where appropriate, implement measures to remedy the situation.

How safe are Australians and visitors travelling by air?

- Australia has one of the safest aviation records in the world. In 2013/14 alone the industry experienced approximately 88 million passenger movements into, out of and around the country without a single major security incident.

Senator Xenophon has committed to a Senate Inquiry into these security breaches... does Mr Truss support this and why?

- Australia's aviation security framework is under continuous review to ensure that the system addresses potential risks, and remains responsive to changing threats to the Australian aviation industry.

## **Submission by**

Bryan Seymour  
Reporter  
Seven Network (Australia)

## **Inquiry into airport and aviation security**

Rural and Regional Affairs and Transport References  
Committee

### **Appendices:**

- Transcript Seven news story November 10, 2014
- Transcript Today Tonight story, November 10, 2014
- Transcript Seven News story July 24, 2014
- Transcript Today Tonight story July, 2014
- Article - "Guns, knives pass flight checkpoints" The Courier Mail, August 3, 2010
- Doc 6\_redacted
- Weapons Seized by Airport Security
- FOI 14-90 - internal review - signed decision\_Redacted



**Airport Security – Seven News  
Broadcast – November 10, 2014  
Reporter Bryan Seymour**

**Announcer: “As we know - security is now as important as aircraft safety- when we fly. But we have disturbing evidence for you on how easy it is to get access to secure areas at Sydney airport - even the tarmac. A Seven News investigation revealing that one person even posted the security code to unlock the cockpit on social media. While others brought guns, knives, pepper spray and even Tasers on board with them.”**

**Reporter: “It is another busy day at a major airport. We stand in line watched, scanned and searched and think we're safe.”**

**Geoffrey Thomas / Aviation Expert: “We have possibly kidded ourselves that we have very secure airports because clearly they're not.”**

**Reporter: “Using Freedom of Information laws, Seven News has obtained documents and photos from the Department of Trade and Infrastructure, which oversees Australia's airports.”**

**Reporter: “They detail 282 security breaches between January 2012 and April 2014.”**

**Geoffrey Thomas / Aviation Expert: “This is a staggering revelation, I've never seen a list like this and it's deeply disturbing that this is happening in Australia.”**

**Reporter: “This gun arrived on an international flight in December 2012... it was in the passenger's hand luggage when he transferred to a domestic flight. Undetected... he surrendered it to police days later.”**

**Reporter: “On another flight, this taser was found in an overhead locker by the cabin crew. More Tasers were confiscated from passengers arriving from overseas.”**

**Reporter: “These garden shears were found in a seat pocket earlier this year. Scanner failure allowed one man to take his archery bow into the terminal.”**

**Reporter: “These are some of the 115 weapons that made it through security. And most of these were only discovered after the passengers realised they were carrying them and alerted airport staff. Otherwise, there's no way of knowing how many knives, pepper spray, guns, ammunition and Tasers actually make it on board. Then, there are the hundreds of security breaches in the terminals and on tarmacs.”**

**Reporter: "One employee, after they resigned, used an Airport Security Identification Card 50 times to access secure areas."**

**Reporter: "Dozens jumped, crashed through and cut their way into security perimeter fencing, making it to the tarmac and hangars."**

**Reporter: "Incredibly, someone procured the security pin code for the Cockpit of a passenger plane which they then posted on Facebook."**

**Geoffrey Thomas / Aviation Expert: "You've got the security code you can get in there, you can take over the airplane. That is extremely dangerous."**

**Reporter: Some of the breaches were discovered at Customs... after passengers had flown thousands of kilometres carrying weapons to Australia.**

**Nick Xenophon / Independent Senator: "If the Government doesn't give a satisfactory explanation to the people of Australia on this, there will need to be a Senate Inquiry and I'll be pushing very hard for that to occur."**

**Reporter: "Making airports safe is a mammoth undertaking. More than five million passengers pass through domestic airports each year plus nearly three million international flyers."**

**Geoffrey Thomas / Aviation Expert: "I sincerely hope that this report, this revelation, will be a wake up call to authorities that their fool proof system is not fool-proof."**

**Reporter: "Bryan Seymour, Seven News."**



**Airport Security – Today Tonight**  
**Broadcast – November 10, 2014**  
**Reporter Bryan Seymour**

**Announcer: “Guns, knives, pepper spray, even tasers are just some of the weapons making it on board Australian flights. Seven News has obtained evidence of hundreds of security breaches. They also reveal how easily people can gain access to secure areas, even the tarmac. One person posted the security pin code for a plane's cockpit on social media. Bryan Seymour has our Exclusive Investigation.”**

**Geoffrey Thomas/Aviation Expert: “You could unleash a tragedy.”**

**Senator Nick Xenophon: “I think it’s absolutely critical that the Australian public is assured that everything is being done to make sure Australians are safe when they get on a plane.”**

**Reporter: It is another busy day at a major airport; we stand in line watched, scanned, searched and think we're safe.**

**Geoffrey Thomas/Aviation Expert: “This is a staggering revelation, I've never seen a list like this and it’s deeply disturbing that this is happening in Australia where we have possibly kidded ourselves that we have very secure airports because clearly they're not.”**

**Reporter: “Using Freedom of Information laws, Seven News has obtained documents and photos from the Department of Trade and Infrastructure, which oversees Australia's airports.”**

**Reporter: “They detail 282 security breaches between January 2012 and April 2014.”**

**Reporter: “This gun arrived on an international flight in December 2012... it was in the passenger’s hand luggage when he transferred to a domestic flight. Undetected, he surrendered it to police days later.”**

**Reporter: “On another flight, this taser was found in an overhead locker by the cabin crew. More tasers were confiscated from passengers arriving from overseas.”**

**Reporter: “These garden shears were found in a seat pocket earlier this year.”**

**Reporter: “Scanner failure allowed one man to take his archery bow into the terminal.”**

**Reporter: "These are like some of the 115 weapons that made it through security. "**

**Reporter: "And most of these were only discovered after the passengers carrying them, handed them in. It's impossible to know how many guns, knives, cans of pepper spray and tasers actually make it on board. Then there are the hundreds of security breaches in terminals and on tarmacs."**

**Reporter: "One employee, after they resigned, used an Airport Security Identification Card 50 times to access secure areas."**

**Reporter: "Dozens jumped, crashed through and cut their way into security perimeter fencing... making it to the tarmac and hangars."**

**Geoffrey Thomas/Aviation Expert: "Look it is very disturbing indeed that these people are getting access to the tarmac."**

**Reporter: "Aviation expert Geoffrey Thomas was stunned by the number and type of security breaches. He says it will take more than stronger perimeter fences to secure our airports."**

**Geoffrey Thomas/Aviation Expert: "Unfortunately this is a reflection of society. It's very disturbing, very troubling, and again it's something that our authorities have got to look far more carefully at, to make our system far more robust than it is at the moment."**

**Reporter: "Several parked cars were found at airports with explosive material... one with pipes connected by wires to a mobile phone."**

**Reporter: "Perhaps the most extraordinary security breach came when someone procured the security pin code for the Cockpit of a passenger plane which they then posted on Facebook."**

**Geoffrey Thomas/Aviation Expert: "You've got the security code you can get in there, you can take over the airplane. That is extremely dangerous."**

**Reporter: "Some of the breaches were discovered at Customs... after passengers had flown thousands of miles carrying weapons to Australia."**

**Reporter: "Many sharp blades made it onto planes; from razor blades to small and large knives and lots of box cutters."**

**Senator Nick Xenophon: "When you consider box cutters were the weapon of choice for the terrorists on 911 then that has pretty chilling implications."**

**Reporter: "After reviewing the documents we obtained, independent Senator Nick Xenophon said urgent action must and will be taken."**

**Senator Nick Xenophon: "If the Government doesn't give a satisfactory explanation to the people of Australia on this, there will need to be a Senate Inquiry and I'll be pushing very hard for that to occur."**

**Reporter: "Making airports safe is a mammoth undertaking. Over five million passengers pass through our domestic airports each year... plus nearly three million international flyers."**

**Geoffrey Thomas/Aviation Expert: "I sincerely hope that this report, this revelation, will be a wake up call to authorities that their fool proof system is not fool-proof."**

**Announcer: And the Acting Prime Minister, Warren Truss, who is also the Minister responsible for airports, declined to comment on these Security breaches.**



**Airport Security Gaps – Seven News**

**Broadcast July 24, 2014**

**Reporter Bryan Seymour**

**Announcer:**

**There are calls for the Federal Government to act swiftly to fix security holes at our airports. A Seven News investigation has uncovered security gaps leaving terminals and planes vulnerable to attack. Bryan Seymour has this exclusive report.**

**Reporter: "Whether it's the new toothpaste bomb, weapons passengers try to take on board or the stunning lack of basic security, Australia's airports are distressingly vulnerable."**

**Reporter: "That's what a tube of toothpaste can do to a passenger vehicle."**

**Reporter: "This demonstration under controlled conditions in the UK... shows how real the threat is. Alarming, we've discovered conventional threats are the most immediate danger facing passengers and planes."**

**Roger Henning / Homeland Security Asia Pacific: "There's gaping holes on all Australian airports, they're all vulnerable, they're all designated places of mass-gathering requiring greater levels of security."**

**Reporter: "This is the Jetstar / Qantas terminal at Melbourne airport."**

**Reporter: "The entrance is clearly designed to allow airport vehicles to drive straight into the departure area - there are no bollards or barriers to stop anyone else."**

**Roger Henning / Homeland Security Asia Pacific: "Just put the IED into a car or a taxi and drive it straight into the terminal."**

**Reporter: "Here you can see fuel jerry cans on the tarmac at Canberra airport... directly beneath an air bridge full of passengers."**

**Nick Xenophon / Independent Senator: "It's almost an invitation for people with evil intent to cause harm to Australians."**

**Reporter: "Seven News has obtained these pictures under Freedom of Information from the Department of Infrastructure... showing items spotted and seized by airport security."**

**Reporter: "These are the weapons that were spotted and taken."**

**Reporter: "Even here at Australia's busiest airport the only thing barring an extremist from gaining access to the runways for Sydney's domestic and international terminals is this rusty chain and this wire fence, even though there's relatively cheap and effective solution."**

**Roger Henning / Homeland Security Asia Pacific: "(Reporter: What could stop it?) A moat, a concrete barrier or best of all a trench filled with gravel because even a truck will sink in it and it will stop it there."**

**Reporter: "A Brisbane woman showed, two weeks ago, how easy it is She drove straight through the wire fence... it took security teams more than five minutes to detain her."**

**Nick Xenophon / Independent Senator: "If this isn't fixed by the time Parliament gets back in late August then I'll be pushing for an urgent senate Inquiry into airport security."**

**Reporter: "Hopefully these security holes will be closed... and not a moment too soon."**

**Reporter: "Bryan Seymour, Seven News."**

**Announcer: "And we did approach Deputy Prime Minister Warren Truss for a comment, we are yet to receive a reply."**



**Airport Security Gaps – Today Tonight**  
**Broadcast July 24, 2014**  
**Reporter Bryan Seymour**

**Announcer: "There are calls for the Federal Government to act swiftly to fix security holes at our airports. Almost anyone with a family car can crash through onto the tarmac, as we saw here in 2010. Now a Today Tonight investigation has uncovered security gaps leaving terminals and planes vulnerable to attack. Bryan Seymour has this exclusive report."**

**Reporter: "Whether it's the new toothpaste bomb weapons passengers try to take on board - and the stunning lack of basic security; Australia's airports are distressingly vulnerable."**

**Reporter: "That's what a tube of toothpaste can do to a passenger vehicle."**

**Reporter: "CNN commissioned this demonstration under controlled conditions in the UK... to show how real the threat is."**

**Sidney Alford/Bomb Expert (CNN): "I wouldn't like to be in an airplane in which that exploded, not even a big one."**

**Reporter: Constructed with material invisible to airport screening... this is the newest weapon terrorists are making, according to US Intelligence.**

**Reporter: "Alarmingly, we've discovered conventional threats are the most immediate danger facing passengers and planes."**

**Roger Henning / Homeland Security Asia Pacific: "There's gaping holes on all Australian airports, they're all vulnerable, they're all designated places of mass-gathering requiring greater levels of security."**

**Reporter: This is the Jetstar / Qantas terminal at Melbourne's Tullamarine airport."**

**Reporter: "The entrance is clearly designed to allow airport vehicles to drive straight into the departure area - there are no bollards or barriers to stop anyone else."**

**Roger Henning / Homeland Security Asia Pacific: "If any Australian-born or Australian-based, home-grown terrorist wanted to blow up Tullamarine they can do it any day of the week... just put the IED into a car or a taxi and drive it straight into the terminal."**

**Nick Xenophon / Independent Senator: "This would be laughable if it wasn't so serious."**

**Reporter: "Federal independent Senator Nick Xenophon has long argued our major airports are effectively sitting ducks."**

**Nick Xenophon / Independent Senator: "It's almost an invitation for people with evil intent to cause harm to Australians."**

**Reporter: Here you can see fuel jerry cans on the tarmac at Canberra airport... directly beneath an air bridge full of passengers."**

**Nick Xenophon / Independent Senator: "These issues can be fixed, relatively simply, relatively cheaply, and the cost of doing so is miniscule when you compare the cost of something going wrong."**

**Reporter: "Today Tonight has obtained these pictures under Freedom of Information from the Department of Infrastructure... showing items spotted and seized by airport security."**

**Reporter: "Why would anyone want to take this knife or this gun on board a passenger plane?"**

**Reporter: "Surely an attack at a terminal or in the air couldn't... wouldn't happen here?"**

**Reporter: "Even here at Australia's busiest airport the only thing barring an extremist from gaining access to the runways for Sydney's domestic and international terminals is this rusty chain and this wire fence, even though there's relatively cheap and effective solution."**

**Reporter: "Here at Adelaide airport... a man in stolen Camry in 2010 crashed into safety barriers and made it onto the tarmac before being apprehended."**

**Roger Henning / Homeland Security Asia Pacific: "(Reporter: What could stop it?) A moat, a concrete barrier or best of all a trench filled with gravel because even a truck will sink in it and it will stop it there."**

**Reporter: "A Brisbane woman showed, two weeks ago, how easy it is. She drove straight through the wire fence... it took security teams more than five minutes to detain her."**

**Reporter: "Brisbane is now upgrading its 14 kilometres of perimeter fencing at a cost of \$4million."**



**Tony Sheldon / TWU National Secretary: "Our airports are a sitting duck for terrorism and criminal activity."**

**Reporter: "Perhaps those most at risk are the ones who most often go to our airports, the employees."**

**Reporter: "National Secretary of the Transport Workers Union Tony Sheldon has 51,000 members working at airports but many private, contracted security staff are wandering free without any checks."**

**Tony Sheldon / TWU National Secretary: "They should be requiring that no-one going into security areas, airside areas, unless they have a security check by ASIO and the Federal Police... other countries do it and this government has failed to act as previous governments have failed to act"**

**Reporter: "Another recent, stunning security breach came in February, when convicted terrorist Khaled Sharrouf used his brother's passport to slip Sydney Airport Security and go to Syria... despite being on watch lists and under 24 hour surveillance."**

**Nick Xenophon / Independent Senator: "This is something that must be fixed as a matter of urgency, if this isn't fixed by the time Parliament gets back in late August then I'll be pushing for an urgent Senate Inquiry into airport security."**

**Reporter: "Hopefully these security holes will be closed... and not a moment too soon."**

**Roger Henning / Homeland Security Asia Pacific: "Until the Australian public decides that this is ridiculous, that there isn't any reason for these gaping holes to exist, nothing will happen."**

**Announcer: "And we did approach Deputy Prime Minister Warren Truss for a comment or a response, so far, we have heard nothing back."**

# Guns, knives pass flight checkpoints

- *By Alison Sandy*
- From: *The Courier-Mail*
- August 03, 2010 1:51 AM

**PASSENGERS are carrying weapons and explosive material on to Australian flights as new figures reveal almost 180 major security breaches at airports in the past year.**

More than half of the weapons discovered, including knives, exotic weaponry, ammunition, a butane torch, and box cutters - which were used by the terrorists in the 9/11 hijacking - were missed at the regular screening points.

An air rifle was also found in checked baggage and there were four instances where dangerous devices were found on outbound Brisbane flights or in "sterile" areas, according to Department of Transport documents obtained by *The Courier-Mail*.

Brisbane Airport had the third-highest level of major security breaches in the nation with 15 - equal with Melbourne and behind Sydney, which had 72, and Perth on 28.

Gold Coast had the most of any regional airport with seven, followed by Cairns with six.

Federal Opposition Transport spokesman Warren Truss accused the government of "dropping the ball" on aviation security.

"There's been a complacency starting to develop within the checking system at airports and we need to be constantly vigilant," he said.

"I'm particularly concerned how they've dropped the ball on customs and quarantine (and) think it's a tragedy we are now putting at risk the travelling public."

Transport Minister Anthony Albanese played down the figures after announcing earlier this year that security would be relaxed to allow "low-risk items", such as knitting needles and nail scissors.

"This data shows the number of times that prohibited items have been identified and action taken to keep our airports secure," he said.

But he said \$200 million would be spent strengthening the nation's aviation networks, including investment in more sniffer dogs and better passenger and baggage screening.

Brisbane Airport Corporation managing director Julieanne Alroe wouldn't be interviewed, but a spokesman said their security systems complied with national guidelines.

"We handled nearly 20 million passengers in the year in question," corporate communications director Jim Carden said.

Gold Coast Airport said management was constantly trying to tighten security to prevent incidents.

"It's constantly monitored . . . and we review with the security contractors and look at training and re-training," corporate affairs general manager Elissa Keenan said.

A Virgin Blue spokesman said the figures showed the robustness and the validation of the screening process and procedures that were in place.

The highest-profile case of taking dangerous goods on to an aircraft involved Victoria's police chief who carried bullets on board a Qantas flight in March this year.

Chief Commissioner Simon Overland violated two federal aviation regulations when he carried the live ammunition on to a flight to Canberra from Melbourne.

However instead of facing the maximum seven-year jail term and \$110,000 fine, Mr Overland was told he would be given a letter of reprimand.



