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24 April 2012

Ms Melissa Clements
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Committees and Processes

Inquiry into the Aviation Transport Security Amendment (Screening) Bill 2012

Thank you for the opportunity to comment on the above inquiry.

Our response has been divided into three distinct issues: Process, Technical & Operational, and Privacy concerns.

Process Issues

It is noted that there are no specific Terms of Reference for this Inquiry. This hampers the ability to garner information on the background to this inquiry and on the issues the Aviation Transport Security Amendment (Screening) Bill may have already face and addressed. As a consequence, some of the issues we have under Technical may have already been sorted.

It is also noted that there is a short timeframe for a response. This again affects the possible quality and depth of a response to this inquiry.

It is understood that a prior consultation process was conducted with relevant organisations in regards to the issues around privacy. It is unclear what resulted from those consultations. Again this hampers a response as issues may have been resolved.

Technical & Operational Issues

The proposal is for millimetre wave body-scanning technology with Automatic Threat Recognition (ATR) software. The ATR software generates a generic 'stick figure' image thereby allaying privacy concerns of operators looking at 'raw' data.

The technology is in use in the USA and England but a 12 month trial of the technology in Germany was cut short when issues of reliability and ineffectiveness came up.

The German trial noted that the millimetre-wave scanners could miss plastic, chemicals and liquids. They were not designed to detect powdered explosives like those used in the failed 'underwear bomb' plot and also missed detecting explosives hidden within the body.

False positives were recorded in 7 out of 10 cases. The technology was reportedly confused by layers of clothing, zips and pleats. Other false positives could be triggered by the posture of the passenger and sweaty armpits.

As a consequence, the operational procedure was slowed and a reduction of over 30% occurred in the throughput capacity of the departure lanes. There are already long delays at airports so this issue needs to be addressed.

Privacy Issues

It is noted that, unless a passenger has a physical or medical reason why they cannot go through the body scanner they will be required to comply with any request to undergo a body scan. Unlike the USA where a passenger can opt instead for a pat down there will be no such option under this legislation. The result is you comply or you do not fly.

Since there are major concerns with this technology in other countries it may be argued that it is an imposition on the freedom of Australians to be forced to use this technology.

What makes this more problematic is the inclusion that 'a person is taken to consent to any screening procedure when at an aviation screening point'. This is a new definition of 'consent' that may need to be examined further. Consent is usually given by a person either verbally or in writing, it becomes difficult to administer if it is imposed by Parliament or occurs just from being at a specific location.

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Commander