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The Parliament of the Commonwealth of Australia

# Report 409

**Developments in Aviation Security since the Committee's June 2004 *Report 400: Review of Aviation Security in Australia***

Joint Committee of Public Accounts and Audit

December 2006  
Canberra

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## Foreword

This report presents the results of the Joint Committee of Public Accounts and Audit's re-opened inquiry into aviation security in Australia. The Committee re-opened its inquiry as a result of some significant developments in aviation security since its *Report 400 Review of Aviation Security in Australia* tabled in June 2004.

On determining to revisit aviation security, the Committee was cognisant of major initiatives by the Australian Government to extend and deepen the security standards required of aviation industry participants, particularly the introduction of the new Aviation Security Transport Regulations in March 2005. Media reports of criminal activity at airports had also been published since the presentation of the Committee's *Report 400*.

The inquiry received 81 submissions and undertook a programme of inspections and evidence gathering at major and regional centres across Australia, including Sydney, Melbourne, Brisbane, Adelaide, Perth, Canberra, Darwin, Cairns, Geraldton, Kalbarri, Carnarvon, Newman, Derby and Broome.

The Committee has examined the principles underlying aviation security in Australia and their implementation by agencies with responsibility for intelligence gathering, regulation and law enforcement, the frontline preventative security measures of background checking of aviation industry personnel and physical security of sensitive areas of airports, developments in law enforcement arrangements at major and regional airports and the cost imposts of and funding arrangements to support enhanced security arrangements.

The Committee has supported the initiatives of the Australian Government in aviation security and, through its recommendations, suggested further measures that will ensure Australia continues to have one of the leading aviation security regimes in the world.

The Committee has made nineteen recommendations that identify measures to further improve aviation security in Australia. These include:

- reporting to the Committee the number of unannounced security audits of major airports in 2006 and ensuring regular unannounced audits of Australia's busiest airport, Sydney Airport, in the future;
- increasing the on-ground experience of selected Office of Transport personnel particularly in relation to regional aviation industry participants;
- establishing standards for aviation industry participants against which to measure proposed security measures;
- improved processes for issuing an Aviation Security Identification Card and tighter conditions and format for issuing a Visitor Identification Card;
- revised reporting arrangements for the prohibited items list for items allowed into the cabins of security classified flights;
- support and flexibility in the delivery of security training;
- expanding the functions of Regional Rapid Deployment Teams at regional airports;
- the development of an industry code for the monitoring of Closed Circuit Television at security classified airports;
- improving communication services to security classified regional airports; and
- negotiating funding arrangements to upgrade security at security classified regional airports.

Following the introduction of the new regulations in 2005, full screening of checked baggage will be required of all flights departing Counter Terrorism First Response airports from 1 August 2007.

Whilst some argue that full screening should occur at every regional airport, the Committee states (at pages 80 and 81) that it is simply not feasible to demand screening of all checked baggage at every regional airport. As Sir John Wheeler stated in his independent report:

...it is clear that 'one size does not fit all' in imposing security, regulations and standards across disparate airports... Security measures at regional airports should be balanced and proportionate and must be based on enhanced threat and risk



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assessments. It is always difficult to draw firm lines, and these could vary as a result of changed circumstances.<sup>1</sup>

While the Committee believes that it is inevitable that additional airports will, in time, warrant screening of all checked baggage, it did not want to claim to have the expertise to identify which individual airports should be included in this category or when they should be included.

In light of the Committee's view, it has recommended that the Department of Transport and Regional Services report to the Parliament within three months as to whether any additional airports should be required to screen all checked baggage from August 2007, beyond those already designated by the Aviation transport security Regulations, and further update its advice to the Parliament twice yearly.

The Committee has also recommended that the Department of Transport and Regional Services report on the timetable for implementing screening of all air cargo on passenger aircraft where passengers' checked baggage is screened. The Department's report should include consideration of the feasibility of implementing the screening of all air cargo on passenger aircraft where passengers' checked baggage is screened by 1 August 2007, that being the date when 100 percent check baggage screening from Counter Terrorism First Response airports is required.

The expansion and intensification of aviation security measures in Australia has attempted and largely achieved a balance between, on the one hand, the implementation of adequate preventative security measures and readiness to respond to a breach if this occurs and, on the other, consideration of convenience and cost to the travelling public and Australian taxpayer.



Tony Smith MP  
Chair

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<sup>1</sup> Rt Hon Sir John Wheeler, *An Independent Review of Airport Security and Policing for the Government of Australia*, September 2005, p. xiv.



## Membership of the Committee

Chair Mr Tony Smith MP (from 9/2/2006)

Mr Bob Baldwin MP (to 7/2/2006)

Deputy Chair Ms Sharon Grierson MP

Members	Senator Mark Bishop (from 10/5/2006)	Hon Bronwyn Bishop MP (from 16/8/2005)
	Senator John Hogg	Mr Russell Broadbent MP
	Senator Gary Humphries	Ms Anna Burke MP (to 14/9/2005)
	Senator Claire Moore (to 10/5/2006)	Dr Craig Emerson MP (from 14/9/2005)
	Senator Andrew Murray	Dr Dennis Jensen MP (from 30/5/2006)
	Senator Fiona Nash (from 16/8/2005)	Hon Jackie Kelly MP
	Senator Nigel Scullion (to 16/8/2005)	Ms Catherine King MP
	Senator John Watson	Mr Andrew Laming MP
		Hon Alex Somlyay MP (to 16/8/2005)
		Mr Lindsay Tanner MP
		Mr Ken Ticehurst MP (to 30/5/2006)



## Membership of the Sectional Committee

**Chair** Mr Tony Smith MP (from 9/2/2006)

Mr Bob Baldwin MP (to 7/2/2006)

**Deputy Chair** Ms Sharon Grierson MP

**Members** Senator John Hogg

Hon Bronwyn Bishop MP  
(from 17/8/2005)

Senator Claire Moore (to 10/5/2006)

Mr Russell Broadbent MP

Senator Andrew Murray  
(from 15/2/2006)

Ms Anna Burke MP (to 14/9/2005)

Senator Fiona Nash (from 7/9/2005)

Ms Catherine King MP

Senator John Watson

Mr Andrew Laming MP

Hon Alex Somlyay MP (to 10/8/2005)

Mr Ken Ticehurst MP (to 30/5/2006)

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## Terms of reference

The Joint Committee of Public Accounts and Audit will inquire into and report on developments in aviation security since its June 2004 *Report 400: Review of Aviation Security in Australia*, with particular reference to:

- a) regulation of aviation security by the Commonwealth Department of Transport and Regional Services, and the Department's response to aviation security incidents since June 2004;
- b) compliance with Commonwealth security requirements by airport operators at major and regional airports;
- c) compliance with Commonwealth security requirements by airlines;
- d) the impact of overseas security requirements on Australian aviation security;
- e) cost imposts of security upgrades, particularly for regional airports;
- f) privacy implications of greater security measures;
- g) opportunities to enhance security measures presented by current and emerging technologies, including measures to combat identity fraud; and
- h) procedures for, and security of, baggage handling operations at international, domestic and regional airports, by both airlines and airports.



## List of abbreviations

AAA	Australian Airports Association
AaE	Australian Air Express
AAL	Adelaide Airport Limited
AFP	Australian Federal Police
AFP-PS	Australian Federal police Protective Service
AGAASC	Australian Government Agencies Airports security Committee
AGD	Attorney-General's Department
ALAEA	Australian Licenced Aircraft Engineers Association
APAC	Australia Pacific Airports Corporation
APS	Australian Protective Service
ASAF	Aviation Security Advisory Forum
ASIC	Aviation Security Identification Card
ASIO	Australian security intelligence organisation
ASO	Air Security Officer
ATSA	Aviation Transport Security Act 2004

ATSR	Aviation Transport Security Regulations 2005
BARA	Board of Airline Representatives of Australia
CAPEC	Conference Asia Pacific Express Carriers
CASA	Civil Aviation Safety Authority
CCTV	Closed Circuit Television
COAG	Council of Australian Governments
CTFR	Counter Terrorism First Response
Customs	Australian Customs Service
DIMA	Department of Immigration and Multicultural Affairs
DoTaRS	Department of Transport and Regional Services
DPI	Department of Planning and Infrastructure
EASP	Enhancing Aviation Security Package
ETD	Explosive Trace Detection
ICAO	International Civil Aviation Organization
ICM	Industry Consultative Meeting
JCPAA	Joint Committee of Public Accounts and Audit]
LHMU	Liquor, Hospitality and Miscellaneous Union
MPA	Mackay Port Authority
MSIC	Maritime Security Identification Card
OTS	Office of Transport Security
PFA	Police Federation of Australia
RAAA	Regional Aviation Association of Australia
RACA	Regulated Air Cargo Agent
RAFP	Regional Airports Funding Package

REX	Regional Express Airlines
RICM	Regional Industry Consultative Meeting
RPT	Regular Public Transport
RRDT	Regional Rapid Deployment Team
SACL	Sydney Airport Corporation Limited
SRA	Security Restricted Area
TSP	Transport Security Program
TWU	Transport Workers Union (New South Wales)
VIC	Visitor Identification Card
WAC	Westralia Airports Corporation





# List of recommendations

## Recommendation 1

That the Department of Transport and Regional Services report to the Committee, within three months, on the number of unannounced audits conducted at each Counter Terrorism First Response airport for 2006 and provide the results of these audits, in confidence if required. Sydney Airport, as Australia's largest airport, should in the future be subject to regular unannounced audits.