**Submission by**

Bryan Seymour  
Reporter  
Seven Network (Australia)

**Inquiry into airport and aviation security**

Rural and Regional Affairs and Transport References  
Committee

**Doc 6\_redacted**

## Released Documents

### Aviation Incidents

Subject	Date of Incident	Location	Summary
Sterile area breach	01/2012		Visitor accessed Quarantine and International baggage claim. No deliberate act to commit any offence.
Weapon in a sterile area	/01/2012		Passenger detected with an archery bow. Due to screener failure.
Sterile area breach	/01/2012		A passenger was observed exiting the sterile area and re-entering via the exit race. The sterile area was evacuated and re-established.
Sterile area breach	/02/2012		44 passengers from unscreened flight offloaded into T2 sterile area. Assessed as low risk and no evacuation
Communication of threat against an aircraft	/02/2012		A note stating that there was a bomb under a seat was found in a magazine on-board an aircraft prior to departure. Passengers were deplaned and the aircraft was searched. No suspicious items were found.
Prohibited item in a sterile area	/02/2012		Female detected at screening point with a cricket bat and stumps she had earlier passed through screening with.
Prohibited item on-board aircraft	02/2012		Male surrendered a Swiss army knife during flight. Please refer to Annex A for photographs
Weapon on-board aircraft	/02/2012		Cabin Crew doing final departure checks found a Taser in an overhead locker. Owner and origin unknown. Please refer to Annex A for photographs
Prohibited item on-board aircraft	/02/2012		A box cutter was found on a seat of an aircraft after the passengers deplaned.
Prohibited item detected at screening point	/02/2012		Three screwdrivers were handed to staff in an airline lounge. The lounge was evacuated and all passengers were re-screened.
Sterile area breach	/02/2012		An x-ray screening machine that had failed pre-operation testing was used to

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		screen passengers. When the fault was detected the sterile area was evacuated.
Prohibited item in a sterile area	■/02/2012	Screening guards selected the wrong bag to search allowing a bag containing prohibited items to enter the sterile area. The sterile area was evacuated and all passengers were re-screened.
Prohibited item in sterile area	■/02/2012	Passenger surrendered a 3 inch paring knife that had not been detected at screening earlier.
Sterile area breach	■/03/2012	A teenager was selected for ETD. Their father said they were 13 and should not be tested. The screener allowed the youth entry unscreened.
Weapon in sterile area	■03/2012	Leatherman detected on passenger at screening. Claimed he had gone through screening earlier that day with it. CCTV confirmed and screener stood down. Please refer to Annex A for photographs
Prohibited item on-board aircraft	■/03/2012	Passenger seen using a knife during flight. Item surrendered to crew. All passengers were rescreened. Aircraft searched and cleared.
Failure to detect prohibited item at screening point	■/03/2012	Female exited sterile area to Customs. When rescreened small pocket knife was detected carryon that was missed at screening earlier.
Weapon on-board aircraft	■/03/2012	Three live rounds were found on aircraft during cleaning. Flight was unscreened from a regional airport.
Weapon in sterile area	■/03/2012	Male seen by cabin crew in aerobridge with knife in carry-on. Item surrendered Please refer to Annex A for photographs
Prohibited item on board aircraft	■4/2012	Passenger seen with scissors. Item surrendered to cabin crew.
Sterile area breach	■/04/2012	Male surrendered four spent cartridge cases and two spent shotgun shells that had been missed at screening earlier.
Prohibited item in sterile area	■/04/2012	Male surrendered a razor blade that had been missed at screening earlier. Please refer to Annex A for photographs



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Prohibited items on-board aircraft	/04/2012	Cabin Crew doing final departure checks found a box in overhead locker with box cutter, seam ripper and other sharps left by maintenance staff.
Weapon in a sterile area	/04/2012	Male surrendered a live bullet that had been missed at screening earlier.
Prohibited item in sterile area	/04/2012	Person surrendered scissors that had been missed at screening earlier. Please refer to Annex A for photographs
Disruptive person on aircraft	/04/2012	Male aggressive and violent on board. Restrained and arrested on arrival.
Unauthorised access – ASZ/SRA	/04/2012	A drunk male broke emergency glass and went airside on tarmac via aerobridge. Charged by police.
Prohibited item in sterile area	/04/2012	Male had fishing rod in carry on at screening but wrong bag put aside. Found in sterile area and returned to screening. Item surrendered.
Prohibited item in sterile area	/04/2012	Male surrendered a pocket knife that had been missed at screening earlier.
Other (Public display of sensitive cockpit emergency access codes)	04/2012	Emergency access codes to unlock an airline cockpit door were found posted on Facebook. Codes were not changed SOPs used to manage.
Failure to detect a prohibited item at screening point	/04/2012	A passenger who was screened into the terminal left the terminal. The passenger was rescreened into the terminal and a pair of scissors that was missed the first time was detected.
Sterile area breach	/05/2012	Bus load of passengers entered the sterile area in error. Evacuation and rescreening. 10 flights delayed.
Sterile area breach	05/2012	An aircraft disembarked passengers into sterile area. Evacuation and rescreening. No flight delays.
Weapon on board aircraft	/05/2012	A crew member found a live .45 calibre bullet on aircraft floor after landing. All passengers rescreened and K9 search conducted.
Sterile area breach	/05/2012	Several passengers forced a door after disembarking. Only some gates of lounge were evacuated and rescreened. Two

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		flights delayed and hour.
Sterile area breach	█/05/2012	An airline staff member escorted a transit passenger to departure unscreened. No evacuation.
Prohibited item in a sterile area	█/05/2012	Wrong bag put aside when scissors detected at screening. Passenger found, re-screened, item surrendered.
Failure of staff protocol/procedure	█/05/2012	During screening the ETD machine was unmanned. Evacuation of sterile area and rescreening of passengers undertaken, one flight delayed.
Sterile area breach	█/05/2012	Airline staff seen passing a jacket airside to the landside. Evacuation and rescreening. No flight delays.
Unauthorised access – ASZ/SRA	█/05/2012	Late for flight a male broke glass and went airside to tarmac via aerobridge. Flight gone and male to attend court.
Prohibited item in a sterile area	█/05/2012	Male surrendered a Swiss army knife to ground crew while boarding that had been missed at screening.
Criminal activity	█/05/2012	A stolen vehicle with four possibly armed POIs was pursued by █ into car park. They ran into T2. After their arrest and no weapons found a search was conducted, nothing found.
Communication of threat against an airport	█/05/2012	Phoned bomb threat from a male stating a bomb at airport. Search found nothing. Declared a hoax.
Communication of threat against an aircraft	█05/2012	Cabin crew in flight found a beer can with word “bomb” on it in trolley. Flight landed and went to a stand-off bay. Passengers interviewed. Media.
Prohibited item on-board aircraft	█05/2012	Female found box cutter in carry on during flight and surrendered to crew. Item missed at screening at two airports.
Sterile area breach	█/05/2012	A passenger entered the sterile area through the anti-pass back doors. Passenger removed from sterile area.
Weapon on-board aircraft	█/05/2012	Cleaners found a bullet in overhead locker on aircraft which was searched and nothing else found.



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Weapon on-board aircraft	05/2012		Male arrived on flight found with two firearm magazines and two bullets in carry on at transit screening. Items surrendered and rescreened Please refer to Annex A for photographs
Disruptive Person on aircraft	/06/2012		Drunk female on flight restrained after assaulting another passenger and crew. Flight returned, met, person arrested. Flight delayed two hours.
Unauthorised access - ASZ/SRA	/06/2012		Two persons breached airside to tarmac. Viewed on CCTV at all times. Located and returned for rescreening.
Sterile area breach	/06/2012		Positive ETD on male, walked off when left unattended. CCTV located him, rescreened and cleared. Areas accessed searched and cleared by AFP. One flight delayed.
Prohibited item in a sterile area	/06/2012		Pocket knife detected at screening but carry on handed back before clearance. Screeners located female at food court. Rescreened and interviewed.
Suspicious item in terminal	/06/2012		Suspicious checked baggage at CBS screening. Owner not found at first and evacuation and rescreening occurred. Owner found and attended CBS where a massage pillow with wires was found and cleared. Five flights delayed.
Sterile area breach	/06/2012		Screening detected manicure scissors and multipurpose tool in carry on but owner collected before items cleared. CCTV identified wrong person and later confirmed owner boarded and departed. Flight disembarked to landside after landing at destination.
Weapon in airside area	06/2012		Airline staff found a single .22 bullet on an airside outbound baggage carousel.
Sterile area breach	/06/2012		Male entered the sterile area via exit doors. Located and rescreened but CCTV did not track movements. Evacuated and re-screened. Security swept and cleared. Minor flight delays.
Other suspicious item	4/07/2012	Sydney	Hire car found in car park with two pipes with a mobile phone attached in glove box. AFP called in NSW Police Bomb

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		Squad. No flight delays.
Suspicious item on-board aircraft	/07/2012	AFP attended aircraft for a suspect package. Item cleared and aircraft returned to service.
Weapon in a sterile area	/07/2012	LAGs screeners found flick knife in carry on missed at main screening.
Prohibited item in sterile area	/07/2012	Female found missed box cutter after clearing screening. Item surrendered to airline staff. Rescreened and cleared. Screener stood down for retraining.
Sterile area breach	/07/2012	ETD screening was incomplete on male who was allowed to depart and board his overseas flight. Flight returned to blocks. Male rescreened and cleared. Minor delay to flight. No evacuation.
Prohibited item in sterile area	/07/2012	Handcuffs in carry on initially missed at screening but then noted after owner entered. Person found in sterile area and returned for re-screening. Items surrendered. No flights delayed.
Failure of staff protocol/procedure	/07/2012	A late passenger's checked luggage was not screened and wrongly loaded on flight which departed.
Sterile area breach	/07/2012	A female leaving the sterile area held door open. Unknown male entered and went to toilets. Another male exited the toilets and proceeded to board a flight. All on board offloaded, sterile area evacuated and rescreened. Flight delayed 10 minutes.
Sterile area breach	/07/2012	Two males broke glass alarm and left sterile area for landside then re-entered via same door. A half hour later they boarded and departed. Evacuation and rescreen of sterile area. Several flights delayed an hour or more.
Sterile area breach	/07/2012	Male surrendered a Swiss army knife to ground crew while boarding that had been missed at screening. Screener stood down for retraining.
Communication of threat against an airport	/07/2012	Male made phone threat to the Airservices Noise Complaint Unit.
Communication of threat against an	/07/2012	Female made a phone bomb threat against domestic flight. Passengers



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aircraft		offloaded. Aircraft searched, cleared and passengers rescreened. Checked baggage not offloaded. POI arrested and hoax declared.
Weapon on-board aircraft	█/07/2012	Cleaners found spent .22 cartridge case on aircraft from overseas. Aircraft swept and cleared.
Weapon on-board aircraft	█/07/2012	Passenger detected at Customs transit screening with an empty cartridge case. Item surrendered.
Communication of threat against an airport	█/07/2012	Airservices Noise Complaint Unit received a threat against airport.
Communication of threat against an airport	█/07/2012	█ received bomb threat call. Deemed 'non-specific' and later declared a hoax. No flight delays.
Prohibited item in sterile area	█07/2012	Airline staff found box cutter at departure gate. CCTV reviewed. No evacuation or flight delays.  Please refer to Annex A for photographs
Prohibited item on board aircraft	█/07/2012	Female surrendered a Stanley Knife missed at screening to cabin crew during flight.
Prohibited item in sterile area	█/07/2012	Small tool kit detected at screening was missed at an earlier screening. CCTV confirmed and screener stood down for retraining.
Prohibited item in a sterile area	█/07/2012	Knife found in sterile area by ground staff at departure gate. CCTV footage reviewed.  Please refer to Annex A for photographs
Communication of threat against an aircraft	█/07/2012	Non-specific threat by phone to airport. Three flights delayed. Declared a hoax.
Sterile area breach	█/07/2012	General Aviation pilot entered unscreened from the airside apron to depart airport during RPT operations. Evacuated, cleared and rescreened sterile area and aircraft. No flight delays. Nothing found.
Failure of staff protocol/procedure	█/08/2012	Departure gate left open after flight departed. CCTV revealed that staff entered the sterile area unscreened



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Sterile area breach	/08/2012	Passenger alarmed WTM detector and asked to stay for further screening, then boarded flight without all required extra screening. Flight offloaded, swept and all evacuated and rescreened. Two flights delayed. Media attention.
Failure to detect weapon at screening point	08/2012	Male detected at screening with pocketknife and said item missed during screening on previous flight. Item surrendered.
Failure to detect prohibited item at screening point	/08/2012	Male detected at screening with pocketknife and said item missed during screening on an earlier flight. Item surrendered.
Security system failure	/08/2012	A bottle of liquid was detected in baggage at the main screening point. The wrong bag was selected for inspection and the bag containing the bottle entered the sterile area. The passenger was found in the sterile area and the item was surrendered.
Prohibited item in sterile area,	/08/2012	Male with scissors initially missed during screening and entered. Image and CCTV reviewed. Male located, rescreened and item surrendered.
Screening refusal	/08/2012	Male underwent ETD but ran into sterile area before results. Security followed and escorted back, rescreened, cleared and departed screening.
Unauthorised access ASZ/SRA	/08/2012	Male jumped outer perimeter fence but was caught before clearing second fence and entering airside security zone.
Prohibited item in sterile area	/08/2012	Craft scissors detected in carry on but wrong bag put aside. Owner entered the sterile area with item. X-ray images and CCTV could not locate them.
Sterile area breach	/08/2012	Female selected for ETD was abusive and slapped screener and entered sterile area. Followed, escorted back to screening, rescreened, cleared, let go.
Weapon on-board aircraft	/08/2012	Two passengers from overseas found with two Tasers in carry-on. Items seized by Customs who may charge.  Please refer to Annex A for photographs

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Prohibited item on-board aircraft	/09/2012		Male surrendered pocket knife missed at screening to cabin crew mid-flight.
Prohibited item in a sterile area	/09/2012		Screeners noted a male entered with pocket knife. Found, rescreened, and item placed in checked bag.
Prohibited item in a sterile area	/09/2012		Pilot at transit screening detected with Leatherman tool but entered sterile area. Located and returned for rescreening. Item placed in checked luggage, pilot rescreened and cleared.
Sterile area breach	/09/2012		A passenger was observed by another passenger bypassing screening to enter the sterile area.
Unauthorised access - ASZ/SRA	/09/2012		A female was observed airside climbing the Aerodrome Boundary Fence.
Failure to detect a prohibited item at screening point	/09/2012		Knives were surrendered to airline staff in the sterile area. The sterile area was evacuated.
Prohibited item in a sterile area	/09/2012		A pair of scissors was detected at secondary screening for a departing international flight. The Scissors were not detected at primary screening.
Weapon in a sterile area	10/2012		Two males in OMCG clothing were seen wearing knuckle duster jewellery. Items surrendered and both charged. Screening failure occurred. Please refer to Annex A for photographs
Prohibited item in a sterile area	/10/2012		Passenger seen using scissors. Returned to screening point and rescreened. Item surrendered.
Screening refusal	10/2012	Sydney	Female refused ETD test and entered sterile area. Security did not follow but reported the incident. Person observed on CCTV but could not be found.
Disruptive passenger on board aircraft	3/10/2012		Male abusive to crew and passengers in flight. Media reporting.
Prohibited item in a sterile area	10/2012		Female detected with pocket-knife at screening and advised item missed at earlier screening that day.
Prohibited item on-board aircraft	/10/2012		Passenger surrendered a box cutter missed at screening to cabin crew during



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		flight.
Sterile area breach	█/10/2012	A number of inbound passengers bypassed transit screening and entered sterile area which was evacuated and rescreened. Flights were delayed.
Sterile area breach	█/10/2012	A screening point lost power for 20 minutes and about 20 passengers had entered unscreened. Full evacuation and rescreening of the domestic terminal.
Failure of staff protocol/procedure	█/10/2012	Passengers from an inbound flight mixed with screened passengers who were departing.
Chemical/biological/radiological	█/10/2012	White powder found in overhead locker during flight. Passengers disembarked, powder tested and cleared.
Sterile area breach	█/10/2012	Passenger with excess LAG's entered before screening completed. Evacuation of sterile and rescreening of all passengers. Some flight delays.
Communication of threat against an airport	█ 10/2012	Male wrote suicide note to son, stating there would be an explosion at airport the next day. IED and K9 sweeps conducted. Nothing found. Male arrested. Deemed a hoax.
Other suspicious item	█ 11/2012	IED K9 unit tested Smart Cart storage locker with indication for explosives.
Failure of Staff procedure/protocol	█ 11/2012	Allegation that two off duty pilots flying as passengers were given the Flight Deck Emergency Code and were granted unsupervised access to the flight crew rest compartment.
Sterile area breach	█ 11/2012	Passenger screened into sterile area, then exited for smoke. Re-entered via exit doors unscreened and departed on flight unchallenged. Aircraft met on arrival and person interviewed.
Sterile area breach	█ 11/2012	15 passengers screened, boarded their flight and departed. Screeners then found the WTMD machine was off.
Failure of staff procedure/protocol	█ 11/2012	Female with walking stick alarmed WTMD. Walking stick x-ray scanned, cleared and returned. Female then allowed to board flight without being fully screened. Flight disembarked



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			landside on arrival.
Security system failure	█/11/2012		Male advised check-in of dummy IEDs and explosive training aids in checked bags. CBS were advised but items were not detected at CBS. Bags not loaded. Owner and police attended CBS. Items cleared for uplift.
Prohibited item in a sterile area	█/11/2012		Male surrendered knife from carry on to airline staff in lounge after item missed at screening. Male rescreened and cleared for flight.
Weapon in sterile area	█/11/2012		A gun-shaped cigarette lighter was detected at the LAGs screening point. The item was missed at the main screening point.
Prohibited item in a sterile area	█11/2012		A Stanley knife was found under a chair in an airline lounge.
Other – alleged weapon on aircraft	█/12/2012		Two passengers arrived on an international flight and transited to a domestic flight. A few days later they noticed they had unknowingly carried a small pistol in a backpack from the █ as cabin luggage on both flights. Pistol surrendered to local police.  Refer to Annex A for photographs.
Failure to detect prohibited item at screening point	█/12/2012		A cheese knife was missed at screening but later surrendered at another airport during screening.
Sterile area breach	█/12/2012		Flight crew member disembarked an aircraft and entered sterile arrivals area. Selected for ETD but refused, walking into the toilets. Followed by security and taken back for ETD screening.
Unauthorised access – SRA/ASZ	█/12/2012		Male asylum seeker escaped from transport vehicle and jumped a perimeter fence airside. Search located, placed in custody. No impact to airport operations.
Sterile area breach	█/12/2012		Goods for a retail store were screened. When opened at store two box cutters were found missed at screening.
Failure of staff protocol/procedure	█/12/2012		Captain and First Officer of an aircraft bypassed LAGs screening.
Disruptive passenger on-board	18/12/2012	Cairns	International flight diverted to Cairns to

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aircraft		offload an intoxicated passenger who had been restrained in flight. Passenger and their luggage removed from flight.
Weapon on-board aircraft	█/12/2012	Female surrendered can of pepper spray to airline staff after it was missed at screening. Please refer to Annex A for photographs
Prohibited item in a sterile area	█/12/2012	Female detected at secondary LAG's screening with bottle of water. Item surrendered, she entered sterile area. Screener then noted possible sharps in images. Person found, rescreened and small pocket knife surrendered.
Sterile area breach	█/12/2012	Male exited sterile area and re-entered via the anti-pass back doors. Breach observed on CCTV but security could not find him. Evacuated and rescreened. One flight had small delay.
Prohibited item in sterile area	█/12/2012	Female declared a pair of sewing scissors at screening, were told they could post them back home. Scissors returned and she later went through screening, item not detected. She went to a Xmas wrap station where staff reported item. Escorted back to screening, scissors surrendered, rescreened and allowed entry.
ASIC incident	█/01/2013	A driver exiting the airport was seen handing an ASIC to another driver, who used it to access gate. Security seized the ASIC and escorted second driver from airport. The ASIC was issued to a resigned employee and had been used 50 times since their resignation.
Disruptive person on aircraft	█01/2013	A flight returned after take-off with a disruptive passenger who was restrained.
Unauthorised access – ASZ/SRA	█/01/2013	An impatient passenger went airside via the carousel door, retrieved a suitcase, exited airside and departed the terminal. CCTV reviewed but they were not found.
Weapon in sterile area	█/01/2013	Shotgun round found in sterile area toilets. CCTV could not identify any POI.
Weapon on-board aircraft	█/01/2013	Male seen with a pocket knife inflight. Item surrendered to cabin crew.



