



**FOREIGN
AFFAIRS AND
TRADE**

Submission to Joint Committee of Public Accounts and Audit

REVIEW OF AVIATION SECURITY

(d) The impact of overseas security requirements on Australian Aviation Security

The hijacking of four civilian aircraft on 11 September 2001 and their use in a coordinated terrorist attack brought into focus the need to improve greatly the security of civil aviation across the globe. The reaction of the international community has been to strengthen existing international standards to ensure that such events cannot occur again.

The Department of Transport and Regional Services (DoTaRs) is the Commonwealth Department with primary responsibility for Australia's aviation security regime. However, the Department of Foreign Affairs and Trade (DFAT) plays a complementary role by providing advice on international agreements which relate to aviation security; by protecting the privileges and immunity of diplomatic and consular officers accredited to Australia; and by coordinating the Commonwealth Government's capacity building efforts through the Asia-Pacific Economic Cooperation (APEC) program, to improve aviation security in the region.

Counter-terrorism instruments relevant to aviation security to which Australia is a Party

DFAT provides advice to other government departments involved in international negotiations, including bilateral and multilateral air services agreements. Australia's bilateral air services agreements generally include an 'Aviation Security' clause, which detail the obligations of contracting governments under international law, including against the unlawful seizure of aircraft.

There are four multilateral counter-terrorism instruments relevant to aviation security to which Australia is a Party:

- ◆ *Convention on Offences and Certain Other Acts Committed on Board Aircraft* (Tokyo 1963) which prohibits the unlawful seizure of aircraft;
- ◆ *Convention for the Suppression of Unlawful Seizure of Aircraft* (The Hague 1970) which prohibits the hijacking of civilian aircraft;
- ◆ *Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation* (Montreal, 1971) which prohibits attacks against a person on board a civilian aircraft in flight or against the aircraft itself which would endanger the aircraft; and

- ◆ *Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation* (Montreal, 1988) which prohibits attacks against a person at an international airport which causes or is likely to cause serious injury or death, or attacks against the facilities of or aircraft located at an international airport, which endanger or is likely to endanger safety at that airport.

Australia implements its domestic requirements for these instruments under the *Crimes (Aviation) Act 1991*. Obligations common to most of these instruments include:

- ◆ to establish these offences as crimes under the Party's domestic law;
- ◆ to establish jurisdiction over the offence in specific circumstances (where there is a territorial link or a national link with the offender or operator of the object attacked);
- ◆ to report the commission of offences and any remedial action taken as soon as possible to the Council of the International Civil Aviation Organization,
- ◆ to take all appropriate measures to remedy the situation;
- ◆ to detain an alleged offender found in its territory, notify states with jurisdiction over the offence in question and conduct preliminary investigations;
- ◆ either to extradite suspects in detention to a State with jurisdiction over the offence or to put them on trial themselves;
- ◆ to cooperate generally in extradition and mutual assistance in criminal investigations; and
- ◆ to prevent the commission of the crime and to take remedial action if a crime is taking place.

Air Security Officers (ASOs)

As part of plans to extend the Commonwealth Government's Air Security Officer (ASO) program to include certain international services, DFAT is currently supporting the Attorney-General's portfolio in the negotiation of arrangements with the United States, Singapore and Indonesia to enable the deployment of ASOs on flights to and from those countries.

Consular and diplomatic arrangements

DFAT advises the Commonwealth Government on diplomatic and consular staff accredited to Australia, including on the protection of their privileges and immunities under international and Australian law. In this regard, the Department has drawn the attention of DoTaRs to the need to implement new security measures at airports with due regard for the requirements of the Vienna Conventions on Diplomatic and Consular Relations to protect the inviolability of certain diplomatic and consular staff accredited to Australia without compromising our security procedures.

Asia Pacific Economic Cooperation (APEC) – Aviation Security

Under its broader secure trade agenda, the Asia Pacific Economic Cooperation (APEC) forum is currently implementing a number of initiatives aimed at strengthening aviation security in the Asia-Pacific region. DFAT is the lead agency responsible for coordinating Australian Government involvement in APEC. Specific responsibility for overseeing Australian involvement in these initiatives falls to DoTaRs, which has overall carriage of transport-related security issues.

Aviation security-related projects being pursued by APEC include:

- ◆ Promoting 100% Baggage Screening – This project aims to increase understanding of the operational requirements for implementing 100 per cent baggage screening for various transportation modes, including aviation
- ◆ Survey of Training Requirements and Capabilities, including Database Development – The aim of this project is to create a database to assist the training of personnel performing aviation security risk assessments.
- ◆ Support for Aviation Security Audits Phase I: Preparation for ICAO Universal Security Audit Program – This project aims to facilitate the participation of APEC economies in the International Civil Aviation Organisation (ICAO) Universal Security Audit Program.

APEC is also pursuing additional aviation security-related proposals as part of its Secure Trade in the APEC Region (STAR) initiative. These include:

- ◆ accelerating implementation of standards for reinforced flight deck doors for passenger aircraft by April 2003, wherever possible;
- ◆ enhancing air cargo security by promoting adoption of the guidelines developed by ICAO and the International Air Transport Association; and
- ◆ enhancing international and domestic intermodal supply-chain security in the APEC region while facilitating the efficient cross-border movement of legitimate commerce.