## Recommendation 2

That the Department of Transport and Regional Services mandate training for selected Office of Transport Security personnel to gain greater first hand knowledge of the industry participants it regulates, particularly those based in regional Australia, through required on site visits and short term work experience.

## Recommendation 3

That the Department of Transport and Regional Services establish and publish standards for certain security related infrastructure (for example airport fencing, Closed Circuit Television coverage, and access points).

## Recommendation 4

As well as being responsible for the assessment of criminal and security background checks for applicants of Aviation Security Identification Cards (ASICs), that the new Australian Background Checking Service, AusCheck, be charged with responsibility for the issue of these cards,

and that appropriate standards for the issue of ASICs be determined in consultation with industry.

#### Recommendation 5

In determining to issue an applicant with an Aviation Security Identification Card, AusCheck should take into account the specific level of risk that exists at the airport for which the application has been made.

#### Recommendation 6

That AusCheck establish detailed and formal mechanisms for monitoring the return of Aviation Security Identification Cards on the expiry or termination of a cardholder's work in aviation related industries and provide an annual report to the Parliament on the number of non returned identity cards.

#### Recommendation 7

That AusCheck be required to monitor and report annually to the Attorney-General on the adequacy of the Australian Security Intelligence Organisation, Australian Federal Police and Department of Immigration and Multicultural Affairs in completing background checks for Aviation Security Identification Card applications.

#### Recommendation 8

Any decision by AusCheck should be subject to appeal through the Administrative Appeals Tribunal.

#### Recommendation 9

Taking into account the expected reduction in waiting periods for the issue of Aviation Security Identification Cards, the Committee reiterates Recommendations 3 and 4 of its *Report 406* that the Department of Transport and Regional Services:

- require Visitor Identification Cards to carry photographic identification of the cardholder; and
- tighten the conditions under which Visitor Identification Cards are issued to ensure they are provided for genuinely temporary purposes.

#### Recommendation 10

That the Department of Transport and Regional Services adopt a formal mechanism for making six monthly reports, and as required at other times, advising the Minister for Transport and Regional Services on what, if any changes, should be made to the list of items prohibited to be introduced into the cabin of a prescribed air service set out at Regulation 1.07 of the *Aviation Transport Security Regulations 2005*.

**Recommendation 11**

That the Department of Transport and Regional Services report to the Parliament within three months as to whether any additional airports should be required to screen all checked baggage from August 2007, taking into account factors including the additional risk associated with airports operating jet services in close proximity to capital cities. The Department should update its advice to the Parliament twice yearly.

**Recommendation 12**

That the Department of Transport and Regional Services report on the timetable for implementing screening of all air cargo on passenger aircraft where passengers' checked baggage is screened.

The Department's report should include consideration of the feasibility of implementing the screening of all air cargo on passenger aircraft where passengers' checked baggage is screened by 1 August 2007 when 100 percent check baggage screening from Counter Terrorism First Response airports is required.

**Recommendation 13**

That the Department of Transport and Regional Services (DoTaRS) report to the Committee on the screening requirements for closed charter jet services operating in the United States of America and the United Kingdom. The report should include:

- a detailed analysis of the risks of closed charters in Australia; and
- an estimate of the costs of imposing screening requirements upon closed charter jet services operating in Australia.

That DoTaRS report on this matter within three months of the presentation of this report.

**Recommendation 14**

That the Department of Transport and Regional Services, in consultation with aviation industry participants, develop a security training standard specific to the aviation industry required of all security and screening personnel working at security controlled airports across Australia.

**Recommendation 15**

That the Department of Transport and Regional Services take responsibility for on-going security training in regional airports that have a high turnover of part-time staff.

### Recommendation 16

The Committee welcomes the introduction of four Regional Rapid Deployment Teams (RRDTs) and recommends that:

- the Australian Federal Police (AFP) explore and report to the Committee on the feasibility of establishing one RRDT per state and territory in terms of cost and the size required to cover each jurisdiction;
- the AFP, in consultation with state and territory police forces and regional aviation industry participants, explore ways in which the function of RRDTs may be expanded during visits to regional airports;
- the AFP review the effectiveness of RRDT activities against an outcomes framework that sets overall expectation, outcome statements and bench marks for the successful establishment of an ongoing aviation security culture; and
- the provision of RRDTs be made cost neutral to owners or operators of regional airports.

### Recommendation 17

That as part of its responsibilities as the lead agency for coordination of Closed Circuit Television at Counter Terrorism First Response airports, the Australian Customs Service ensure the development of an enforceable industry code applicable to monitoring CCTV including:

- the need for Occupational Health and Safety standards to be met;
- designation of line of vision requirements between monitors and operators (for example, eliminating awkward angles);
- designation of maximum length of shifts; and
- maximum numbers of monitors per operator.

### Recommendation 18

The Committee believes that as a matter of urgency, the Australian Government ought to ensure that reliable, high-speed internet services are available to security classified airports that do not possess such services.

### Recommendation 19

That the Minister for Transport and Regional Services provide further funding options for the upgrading of security at regional transitioning airports to a level that is at least commensurate with levels of security supported under the Regional Airports Funding Program.

The Committee is of the view that the Minister should explore a variety of mechanisms for funding these security upgrades. These may include interest free loans, matching funding with local and state governments as well as provision of grants to be determined by considering the local conditions and particular circumstances of each airport owner-operator.



## Executive summary

The scope of this inquiry was limited to reviewing developments in aviation security in Australia that have occurred since the tabling of the Committee's *Report 400* in June 2004.

The major areas of aviation security upon which the Committee has focused are:

- the adequacy of the regulator's implementation of a risk based strategy in aviation security (Chapter Two);
- the regulation of personnel who have access to airside areas through the upgrading of the Aviation Security Identification Card (ASIC) program (Chapter Three)
- the screening of people and goods entering and departing from security classified areas at airports (Chapter Four);
- law enforcement arrangements at security classified airports (Chapter Five); and
- the cost imposts of upgraded aviation security requirements and the adequacy of arrangements for provision of funding support by the Australian Government (Chapter Six).

The Australian Government has adopted a risk based approach in expanding and strengthening the aviation security regime in Australia. This risk based approach acknowledges the desirability of directing resources to areas most vulnerable to breaches of security and the necessity to directly link resource allocation to risk assessment priorities.

The necessity to adopt a risk based approach to ensure the best possible security outcomes for aviation in Australia is accentuated by the great diversity of industry participants, ranging from operators of major international airports and airlines to

small remote airports run by local councils that receive a variety of commercial and private passenger and freight transport as well as closed charter services. The diverse nature of the aviation industry as a whole neither can nor needs to be subject to uniform security requirements.

Furthermore, in our modern and mobile society it is desirable to balance the level of security against the right of Australians to affordable and convenient air travel.

Responses to aviation security threats cannot be too rigid, as the nature of the challenge changes constantly. For example, the tragedy of September 11 revealed weak cockpit security, while the transatlantic plot of August 2006 highlighted the threat of carrying liquid explosives in hand baggage.

The Government has funded substantial upgrades to aviation security over the past five years, however in order to combat continually evolving aviation security threats, the Department of Transport and Regional Services (DoTaRS) needs to be both proactive and responsive, and the Government has to be prepared to keep investing. The Committee considers that DoTaRS should adopt a reporting regime that includes this Committee, the Minister, the Attorney-General and the Parliament across a range of matters.

The Committee found that the implementation of a risk based approach in aviation security could be improved through increased consultation between the regulator and industry participants on the development and amendment of regulatory standards and also in the development of standards that would allow industry participants to gauge the adequacy of proposed measures to meet minimum regulatory standards.