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Sterile area breach	█/01/2013	Three people airside entered sterile area unscreened. Sterile area evacuated, all rescreened. One flight delayed.
Sterile area breach	█/01/2013	A passenger walked back through the one way doors to retrieve an item from the sterile area.
Unauthorised access - ASZ/SRA	█/01/2013	A male with possible mental health issues crawled under a gate into an airside area. The area was searched.
Sterile area breach	█02/2013	A group of passengers were mistakenly disembarked into the sterile area after arriving from an unscreened service. The sterile area was evacuated.
Sterile area breach	█/02/2013	Previously screened female exited the sterile area and then ran back through the screening point alarming the WTMD. The passenger was not stopped or pursued by security and boarded flight that departed. On arrival all passengers were re-screened.
Sterile area breach	█/03/2013	Male entered sterile area via the anti-pass back doors and was escorted out by security. Sterile area evacuated, cleared and all passengers rescreened.
Sterile area breach	█/03/2013	A group of contractors entered the sterile area unscreened via anti-pass back door. Door alarm failed. Sterile area evacuated All rescreened. Four flights delayed.
Unauthorised access - ASZ/SRA	█03/2013	Male seen airside lying on the taxiway. Escorted landside by security for interview.
Sterile area breach	█/03/2013	Female walked back through exit into sterile area. She had gone landside before returning to retrieve property left on board.
Prohibited item on-board an aircraft	█03/2013	An intoxicated male told crew during flight he had a pocket knife in his carry-on. Item held by crew and AUP met the aircraft on arrival
Sterile area breach	█/03/2013	An inbound international flight was disembarked into the sterile area. Sterile area evacuated and re-established.
Prohibited item in a sterile area	█/03/2013	A passenger was found at a boarding gate



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		carrying a religious dagger. Please refer to Annex A for photographs
Sterile area breach	/03/2013	A passenger exited then re-entered the sterile area via exit and later told airline staff. No evacuation, flights delayed half hour.
Sterile area breach	/03/2013	Passengers from an arriving international flight were offloaded into the sterile area. Sterile area evacuated. Flights delayed.
Unauthorised access - ASZ/SRA	/03/2013	A lost passenger broke emergency glass to exit the bus bay, went airside and approached airline staff who escorted them back into the sterile area for rescreening.
Sterile area breach	/03/2013	A flight crew member used another person's ASIC to enter sterile area unscreened. Sterile area evacuated, swept and re-established. No flight delays.
Failure of staff protocol/procedure	/04/2013	On entry a contractor logged four tools at screening point, but only three found on departure. Sterile area evacuated and swept but item not found. No flights delays.
Prohibited item in sterile area	/04/2013	Male in sterile area surrendered a multi-tool after being screened and cleared.
Prohibited item in sterile area	04/2013	Male in sterile area found knife in his carry-on. Item surrendered, person rescreened, cleared and granted uplift.
Prohibited item on-board aircraft	04/2013	Passenger seen on flight with small knife. Item surrendered and secured during flight.
Other suspicious item	/04/2013	A stolen vehicle was returned to car rental for cleaning. Power gel stick found in glove box. Item confirmed as an explosive without an ignition source. No disruption to airport operations.
Prohibited item on-board aircraft	/04/2013	A box cutter fell from male passenger's baggage during boarding. Item surrendered and returned to person landside by ground staff after arrival.
Sterile area breach	/04/2013	Passenger exited the sterile area and then returned via the exit. Passenger cautioned.

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Prohibited item on-board aircraft	/04/2013	Passenger seen on flight with small knife. Item surrendered and secured during flight. All flight passengers disembarked into a landside area on arrival.
Unauthorised access – ASZ/SRA	/04/2013	Male arrested after jumping fence airside with two backpacks. One left at entry point. Initially evaded security and jumped back over the airport fence abandoning second backpack. No suspicious items found.
Unauthorised access ASZ/SRA	/04/2013	Teenager seen riding carousel to airside and back three times without getting off.
Unauthorised access – ASZ/SRA	/04/2013	Male accessed airside through a door where arriving passengers were entering the terminal. CCTV footage was reviewed but male could not be located. Two flights offloaded and rescreened.
Unauthorised access - ASZ/SRA	/05/2013	Male found on the tarmac. He had jumped a fence airside and tried to access a flight unsuccessfully. He remained underneath an aerobridge until found by Security. Search of area found nothing suspicious.
Prohibited item on-board aircraft	/05/2013	Pliers were found on-board an aircraft. Item handed to cabin crew. Unable to confirm their origin.
Weapon in a sterile area	05/2013	Elderly couple screened into sterile area. Later returned to screening with four live rounds in carry-on. Sterile area evacuated, cleared and re-established. Please refer to Annex A for photographs
Unauthorised access – ASZ/SRA	/05/2013	Two males seen on airside ramp. CCTV reviewed and identified three passengers had exited the door. All involved were allowed to depart on their flights.
Prohibited item in a sterile area	05/2013	A kitchen knife delivered to a terminal store was not detected by screening. Knife surrendered by the store. CCTV audit identified the screener.
Sterile area breach	05/2013	An unscreened flight was disembarked into the sterile area. Terminal evacuated and sterile area re-established
Prohibited item in a sterile area	/05/2013	Passenger surrendered scissors at airline club lounge which were not detected at



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		screening. Person rescreened and CCTV reviewed. No evacuation occurred.
Sterile area breach	/05/2013	Passenger collected bag from screening belt and entered sterile area before item cleared. Terminals evacuated and sterile area re-established. Some flight delays.
Prohibited item in a sterile area	/05/2013	Male found box cutter in carry-on after screening. Item surrendered to airline staff.
Weapon detected at screening point	05/2013	Male detected at the screening point with hunting knife in carry-on. Knife seized. Passenger said item not detected at screening.
Sterile area breach	/05/2013	Elderly arrival passenger exited sterile area, re-entered via anti-pass back doors. CCTV reviewed. No evacuation but a sweep conducted and food court cleared.
Sterile area breach	/05/2013	Female refused ETD screening and entered sterile area. Security had her in view at all times. Returned for re-screening.
Prohibited item in sterile area	/05/2013	Cleaner found kitchen knife in rubbish bin inside sterile area. CCTV inconclusive.
Inappropriate comment	/05/2013	Flight delayed an hour after a passenger was overheard saying "bomb" and "security" before departure. Passengers offloaded, aircraft searched by K9. Passenger to attend court.
Prohibited item on-board aircraft	05/2013	A passenger found a Stanley knife on the floor of an aircraft during a flight.
Unauthorised access - ASZ/SRA	/06/2013	Construction required passengers to be bussed to and from aircraft. Two passengers were at aircraft but returned to terminal to find phone. Phone was found on bus and passengers too late for flight. Taken to terminal but ran airside before gates closed. Found and escorted into the terminal.
Prohibited item on-board aircraft	/06/2013	Passenger found box cutter after boarding flight. All passengers offloaded and re-screened. Flight delayed.
Sterile area breach	/06/2013	Passenger refused ETD and entered sterile area. Located with CCTV at



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		departure gate, rescreened and cleared.
Prohibited item in a sterile area	█/06/2013	Passenger returned to the screening point and surrendered a box-cutter missed during screening.
Communication of threat against an aircraft	█06/2013	Airport received six threats against a flight. Passengers disembarked, aircraft searched. Call traced with possible ID.
Perimeter breach	█/06/2013	Elderly male in van crashed through gate to airside SRA and a runway. Arrested near hangars.
Sterile area breach	█/07/2013	Four passengers went to international departures from domestic departures via a fire exit door. No Customs clearance or LAGs screening. Three found and removed but fourth not found. Sterile area evacuated, searched and rescreened. Two flights delayed
Unauthorised access - ASZ/SRA	█07/2013	Male used departure gate break glass to enter aerobridge went airside near an aircraft but stopped by airport staff. Court summons and granted uplift.
Communication of threat against an airport	█/07/2013	An airline received email advising a regular passenger intended to hack access control points at █ and █ Airports.
Prohibited weapon in sterile area	█/07/2013	Firearm shaped lighter detected but bag not put aside. Owner took bag and entered sterile area. Male had already boarded and flight pushed back before found. Assessed as low risk and flight departed.
Disruptive person on aircraft	█07/2013	Male with mental health issues attempted to access cockpit door during flight. Restrained by crew and cuffed.
Sterile area breach	█/07/2013	Eight passengers exited sterile area to smoke and returned unscreened through anti-pass back doors. Departed on flight before detection. Sterile area evacuated. All T2 flights delayed. Media attention.
Unauthorised access – ASZ/SRA	█/07/2013	Person entered the airside via a pedestrian gate and was arrested underneath an aircraft. K9 search all clear and no flight delays.

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Sterile area breach	/08/2013	A passenger entered the sterile area unscreened. The terminal was evacuated.
Failure of staff protocol/procedure	/08/2013	Nine passengers from [REDACTED] were not transit screened before boarding flight to [REDACTED] where they were screened on arrival.
Weapon on board aircraft	08/2013	A passenger used pocketknife to cut fruit during flight. Item surrendered to crew.
Sterile area breach	/08/2013	40 passengers arrived on an unscreened flight and granted access to the sterile area. Terminal evacuated and all rescreened.
Weapon on-board aircraft	/08/2013	Male detected with 10 x 5.56 calibre blank rounds in carry-on during transit screening in [REDACTED]. He said his bag was not checked before departure from [REDACTED].
Prohibited item on-board aircraft	/09/2013	A passenger discovered in his carryon baggage three Stanley knives. The passenger was offloaded and rescreened. Please refer to Annex A for photographs
Prohibited item in a sterile area	09/2013	LAGs detected at screening. Wrong bag put aside. Person enters sterile area with item. Found and returned for re-screening.
Unaccompanied baggage (Failure of staff procedure/protocol)	/09/2013	Passenger got confused when boarding flight and went airside via door from aerobridge and missed flight. Luggage remained on-board.
Sterile area breach	/09/2013	Female entered the sterile area via the anti-pass back doors which did not alarm. She then went to screening point to be screened. CCTV reviewed without issue.
Prohibited item in a sterile area	09/2013	A pair of scissors was detected at a screening point but the wrong bag was put aside. No evacuation occurred.
Sterile area breach	/09/2013	ASIC holder entered SRA airside unscreened via vehicle gate to meet partner on arriving flight.
Weapon on-board aircraft	09/2013	Passenger found with live 9mm bullet in pocket arrested at transit screening in [REDACTED] after departing [REDACTED]



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		Please refer to Annex A for photographs
Sterile area breach	■/09/2013	Two contractors working landside entered sterile area unscreened twice to buy food. No evacuation.
Prohibited item in sterile area	■/09/2013	Box cutter seen in sterile area by passenger who advised airline staff. Number of aircraft offloaded and sterile area evacuated.
Weapon on-board aircraft	■/09/2013	Live 9mm bullet found in seat during aircraft maintenance.
Failure of staff protocol/procedure	■/09/2013	An airline engineer boarded without screening. He was removed from flight and screened before reboarding.
Failure of staff procedure/protocol	■/09/2013	Scissors detected in carry-on and taken into sterile area when wrong bag put aside for inspection. Passenger not found. Images checked, small round tipped scissors not prohibited item.
Communication of threat against an aircraft	■/09/2013	Voicemail message received by ground crew stating an aircraft would explode during flight. Airport closed and terminal evacuated. Deemed a hoax.
Prohibited item on board aircraft	■/09/2013	Knife found in aircraft during cleaning. Flight delayed 40 minutes.
Weapon in a sterile area	■/09/2013	Unknown passenger surrendered pepper spray at sterile area Service Desk that was missed at screening.
Unauthorised access - ASZ	■/09/2013	Toddler rode conveyor from check-in airside to baggage make-up. Mother followed and returned with him in seconds.
Unauthorised access – ASZ/SRA	■/09/2013	Male forced door at leading to the tarmac and was aggressive and restrained when found by security. CCTV reviewed.
Unauthorised access – ASZ/SRA	■/09/2013	Four persons went airside area to retrieve their luggage and loaded rest on carousel.
Prohibited item in a sterile area	■/09/2013	Male detected with multi tool in carry-on. Process failed and item entered sterile area. Male located and rescreened, item obtained.
Unauthorised access - ASZ/SRA	■/09/2013	Male found hiding airside and escorted landside. POI searched and had four

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		weapons.
Weapon detected at screening point	/09/2013	Male was detected with weapons at Customs arrivals. Airsoft gun, blow pipe in checked baggage. Taser torch in carry-on.
Weapon on-board aircraft	/09/2013	Bullet handed to flight crew by passenger from
Unauthorised access – ASZ/SRA	/10/2013	Male found face down inside the perimeter fence with signs of drug use was taken to hospital.
Non security related, Emergency evacuation	/10/2013	An excavator ruptured a gas pipe outside Terminal. Terminal evacuated and 300m exclusion zone established. Flight delays.
Weapon in a sterile area	/10/2013	A passenger entered the sterile area with a kubaton.
Sterile area breach	/10/2013	A passenger grabbed bag a put aside for inspection and entered sterile area with LAGs item in bag. Search failed and passenger departed on flight with item.
Prohibited item in a sterile area	/10/2013	A pocket knife found in a sterile area rubbish bin at boarding gate.
Prohibited weapon in a sterile area	/10/2013	Passenger was screened and later surrendered 14 x .22 bullets in bag that had been missed.
Weapon on-board aircraft	/10/2013	Passenger handed a plastic box-cutter to cabin crew after boarding. Item missed by screening.
Communication of threat against Air Services Australia	/10/2013	A threatening letter was sent to Air Services Australia regarding aircraft noise in .
Unauthorised access - SRA	10/2013	Person went airside to the General Aviation area via RPT arrivals doors against traffic, opened a gate and allowed people airside.
Weapon on board aircraft	10/2013	Passenger had small knife missed at screening. Item surrendered to cabin crew.
Prohibited item in a sterile area	/11/2013	Passenger surrendered credit card multi tool to airline staff. Item missed by screening.



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Failure to detect a weapon at screening point	■/11/2013	Male screened, cleared and entered sterile area. A re-packed item was checked on images to be a Taser. Person relocated and when rescreened was arrested for other items in his possession.
Prohibited item in sterile area	■/11/2013	Airline employee entered sterile area with knife and wrong bag selected during screening. Evacuation and re-screening of sterile area.
Failure of staff protocol / procedure	■/11/2013	Scissors found in aerobridge left behind by aircraft maintenance crew.
Failure of staff procedure/protocol	■/11/2013	Luggage was removed from a flight that had returned to blocks and was wrongly taken to carousel and then returned unscreened to the departing aircraft.
Sterile area breach	■/11/2013	Employee from GA apron collected a child from an arriving RPT flight and then mixed with boarding RPT passengers. All passengers rescreened.
Sterile area breach	■/11/2013	Two separate sterile area breaches at anti-pass back doors. One was detected by the posted guard but other was missed.
Sterile area breach	■11/2013	Airline staff failed to secure sterile area door. Arriving passengers entered sterile area which was evacuated and rescreened.
Unauthorised access - ASZ	■/11/2013	A passenger arriving at a terminal attempted to return to the aircraft using a forced door. The passenger was intercepted by security.
Prohibited item in a sterile area	■/11/2013	A passenger entered the sterile area with pliers and a pair of scissors. No evacuation occurred. Please refer to Annex A for photographs
Sterile area breach	■/11/2013	Passenger entered sterile area with scissors after screening then boarded flight. No evacuation or flight delays
Other suspicious item	■11/2013	A suspicious package found under a rental vehicle.
Sterile area breach	■/11/2013	Passenger in sterile area surrendered scissors missed at screening.

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Sterile area breach	█/11/2013		International flight offloaded passengers into sterile area. Sterile area evacuated and re-screened. No flight delays.
Sterile area breach	█/11/2013		Three disembarking passengers entered sterile area via boarding gate. No evacuation and no flight delays.
Sterile area breach	█/12/2013		Two airport cleaners entered sterile area in belief it was not operational. Sterile area evacuated and rescreened.
Prohibited item on-board aircraft	█/12/2013		A passenger was detected with fireworks in his carryon baggage.
Inappropriate comment	█/12/2013		Male said he left five bombs on board when disembarking flight. Aircraft searched with K9 unit and cleared.
Unauthorised access - ASZ/SRA	█/12/2013		Male seen airside on runway. Apprehended and charged.
Other suspicious item	█/12/2013		Package with electronics found near diesel fuel tank at short term car park. Item cleared by AFP and █.
Failure of staff procedure/protocol	█/12/2013		Three unscreened bags were placed on a flight due to a procedural error.
Prohibited item in a sterile area	█/12/2013		Mallet detected at screening not removed. Person not found. Assessed to be low risk, no evacuation undertaken. Please refer to Annex A for photographs
Prohibited item in a sterile area	█/12/2013		Two pocketknives detected at screening not removed. Passenger departed on flight with items and was met at destination.
Prohibited item on aircraft	█/01/2014		Passenger arrived on flight with a knife missed at screening.
Unscreened access	█01/2014		Passengers from unscreened flight allowed into the sterile area. No evacuation.
Prohibited item on an aircraft	█/01/2014		Scissors detected at screening not removed. Evacuation and rescreening occurred.
Unscreened access	14/01/2014	Sydney	Flight incorrectly offloaded passengers into the T3 sterile area. Sterile area evacuated and rescreened. Some flight



ATTACHMENT ##

		delays.
Unauthorised access	■/01/2014	Male went airside for departure of a family member.
Suspicious substance	■/01/2014	Unattended bag found in short stay car park with white powder.
Unscreened access	■/01/2014	An airline employee took a LAGs restricted item airside unscreened.
Unauthorised access - ASZ/SRA	■/01/2014	Child rode luggage conveyor airside from an unstaffed check-in counter.
Detection at CBS	■/02/2014	An image of a weapon was detected at CBS.
Unscreened access	■02/2014	A freight tug was driven airside without screening. Driver disciplined.
Unauthorised access	■/02/2014	Fence cut and person accessed airside captured on CCTV.
Weapon on aircraft	■/02/2014	A passenger was detected with Tasers at the CUSTOMS arrivals hall.
Disruptive person	■/02/2014	Two passengers were making verbal threats.
Prohibited item in a secure area	■/02/2014	Wrong bag put aside when pliers detected at screening. Passenger found in sterile area and rescreened.
Interference with aviation operations	■/02/2014	International flight diverted after two fires lit in toilets.
Prohibited item in a secure area	■/02/2014	Screwdriver detected in passenger's bag but was removed by passenger before the bag was searched. Item later surrendered and person rescreened.
Weapon in a secure area	■/02/2014	Butter knife detected at the transit screening point.
Unscreened access	■02/2014	Customs officer observed escorting a passenger into the sterile area without screening. Terminal evacuated causing flight delays.
Prohibited item on aircraft	■/02/2014	Pocket-knife found in seat pocket during aircraft turn around.
Prohibited item on-board aircraft	■/03/2014	Gardening shears found in seat pocket during aircraft turn around.

ATTACHMENT ##

		Please refer to Annex A for photographs
Prohibited item on an aircraft	/03/2014	Passenger took a baseball bat on board as cabin luggage.
Disruptive person	/03/2014	Male with mental health issues was disruptive during flight.
Unscreened access	/03/2014	Person entered sterile area via the anti-pass back doors. CCTV reviewed and confirmed they left the terminal.
Unauthorised access	/03/2014	Person accessed airside by forcing a departure gate and was stopped at aircraft door with an invalid boarding pass.
Communicated threats	/03/2014	Passenger said they had a bomb during flight. Declared a hoax.
Prohibited item in a sterile area	/03/2014	Scissors detected at screening not removed. Evacuation and rescreening occurred.
Unauthorised access	/03/2014	Male breached sterile area via Baggage Carousel. Issued with summons.
Unauthorised access - airside	/03/2014	Person with mental health issues found airside.
Disruptive person	/03/2014	Male said they had explosives in their bag at check-in. Terminal evacuated. Flights delayed.
Prohibited item on-board aircraft	03/2014	Male surrendered knife during flight.
Disruptive person	/04/2014	Male said they had a bomb in their bag at check-in. Terminal evacuated.
Unscreened access	/04/2014	Passenger entered sterile area despite alarming walk through metal detector.
Unscreened access	/04/2014	Aircrew person went landside and returned airside without being screened.



