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of Australia

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The Secretary
Aviation Security and Policing Review
GPO Box 1465
CANBERRA ACT 2601

SUBMISSION BY POLICE FEDERATION OF AUSTRALIA (PFA)

The PFA makes this submission on behalf of all State, Territory and Federal Police Associations/Unions representing 50,000 Australian police officers.

The aviation industry is one of a number of industries that have come under greater security scrutiny in recent years. Whilst there is a necessity for the industry to take responsibility for the security of its assets, the PFA argues that the fact that those assets can also be used to threaten the wider community means that all Australian Governments also have a security and policing responsibility within these industries.

Ultimate responsibility for the safe aerial carriage of people, property and the protection of all Australians from the misuse of aviation assets rests with the Commonwealth. It is therefore incumbent on the Commonwealth to provide a clear hierarchy of responsibilities for agencies at airports. The PFA argues that such is not the case currently. State Governments currently have a varying role in respect to security and policing both within and around airports. This differs from airport to airport and adds to the complexity and uncertainty surrounding these issues.

In the aviation industry in particular, where there is evidence that there is an increased threat to the wider community by the misuse of aircraft, then a greater

responsibility for the cost of such security should be borne by the Federal Government as opposed to the traveling public. Whilst it is accepted that ultimately the Australian public will pay, we argue the cost of such security, due to the wide ramifications of breaches of security in these industries, should be born by the wider community. Citizen's safety within their community is the responsibility of Government as opposed to private enterprise.

This dual responsibility arrangement referred to requires a detailed coordination role which the PFA argues is a fundamental police function. This should be the responsibility of the Australian Federal Police however there may be some circumstances such as at small regional airports or where arrangements are already in place, where state police would perform this role. It is imperative however for such arrangements to be formalised, coordinated and oversighted by the AFP and properly funded by the Commonwealth.

The PFA proposes that the airline industry should be responsible for what goes on board aircraft and the Federal Government should be responsible for all other aspects of security including, policing, border protection and counter terrorism functions.

By placing the AFP in the senior coordinating role of all aspects concerning aviation security, it should alleviate any potential political point scoring between state and the federal governments. The security function would be clearly the role of the AFP and therefore the Federal Government. That is not to say that arrangements cannot be made through the various police jurisdictions for certain aspects of policing at designated airports.

To assist in the clarification of what constitutes an airport under legislation, the PFA believes that any point in Australia capable of launching or recovering an aircraft should be subject to relevant Commonwealth aviation security legislation and be prescribed as an airport.

This does not necessarily imply that any such place will be permanently or regularly policed or what Police jurisdiction will carry out the function. For example, ongoing issues of interest relating to a small regional airport may be actioned by the police jurisdiction in which it is located in liaison with the AFP where necessary. Intelligence led police activity may occur at any airport on the same basis as a Commonwealth owned airport.

An airport may consist of Commonwealth, State or private property and should be subject to the jurisdiction of the Australian Federal Police (AFP), in as much as the AFP exercises powers under the Commonwealth legislation, or the relevant state police agency by agreement.

As the only multi jurisdictional police force in Australia, with well-established links with international law enforcement agencies, the AFP should be identified as the lead agency in airport security matters. At the heart of these issues is the need for coordinated intelligence collection, analysis and dissemination coupled with the ability to quickly put effect to intervention and enforcement operations. A formal agreement to involve state police agencies at some airports or performing some functions would ensure this intelligence function was properly undertaken.

The PFA argues that aviation security in Australia should be underpinned by several key principles. They are:

- Law Enforcement considerations (public safety) should take precedent over any commercial considerations

This key principle supports the argument that the senior coordination role at airports should be undertaken by a police officer with their independent powers of office. The commercial contractual arrangements for AFP Protective Service Officers should be reviewed in the context of this principle.

Sir Robert Marks in a review of AFP operations in 1978 said –

“Administratively, a police force should be seen to be accountable to government...Operationally, it should be seen to be as free as possible from political interference...Any operational decision by a police force unduly subject to political interference will never be generally acceptable with consequent impairment of the reputation and status of the force...The ideal relationship is that the Chief Police Officer should pay the closest attention to the views of those whom he is administratively accountable to but that he, and he alone, should make operational decisions”.

All airport related businesses are driven by profit levels. At times, consideration of profit stands in conflict with pragmatic and informed analysis of risk. These, and like organizations should not be put in a position of executive authority in relation to safety, security and law enforcement outcomes at Airports.

- Any role relating to the investigation of crime, regulation and the ultimate protection of airport assets, safety of personnel and/or clients should be undertaken by a duly sworn police officer

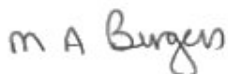
The rationale behind this principle is that to undertake the above functions policing skills comprising investigation expertise, powers of search, detention and arrest are required. Such an array of powers is only granted to police officers. It is universally recognized that police stand at the peak level of accountability in

terms of both covert and overt integrity and accountability mechanisms. Such mechanisms are underpinned by legislation involving independent scrutiny of police conduct.

- Subordinate security roles including passenger screening and baggage screening (domestic and international) should be undertaken by appropriately trained AFP Protective Service Officers

The rationale behind this principle is that currently there are a number of different private security firms across Australia with no formal linkages, no public accountability, with disparity in levels of training and differing standard operating procedures. The individual security officer's key stakeholder is their employer. To ensure that there is a nationally consistent standard of coordination of training, accountability and collection and exploitation of intelligence, including criminal intelligence the function should be undertaken by AFP Protective Service Officers (PSO's). This also ensures public compliance and confidence. It is also relevant that PSO's are AFP employees subject to higher standards of oversight. As part of the AFP they are promptly made aware of, and have access to, emerging intelligence relevant to their function. This proposal is consistent with reforms that have taken place in the United States since September 11 when the US Government took over control of these functions, which had previously been contracted out. This is a critical issue, which needs to be urgently addressed.

It is the view of the PFA that inevitably the Commonwealth Government will have to place a lower reliance on private sector, shareholder accountable organizations & a higher reliance on publicly accountable law enforcement agencies. To do otherwise will place the safety of the Australian public at risk.



Mark Burgess
Chief Executive Officer

RECOMMENDATIONS

- 1. That the co-ordination of all security arrangements at airports throughout Australia be the responsibility of the Australian Federal Police or by the relevant state police agency by a formalised agreement with the Commonwealth**
- 2. That the airline industry should be responsible for what goes on board an aircraft and the Federal Government should be responsible for all other aspects of security including, policing, border protection and counter terrorism functions**
- 3. Any point in Australia capable of launching or recovering an aircraft should be subject to relevant Commonwealth aviation security legislation and be prescribed as an airport**
- 4. Any role relating to the investigation of crime, regulation and the ultimate protection of airport assets, safety of personnel and/or clients should be undertaken by a duly sworn police officer**
- 5. Subordinate security roles including passenger screening and baggage screening (domestic and international) should be undertaken by appropriately trained AFP Protective Service Officers**