Two frontline areas that underpin aviation security are the proper character of aviation industry personnel established through sound background security checks and the control of secure airport areas. The Government has moved to increase and expand the screening requirements in both of these areas.

The Committee heard industry concerns that the length of time taken to conduct and report on the results of background checks had created significant problems.

The system for processing the background checks required to obtain an ASIC is currently being centralised in a new agency called AusCheck that will be located in the Attorney-General's Department.

The Committee has recommended expanding the role of AusCheck to issuing of ASICs in order to ensure uniform standards are met by all ASIC holders and to provide greater monitoring of the return of expired ASICs and the performance of Commonwealth agencies charged with conducting background checks of ASIC applicants. Annual reporting to parliament on non-returned identity cards and reporting to the Attorney-General on the adequacy of ASIC background checks by

intelligence and security bodies were considered by the Committee to be necessary accountability enhancements.

In order to balance the rights of applicants and the need to have current background data, the Committee recommends that AusCheck decisions be subject to appeal in the Administrative Appeals tribunal and has encouraged state and federal governments to collaborate to establish a live national database of criminal convictions allowing automatic notifications of convictions against holders of ASICs.

On a related matter, the Committee believes that by reducing the waiting period for ASICs, the industry will be less reliant on the use of temporary Visitor Identification Cards which the Committee considered required specific format upgrades to verify identity and the tightening of conditions to ensure that VICs are issued for genuine temporary use.

The screening requirements for accessing security controlled areas of airports have been expanded and tightened to include all aviation industry personnel entering and departing these areas as well as the expansion of screening of checked baggage.

The Aviation Transport Security Regulations 2005 require that from 1 August 2007, 100 percent of checked baggage will be screened at all Counter Terrorism First Response airports.

The Committee draws attention to the conclusions of the Wheeler review:

...it is clear that 'one size does not fit all' in imposing security, regulations and standards across disparate airports... Security measures at regional airports should be balanced and proportionate and must be based on enhanced threat and risk assessments. It is always difficult to draw firm lines, and these could vary as a result of changed circumstances.<sup>2</sup>

It is simply not feasible to demand screening of all checked baggage at every regional airport.

However, the Committee believes that it is inevitable that additional airports will, in time, warrant screening of all checked baggage. The Committee does not claim to have the expertise to identify which individual airports should be included in this category.

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<sup>2</sup> Rt Hon Sir John Wheeler, *An Independent Review of Airport Security and Policing for the Government of Australia*, September 2005, p. xiv.



Instead, there should be a process to ensure continuous review by the appropriate government agency, DoTaRS, of the list of airports at which all checked baggage is screened.

The Committee also notes that as the eleven airports already identified have until August 2007 to implement full screening, the opportunity exists for DoTaRS to identify any further airports that should be required to implement full screening within the same timeframe.

Accordingly the Committee recommends that the DoTaRS report to the Parliament within three months as to whether any additional airports should be required to screen all checked baggage from August 2007, taking into account factors including the additional risk associated with airports operating jet services in close proximity to capital cities. The Department should update its advice to the Parliament twice yearly.

The Committee has also recommended that DoTaRS report on the timetable for implementing screening of all air cargo on passenger aircraft where passengers' checked baggage is screened at Counter Terrorism First Response airports.

The Department's report should include consideration of the feasibility of implementing the screening of all air cargo on passenger aircraft where passengers' checked baggage is screened by 1 August 2007 when 100 percent check baggage screening from Counter Terrorism First Response airports is required.

The Committee's inquiry was re-opened in an environment of considerable public concern at reports of criminal activity at major Australian airports. The threat posed to aviation security by criminality at airports was the subject of vigorous debate in evidence presented.

The Committee endorses the view of the Rt Hon Sir John Wheeler that:

Terrorism and crime are distinct, but potentially overlap. At its most basic, a culture of lax security or petty criminality can provide opportunities for terrorists to exploit weaknesses in airport security. Staff can be bribed to ignore criminality or paid large sums to assist in drug trafficking or theft. Once compromised, such employees may be unable to stand up to terrorists.<sup>3</sup>

The most direct response to incidents of criminality at airports, whether the incident is a breach of security or other type of illegal activity, is adequate law

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<sup>3</sup> Rt Hon Sir John Wheeler, *An Independent Review of Airport Security and Policing for the Government of Australia*, 21 September 2005, p. ix.

enforcement. Effective law enforcement at airports is necessary to delivering a secure aviation environment.

In response to the Wheeler recommendations the Government has increased the level of policing at all security classified airports. Airport Police Commands are being established at each major airport. They will provide a permanent law enforcement presence with clear hierarchies of command and lines of coordination between enforcement agencies that is uniform across major Australian airports.

The Committee supports the Department conducting unannounced audits at CTFR airports and believes that Sydney Airport as Australia's largest airport should be subject to regular unannounced audits. The Committee has recommended that the Department report to it on the number of unannounced security audits conducted at CTFR airports in 2006 within three months.

Aviation security in Australia would also benefit from the development of common aviation specific training standards for all security and screening personnel working in the industry. Additionally, the Committee believes that an industry code for the monitoring of Closed Circuit Television should also be developed.

A law enforcement presence at other security classified airports that are not considered major facilities, has been established through four Rapid Regional Deployment Teams (RRDTs). RRDTs attend airports either in response to intelligence indicating an increased threat (which has not occurred to date) or as pre-planned visits to practise deployment protocols and familiarise other stakeholders with their capability.

The Committee supports the development of RRDTs and believes that the Government should explore ways to expand their role to support the adoption of appropriate risk management processes at regional airports.

The cost imposts of upgrading security requirements at major and regional airports are ultimately passed onto customers and must be an important consideration in proposing any change to security arrangements. Of particular concern are the costs of security upgrades at smaller major airports such as Hobart, Darwin and Alice Springs and regional airports where smaller numbers of passengers can mean a disproportionate increase in ticket costs.

The Committee was concerned with the adequacy of Commonwealth programs in defraying costs of security upgrades particularly as they impact on a group of operators of regional airports with transitioning security arrangements. The Committee believes that the Government should explore possible funding arrangements for this group of aviation industry participants in order to upgrade physical security infrastructure at these airports to a level commensurate with other new entrant regional airports.

Notwithstanding, the identification of areas where aviation security could be improved, the Committee was pleased to learn during the course of the inquiry that Australia's aviation security measures are essentially sound. DoTaRS reported that:

The newly strengthened Australian regime is as good or better than aviation security regimes in other parts of the world. The measures that the government has introduced have resulted in an aviation industry with tightened security requirements that put Australia on par with other industrialised nations such as the United States of America, the United Kingdom and Canada. Our regime is also significantly stronger than those of our immediate neighbours in south-east Asia.<sup>4</sup>

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<sup>4</sup> DoTaRS, *Submission No .52*, p. 6.



## Introduction

- 1.1 On 24 June 2004 the then Committee Chairman, Mr Bob Charles MP, tabled the Joint Committee of Public Accounts and Audit's (JCPAA) *Report 400: Review of Aviation Security in Australia*.
- 1.2 The review arose from the Committee's statutory obligation to review reports of the Auditor-General, namely Audit Report No. 26, 2002-03, entitled *Aviation Security in Australia*, which was tabled in January 2003. Mr Charles stated that:

Overall, the Committee is satisfied that the standard of security at Australia's airports and on aircraft is sufficient to meet the current threat environment. From time to time there will be security incidents triggered by circumstances at various layers in the system. Sometimes an incident which may appear trivial to the casual observer will cause major disruption. The Committee believes this shows aviation participants are taking their security responsibilities seriously.<sup>1</sup>
- 1.3 The Committee made five recommendations that aimed at:

clarifying the interaction between the newly created Australian government airport security committees and existing airport security committees; strengthening the regulations by the inclusion in them of the non-negotiable aspects of the security framework; improving the procedures

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1 House of Representatives, *Hansard*, p. 31564.

for the return of expired aviation security identification cards; broadening security awareness training to cover everyone who has access to security-controlled areas at airports; and maintaining the positive security culture through the introduction of educational measures aimed at promoting a robust security culture.<sup>2</sup>

1.4 The five recommendations were:

- when an Australian Government security agency committee is established at a particular airport, the Department of Transport and Regional Services should be responsible for establishing a memorandum of understanding between the Government security agency committee and the corresponding airport security committee;
- the requirement for airport security committees and other essential requirements for aviation security programs should be defined in the *Aviation Transport Security Regulations 2004*;
- the Department of Transport and Regional Services should set a performance standard for the return of expired Aviation Security Identification Cards (ASICs) for each card issuing body. If this standard is not met, the department should review the mechanisms for ASIC return in the issuing body's ASIC program and require change if considered necessary;
- the Department of Transport and Regional Services should require aviation participants to include in their transport security programs compulsory initial and ongoing security awareness training for airport security identification card holders who have not received security training as part of their normal duties; and
- the Department of Transport and Regional Services should ensure that the security programs of aviation industry participants include educational instruments designed to promote an appropriate attitude to security and, through this, a robust security culture.