**Submission by**

Bryan Seymour  
Reporter  
Seven Network (Australia)

**Inquiry into airport and aviation security**

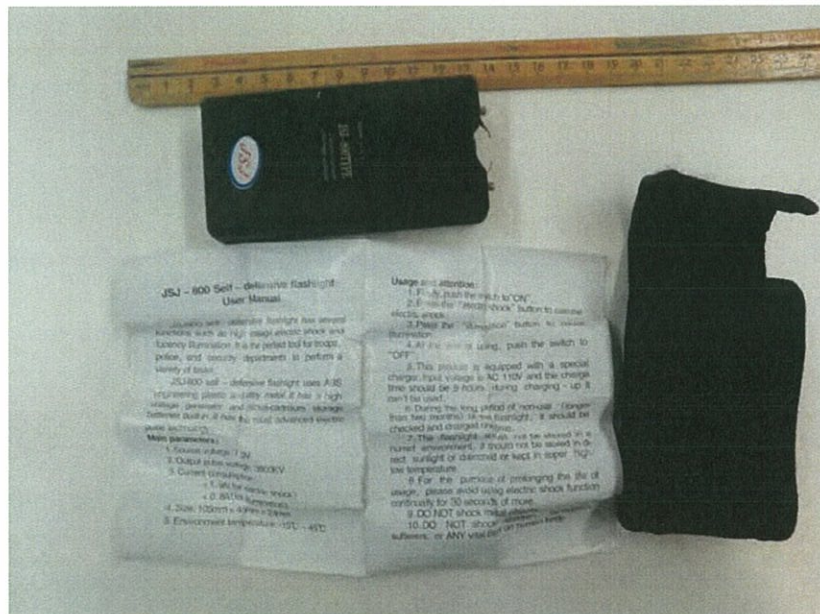
Rural and Regional Affairs and Transport References  
Committee

**Weapons Seized by Airport Security**

Prohibited item on-board aircraft – /02/2012 –

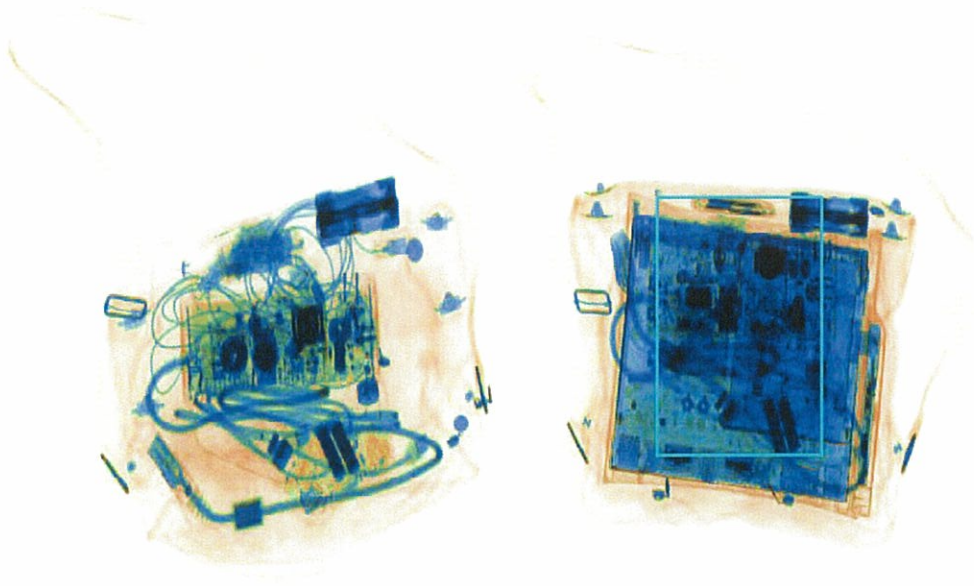


Weapon on-board aircraft - /02/2012 –

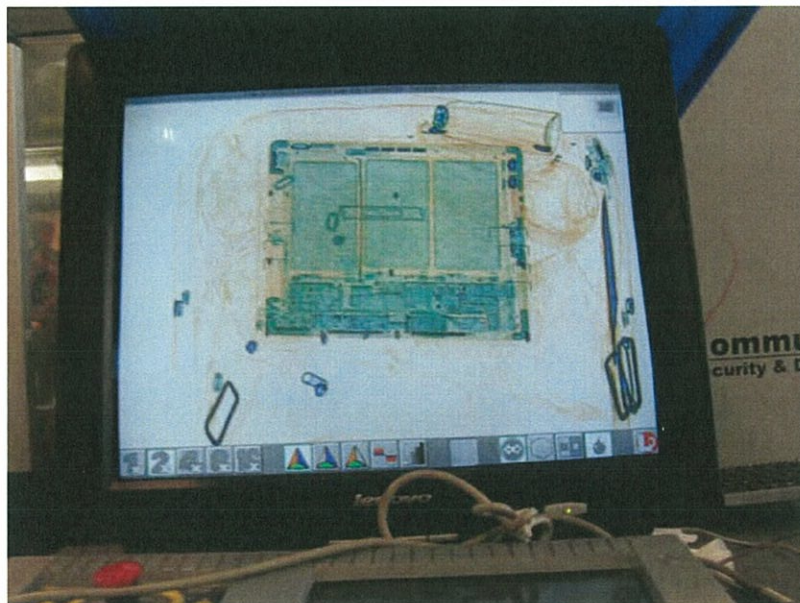




Weapon in sterile area - 03/2012 -



Weapon in sterile area - 03/2012 -



Prohibited item in sterile area – 04/2012 –



Prohibited item in sterile area – 04/2012 –





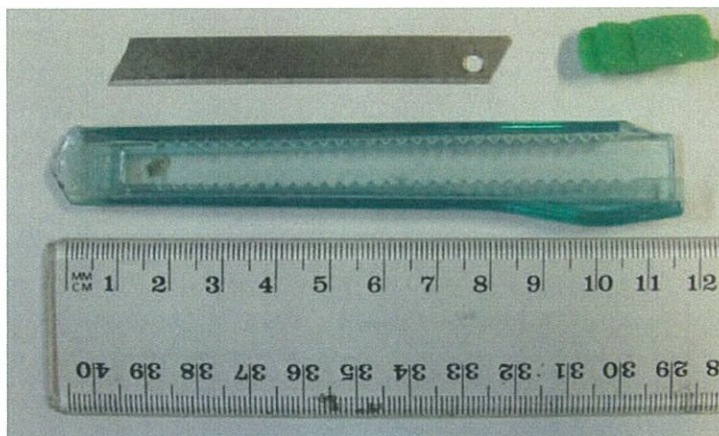
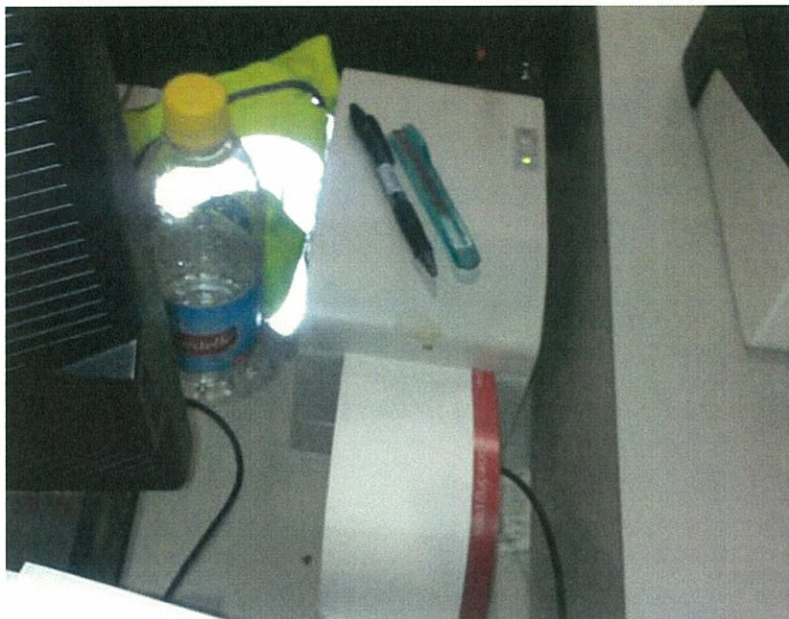
Weapon on-board aircraft – 05/2012 –



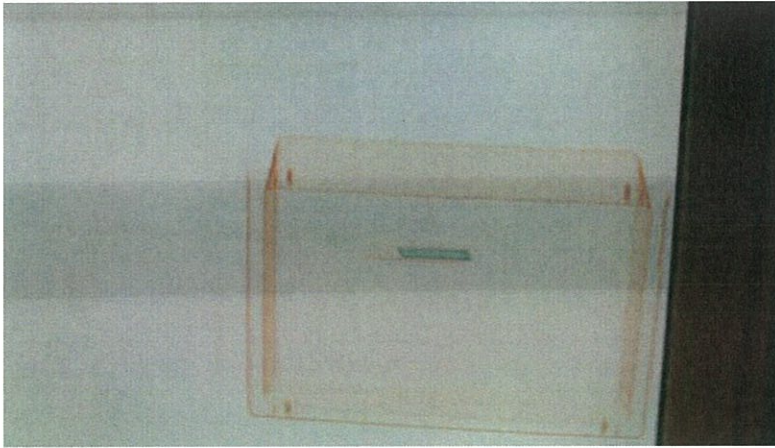
Prohibited item in sterile area – 07/2012 –



Annex A







Prohibited item in sterile area – 07/2012 –



Weapon on-board aircraft – 08/2012 –



File No		[REDACTED]		[REDACTED]	
Date Detained	18/2012	Detention Type		Detention No	
Date Seized	08/2012	Seizure Type	CS	Seizure No	
Detection Area		Passenger Processing		N	
Line/s					

*Xi - 1st sec*



Annex A



Weapon in sterile area - 10/2012



Annex A

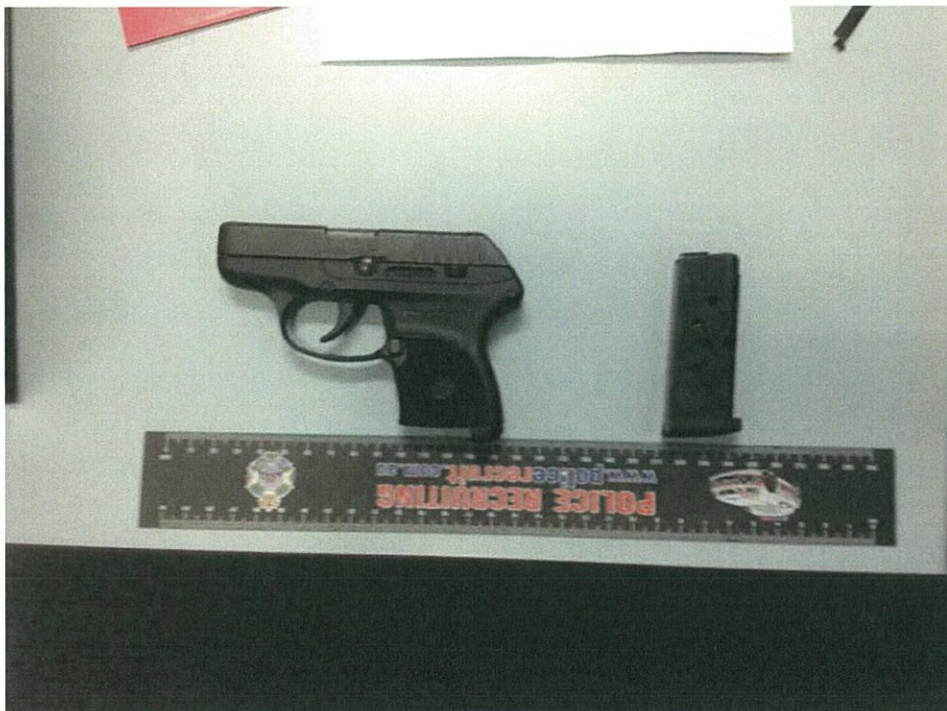
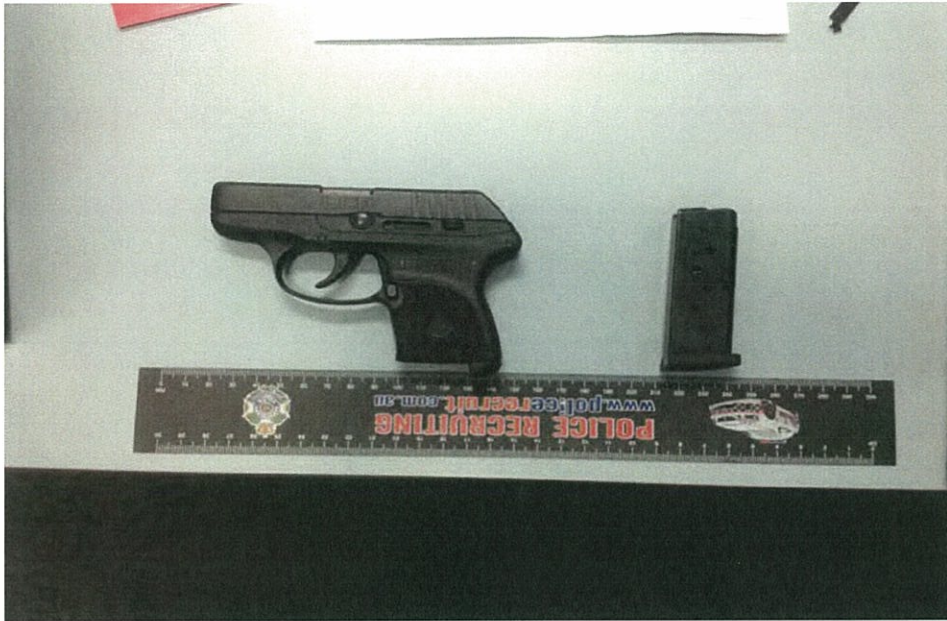


Other – alleged weapon on aircraft – 12/2012

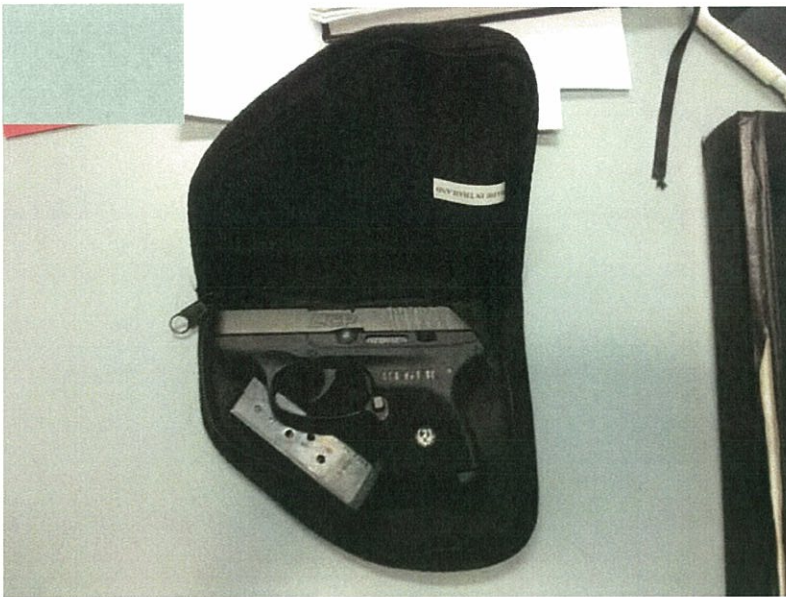




Annex A

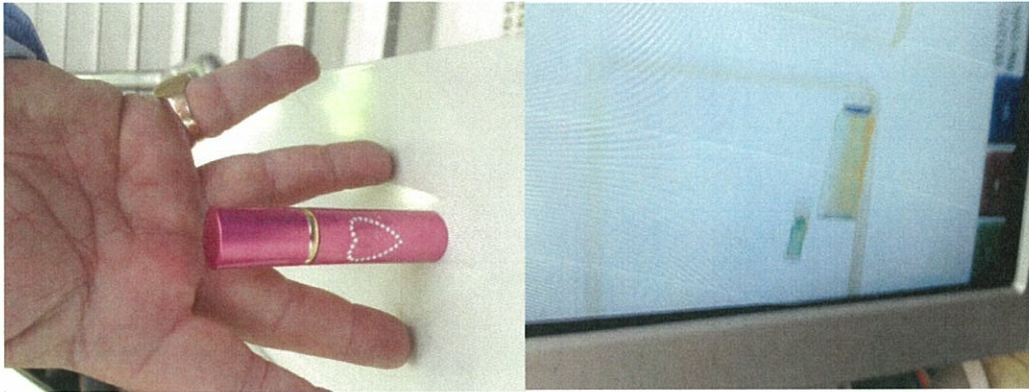


Annex A





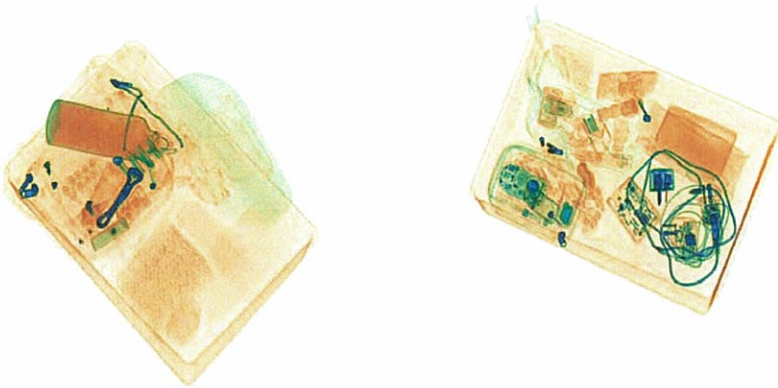
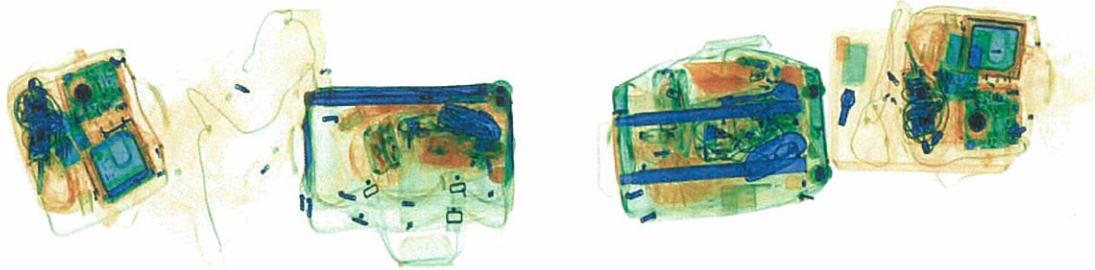
Weapon on-board aircraft – 02/2013



Prohibited item in sterile area – 03/2013



Weapon in sterile area - 05/2013 -

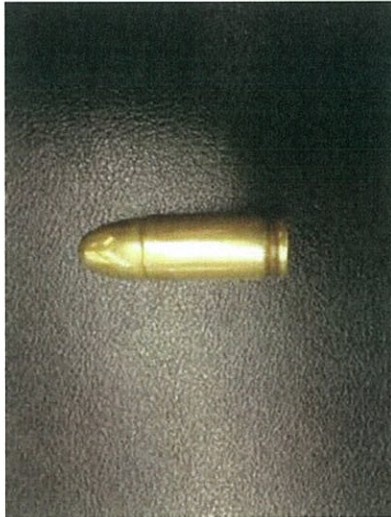


Prohibited item in sterile area - 09/2013





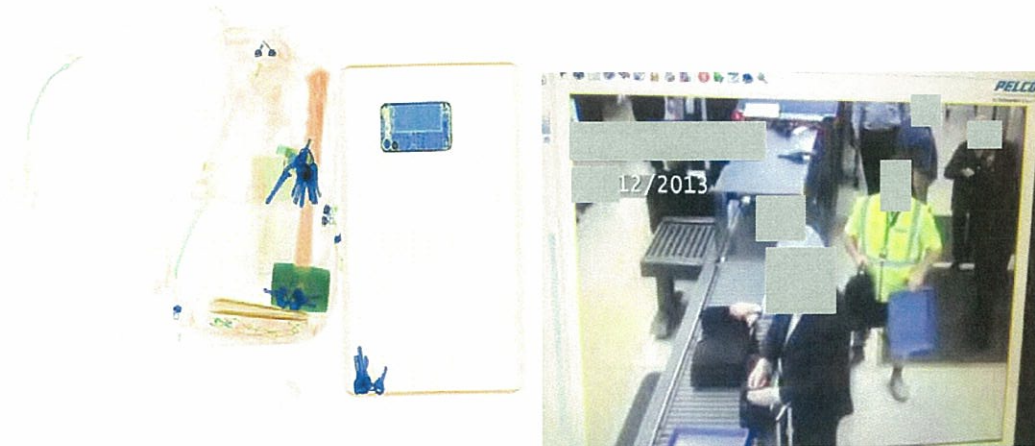
Weapon on-board aircraft - 09/2013 -



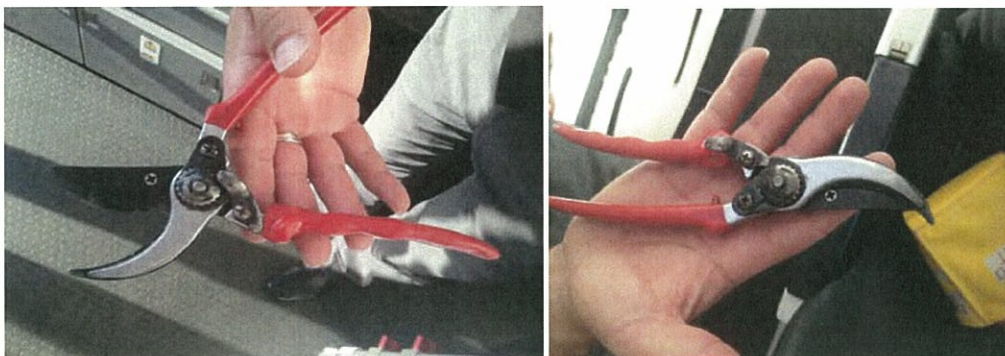
Prohibited item in sterile area - 11/2013 -



Prohibited item in sterile area - 12/2013



Prohibited item on-board aircraft - 03/2014





**Submission by**

Bryan Seymour  
Reporter  
Seven Network (Australia)

**Inquiry into airport and aviation security**

Rural and Regional Affairs and Transport References  
Committee

**FOI 14-90 - internal review - signed  
decision\_Redacted**



**Australian Government**

**Department of Infrastructure and Regional Development**

## **Internal review decision made under the *Freedom of Information Act 1982***

**Internal review decision and reasons for decision of Andrew Wilson, Deputy Secretary,  
Department of Infrastructure and Regional Development**

---

### **Internal Review Applicants:**



**Agency:** Department of Infrastructure and Regional Development

**Date of original decision:** 10 July 2014

**Internal review decision date:** September 2014

**FOI reference number:** 14-90 Internal Review

**Documents:** Documents 1 and 6 (FOI 14-90 - documents relating to Airport Security)

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## Summary and decision

1. I have made a decision to vary the original decision made by Ms Pauline Sullivan, acting Executive Director, Office of Transport Security, to release document 1 (titled '*Further information on the introduction of technology to relax the restrictions on the carriage of Liquids, Aerosols and Gels*') in part, exempting further information within the document from release.
2. I have made a decision to vary the original decision made by Ms Pauline Sullivan, acting Executive Director, Office of Transport Security, to release document 6 (Aviation Incidents) in part, releasing incident summaries in full where they are already public knowledge.

## Authority to make this decision

3. I, Andrew Wilson, Deputy Secretary, am an officer authorised by the Secretary of the Department of Infrastructure and Regional Development (the Department) to make decisions about access to documents in the possession of the Department in accordance with section 23(1) of the *Freedom of Information Act 1982* (the FOI Act).
4. This decision will be provided to the FOI applicant. Any information which identifies [REDACTED] will be redacted in order to protect identities.

## Documents subject to this request

5. The documents subject to this internal review are listed below and more detail is provided at schedule 1:
  - document 1 – '*Further information on the introduction of technology to relax the restrictions on the carriage of Liquids, Aerosols and Gels*'
  - document 6 – Aviation Incidents

## Background

6. On 10 April 2014 the Department received a request for access to documents in the possession of the Department. The request sought access to:

*"Documents, including incident reports, ministerial briefing notes, emails, photos and CCTV since January 1, 2012 relating to Australian airport security breaches. Without limiting my application, I would expect it to include:*

*(a) Specific airport security breaches including their location, details of the incident, security footage of the incident and what actions were taken as a result; and*

*(b) Policies or measures under review which are either currently being implemented, or are proposed for implementation regarding airport security."*
7. On 16 April 2014, the FOI Coordinator sent a notice of intention to refuse the request to the applicant in accordance with Section 24(1) of the FOI Act, on the basis that processing the request in its current wording would unreasonably and substantially divert the resources of the Department.
8. Following much consultation with the applicant to reduce the scope of the request, on 7 May 2014 the applicant agreed to reduce part (a) of the request to:

*"summaries of security breaches (in the same format as provided in your FOI request 10-37 in 2010) including photographs of the following types of incidents:*

- Prohibited item on aircraft*
- Weapon on aircraft*
- Prohibited item in a secure area*
- Weapon in a secure area*
- Disruptive person"*

9. On 12 May 2014, after further consultation with the applicant, the FOI Coordinator informed the applicant of the Department agreement to proceed with the FOI request on the basis that part (b) of the request was further reduced to:

*"any briefing (including attachments) provided to the Minister for decision since 1 January 2012 relating to any airport security changes."*

### **Consultation**

#### *Section 27 – Consultation – business documents*

10. Section 27 of the FOI Act provides that where a document includes business information relating to a person, organisation or undertaking other than the applicant, an agency should give that individual or organisation (the third party) a reasonable opportunity to make a submission that the documents should be exempt from disclosure under section 47 (trade secrets) or conditionally exempt under section 47G (business affairs). It also states that the decision-maker needs to consider whether disclosure would be contrary to the public interest, before making a decision to give access.<sup>1</sup>
11. An affected third party who is consulted under section 27 (consultation – business documents) cannot contend that exemptions other than sections 47 or 47G should apply.<sup>2 3</sup>
12. During the processing of the FOI request the Department consulted with a number of affected third parties in accordance with section 27 (consultation – business documents) of the FOI Act on the release of documents 1 and 6.
13. During consultation the Department also referred to a Deed of Confidentiality (the Deed) which is in place with the consulted third parties. The purpose for this was to seek views on the application of section 45 (material obtained in confidence) for document 6.

<sup>1</sup> The Guidelines issued by the Australian Information Commissioner under s93A of the FOI Act (*Guidelines*) [6.178].

<sup>2</sup> *Guidelines* [6.184].

<sup>3</sup> See 'E' and *National Offshore Petroleum Safety and Environmental Management Authority* [2012] AICmr 3.



*Document 1 - 'Further information on the introduction of technology to relax the restrictions on the carriage of Liquids, Aerosols and Gels'*

15. The Department sought comments from [REDACTED] on the release of document 1.
- a) On 6 June 2014 [REDACTED] objected to the release of document 1, on the basis that it should be exempt in accordance with:
- section 37 (law enforcement and protection of public safety); and
  - section 45 (material obtained in confidence).
- b) On 11 June 2014 [REDACTED] it did not have any objections to the release of document 1.
16. On 10 July 2014 the decision-maker decided to release document 1 in part in accordance with:
- section 33 (national security and international relations);
  - section 47C (deliberative processes); and
  - section 47G (business affairs).
17. On 23 July 2014 [REDACTED] was provided with a copy of this decision relating to access to documents within scope of the request.
18. On 21 August 2014 the Department received a request from [REDACTED] for internal review of the decision to grant access to document 1 in part.

*Document 6 – Aviation Incidents*

19. The incident summaries listed in document 6 are an extract of more comprehensive reporting by Aviation Industry Participants (AIPs).
20. The Department sought comments in relation to the release of document 6 from:
- [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
- a) On 28 May 2014 the Department received advice from [REDACTED] that it had no concerns about the release of incident summaries relating to it.
- b) On 6 June 2014 the Department received advice from the AFP that it had no concerns with the release of incidents, noting that the *"information is provided in such a manner it does not divulge operational methodology or personal information"*.
- c) The Department did not receive any consultation comments from two of the consulted parties.
- d) Consultation responses objecting to the release of document 6 were received from nine parties. Objections varied between all nine parties, advising documents should be exempt in accordance with:
- section 33 (national security);
  - section 37 (law enforcement and protection of public safety);
  - section 45 (material obtained in confidence); and
  - section 47G (business affairs).

21. On 10 July 2014 the decision-maker decided to release document 6 in part pursuant to section 47G (business affairs) of the FOI Act. On 23 July 2014, the third parties which raised objections to the release of document 6 were provided with a copy of this decision relating to access of the documents within the scope of the request.
22. On 21, 22 and 26 August 2014 the Department received requests from [REDACTED] for an internal review of the decision to grant access to the document 6 in part.
23. Following notification of the decision one consulted party advised it did not wish to pursue the matter further.
24. Following notification of the decision one further consulted party advised it did not wish to pursue the matter further, noting it had no concerns about the release of document 6 with redactions made to locations and any other identifying information, as per the decision.
25. A response was not received from the remaining four parties.
26. On 26 August 2014 the Department sought agreement from [REDACTED] to disclose their identities to each other, as internal review applicants. On the same day permission was granted by each party. It was noted during this correspondence that as each party was seeking a review of the same decision the requests for internal review would be treated as one internal review process.

#### ***Objections raised by third parties***

- [REDACTED]
27. [REDACTED] objected to the release of document 6 on the basis that the incident summaries should be exempt in accordance with sections 37 (law enforcement and protection of public safety), 45 (material obtained in confidence) and 47G (business affairs) of the FOI Act.
  28. [REDACTED] has sought internal review of the decision, specifically identifying 11 incidents it has concerns with listed in document 6. However, seven of the 11 identified incidents were not provided [REDACTED] during consultation. These seven incidents do not directly relate [REDACTED] and were not reported to the Department by [REDACTED]. As such, I cannot consider [REDACTED] contentions about the release of information about these seven incidents. I will, however, address the information about the remaining four incidents which [REDACTED] has specifically identified in its request for internal review.
  29. I note that [REDACTED] advised the Department by telephone on Monday 1 September that it does not seek review of the decision on the remaining incidents which the Department provided to [REDACTED] during the consultation process.
- [REDACTED]
30. [REDACTED] objected to the release of document 6 on the basis that the incident summaries should be exempt in accordance with sections 37 (law enforcement and protection of public safety), 45 (material obtained in confidence) and 47G (business affairs) of the FOI Act.
  31. The Department consulted with [REDACTED] on the release of information about seven incidents contained within document 6, which it had reported to the Department. In its original objections



[redacted] specifically identified five incidents as causing concern in relation to law enforcement methods and the protection of public safety [redacted] has not advised that it is only seeking a review of these five incidents. I am therefore considering information about all seven incidents to be within the scope of this internal review.

- [redacted]
32. The Department consulted with [redacted] on the release of information about 58 incidents contained within document 6, which it reported to the Department.
  33. [redacted] was also consulted on the release of document 1.
  34. In its initial objections [redacted] advised that documents 1 and 6 should be exempt in accordance with sections 37 (law enforcement and protection of public safety) and 45 (material obtained in confidence).
  35. [redacted] has sought an internal review of the decision to release documents 1 and 6 in part, noting its objections are stronger in relation to document 6. I am therefore considering all 58 incident summaries relating to [redacted] and document 1 to be within the scope of this internal review.

#### *Scope of decision*

36. Given the above, it is only document 1 and the information about the incidents from document 6 specifically listed in schedule 2 which are within the scope of my review and decision. The incidents are numbered in schedule 2 for ease of reference.

#### *Further background information – voluntary reporting scheme*

37. As additional background to provide context to later comments it should be noted that the *Aviation Transport Security Act 2004* (Cth) and the *Aviation Transport Security Regulations 2005* (Cth) require AIPs to report security incidents, events and occurrences.
38. However, some AIPs voluntarily submit reports on incidents which are not covered by the Act and Regulations. The purpose of the voluntary reporting scheme is to provide reporting on a wider range of aviation security incidents, events and occurrences, outside the requirements of the Act and Regulations.
39. The Department has entered into Deeds of Confidentiality with major airports and airlines within Australia, for the handling of information reported to the Department under the voluntary reporting scheme.

#### **Reasons for decision**

40. In accordance with section 26(1)(a) of the FOI Act, the findings on any material question of fact, referring to the material on which those finding were based and the reasons for my decision to grant partial access to documents follow.
41. I have taken the following material into account in making my decision:
  - the content of the documents that fall within the scope of the FOI request;

- sections 3, 11 and 11A of the FOI Act which give the Australian community a legally enforceable right to obtain access to information held by the Government of the Commonwealth;
- additional provisions of the FOI Act:
  - section 11B public interest exemption – factors
  - section 22 access to edited copies with exempt or irrelevant material deleted
  - section 27 consultation – business documents
  - section 33 documents affecting national security, defence or international relations
  - section 37 documents affecting law enforcement and protection of public safety
  - section 45 documents communicated in confidence
  - section 47C public interest conditional exemption – deliberative processes
  - section 47E certain operations of agencies
  - section 47G business affairs
- the Guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (FOI Guidelines);
- the views of third parties consulted by the Department under section 27 of the FOI Act; and
- the views of the Australian Federal Police (AFP) as consulted in relation to the release of document 6.

42. A full extract of all provisions I used to make my decision are provided in schedule 3.

### Statement of reasons

43. The Guidelines explain that if a request for a document is made, the document must be disclosed unless one of the exemption provisions applies.<sup>4</sup> This is not merely a suggestion. It is a legal requirement under the FOI legislation. Taking this into consideration in conjunction with clause 3.3(a) of the Deed of Confidentiality, the incident summaries are to be disclosed unless it can be demonstrated they are exempt from disclosure.

### *Documents affecting law enforcement and protection of public safety (section 37)*

44. [REDACTED] contend that information about Incidents in schedule 2 should be exempt in accordance with section 37 (law enforcement and protection of public safety). [REDACTED] contends that document 1 should also be exempt in accordance with this provision.
45. Section 37 (law enforcement and protection of public safety) applies to documents which, if released, would or could reasonably be expected to affect law enforcement or public safety in any of the following ways:
- prejudice the conduct of an investigation of a breach, or possible breach, of the law;
  - prejudice the conduct of an investigation of a failure, or possible failure, to comply with a taxation law;
  - prejudice the enforcement, or the proper administration, of the law in a particular instance;
  - reveal the existence or identity of a confidential informant, or the absence of a confidential source of information, in relation to the enforcement or administration of the law
  - endanger the life or physical safety of any person;
  - prejudice the fair trial of a person, or the impartial adjudication of a particular case;
  - disclose lawful methods or procedures for investigating, preventing, detecting or dealing with breaches of the law where disclosure of those methods would be reasonably likely to reduce their effectiveness; or

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<sup>4</sup> Guidelines [1:28]



- prejudice the maintenance or enforcement of lawful methods for the protection of public safety.<sup>5</sup>
46. During the processing of the FOI request the Department sought comments from the AFP in relation to the release of information about incidents it had reported and contained within document 6. Some of these incidents were also reported by various airports and airlines.
47. As noted in paragraph 20(b), the AFP did not object to the release of the information in the format provided, noting the *"information is provided in such a manner it does not divulge operational methodology or personal information"*.
48. In their requests for internal review of the decision, [REDACTED] commented that *"...the Department appears to have substantially relied on the federal policing agency in coming to its decision. However, our view is that there are broader issues of aviation security policy that may be outside of the AFP's remit that should be considered"*.
49. I draw your attention to the purpose and functions of the AFP's as detailed on its website <[www.afp.gov.au/about-the-afp/our-organisation.aspx](http://www.afp.gov.au/about-the-afp/our-organisation.aspx)>:
- "The AFP's role is to enforce Commonwealth criminal law and to protect Commonwealth and national interests from crime in Australia and overseas..."*
- The AFP works closely with a range of other law enforcement bodies at state, territory, Commonwealth and international levels, enhancing safety and providing a secure regional and global environment."*
50. Further, a primary importance to the AFP is the fight against terrorism as well as playing a critical role in ensuring the physical safety of many people. The AFP's organisation structure focuses on eight key national functions and provides a higher level of national coordination and support to operational areas. The key national functions are:
- serious and organised crime;
  - crime operations;
  - intelligence;
  - international deployment group;
  - counter terrorism;
  - protection;
  - aviation; and
  - high tech crime operations.
51. Taking the above into consideration it is my view that the AFP is well placed to make comment on whether the release of incident summaries would be prejudicial to law enforcement and the protection of public safety. I therefore consider the views of the AFP to hold credence and have considered these views in coming to my decision.
52. Further, as noted in paragraph 11, the guidelines state that an affected third party who is consulted under section 27 (consultation – business documents) cannot contend that exemptions other than sections 47 (trade secrets) or 47G (business affairs) should apply.
53. Submissions made in relation to section 37 (law enforcement and protection of public safety) by third parties consulted with under section 27 (consultation – business documents) are irrelevant.