1.5 The Government agreed to all five recommendations of the Committee by way of an Executive Minute dated 14 December 2004 from the Department of Transport and Regional Services (DoTaRS).

1.6 In response to the Committee's recommendations in *Report 400*, DoTaRS:

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2 House of Representatives, *Hansard*, p. 31564.

- established Australian Government Agencies Airports Security Committees (AGAASCs) in major Australian international airports and reported that working arrangements between individual AGAASCs and Aviation Security Committees were being developed;
  - included requirements for Aviation Security Committees in the proposed *Aviation Transport Security Regulations 2005* (ATSRs);
  - included requirements for bodies authorised to issue ASICs to identify mechanisms to retrieve expired ASICs in the proposed ATSRs;
  - included requirements that Transport Security Plans (TSPs) set out mechanisms to provide general security awareness to operational staff, including details of key training requirements in proposed ATSRs;
  - required that all screening officers must:
    - ⇒ obtain a nationally recognised qualification – a Certificate II in Security (Guarding); and
    - ⇒ undergo an initial 40 hour on the job training and recurrent training requirements.<sup>3</sup>
- 1.7 On 25 May 2005 the JCPAA resolved to inquire into and report on developments in aviation security since *Report 400*.
- 1.8 The Committee readopted the seven terms of reference that it established for its previous inquiry into aviation security and added an eighth reference identifying:
- procedures for, and security of, baggage handling operations at international, domestic and regional airports, by both airlines and airports.
- 1.9 The additional term of reference was adopted in light of allegations and reports of organised criminal activity within some sectors of the aviation industry in Australia.
- 1.10 In December 2005 the Committee tabled an interim report of the inquiry.<sup>4</sup> The interim report was tabled to enable the Government to take the Committee's views into account, when developing strategies

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3 DoTaRS, *Executive Minute on Joint Committee of Public Accounts and Audit Report 400 Review of Aviation Security in Australia*, 14 December 2004.

4 *Report 406: Developments in Aviation Security Since the Committee's June 2004 Report 400: Review of Aviation Security in Australia – An Interim Report*.

to implement recommendations made by the Rt Hon Sir John Wheeler DL in his review of airport security and policing.

- 1.11 The Committee made the following recommendations in its interim report. These recommendations are re-examined as appropriate in this report:
- That the Department of Transport and Regional Services amend the *Aviation Transport Security Regulations 2005* to require all checked baggage to be issued with weight certification at the time of check in.
  - That the Department of Transport and Regional Services amend the *Aviation Transport Security Regulations 2005* to require that all rubbish receptacles within Counter Terrorism First Response airports and their designated precincts be designed so as to prevent the concealment of any item that is otherwise prohibited to be left unaccompanied.
  - That the Department of Transport and Regional Services amend the *Aviation Transport Security Regulations 2005* to require that all Visitor Identification Cards carry photographic identification of the card holder.
  - That the Department of Transport and Regional Services further tighten *Aviation Transport Security Regulations 2005* to mandate that all employees, contractors and subcontractors who are required to work in secure airside areas, whether on an infrequent basis or not, obtain an Aviation Security Identification Card before commencing employment.
  - That authorised issuers of Visitor Identification Cards be required to keep records of who, when and for what purpose Visitor Identification Cards are issued and that these records be subject to annual audit by the Attorney-General's Department.
- 1.12 DoTaRS wrote to the Committee in February 2006 with the following advice on the status of these recommendations:

DoTaRS has commenced a dialogue with industry in relation to the recommendations of the report, particularly through the Aviation Security Advisory Forum.

I note that the interim report contains nine recommendations, falling into two categories.



### **Review of Aviation Transport Security Act and Regulations**

The Office of Transport Security, within the Australian Government Department of Transport and Regional Services, is currently undertaking a review of the *Aviation Transport Security Act 2004* and the *Aviation Transport Security Regulations 2005*... The Act and Regulations cover complex operational requirements for both airports and airlines. Further amendments to the Act will be progressed following examination of costs and improvements associated with the proposed amendments and industry consultation.

### **Visitor Identification Cards / Aviation Security Identification Cards**

The Office of Transport Security is in the process of reviewing the system mandating the issue and management of Aviation Security Identification Cards and Visitor Identification Cards.

A number of the recommendations in this category are already in place. For example ... Regulation 6.23 of the *Aviation Transport Security Regulations 2005* states that issuing bodies must maintain a register of all Visitor Identification Cards issued, and that aviation security inspectors must be permitted to inspect the register upon request.

Concerning Recommendation 9, in October 2005, the Office of Transport Security wrote to all registered pilots in Australia to provide them with a CASA application enabling pilots to apply for the background checking for a pilot's licence and an ASIC on the one form.<sup>5</sup>

- 1.13 The Committee looks forward to receiving responses to the outstanding recommendations of *Report 406* together with responses to the recommendations contained in this final report.

## **The aviation security environment in Australia since June 2004**

- 1.14 As the Committee noted in its *Report 400*, the threat environment faced by the Australian aviation industry, which services approximately 50 million international and domestic passenger

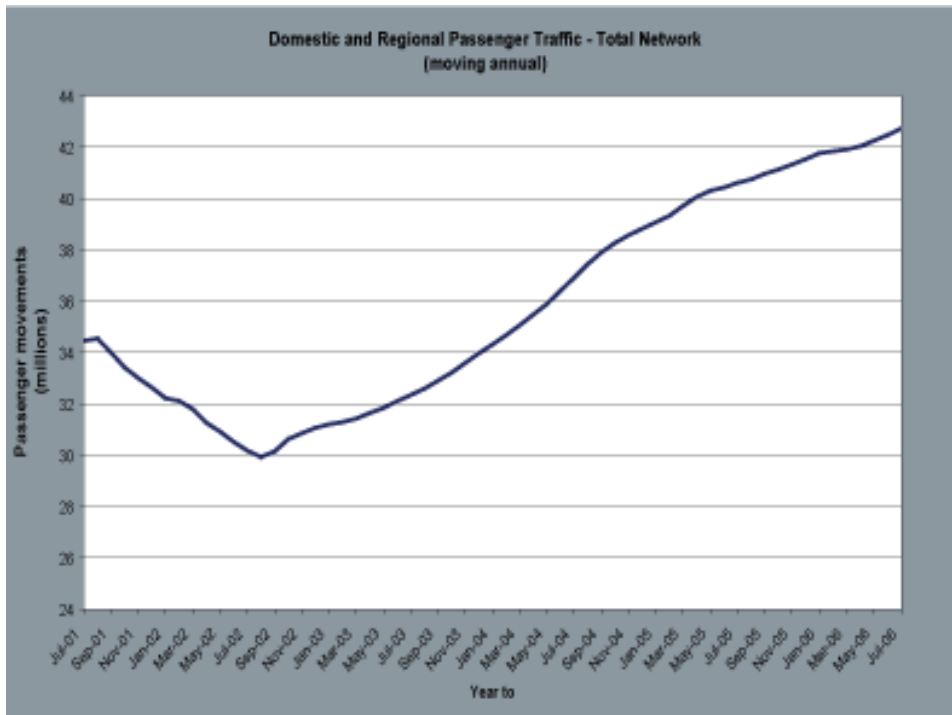
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5 DoTaRS, *Correspondence*, February 2006.

movements each year, is very different from that of just a few years ago.