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<sup>5</sup> Guidelines [5.71]



This not only applies to an access grant decision in the first instance, but also applies to internal review.<sup>6</sup>

54. In order to address concerns raised by third parties about this exemption provision in relation to document 6, I provide the following table outlining the criteria that must be met for the exemption to apply and the Department's consideration:

Criteria	Department's view on whether the exemption applies
<b>37(1)(a)</b> prejudice the conduct of an investigation of a breach, or possible breach, of the law	The exemption does not apply as there is no investigation underway
<b>37(1)(a)</b> prejudice the conduct of an investigation of a failure, or possible failure, to comply with a taxation law	The exemption does not apply as the incident summaries do not relate to taxation law
<b>37(1)(a)</b> prejudice the enforcement, or the proper administration, of the law in a particular instance	The exemption does not apply. Because of the phrase "in a particular instance" it is not sufficient that prejudice will occur to other or future investigations. It must relate to the particular investigation at hand. In other words, the exemption does not apply if the prejudice is about investigations in general.
<b>37(1)(b)</b> reveal the existence or identity of a confidential informant, or the absence of a confidential source of information, in relation to the enforcement or administration of the law	The exemption does not apply. It is not clear from the Deed of Confidentiality that the identity of the AIPs is to be kept confidential. Further, section 37(2A) of the FOI Act provides that: <i>"[f]or the purposes of paragraph (1)(b), a person is taken to be a confidential source of information in relation to the enforcement or administration of the law if the person is receiving, or has received, protection under a program conducted under the auspices of the Australian Federal Police, or the police force of a State or Territory, for the protections of:</i> <i>(a) witnesses; or</i> <i>(b) people who, because of their relationship to, or association with, a witness need, or may need, such protections; or</i> <i>(c) any other people who, for any other reason, need or may need such protection".</i> It is my view that the AIPs do not fall within any of the above listed categories.
<b>37(1)(c)</b> endanger the life or physical safety of any person	It is highly unlikely the exemption applies. A document is exempt under this provision if its disclosure would, or could reasonably be expected to, make a person a potential target of violence by another individual or group. This exemption requires a reasonable apprehension of danger. A reasonable apprehension does not mean the risk has to be substantial, but evidence is necessary. <sup>7</sup> No direct threat has been made and there is no distinct evidence of disclosure creating risk to the life of a person. Further, the FOI applicant in this case is employed by a media body. It is not apparent that the applicant will use the information with malicious intent. The release of the information could not reasonably be expected to make a person a potential target of violence by another individual or group.
<b>37(2)(a)</b> prejudice the fair trial of a person, or the impartial adjudication of a particular case	The exemption does not apply as the summaries do not relate to any legal proceeding underway.
<b>37(2)(b)</b> disclose lawful methods or procedures for investigating,	The exemption does not apply. Two factors must be met for this exemption to apply: 1. reasonable expectation that disclosure will disclose a method or procedure;

<sup>6</sup> See 'E' and National Offshore Petroleum Safety and Environmental Management Authority [2012] AICmr 3  
<sup>7</sup> Guidelines [5.96]



Criteria	Department's view on whether the exemption applies
preventing, detecting or dealing with breaches of the law where disclosure of those methods would be reasonably likely to reduce their effectiveness	<p>and</p> <p>2. a reasonable expectation or a real risk of prejudice to the effectiveness. Release would not be expected to disclose lawful methods or procedures for preventing, detecting, investigating or dealing with matters arising out of breaches of the law; nor prejudice the effectiveness of methods or procedures. The exemption focuses on an agency's methods and procedures for dealing with the breaches of the law, where disclosure would or could reasonably be expected to adversely affect the effectiveness of those methods and procedures. The Department does not consider that disclosure would adversely affect methods or procedures.</p> <p>Further, release of the documents does not disclose departmental methods or procedures for investigating, detecting or dealing with breaches. The AFP also advised the information does not disclose methods of the AFP.</p> <p>The Guidelines also advise that the exemption will not apply to routine techniques and procedures that are already well known to the public.<sup>8</sup> I consider the use of CCTV systems, K9 units and evacuation procedures [redacted] would be common knowledge and expected by the general public to be in place. As such, these types of 'methods' are not exempt from disclosure.</p>
37(2)(c) prejudice the maintenance or enforcement of lawful methods for the protection of public safety	<p>The exemption does not apply. Disclosure would not prejudice the maintenance or enforcement of lawful methods for the protection of public safety. In <i>Re Hocking and Department of Defence</i><sup>9</sup>, the applicant was denied access to a portion of an army manual dealing with the tactical response to terrorism and to Army procedures. Clearly this could cause a threat, however summaries of incidents which happened, with information de-identified, is highly unlikely to be able to provide "inside" information into how procedures could be circumvented and identify specific weaknesses in the system. Much of the information within the documents demonstrates good tactical and procedural responses to potential security threats. It may identify some weaknesses but this also identifies that the AIPs are aware of potential issues and are actively addressing these. Further, as previously discussed, it is not considered that the applicant would use the information for malicious purposes or to encourage criminal behaviour, nor would she or her associations do anything deliberately to put air safety at risk<sup>10</sup>.</p> <p>Release of the documents does not disclose methods or procedures for investigating, detecting or dealing with breaches, so prejudice of methods cannot be established. AFP advised the document does not disclose methods.</p> <p>As discussed above, the guidelines also advise that the exemption will not apply to routine techniques and procedures that are already well known to the public.<sup>11</sup> I consider the use of CCTV systems, K9 units and evacuation procedures [redacted] would be common knowledge and expected by the general public to be in place.</p>

55. Taking the above into consideration it is my view that document 6 is not exempt in accordance with section 37 (law enforcement and protection of public safety) of the FOI Act, in part or in full.
56. The above table of assessment can also be used in terms of assessing whether document 1 is exempt from release in accordance with section 37 (law enforcement and protection of public safety). Again, the objections raised by third parties consulted under section 27 (consultation – business documents) of the FOI Act, other than those made in relation to section 47 (trade secrets and 47G (business affairs), are irrelevant. Moreover, I do not consider section 37 (law enforcement and protection of public safety) to have applied to document 1 in any case.

<sup>8</sup> Guidelines [5.102]

<sup>9</sup> See *Hocking and Department of Defence* [1987] AATA 602

<sup>10</sup> See *Thies and Department of Aviation* [1986] AATA 141

<sup>11</sup> Guidelines [5.102]



57. In summary, I do not consider section 37 (law enforcement and protection of public safety) applies to document 1 or document 6.

***Documents containing material obtained in confidence (section 45)***

58. [REDACTED] contend that information about incidents in schedule 2 should be exempt in accordance with section 45 (material obtained in confidence).
59. Section 45 (material obtained in confidence) provides that a document is an exempt document if its disclosure under the Act would found an action by a person for a breach of confidence. The exemption is available where the person/s who provided the confidential information would be able to bring an action under the general law for breach of confidence to prevent disclosure, or to seek compensation for loss or damage arising from disclosure.
60. To found an action for breach of confidence (which means section 45 (material obtained in confidence) would apply), the following five criteria must be satisfied in relation to the information:
- 1) it must be specifically identified;
  - 2) it must have the necessary quality of confidentiality;
  - 3) it must have been communicated and received on the basis of mutual understanding of confidence;
  - 4) it must have been disclosed or threatened to be disclosed, without authority; and
  - 5) unauthorised disclosure of the information has or will cause detriment.
61. In relation to document 6 I have addressed each one of these criteria below.

***Criteria 1 - It must be specifically identified***

62. The information the third parties are objecting to the release of are the security incident summaries as listed in schedule 2. I am satisfied the information is specifically identified.

***Criteria 2 - It must have the necessary quality of confidentiality***

63. Incidents with reference numbers 25, 39, 44 and 62 were reported in the media at the time of the incident. These reports provide more information about the incident than what is provided within the summaries. As such, the information about these incidents is more broadly known and is already in the public domain. These particular incidents do not have the necessary quality for confidentiality.
64. The remaining incidents on the other hand, may only be known to a limited number of parties. However, this varies incident to incident. In some cases there is a possibility that details are known only by local airport security staff, airline staff, the AFP and the Department. Although I note that many of these incidents occurred in a public place in the presence of other individuals. There is no limitation to which these individuals could have already made information more broadly known. Without knowing the full extent to which these incidents are known it would be more practical to treat this matter with caution and assume that a limited number of parties are aware of this information. As such, I think it prudent to assume the incidents are more likely to have the necessary quality of confidentiality, other than those incidents which are publicly reported by the media.



*Criteria 3 - It must have been communicated and received on the basis of mutual understanding of confidence*

65. All information in schedule 2 are extracts of reporting by the third parties on the understanding that the information would be handled in accordance with the Deeds of Confidentiality. I confirm that the Deeds state that information provided under the voluntary reporting scheme would be treated in confidence. Clause 2.2 of the Deed states that *"The parties agree that reporting of Reportable Events by the Organisation is voluntary and subject to the continued compliance of the Agency with the confidentiality obligations in clause 3"*.
66. As discussed at paragraph 14, clause 3 provides that reported information will be kept confidential subject to clause 3.3, which provides that the agency is not in breach of the Deed where the disclosure of the information is authorised or required by law.
67. I consider that the reported information was provided on a mutual understanding that the information would be treated in accordance with the Deed.
68. However, clause 3.3 takes precedence.
69. As established at paragraph 43, the Department is required under the FOI Act to disclose a document unless it is an exempt document. Therefore, unless it can be demonstrated that the document is an exempt document then it must be disclosed to the applicant in accordance with the FOI Act.

*Criteria 4 - It must have been disclosed or threatened to be disclosed, without authority*

70. In accordance with clause 3.3 of the Deed the Department will not be taken to have breached clause 3 because disclosure of the information is required by law.
71. The Department's original decision to release document 6 in part was made by an authorised decision-maker in accordance with section 23(1) of the FOI Act.
72. I am also an authorised decision-maker in accordance with section 23(1) of the FOI Act and consider the Department has authority to disclose the information.

*Criteria 5 - Unauthorised disclosure of the information has or will cause detriment*

73. Refer to paragraphs 70-72 Disclosure is not considered to be unauthorised as it is required by law.

*Decision*

74. Taking all of the above into consideration I am not satisfied the release of document 6 meets the criteria for a party to found an action for a breach of confidence, and therefore do not consider the document to be exempt in accordance with section 45 (material obtained in confidence) of the FOI Act.
75. Taking the same principles into consideration for document 1, I am not satisfied any part of the document meet the criteria listed above and is not exempt in accordance with section 45 (material obtained in confidence) of the FOI Act.

***Documents affecting national security, defence or international relations (section 33)***

76. The original decision made by Ms Sullivan, acting Executive Director, exempts some parts of document 1 in accordance with section 33 (national security and international relations) of the FOI Act.
77. Under section 33 (national security and international relations) document is an exempt document if disclosure of the document:
- (a) would, or could reasonably be expected to, cause damage to:
    - (i) the security of the Commonwealth;
    - (ii) the defence of the Commonwealth; or
    - (iii) the international relations of the Commonwealth ; or
  - (b) would divulge any information or matter communicated in confidence by or on behalf of a foreign government, an authority of a foreign government or an international organisation to the Government of the Commonwealth, to an authority of the Commonwealth or to a person receiving the communication on behalf of the Commonwealth or of an authority of the Commonwealth.

***Documents affecting national security***

78. The Guidelines explain that 'damage' for the purposes of this exemption is not confined to loss or damage in monetary terms. The relevant damage may be intangible, such as inhibiting future negotiations between the Australian Government and a foreign government, or the future flow of confidential information from a foreign government or agency.<sup>12</sup>
79. The Guidelines also explain in relation to section 33(a)(i) that the term 'security of the Commonwealth' broadly refers to:
- (a) the protection of Australia and its population from activities that are hostile to, or subversive of, the Commonwealth's interests; and
  - (b) the security of any communications system or cryptographic system of any country used for defence or the conduct of the Commonwealth's international relations (see definition in section 4(5)).
80. A decision maker must therefore be satisfied that damage to the security of the Commonwealth would be caused by disclosure of the information under consideration.
81. Document 1 contains information about specifications and operations of screening equipment used in airports. The operations are not publicly known and there is a reasonable expectation that if this information were more broadly known it could be used to circumvent security processes at airport screening points.

***Documents affecting international relations***

82. The Guidelines explain in relation to section 33(a)(iii) that the phrase 'international relations' has been interpreted as meaning the ability of the Australian Government to maintain good working relations with other governments and international organisations and to protect the flow of confidential information between them.<sup>13</sup>
83. The mere fact that a government has expressed concern about a disclosure is not enough to satisfy the exemption, but the phrase does encompass intangible damage, such as loss of trust and

<sup>12</sup> Guidelines [5.25].

<sup>13</sup> Guidelines [5.30]



confidence in the Australian Government or one of its agencies. The expectation of damage to international relations must be reasonable in all the circumstances, having regard to the nature of the information; the circumstances in which it was communicated; and the nature and extent of the relationship.<sup>14</sup>

84. As mentioned above, document 1 contains information about specifications and operations of screening equipment. The specifications are not publicly known and are based on recommendations by the International Civil Aviation Organization (ICAO) which was communicated between ICAO and its members on a confidential basis.
85. Australia has been a member of ICAO's governing Council since its formation in 1947. Australia's aviation safety regulatory system is based upon the international standards, recommended practices and procedures adopted by ICAO. The Chicago Convention provides (Article 37) for the Council of ICAO to make standards and recommended practices dealing with a wide range of matters concerned with the safety, regularity and efficiency of air navigation. The current standards and recommended practices are published by ICAO as Annexes to the Chicago Convention. This list also shows the agency responsible for each Annex.
86. Annex 17 of the Convention sets out the Standards with which signatory States, including Australia, are to comply with in order to safeguard international aviation from acts of unlawful interference. The Annex covers such matters as the organisation of security arrangements, preventive measures, and the management of the response to acts of unlawful interference. It also contains extracts from other ICAO Annexes that impinge upon aviation security.
87. Australia's participation on ICAO's governing Council is paramount to the security of Australian and international aviation. I consider that the disclosure of information about security screening equipment, particularly the specifications of that equipment, could reasonably be expected to cause damage to the security of the Commonwealth in so far as the information could be misused by individuals seeking to circumvent security procedures within airports. As a member of ICAO I consider it is an obligation of the Department to protect such information from acts of unlawful interference.
88. I am satisfied that the disclosure of information which is known only to ICAO member States, for the protection of international aviation, would reasonably be expected to prejudice the Department's good working relations with other governments and international organisations such as ICAO. I also consider that disclosing this information would divulge information which was communicated in confidence by an international organisation to the Government of the Commonwealth.
89. Taking the above into consideration I am satisfied that document 1 is exempt in part as per the original decision, in accordance with subsections 33(a)(i), 33(a)(iii) and 33(b) of the FOI Act. However, I also consider further information to be exempt under these subsections and therefore vary the original decision.

## Conditional Exemptions

90. Where a document is assessed as conditionally exempt, the agency or minister must give access to it unless in the circumstances access would, on balance, be contrary to the public interest (section 11A(5)). The public interest test is weighted in favour of giving access to documents so that the public interest in disclosure remains at the forefront of decision making.

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<sup>14</sup> Guidelines [5.31]



### *Deliberative processes (section 47C)*

91. The original decision made by Ms Sullivan, acting Executive Director, exempts some parts of document 1 in accordance with section 47C (deliberative processes).
92. Section 47C of the FOI Act provides that a document is conditionally exempt if its disclosure would disclose matter (deliberative matter) in the nature of, or relating to, opinion, advice or recommendation obtained, prepared or recorded, or consultation or deliberation that has taken place, in the course of, or for the purposes of, the deliberative processes involved in the functions of an agency, a minister or the Government of the Commonwealth.
93. Document 1 contains information which constitutes: opinion of an individual; concerns or opinions raised by two entities; and advice or recommendations by the Department. The document was prepared for the purpose of a consultation which has taken place for a deliberative process of the Department. The release of this information would disclose information which is deliberative in nature.
94. Accordingly, I have decided that parts of document 1 meet the criteria for conditional exemption. Where a document is assessed as conditionally exempt, access must be given subject to the public interest test in accordance with section 11A(5).
95. The deliberative process exemption differs from other conditional exemptions in that no type of harm is required to be demonstrated as a result of disclosure. The only consideration is whether the document includes content of a deliberative matter.<sup>15</sup>
96. While identifiable harm resulting from disclosure is not a specific factor in determining whether a document may be categorised as deliberative, it may be relevant subsequently when deciding where the balance of the public interest lies.<sup>16</sup> As such, I discuss the potential of harm from disclosure below at paragraph 101 in order to weigh the public interest.

#### *Application of the public interest test*

97. Section 11A(5) provides that an agency must give the person access to the document if it is conditionally exempt at a particular time unless (in the circumstances) access to the document would, on balance, be contrary to the public interest.
98. In order to assess whether release of the exempt material would be contrary to the public interest, I considered the following factors which favour disclosure:
  - (a) disclosure would promote the objects of the FOI Act;
  - (b) disclosure would inform debate on a matter of public importance;
  - (c) disclosure would promote effective oversight of public expenditure; and
  - (d) disclosure would not allow a person to access his or her personal information.
99. I agree that disclosure would promote the objects of the FOI Act and may inform debate on a matter of public importance. However, I do not consider that disclosure would promote effective oversight of public expenditure, nor would it allow a person access to their personal information, both of which are irrelevant in this circumstance.
100. I also considered the following factors which do not favour disclosure:

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<sup>15</sup> Guidelines [6.59]

<sup>16</sup> Guidelines [6.60]



- (a) disclosure would disclose matter (deliberative matter) in the nature of, or relating to, opinion, advice or recommendation prepared for consultation or deliberation that has taken place, in the course of the deliberative processes involved in the functions of an agency and a minister; and
  - (b) disclosure could reasonably be expected to prejudice an agency's ability to obtain similar information in the future.
101. In terms of the harm which could arise from disclosure, I consider disclosure could reasonably be expected to undermine stakeholders' confidence in the Department to maintain deliberative material and subsequently prejudice the Department's ability to obtain similar information in future. I also consider there is a reasonable expectation that this could, in turn, impact the Department's ability to properly assess and implement security processes in so far as the Department would not have all information available to it in order to make fully informed decisions.
102. As set out in section 11B(4) of the FOI Act, the following factors must not be taken into account in deciding whether access to the document would on balance, be contrary to the public interest:
- (a) access to the document could result in embarrassment to the Commonwealth Government, or cause a loss in confidence in the Commonwealth Government;
  - (aa) access to the document could result in embarrassment to the Government of Norfolk Island or cause a loss of confidence in the Government of Norfolk Island;
  - (b) access to the document could result in any person misinterpreting or misunderstanding the document;
  - (c) the author of the documents was (or is) of high seniority in the agency to which the request for access to the document was made; or
  - (d) access to the document could result in confusion or unnecessary debate.
103. I am satisfied that no irrelevant factor has been considered, as set out in section 11B(4) of the FOI Act.
104. On balance, I consider the public interest factors against disclosure to be more persuasive than the public interest factors favouring disclosure. I am satisfied that the public interest is to withhold the exempt material, as per the original decision. However, I also consider further information to be exempt under these subsections and therefore vary the original decision.

### ***Business affairs (section 47G)***

105. The original decision made by Ms Sullivan, acting Executive Director, exempts some parts of document 1 in accordance with section 47G (business affairs).
106. [REDACTED] contend that information about all incidents in schedule 2 should be exempt in accordance with section 47G (business affairs).
107. A document is conditionally exempt if it discloses information (business information) concerning a person in respect of his or her business or professional affairs, or concerning the business, commercial or financial affairs of an organisation or undertaking, where the disclosure of the information:
- would, or could reasonably be expected to, unreasonably affect... that organisation or undertaking in respect of its lawful business, commercial or financial affairs (s47G(1)(a)); or

- could reasonably be expected to prejudice the future supply of information to the Commonwealth... for the purpose of the administration of a law of the Commonwealth... of matters administered by an agency (s47G(1)(b)).<sup>17</sup>
108. While I have not decided to exempt document 6 in full, I have decided to uphold the original decision to de-identify the document by removing the part of the date and the location, or any other information which could identify the location of an incident, which would otherwise reveal the identities of the AIPs concerned.
109. By de-identifying the documents in accordance with this provision I do not consider that any harm could come to the AIPs from disclosure. Any harm that may come from disclosure would be generalised and would not be identified as being specific to a particular airline or airport. A mere assertion or speculative possibility that harm would arise is not enough<sup>18</sup> to exempt a document from disclosure.
110. I confirm that documents 1 and 6 contain information which could cause harm to the business affairs of various third parties if disclosed.
- Document 1 contains information about the types of equipment used by various airports, specifications of that equipment and a comparison of different types of equipment. I consider the disclosure of this material would reasonably be expected to be used by competitors in gaining insight into the specifications and operation of security screening equipment. Manufacturers of the security screening equipment may use this information to gain a competitive advantage.
  - Document 6 contains information identifying the locations and dates of various security incidents. I consider the disclosure of the locations of incidents, read in conjunction with the incident and outcome of an incident could cause damage to the commercial operations of various airports and airlines. I consider there to be a reasonable expectation that if this information were disclosed in full it could cause unreasonable assessment of airports and airlines, subsequently damaging confidence of the general public in the operations of specific airports and airlines which could reasonably be expected to damage their ongoing business affairs.
111. Accordingly, I have decided that parts of documents 1 and 6 meet the criteria for conditional exemption as per the original decision.
112. Where a document is assessed as conditionally exempt, access must be given subject to the public interest test in accordance with section 11A(5).

*Application of the public interest test*

113. Section 11A(5) provides that an agency must give the person access to the document if it is conditionally exempt at a particular time unless (in the circumstances) access to the document would, on balance, be contrary to the public interest.
114. In order to assess whether release of the exempt material would be contrary to the public interest, I considered the following factors which favour disclosure:
- (a) disclosure would promote the objects of the FOI Act;
  - (b) disclosure would inform debate on a matter of public importance;
  - (c) disclosure would promote effective oversight of public expenditure; and

<sup>17</sup> Guidelines, [6.157]

<sup>18</sup> Guidelines, [6.164]



- (d) disclosure would not allow a person to access his or her personal information.
115. I agree that disclosure would promote the objects of the FOI Act and may inform debate on a matter of public importance. However, I do not consider that disclosure would promote effective oversight of public expenditure, nor would it allow a person access to their personal information, both of which are irrelevant in this circumstance.
116. I also considered the following factors which do not favour disclosure:
- (a) disclosure would, or could reasonably be expected to, unreasonably affect that person adversely in respect of his or her lawful business or professional affairs or that organisation or undertaking in respect of its lawful business, commercial or financial affairs; and
  - (b) disclosure could reasonably be expected to prejudice an agency's ability to obtain similar information in the future.
117. In relation to 116(a) above, I agree that harm may come from disclosing the identities and other identifying information of the AIPs.
118. In relation to 116(b) above, I note that some of the AIPs have already ceased voluntary reporting to the Department on aviation security incidents due to this FOI request, and therefore similar information may not be obtained in the future.
119. As set out in section 11B(4) of the FOI Act, the following factors must not be taken into account in deciding whether access to the document would on balance, be contrary to the public interest:
- (a) access to the document could result in embarrassment to the Commonwealth Government, or cause a loss in confidence in the Commonwealth Government;
  - (aa) access to the document could result in embarrassment to the Government of Norfolk Island or cause a loss of confidence in the Government of Norfolk Island;
  - (b) access to the document could result in any person misinterpreting or misunderstanding the document;
  - (c) the author of the documents was (or is) of high seniority in the agency to which the request for access to the document was made; or
  - (d) access to the document could result in confusion or unnecessary debate.
120. I am satisfied that no irrelevant factor has been considered, as set out in section 11B(4) of the FOI Act.
121. On balance, I consider the public interest factors against disclosure in full to be more persuasive than the public interest factors favouring disclosure. I am satisfied that the public interest is to withhold the exempt material as per the original decision. However, I also consider further information in document 1 to be exempt under this provision and therefore vary the original decision.

### **Publicly available information**

122. As outlined at paragraph 63, information about incidents 25, 39, 44 and 62, as listed in schedule 2, were reported in the media at the time of the incident. As the detail about the incidents in the media reporting is more substantial, including locations and flight numbers, than what is included in the summaries at schedule 2 I cannot see reason to exempt any part of these summaries as they are already public knowledge. I therefore vary the decision of Ms Sullivan to exempt any part of incident summaries 25, 39, 44 and 62, and release these summaries in full.

## Your rights of review

### Information Commissioner review

123. The OAIC is an independent office that can review the decisions of agencies and ministers under the FOI Act and investigates complaints about agency actions.
124. You can ask the OAIC to review the Department's decision to impose a charge. You do not need to seek an internal review from the Department before seeking a review from the OAIC. However, going through the Department's internal review process gives us the opportunity to reconsider the initial decision and your needs may be met more quickly without undergoing an external review process.
125. The OAIC's review is free. You must apply to the OAIC within 30 days of being given notice of the decision. You can ask the OAIC for an extension of time to apply, and this may be granted if it considers it is reasonable in the circumstances.
126. You must apply in writing and you can lodge your application in one of the following ways:

**Online:** <[www.oaic.gov.au](http://www.oaic.gov.au)>

**Post:** Office of the Australian Information Commissioner  
GPO Box 2999, Canberra ACT 2601

**Facsimile:** (02) 9284 9666

**Email:** <[enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)>

**In person:** Level 3, 175 Pitt Street, Sydney, NSW 2000

More information about your review rights under the FOI Act is available in Fact Sheet 12 published by the OAIC: <[www.oaic.gov.au/freedom-of-information/foi-resources/freedom-of-information-fact-sheets/foi-factsheet-12-your-review-rights](http://www.oaic.gov.au/freedom-of-information/foi-resources/freedom-of-information-fact-sheets/foi-factsheet-12-your-review-rights)>.

### Contacts

127. If you wish to discuss this decision, please contact the Department's FOI coordinator on (02) 6274 6495 or via email at <[foi@infrastructure.gov.au](mailto:foi@infrastructure.gov.au)>.

Andrew Wilson  
Deputy Secretary  
Department of Infrastructure and Regional Development

19 September 2014





Australian Government

Department of Infrastructure and Regional Development

FOI

Schedule 1

## Schedule of documents

### Internal Review Applicants:

#### Agency:

Department of Infrastructure and Regional Development

#### Date of original decision:

10 July 2014

#### Internal review decision date:

September 2014

#### FOI reference number:

14-90 Internal Review

#### Documents:

Documents 1 and 6 (FOI 14-90 - documents relating to Airport Security)

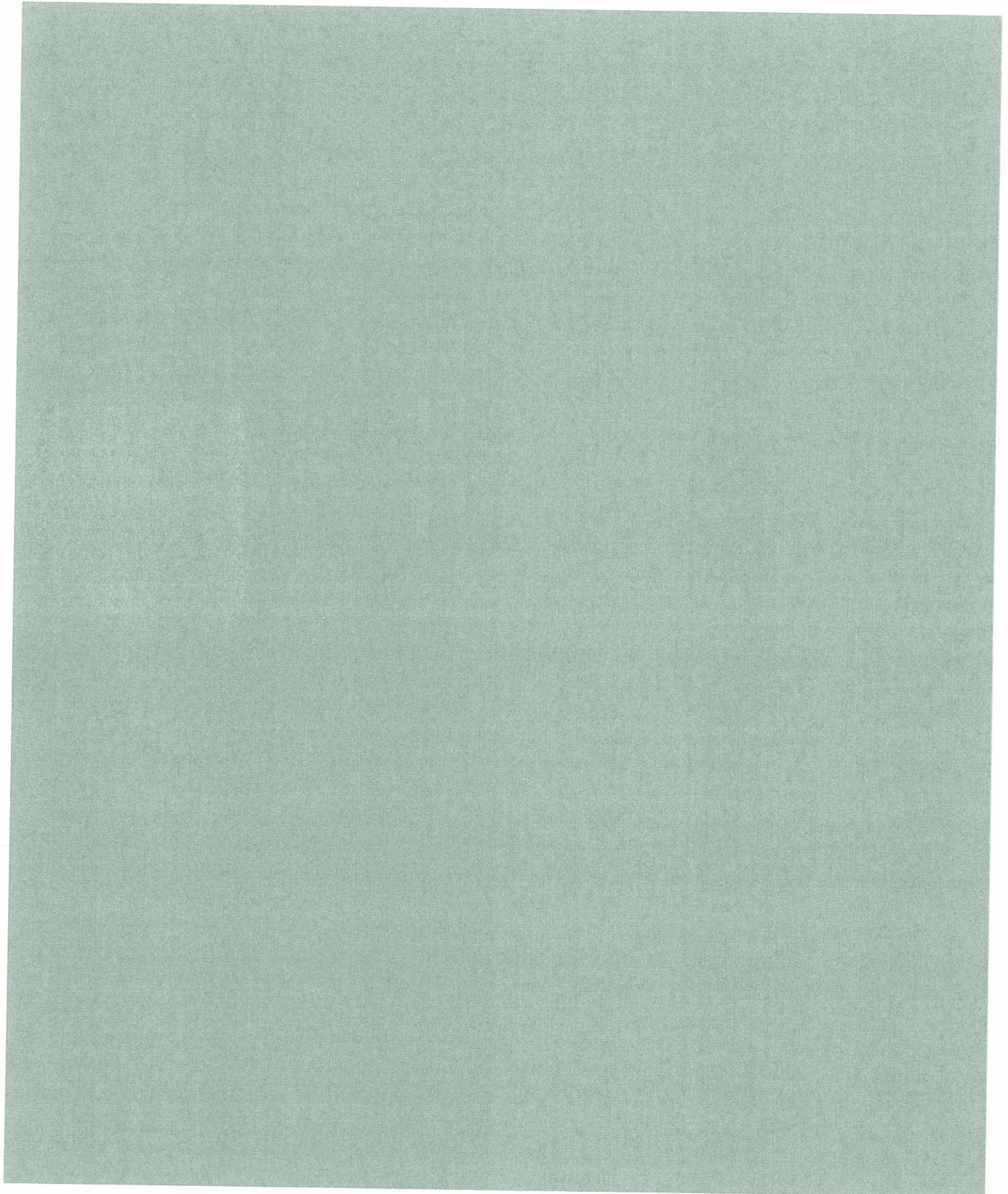
Document reference	Date of document	Author	Recipient	Document description	Full, partial or nil release	Exemption provision
1	24 January 2014	Department of Infrastructure and Regional Development	Deputy Prime Minister Truss	Minute: Further information on the introduction of technology to relax the restrictions on the carriage of Liquids, Aerosols and Gels	Release in part	33(a)(i), 33(a)(iii) and 33(b). Section 47C(1) Section 47G(1)(a) and 47G(1)(b)
6	May 2014	Department of Infrastructure and Regional Development	N/A	FOI 14-90 Aviation Incidents 2012-2014	Release in part	Section 47G(1)(a) and 47G(1)(b)