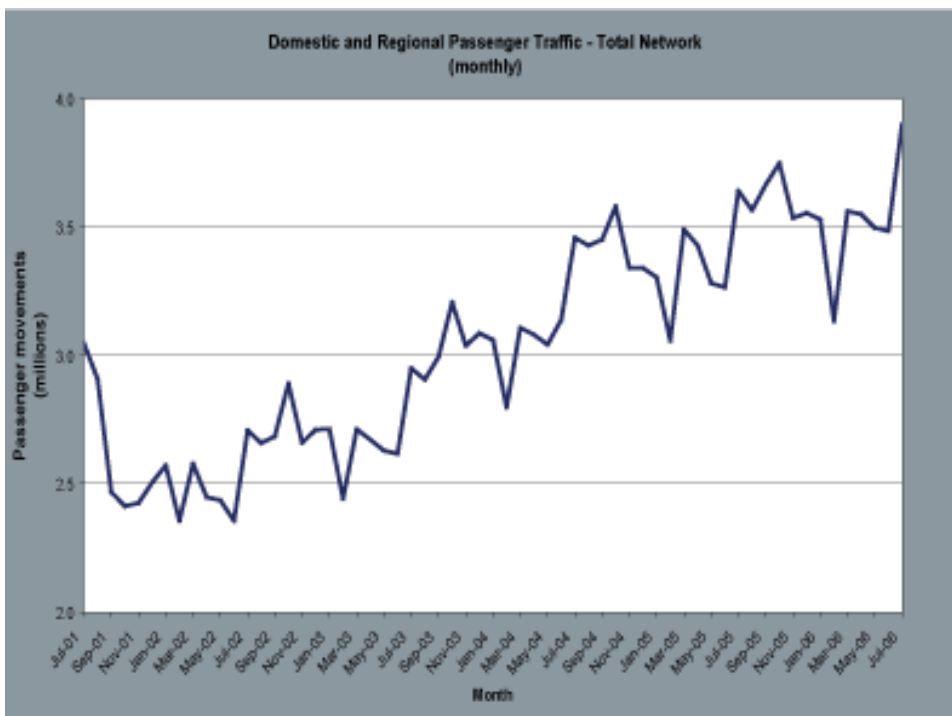
- 1.15 The terrorist attacks of 11 September 2001 in New York and Washington dramatically altered the international and domestic aviation environment. *Report 400* found that since those events, the global aviation community has existed in a state of continuing alert. The August 2006 alleged plot to detonate explosive devices on international flights out of London indicates that the level of threat has not diminished in the two years since the report was tabled.
- 1.16 The Wheeler Review found that there is a high degree of sensitivity by the Australian public with regards to aviation and airport security, a particular concern relates to the exploitation of vulnerabilities by terrorists. The Committee considers that public confidence in the ability of all Australian governments to deflect or respond to threats to aviation is a fundamental function of an effective aviation security regime. The Australian Government's continuing implementation of a robust aviation security framework is critical to addressing community concerns, the viability of the aviation industry and the national interest.
- 1.17 Figures 1 and 2 show that while the aviation security environment has presented cause for concern immediately following the crisis of September 2001, measures adopted in Australia appear to have supported the restoration of public confidence.

Figure 1.1



Source Bureau of Transport and Regional Economics  
[\[http://www.btre.gov.au/statistics/aviation/domestic.aspx\]](http://www.btre.gov.au/statistics/aviation/domestic.aspx)

Figure 1.2



Source Bureau of Transport and Regional Economics  
[\[http://www.btre.gov.au/statistics/aviation/domestic.aspx\]](http://www.btre.gov.au/statistics/aviation/domestic.aspx)

- 1.18 Following *Report 400* and the Wheeler Review, the Australian Government has undertaken a number of measures to strengthen aviation security. This includes passage of the *Aviation Transport Security Act 2004*, expanding the roles and functions of intelligence, regulatory and enforcement agencies and the commitment of significant additional resources to these agencies.
- 1.19 In September 2005, almost \$200 million was allocated to initiatives such as establishing Joint Airport Investigation Teams at Sydney, Melbourne, Brisbane, Adelaide and Perth airports, the upgrade of Customs Closed Circuit Television (CCTV) capabilities, strengthened air cargo security arrangements, and further tightening of checking and processing arrangements for the issue of ASICs. Additional funding of \$242 million was provided in the 2006-07 Budget, to ensure safer Australian airports, with highly trained police officers deployed to address criminal threats. The Committee considers that this increased funding demonstrates a commitment by the Government to ensuring airport and aviation security, and is an appropriate response to the current level of threat. The Committee also acknowledges that there has been a significant effort on the part of private industry to implement aviation security reforms.
- 1.20 DoTaRS stated that:
- The newly strengthened Australian regime is as good or better than aviation security regimes in other parts of the world. The measures that the government has introduced have resulted in an aviation industry with tightened security requirements that put Australia on par with other industrialised nations such as the United States of America, the United Kingdom and Canada.<sup>6</sup>
- 1.21 Notwithstanding these positive initiatives on behalf of the Government to improve aviation and airport security, the Committee considers that there are a number of areas where further improvements can be made. The Committee, in this report and the interim report of the inquiry, has identified areas and made recommendations where these improvements can be made to strengthen Australia's aviation security environment. In doing so, the Committee has been mindful of the delicate balance that needs to be struck between the right of Australians to affordable and convenient
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6 DoTaRS, *Submission No. 52*, p. 6.

air travel, ensuring security, and deploying resources to appropriately address areas of highest risk.

- 1.22 For the purposes of this report, the aviation security environment in Australia consists of three components:
- vulnerabilities to criminality in the aviation industry;
  - lapses in aviation security measures;
  - preventatives to criminal activity in the aviation industry and lapses in aviation security systems by Australian governments and industry participants.

## Vulnerabilities to criminality in the aviation industry

- 1.23 The Committee reopened its inquiry into aviation security amid allegations of embedded criminal behaviour in the aviation industry. These included:
- allegations that marijuana had been planted in Ms Schapelle Corby's baggage as part of drug smuggling activities involving some baggage handlers;<sup>7</sup> and
  - reports that baggage handlers at Sydney International Airport were involved in cocaine smuggling.<sup>8</sup>
- 1.24 Since the reopening of the aviation security inquiry, there have been further claims, investigations and findings of criminal activity by staff of major aviation participants including:
- reports in the media that an internal review by the Australian Customs Service (Customs) contained claims of drug smuggling and theft from airline passengers by aviation industry staff at Sydney Airport;<sup>9</sup>
  - the conviction of a Qantas baggage handler for informing a cocaine supplier that the drug had been found in his baggage;<sup>10</sup>

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7 'Evidence may Clear Corby of Drug Smuggling', *Sydney Morning Herald*, 17 March 2005, p. 3.

8 'Airport Link to Cocaine Arrests', *Sydney Morning Herald*, 10 May 2005, p. 1.

9 'Airport Staff "Smuggling Drugs": Secret Customs Report Exposes Links', *Australian*, 31 May 2005, p. 1; 'Secret Customs Report Reveals Major Security Breaches: Drug Convict on Frontline', *Australian*, 1 June 2005, p. 1.

10 AAP, 'Former Baggage Handler gets Home Detention', 4 April 2006.

- reports that Customs CCTV cameras had been redirected away from baggage handling operations at Sydney Airport on three occasions between October 2004 and May 2005;<sup>11</sup> and
- charges that a Qantas flight attendant smuggled between one and two kilograms of methamphetamine into Perth Airport.<sup>12</sup>

## Reported breaches of aviation security systems

1.25 In addition to published evidence of criminal activity at airports, the Committee was concerned about media reports of lapses in aviation security practices. These included:

- the recall of a Korean passenger airliner two hours into its flight from Sydney after the checked baggage of a passenger, who had tested positive for explosive residue, was loaded on board without being screened;<sup>13</sup>
- media reports including:
  - ⇒ many airside workers at airports did not have ASICs after the Australian Security Intelligence Organisation (ASIO) was ordered to re-screen all ASIC holders;<sup>14</sup>
  - ⇒ that as many as 20 percent of security screeners at Sydney Airport were bypassing background security checks by using day passes;<sup>15</sup>
  - ⇒ that a man who was investigated by the Australian Security Intelligence Organisation (ASIO) over involvement in a suspected terror training camp was involved in the construction of major infrastructure at Sydney Airport;<sup>16</sup>
- revelations that a convicted cocaine dealer was given full security clearance to work as a Qantas baggage handler and did so for four years.<sup>17</sup>

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11 AAP, 'Cameras at Sydney Airport Baggage Area Sabotaged: MP', 6 April, 2006.

12 AAP, 'Qantas Flight Attendant Charged with Trafficking Drugs' 12 April 2006.

13 'Review to Determine Grounding', *Australian*, 9 July 2004, p. 26.

14 'Jet Hoax Exposes Lapse in Security', *Age*, 24 September 2004, p. 1.

15 'Security Sidestepped by Airport Day Passes', *Australian*, 2 June 2005, p. 5.