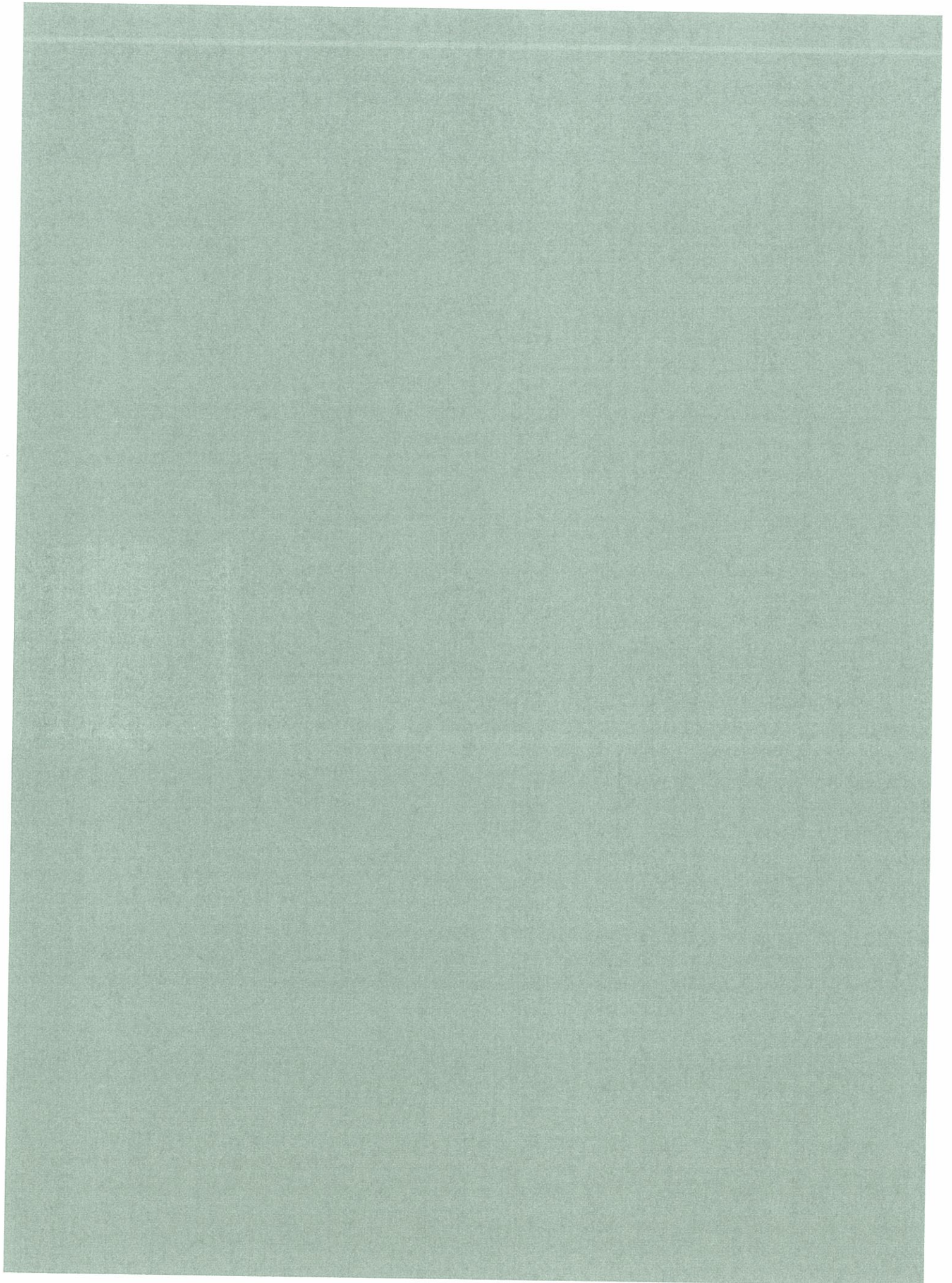
**Australian Government**

**Department of Infrastructure and Regional Development**

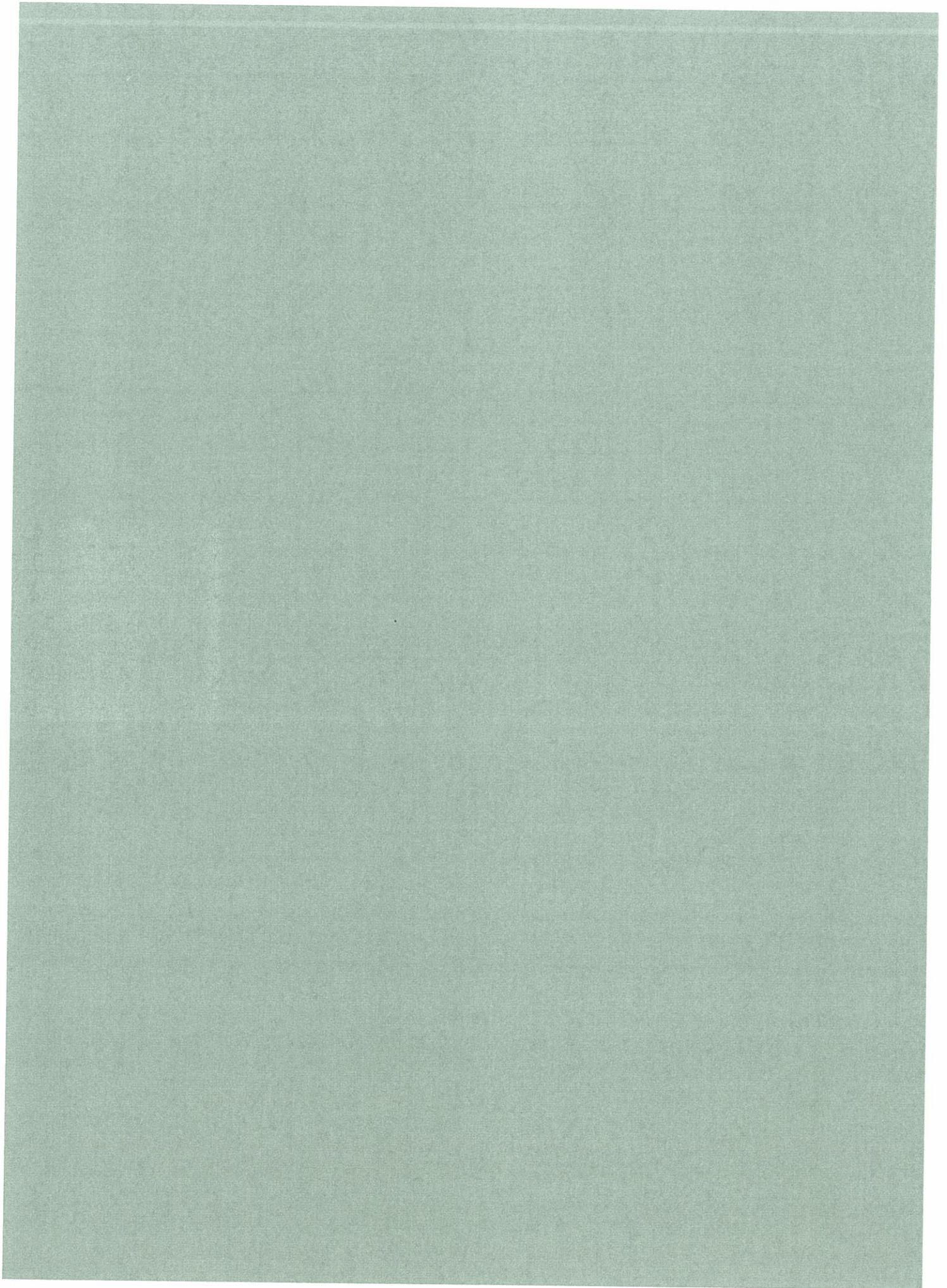
FOI  
Schedule 2



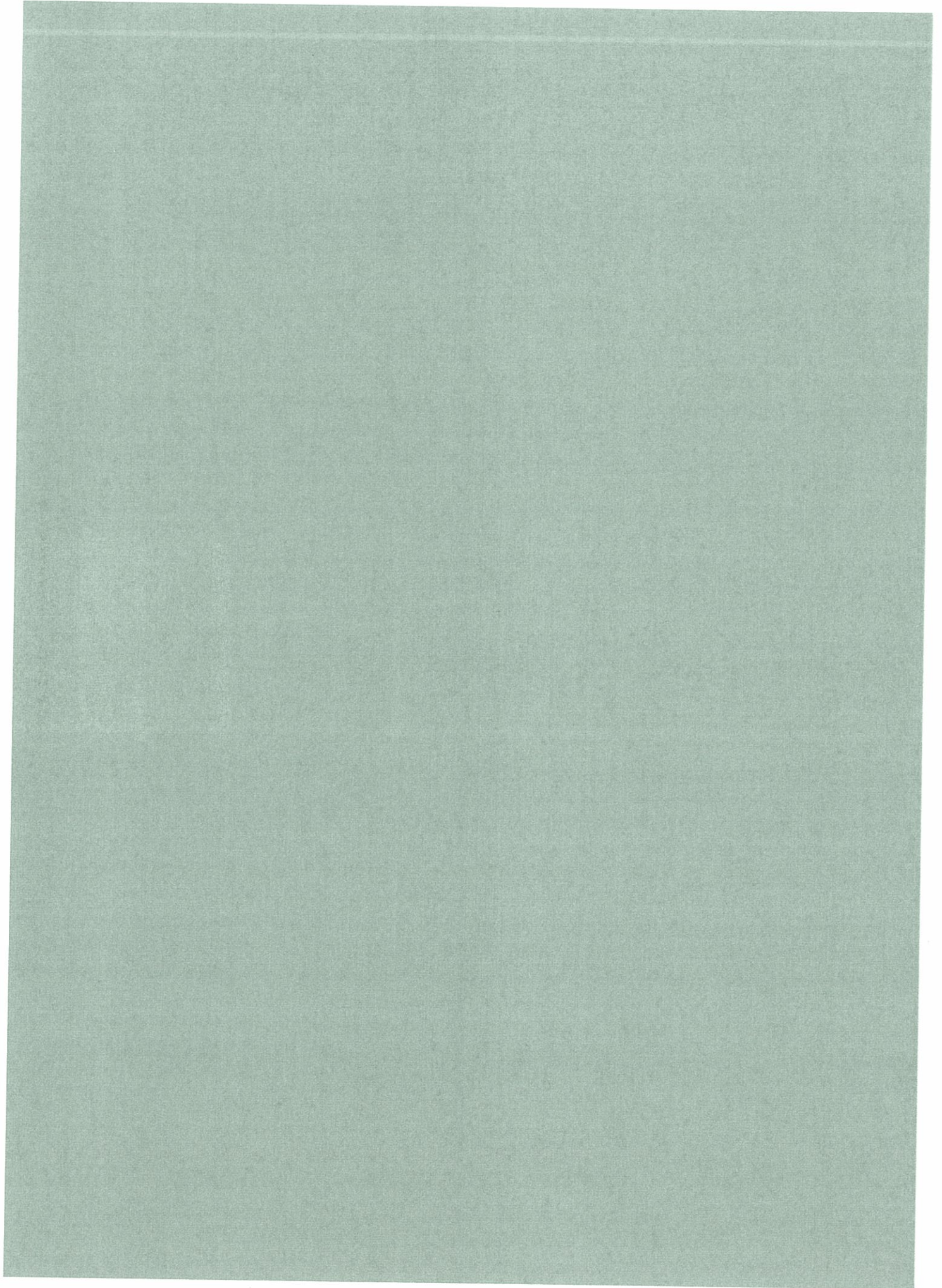




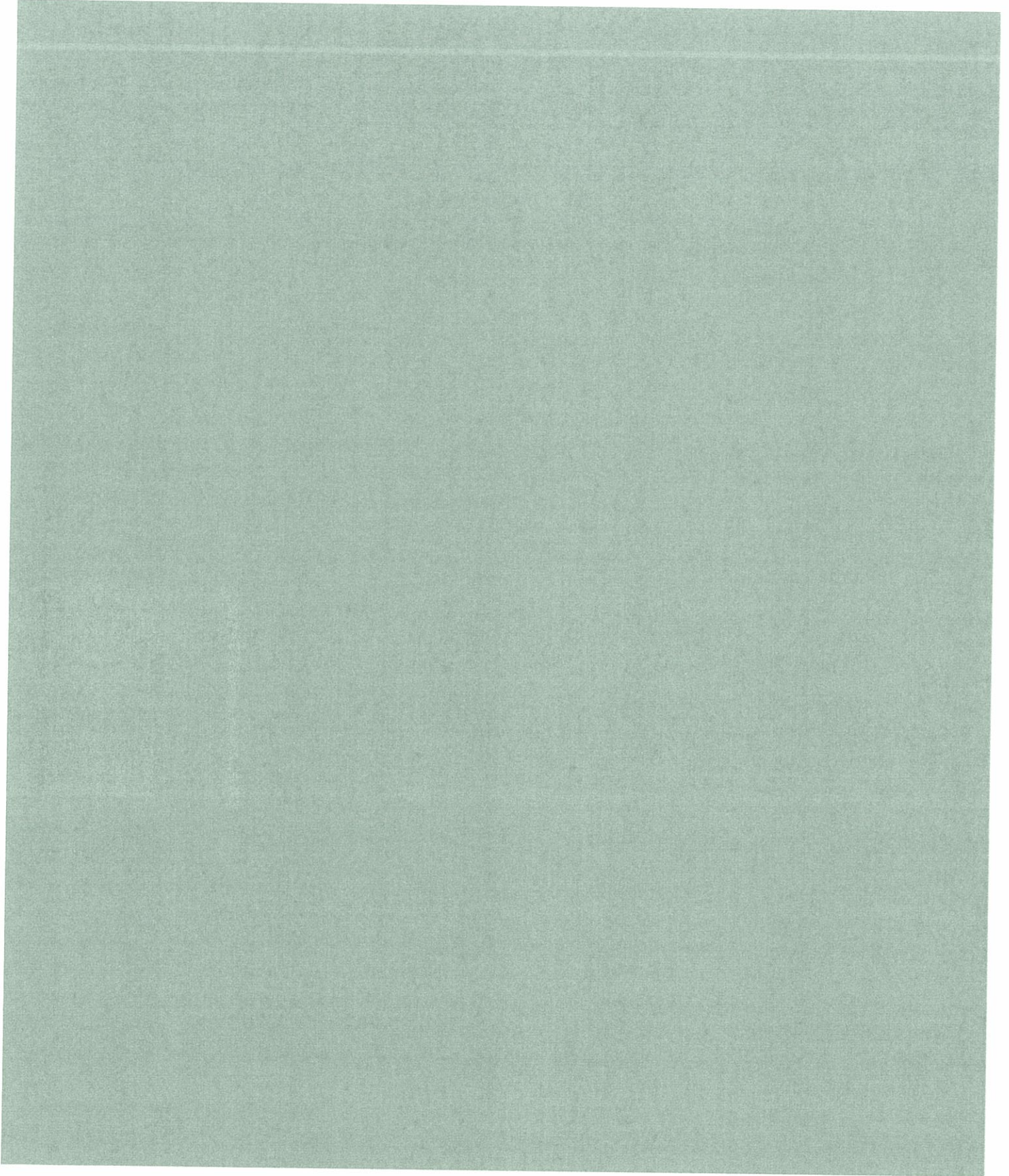
















Australian Government

Department of Infrastructure and Regional Development

FOI  
Schedule 3

## Schedule of relevant provisions in the FOI Act

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### 3 Objects—general

- (1) The objects of this Act are to give the Australian community access to information held by the Government of the Commonwealth or the Government of Norfolk Island, by:
  - (a) requiring agencies to publish the information; and
  - (b) providing for a right of access to documents.
- (2) The Parliament intends, by these objects, to promote Australia's representative democracy by contributing towards the following:
  - (a) increasing public participation in Government processes, with a view to promoting better informed decision-making;
  - (b) increasing scrutiny, discussion, comment and review of the Government's activities.
- (3) The Parliament also intends, by these objects, to increase recognition that information held by the Government is to be managed for public purposes, and is a national resource.
- (4) The Parliament also intends that functions and powers given by this Act are to be performed and exercised, as far as possible, to facilitate and promote public access to information, promptly and at the lowest reasonable cost.

### 11 Right of access

- (1) Subject to this Act, every person has a legally enforceable right to obtain access in accordance with this Act to:
  - (a) a document of an agency, other than an exempt document; or
  - (b) an official document of a Minister, other than an exempt document.
- (2) Subject to this Act, a person's right of access is not affected by:
  - (a) any reasons the person gives for seeking access; or
  - (b) the agency's or Minister's belief as to what are his or her reasons for seeking access.

### 11A Access to documents on request

#### Scope

- (1) This section applies if:
  - (a) a request is made by a person, in accordance with subsection 15(2), to an agency or Minister for access to:
    - (i) a document of the agency; or
    - (ii) an official document of the Minister; and
  - (b) any charge that, under the regulations, is required to be paid before access is given has been paid.
- (2) This section applies subject to this Act.

Note: Other provisions of this Act are relevant to decisions about access to documents, for example the following:

- (a) section 12 (documents otherwise available);
- (b) section 13 (documents in national institutions);

- (c) section 15A (personnel records);
- (d) section 22 (access to edited copies with exempt or irrelevant matter deleted).

*Mandatory access—general rule*

- (3) The agency or Minister must give the person access to the document in accordance with this Act, subject to this section.

*Exemptions and conditional exemptions*

- (4) The agency or Minister is not required by this Act to give the person access to the document at a particular time if, at that time, the document is an exempt document.

Note: Access may be given to an exempt document apart from under this Act, whether or not in response to a request (see section 3A (objects—information or documents otherwise accessible)).

- (5) The agency or Minister must give the person access to the document if it is conditionally exempt at a particular time unless (in the circumstances) access to the document at that time would, on balance, be contrary to the public interest.

Note 1: Division 3 of Part IV provides for when a document is conditionally exempt.

Note 2: A conditionally exempt document is an exempt document if access to the document would, on balance, be contrary to the public interest (see section 31B (exempt documents for the purposes of Part IV)).

Note 3: Section 11B deals with when it is contrary to the public interest to give a person access to the document.

- (6) Despite subsection (5), the agency or Minister is not required to give access to the document at a particular time if, at that time, the document is both:
  - (a) a conditionally exempt document; and
  - (b) an exempt document:
    - (i) under Division 2 of Part IV (exemptions); or
    - (ii) within the meaning of paragraph (b) or (c) of the definition of exempt document in subsection 4(1).

**11B Public interest exemptions—factors**

*Scope*

- (1) This section applies for the purposes of working out whether access to a conditionally exempt document would, on balance, be contrary to the public interest under subsection 11A(5).
- (2) This section does not limit subsection 11A(5).

*Factors favouring access*

- (3) Factors favouring access to the document in the public interest include whether access to the document would do any of the following:
  - (a) promote the objects of this Act (including all the matters set out in sections 3 and 3A);
  - (b) inform debate on a matter of public importance;
  - (c) promote effective oversight of public expenditure;
  - (d) allow a person to access his or her own personal information.

*Irrelevant factors*

- (4) The following factors must not be taken into account in deciding whether access to the document would, on balance, be contrary to the public interest:
  - (a) access to the document could result in embarrassment to the Commonwealth Government, or cause a loss of confidence in the Commonwealth Government;
  - (aa) access to the document could result in embarrassment to the Government of Norfolk Island or cause a loss of confidence in the Government of Norfolk Island;



- (b) access to the document could result in any person misinterpreting or misunderstanding the document;
- (c) the author of the document was (or is) of high seniority in the agency to which the request for access to the document was made;
- (d) access to the document could result in confusion or unnecessary debate.

*Guidelines*

- (5) In working out whether access to the document would, on balance, be contrary to the public interest, an agency or Minister must have regard to any guidelines issued by the Information Commissioner for the purposes of this subsection under section 93A.

**22 Access to edited copies with exempt or irrelevant matter deleted**

*Scope*

- (1) This section applies if:
  - (a) an agency or Minister decides:
    - (i) to refuse to give access to an exempt document; or
    - (ii) that to give access to a document would disclose information that would reasonably be regarded as irrelevant to the request for access; and
  - (b) it is possible for the agency or Minister to prepare a copy (an edited copy) of the document, modified by deletions, ensuring that:
    - (i) access to the edited copy would be required to be given under section 11A (access to documents on request); and
    - (ii) the edited copy would not disclose any information that would reasonably be regarded as irrelevant to the request; and
  - (c) it is reasonably practicable for the agency or Minister to prepare the edited copy, having regard to:
    - (i) the nature and extent of the modification; and
    - (ii) the resources available to modify the document; and
  - (d) it is not apparent (from the request or from consultation with the applicant) that the applicant would decline access to the edited copy.

*Access to edited copy*

- (2) The agency or Minister must:
  - (a) prepare the edited copy as mentioned in paragraph (1)(b); and
  - (b) give the applicant access to the edited copy.

*Notice to applicant*

- (3) The agency or Minister must give the applicant notice in writing:
  - (a) that the edited copy has been prepared; and
  - (b) of the grounds for the deletions; and
  - (c) if any matter deleted is exempt matter—that the matter deleted is exempt matter because of a specified provision of this Act.
- (4) Section 26 (reasons for decision) does not apply to the decision to refuse access to the whole document unless the applicant requests the agency or Minister to give the applicant a notice in writing in accordance with that section.

**23 Decisions to be made by authorised persons**

- (1) Subject to subsection (2), a decision in respect of a request made to an agency may be made, on behalf of the agency, by the responsible Minister or the principal officer of the agency or, subject to the regulations, by an officer of the agency acting within the scope of authority exercisable by him or her in accordance with arrangements approved by the responsible Minister or the principal officer of the agency.

- (2) A decision in respect of a request made to a court, or made to a tribunal, authority or body that is specified in Schedule 1, may be made on behalf of that court, tribunal, authority or body by the principal officer of that court, tribunal, authority or body or, subject to the regulations, by an officer of that court, tribunal, authority or body acting within the scope of authority exercisable by him or her in accordance with arrangements approved by the principal officer of that court, tribunal, authority or body.

## **26 Reasons and other particulars of decisions to be given**

- (1) Where, in relation to a request, a decision is made relating to a refusal to grant access to a document in accordance with the request or deferring provision of access to a document, the decision-maker shall cause the applicant to be given notice in writing of the decision, and the notice shall:
- (a) state the findings on any material questions of fact, referring to the material on which those findings were based, and state the reasons for the decision; and
  - (aa) in the case of a decision to refuse to give access to a conditionally exempt document—include in those reasons the public interest factors taken into account in making the decision; and

**Note:** Access must generally be given to a conditionally exempt document unless it would be contrary to the public interest (see section 11A).

- (b) where the decision relates to a document of an agency, state the name and designation of the person giving the decision; and
  - (c) give to the applicant appropriate information concerning:
    - (i) his or her rights with respect to review of the decision;
    - (ii) his or her rights to make a complaint to the Information Commissioner in relation to the decision; and
    - (iii) the procedure for the exercise of the rights referred to in subparagraphs (i) and (ii); including (where applicable) particulars of the manner in which an application for internal review (Part VI) and IC review (Part VII) may be made.
- (1A) Section 13 of the Administrative Decisions (Judicial Review) Act 1977 does not apply to a decision referred to in subsection (1).
- (2) A notice under this section is not required to contain any matter that is of such a nature that its inclusion in a document of an agency would cause that document to be an exempt document.  
(see section 11A).

## **33 Documents affecting national security, defence or international relations**

A document is an exempt document if disclosure of the document under this Act:

- (a) would, or could reasonably be expected to, cause damage to:
  - (i) the security of the Commonwealth;
  - (ii) the defence of the Commonwealth; or
  - (iii) the international relations of the Commonwealth; or
- (b) would divulge any information or matter communicated in confidence by or on behalf of a foreign government, an authority of a foreign government or an international organization to the Government of the Commonwealth, to an authority of the Commonwealth or to a person receiving the communication on behalf of the Commonwealth or of an authority of the Commonwealth.

## **37 Documents affecting enforcement of law and protection of public safety**

- (1) A document is an exempt document if its disclosure under this Act would, or could reasonably be expected to:
- (a) prejudice the conduct of an investigation of a breach, or possible breach, of the law, or a failure, or possible failure, to comply with a law relating to taxation or



- prejudice the enforcement or proper administration of the law in a particular instance;
  - (b) disclose, or enable a person to ascertain, the existence or identity of a confidential source of information, or the non-existence of a confidential source of information, in relation to the enforcement or administration of the law; or
  - (c) endanger the life or physical safety of any person.
- (2) A document is an exempt document if its disclosure under this Act would, or could reasonably be expected to:
- (a) prejudice the fair trial of a person or the impartial adjudication of a particular case;
  - (b) disclose lawful methods or procedures for preventing, detecting, investigating, or dealing with matters arising out of, breaches or evasions of the law the disclosure of which would, or would be reasonably likely to, prejudice the effectiveness of those methods or procedures; or
  - (c) prejudice the maintenance or enforcement of lawful methods for the protection of public safety.
- (2A) For the purposes of paragraph (1)(b), a person is taken to be a confidential source of information in relation to the enforcement or administration of the law if the person is receiving, or has received, protection under a program conducted under the auspices of the Australian Federal Police, or the police force of a State or Territory, for the protection of:
- (a) witnesses; or
  - (b) people who, because of their relationship to, or association with, a witness need, or may need, such protection; or
  - (c) any other people who, for any other reason, need or may need, such protection.
- (3) In this section, law means law of the Commonwealth or of a State or Territory.

#### **45 Documents containing material obtained in confidence**

- (1) A document is an exempt document if its disclosure under this Act would found an action, by a person (other than an agency, the Commonwealth or Norfolk Island), for breach of confidence.
- (2) Subsection (1) does not apply to a document to which subsection 47C(1) (deliberative processes) applies (or would apply, but for subsection 47C(2) or (3)), that is prepared by a Minister, a member of the staff of a Minister, or an officer or employee of an agency, in the course of his or her duties, or by a prescribed authority or Norfolk Island authority in the performance of its functions, for purposes relating to the affairs of an agency or a Department of State unless the disclosure of the document would constitute a breach of confidence owed to a person or body other than:
  - (a) a person in the capacity of Minister, member of the staff of a Minister or officer of an agency; or
  - (b) an agency, the Commonwealth or Norfolk Island.

#### **Public interest conditional exemptions**

##### **47C Public interest conditional exemptions—deliberative processes**

###### *General rule*

- (1) A document is conditionally exempt if its disclosure under this Act would disclose matter (deliberative matter) in the nature of, or relating to, opinion, advice or recommendation obtained, prepared or recorded, or consultation or deliberation that has taken place, in the course of, or for the purposes of, the deliberative processes involved in the functions of:
  - (a) an agency; or
  - (b) a Minister; or
  - (c) the Government of the Commonwealth; or
  - (d) the Government of Norfolk Island.

*Exceptions*

- (2) Deliberative matter does not include either of the following:
- (a) operational information (see section 8A);
  - (b) purely factual material.

Note: An agency must publish its operational information (see section 8).

- (3) This section does not apply to any of the following:
- (a) reports (including reports concerning the results of studies, surveys or tests) of scientific or technical experts, whether employed within an agency or not, including reports expressing the opinions of such experts on scientific or technical matters;
  - (b) reports of a body or organisation, prescribed by the regulations, that is established within an agency;
  - (c) the record of, or a formal statement of the reasons for, a final decision given in the exercise of a power or of an adjudicative function.

Note: Access must generally be given to a conditionally exempt document unless it would be contrary to the public interest (see section 11A).

**47G Public interest conditional exemptions—business**

- (1) A document is conditionally exempt if its disclosure under this Act would disclose information concerning a person in respect of his or her business or professional affairs or concerning the business, commercial or financial affairs of an organisation or undertaking, in a case in which the disclosure of the information:
- (a) would, or could reasonably be expected to, unreasonably affect that person adversely in respect of his or her lawful business or professional affairs or that organisation or undertaking in respect of its lawful business, commercial or financial affairs; or
  - (b) could reasonably be expected to prejudice the future supply of information to the Commonwealth, Norfolk Island or an agency for the purpose of the administration of a law of the Commonwealth or of a Territory or the administration of matters administered by an agency.
- (2) Subsection (1) does not apply to trade secrets or other information to which section 47 applies.
- (3) Subsection (1) does not have effect in relation to a request by a person for access to a document:
- (a) by reason only of the inclusion in the document of information concerning that person in respect of his or her business or professional affairs; or
  - (b) by reason only of the inclusion in the document of information concerning the business, commercial or financial affairs of an undertaking where the person making the request is the proprietor of the undertaking or a person acting on behalf of the proprietor; or
  - (c) by reason only of the inclusion in the document of information concerning the business, commercial or financial affairs of an organisation where the person making the request is the organisation or a person acting on behalf of the organisation.
- (4) A reference in this section to an undertaking includes a reference to an undertaking that is carried on by, or by an authority of, the Commonwealth, Norfolk Island or a State or by a local government authority.
- (5) For the purposes of subsection (1), information is not taken to concern a person in respect of the person's professional affairs merely because it is information concerning the person's status as a member of a profession.

Note: Access must generally be given to a conditionally exempt document unless it would be contrary to the public interest (see section 11A).