16 'Terror Net Closing In: Trap Ready to Spring on Terror Suspects', *Daily Telegraph*, 8 November 2005.

17 AAP, 'Security Breach Highlights Need for Government to Act: TWU', 7 April 2006.

## Committee comment

1.26 The Committee is in no way suggesting that either the detection of criminal activity at airports or an aviation security incident constitutes a breakdown in aviation security systems.

1.27 To this end, the operator of Perth International Airport, Westralia Airports Corporation (WAC), expressed frustration at presentations of successful policing and security operations as failures:

We have had the example of the motorbike rider who got into the terminal building and there was media perception that airport security had failed ... it had not failed; in fact, it had worked very well, because the person was apprehended and taken into custody and he did not get anywhere.<sup>18</sup>

1.28 However, exposure of criminal activity in the aviation industry, particularly involving personnel who are embedded in the system, reveals areas of potential vulnerability in security. As noted by the Wheeler review:

Terrorism and crime are distinct, but potentially overlap. At its most basic, a culture of lax security or petty criminality can provide opportunities for terrorists to exploit weaknesses in airport security. Staff can be bribed to ignore criminality or paid large sums to assist in drug trafficking or theft. Once compromised, such employees may be unable to stand up to terrorists. Any airport staff who are not thoroughly background checked and routinely searched are potential weak links.<sup>19</sup>

1.29 The Committee was particularly concerned at the regular reports of alleged criminal activity at Sydney International Airport that occurred over the course of the inquiry. While criminal activity does not – of itself – amount to a danger to the travelling public, ongoing negative press associated with security at Australia’s major airport must have some effect on public confidence in aviation security.

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18 WAC, *Transcript*, 22 September 2006, p. 15.

19 Rt Hon Sir John Wheeler, *An Independent Review of Airport Security and Policing for the Government of Australia*, 21 September 2005, p. ix.

**Recommendation 1**

- 1.30 **That the Department of Transport and Regional Services report to the Committee, within three months, on the number of unannounced audits conducted at each Counter Terrorism First Response airport for 2006 and provide the results of these audits, in confidence if required. Sydney Airport, as Australia's largest airport, should in the future be subject to regular unannounced audits.**

**Major developments in aviation security in Australia**

- 1.31 Actions taken by DoTaRS in response to the *Committee's Report 400* are noted at paragraph 1.6 above. Other significant developments have occurred to combat criminality at airports and to increase the aviation security threshold in Australia driven by Commonwealth and state and territory governments and by aviation industry participants.
- 1.32 Major developments in aviation security have included:
- \$21 million of funding to enhance security at designated regional airports through the Strengthening Australia's Transport Security in the May 2004 budget added to the \$14 million for regional aviation announced under the Enhanced Aviation Security Package (EASP) of December 2003;<sup>20</sup>
  - the Australian Government's launch of the Securing Our Regional Skies program that provided a \$48 million package to improve security at 146 regional airports;<sup>21</sup>
  - in response to an attack on the Australian embassy in Jakarta, DoTaRS advised that it would implement additional transport security measures, including ensuring security personnel impose stringent time limits on vehicles dropping passengers and a greater visibility of uniformed AFP-PS officers in public areas of airports;<sup>22</sup>

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20 DoTaRS, *Correspondence*, 9 March 2006.

21 Deputy Prime Minister and Minister for Justice and Customs, 'Regional Aviation Targeted with \$48 Million Boost', 23 August 2004.

22 Prime Minister, *Press Conference*, Canberra, 10 September 2004.



- the entry into force of the, *Aviation Transport Security Act 2004* and *Aviation Transport Security Regulations 2005*, which require:
  - ⇒ increased regulation of approximately 180 airports and 170 airlines;
  - ⇒ regulation of over 900 domestic cargo agents;
  - ⇒ greater control of access to secure areas of regulated airports;
  - ⇒ background checking for pilots; and
  - ⇒ anti-theft measures for powered aircraft;<sup>23</sup>
- the Australian Government's announcement of:
  - ⇒ the review of airport security and policing to be conducted by the Rt Hon Sir John Wheeler;
  - ⇒ a review of the backgrounds of all holders of ASICs;
  - ⇒ the appointment of an Australian Government Airport Security Controller at all Counter Terrorism First Response (CTFR) airports;
  - ⇒ required screening of all persons, vehicles and goods entering and leaving airside secure areas of major airports;
  - ⇒ the removal of legal obstacles of video surveillance of all areas of airports.<sup>24</sup>
- the Australian Government's release of the Wheeler review and its response to its recommendations including:
  - ⇒ \$40 million for the establishment of five new Joint Airport Investigation Teams at Sydney, Melbourne, Brisbane, Adelaide and Perth to address serious and organised crime;
  - ⇒ \$48 million for increased Air-side Customs Border Patrols at Sydney, Melbourne, Brisbane, Adelaide, Perth, Darwin and Cairns airports to provide a more visible presence to deter and respond to criminal activity;
  - ⇒ \$20 million to further upgrade the Customs CCTV capabilities;
  - ⇒ \$38 million to strengthen air cargo security arrangements, including the introduction of improved technology for the detection of explosives;

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23 The Act and Regulations entered into force on 10 March 2005. DoTaRS, *Submission No. 51*, p. 5.

24 Deputy Prime Minister, 'Securing and Policing Australia's Major Airports', *Media Release*, 7 June 2005.

- ⇒ \$44 million for improved security and crime information exchange arrangements for aviation; and
- ⇒ \$4 million to introduce a new national aviation security training framework to support the aviation industry;<sup>25</sup> and
- the Australian Government's announcement in the May 2006 Budget of:
  - ⇒ \$242 million over four years to fund a uniformed policing presence and Counter Terrorism First Response function at designated airports;<sup>26</sup>
  - ⇒ \$48 million to expand the screening of international and domestic air cargo;<sup>27</sup> and
  - ⇒ \$4.7 million to tighten the conditions under which Aviation and Maritime Security Identification Cards are issued.<sup>28</sup>

## Committee comment

- 1.33 While acknowledging that the *Aviation Transport Security Regulations 2005* prescribe minimum required standards for operators of airports, the Committee is aware of variability of practice, both reported and witnessed during our inspections, across some CTFR airports.
- 1.34 This does not necessarily mean that airports are failing to meet their obligations under the Regulations. Best-practice airports may well be operating above the minimum required standards. However, differing practices may have some impact on public confidence as passengers move between the different airports.

## Conduct of the inquiry

- 1.35 The Committee advertised for written submissions in the national press on 4 June 2005, and wrote to a range of organisations and individuals seeking submissions.

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25 Prime Minister, *Press Release*, 21 September 2005.

26 Minister for Justice and Customs, 'Budget Includes Significant Boost to Airport Security', *Budget Media Release*, 9 May 2006.

27 Minister for Transport and Regional Services, 'Air Cargo Security Strengthened', *Budget Media Release*, 9 May 2006.

28 Minister for Transport and Regional Services, '\$4.7 Million Boost for Security Cards in Aviation and maritime Industries', *Budget Media Release*, 9 May 2006.

- 1.36 The inquiry received 81 submissions and 17 exhibits. Lists of submissions and exhibits received can be found at Appendices B and C respectively.
- 1.37 The Committee gathered first hand information of the levels of aviation security through an extensive on-ground inspection program of major and regional airports including Sydney, Brisbane, Cairns, Darwin, Adelaide, Perth, Geraldton, Kalbarri, Carnarvon, Newman, Derby and Broome. The Committee took formal evidence at all of these locations and also in Melbourne and Canberra. Lists of the Committee's public hearings and inspections can be found at Appendices D and E respectively.

## Risk management, regulation and security outcomes

- 2.1 Since June 2004 the aviation security regime in Australia has been intensified and expanded. The regime has been intensified by upgrading several layers of the old regulatory regime, such as background checking, access and screening requirements. The regime has been expanded by widening the criteria of aviation industry participants required to meet minimum regulatory standards.
- 2.2 All parties associated with aviation transport, regulator and regulated alike, supported the necessity of a risk based approach to security so that appropriate resources are assigned to meet identified levels of threat.
- 2.3 DoTaRS stated:
- The key principle underpinning the development of these [maritime and aviation] preventative security regimes is that, regardless of mode, security measures must address identified risks.<sup>1</sup>
- 2.4 Qantas expanded on what it saw as fundamental to a risk based approach:

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1 DoTaRS, *Submission No. 51*, p. 4.

we really need to come to an outcomes based regulatory approach where the means of the outcome is not necessarily prescribed; it is the outcome that is prescribed.<sup>2</sup>

- 2.5 Although all parties agreed on the desirability of a risk based approach, some aviation industry participants and peak bodies criticised DoTaRS' implementation of the regulatory regime on the grounds that:
- either the regime remained too prescriptive and rigid; or
  - the regime relied too much on unguided self-assessment by regulated parties, which introduced an unacceptable degree of uncertainty for them in whether proposed measures would meet minimum required regulatory standards.

## Implementing a risk based approach

- 2.6 Some aviation industry participants claimed that elements of the security regime remained too prescriptive, which promoted undesirable inflexibilities in the regime.
- 2.7 Qantas expressed a reservation that:
- the regulator's adherence to this [intelligence-led, risk-based and outcome-focused] model has faltered from time to time.<sup>3</sup>
- 2.8 Claims of the inadequacy of relying on the reporting of regulatory breaches to deliver security outcomes was supported by the operator of Melbourne International and Launceston Airports, Australia Pacific Airports Corporation (APAC):
- The DoTaRS compliance auditing system concentrates on one off issues and ... does not consider the effectiveness of systems which support aviation security.<sup>4</sup>
- 2.9 DoTaRS referred to the limits inherent upon a regulator in implementing a risk based approach in aviation security by citing its role as prescribing:
- a set of minimum standards to be achieved by operators in the implementation of preventative security measures.<sup>5</sup>
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2 Qantas, *Transcript*, 23 November 2005, p. 45.

3 Qantas, *Submission No. 61*, p. 10.

4 APAC, *Submission No. 24*, p. 3.

- 2.10 Aviation industry participants identified the expansion and upgrading of the regulatory regime in the regional sector of the industry as a particular area in which the risk based character of aviation security remained too rigid.
- 2.11 More generally, aviation industry participants identified the underlying reason for rigidities in security as inadequate consultation with industry by the regulator.

## Regional aviation participants

- 2.12 In December 2003 the Australian Government announced that the aviation security net in regional Australia would be extended and upgraded to include:
- about 180 security classified airports facilitating Regular Public Transport services; and
  - the requirement that all non-jet aircraft with more than 30 seats operating Regular Public Transport (RPT) services to fit hardened cockpit doors.<sup>6</sup>
- 2.13 The entry into force of the *Aviation Transport Security Act 2004* and *Regulations 2005* on 10 March 2005 implemented the expanded regional aviation security regime from the previous 29 regulated regional airports to include 145 previously unregulated airports and 111 prescribed air service operators.<sup>7</sup>
- 2.14 Some regional aviation industry participants questioned whether a sound risk based approach to aviation security could justify the extension of the regulatory regime, both in terms of the appropriateness of prescribed security levels and whether these levels could be implemented effectively.
- 2.15 The Australian Airports Association (AAA), which represents over 260 airports, stated:

Recent scenarios put to the industry by DoTaRS to supposedly improve upon security at certain regional airports have not been based on any current risk assessments and in

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5 DoTaRS, *Submission No. 51*, p. 8.

6 Deputy Prime Minister, 'Enhanced Aviation Security Package Announced', *Press Release*, 4 December 2003.

7 DoTaRS, *Submission No. 52*, p. 18.

real terms will do nothing to enhance security at those affected airports.<sup>8</sup>

- 2.16 The operator of Mount Gambier Airport, the District Council of Grant, challenged the appropriateness of expanding regulatory requirements to include all airports taking RPT services:

aviation security has not been based on any Commonwealth Risk Assessment, but in the case of the Mount Gambier Airport declared 'Security Controlled' on the basis of the Regular Transport Services conducted to and from the Airport. The Mount Gambier and District Airport has never had a security incident to date.<sup>9</sup>

- 2.17 The operator of Avalon and Essendon Airports, Linfox Airports, argued that the smaller scale of operations at regional airports made them harder targets for breaches of aviation security:

at eight o'clock this morning [at Melbourne International Airport] there would probably have been ... 20 or 30 aircraft on the ground. They average 78,000 passenger movements each day. It is easy to get lost in that maelstrom of activity. With terrorist or security breaches, it is obviously easier to be lost in a crowd. If you compare that to Avalon Airport at eight o'clock this morning, there would have been one aircraft on the ground with a maximum of 177 passengers, four or five baggage handlers and one refueller out in the operational area. So it is very easy to identify any inappropriate activities going on within those areas.<sup>10</sup>

- 2.18 Regional Express Airlines (REX) stated:

The nature and design of regional airports, combined with the small staff numbers working at the airports, significantly reduces the probability of [a criminal] event occurring. Should such an event occur at a regional airport, the culprit would be easily identifiable, which is a significant deterrent.<sup>11</sup>

- 2.19 The Regional Aviation Association of Australia (RAAA) argued that aircraft used by operators of regional services constituted a lower security risk than the major carriers because:
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8 AAA, *Submission No. 33*, p. 2.

9 District Council of Grant, *Submission No. 41*, p. 1; see also Shire of Northampton, *Transcript*, 7 March 2006, p. 1.

10 Linfox, *Transcript*, 24 November 2005, p. 24; also MPA, *Submission No. 47*, p. 3.

11 REX, *Submission No. 39*, p. 7.

They simply do not have the mass or the fuel load to do any great damage – they are simply too small – or they are located too far away from any prospective target area to be a major threat.<sup>12</sup>

2.20 Mr Michael Allsop expanded upon this principle in terms of the regulatory requirements being imposed on general aviation:

an average fully laden four seat light aircraft weighs less than 1.5 tonnes, and is only capable of lifting about 400kg of people, baggage and fuel combined. This is about the same as four people in a Holden Barina. The average 5 tonne truck carries a far greater risk to public safety...<sup>13</sup>

2.21 A DoTaRS Aviation Risk Context Statement issued in January 2005 acknowledged:

Within Australia, the major metropolitan airports are more likely to be targeted by terrorists than regional airports and general aviation, due to their proximity to major population centres and the potential to achieve a high level of impact and public alarm. The level of threat depends on a mix of factors in each case, including size of the airport; types of aircraft using the airport; amount of traffic; and location...

[However,] While regional airports are not likely to be an attractive target for international terrorism in their own right, they could conceivably be used in terrorist plans, directed at other targets, which involved the use of aircraft based at, or leaving from, these airports.

Regional airport infrastructure could also be targeted, but again would provide limited symbolic value and comparatively low damage potential, in terms of casualties, compared to major airports.<sup>14</sup>

2.22 DoTaRS confirmed that:

two [ASIO] threat assessments indicated that the terrorist threat to regional aviation is currently negligible to low...

There was, however, some concern that the majority of regional airports may not have the resources and capability to

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12 RAAA, *Transcript*, 10 October 2005, p. 3.

13 M. Allsop, *Submission No. 58*, p. 1.

14 DoTaRS, *Submission No. 52*, Annexure D, p. 63.



rapidly deploy additional security measures in response to an increase in alert levels in an acceptable timeframe.<sup>15</sup>

- 2.23 The implementation of the regulatory regime in regional Australia was also questioned in terms of its limited effectiveness:

The regional airports while subject in some cases to funding increases for security are often ill equipped to effectively implement security regulations largely designed for the big end of town. It is amusing to see Security Restricted Areas at these airports strenuously protected during operational periods and left to stock fences to protect the facility in all other times.<sup>16</sup>

- 2.24 The Australian Licenced Aircraft Engineers Association (ALAEA) stated:

Current security measure would not prevent a malicious party entering a regional airport and depositing packages in an aircraft ... All aircraft are manufactured with non-lockable inspection panels at various points on the external skin of the aircraft, many with access to areas where packages ... could be very easily deposited and concealed.<sup>17</sup>

- 2.25 DoTaRS stated:

in trying to build the aviation security system, there is an issue of breadth as well as depth. Because of the nature of our aviation industry and the geography of the country, the Government took a decision to drive aviation security down to all passenger transport. That took us to a number of very small airports. We were very conscious of the capability of those airports ... to participate in the security debate ...

we as a regulator are certainly not being silly. We do not apply the same standard to a little airport ... as we do to, say, Sydney Airport.<sup>18</sup>

- 2.26 The operator of Karratha Airport, Shire of Roebourne, acknowledged DoTaRS current flexibility but stated that this was not sufficient to assuage concerns about possible future developments:

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15 DoTaRS, *Submission No. 52*, Annexure O, p. 117.

16 Name withheld, *Submission No. 21*, p. 4.

17 ALAEA, *Submission No. 77*, p. 16.

18 DoTaRS, *Transcript*, 5 December 2005, pp. 4-5.

you cannot be heavy-handed with regulations – and, to date, DoTaRS have not been...

But the problem ... is that, at some point in time, that button will be pushed and they will say, “We are now savvy enough, educated enough and understand enough; these guys should be up to speed.” The reality of that is that the test case will be an airport somewhere.<sup>19</sup>

## Adequacy of consultation

2.27 There was a range of views among aviation industry participants concerning the adequacy of consultation with DoTaRS.

2.28 Virgin Blue stated:

considerable progress has been made to involve industry in discussions about measures to improve security...<sup>20</sup>

2.29 Some aviation industry participants claimed that inadequate consultation was largely responsible for compromising the implementation of a sound risk based security regime.

2.30 Effective consultation was understood to have been limited by:

- allowing insufficient time for industry comment before the implementation of measures; and
- the announcement of additional security requirements before current arrangements had been allowed to settle into place.

2.31 Qantas acknowledged strong levels of consultation between DoTaRS and industry in the initial period of developing the *Aviation Transport Security Regulations*, however:

Unfortunately ... consultation was rushed during the period immediately preceding commencement of the ATSRs, and therefore DoTaRS was unable to attend to a number of anomalies and ambiguities identified by the industry...<sup>21</sup>

2.32 Qantas again offered qualified support for the level of consultation engaged in by DoTaRS:

DoTaRS has been receptive to suggestions about what works and what does not, but there remain a number of new

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19 Shire of Roebourne, *Transcript*, 9 March 2006, pp. 8-9.

20 Virgin Blue, *Submission No. 69*, p. 2.

21 Qantas, *Submission No. 61*, p. 31.

regulatory requirements with no demonstrable security outcome, and a number of regulations which are ambiguous as to their intent and application.<sup>22</sup>

- 2.33 Toll Transport provided instances of unclear Regulations arising from inadequate consultation:

The problem that we have at the moment is that ... The new Aviation Transport Regulations do not differentiate between international and domestic [cargo] and they do not differentiate between cargo which travels on pax flights and cargo on dedicated freighters.<sup>23</sup>

- 2.34 The Conference of Asia Pacific Express Carriers (CAPEC), which consists of four major air cargo industry participants, DHL, UPS, TNT and Fedex, confirmed that the issue of distinguishing between screening cargo travelling on passenger flights from cargo only flights had been raised with DoTaRS on 17 January 2005, prior to the entry into force of the Regulations, and 21 March 2005 shortly thereafter.<sup>24</sup>

- 2.35 The operator of Geraldton Airport, Shire of Greenough, identified a further instance where Regulations appeared to act at cross purposes:

there is an obligation now for all general aviation aircraft to have some sort of locking device on their aircraft when it is unattended. But there is a conflict in the Regulations in that you cannot interfere with an aircraft. So, unless the locking device is on the front wheel, which some of them have, you would not know whether they were locked or not.<sup>25</sup>

- 2.36 Sydney Airport Corporation Limited (SACL) stated that effective consultation was also hindered by the announcement of changes to security requirements that appeared pre-emptive:

While industry and Government had just begun discussions on amendments to the new *Aviation Transport Security Act* and *Regulations* to improve security outcomes, the Government announced further enhancements to the aviation security framework on ...7 June 2005.<sup>26</sup>

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22 Qantas, *Submission No. 61*, p. 5.

23 Toll Transport, *Transcript*, 23 November 2005, p. 72.

24 CAPEC, *Submission No. 30*, Attachment 1, p. 3 and Attachment 2, p. 3.

25 Shire of Greenough, *Transcript*, 7 March 2006, p. 11.

26 SACL, *Submission No. 44*, p. 3.

2.37 The 7 June announcements were also criticised as pre-emptive by Qantas:

The Government's announcements on 7 June 2005 of immediate measures, prior to completion of the reviews by ... [the JCPAA] and by Sir John Wheeler, seem to be ... [on the basis of "community expectations" rather than any stated security outcome] despite their genuine potential to benefit aviation security. Qantas regards this approach with a degree of concern.<sup>27</sup>

2.38 Linfox Airports expressed concern that:

It seems the Department is considering a return to the old regime of generic processes; "a one size fits all approach" ... we note that the Department advised ... on 23<sup>rd</sup> June 2005 of various homogenous proposals ... In particular ... a requirement to fully screen all persons, goods and vehicles entering *and leaving* Avalon's [Security Restricted Area] SRA and/or airside ... [and] it is understood that the Department may specify a minimum standard of fencing.<sup>28</sup>

2.39 DoTaRS outlined several fora which served to provide consultation with industry:

- High Level Group on Aviation Security [As of September 2005 the Aviation Security Advisory Forum]  
... consists of staff from various Government agencies as well as senior representatives from the aviation industry, including Qantas, Virgin Blue, Sydney Airport, Melbourne Airport and Brisbane Airport....

- Industry Consultative Meeting

The Industry Consultative Meeting (ICM) is chaired by the Executive Director of the Office of Transport Security and meets three times a year to focus on Government and aviation industry issues of mutual concern...

Membership includes all international airport corporations, major airlines (Qantas and Virgin Blue) and various pilot and airline associations (such as Airservices Australia, the Regional Aviation Association of Australia and the Board of Airline Representatives of Australia).

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27 Qantas, *Submission No. 61*, p. 32.

28 Linfox Airports, *Submission No. 32*, p. 2.

A regional ICM (RICM) has been established to focus on issues of importance to the smaller regional airports and airlines which are subject to the same security concerns and regulations as the major players...

■ Cargo Working Group – Air Cargo Operators

... The Working Group is made up of representatives from air cargo industry bodies, aviation industry participants and government agencies.<sup>29</sup>

2.40 Shire of Roebourne stated:

At every opportunity we have had regional consultative meetings that DOTARS have organised. We now have a representative ... on the ASAF [Aviation Security Advisory Form]...<sup>30</sup>

2.41 Mackay Port Authority identified improvements in the level of consultation through the implementation of Regional Industry Consultative Meetings.<sup>31</sup>

2.42 However, Shire of Roebourne stated that:

The problem with those [RICM] forums is that there are dozens of issues raised but no answers forthcoming. Every opportunity to discuss a problem raises another series of questions and you just go away with a longer list of questions. The unfortunate thing about it is that we have become more and more specific as deadlines have drawn closer. The questions we are asking relate to information needed, say, for ASIC programs. The last RIC meeting was about two weeks ago in Perth. At that meeting we were still being told that things could change in the ASIC regime, yet I have a date of 31 March to have the whole system implemented at Karratha. All we can do is implement what we have and then, if it changes, we will pick up the pieces both in time and in cost.<sup>32</sup>

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29 DoTaRS, Submission No. 52, pp. 13-4

30 Shire of Roebourne, *Transcript*, 9 March 2006, p. 9.

31 MPA, *Submission No. 47*, p. 3.

32 Shire of Roebourne, *Transcript*, 9 March 2006, p. 11.

## Uncertainty and the divide between self assessment and regulatory requirement

- 2.43 The central platform in DoTaRS implementation of a risk based approach to aviation security is the requirement of all regulated parties to develop a Transport Security Plan (TSP).
- 2.44 Under the new regulatory regime, all regulated airports, prescribed air services, operators of facilities with direct airside access, Regulated Air Cargo Agents and Airservices Australia are required to undertake a risk analysis with reference to standards such as the Australian and New Zealand Standard 4360: 2004 Risk Management and the Aviation Risk Context Statement provided by DoTaRS.<sup>33</sup>
- 2.45 Security classified aviation participants are required to address a series of general security requirements as well as the operators' 'local security risk context ... and an outline of what must be protected' through the development and implementation of a TSP.<sup>34</sup>
- 2.46 DoTaRS specified:
- Major airlines and airports already have approved TSPs in place under the *Air Navigation Act 1920*. These programs are continuing in force, as if they were approved under the new legislation, until 9 March 2007. However, these operators are required to submit a draft of a new TSP, complying with the new legislation, by 9 March 2006 ...
- With the introduction of the Act came the requirement for a number of [previously unregulated] regional airports and prescribed air services to have approved ... TSPs in place by 10 March 2005.<sup>35</sup>
- 2.47 Aviation industry participants expressed a range of views in relation to the quality of advice that DoTaRS provided in supporting the aviation industry to meet upgraded security requirements in their TSPs.
- 2.48 Industry participants expressing concerns about poor levels of advice claimed that it caused an unacceptable level of uncertainty for their operations.

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33 DoTaRS, *Submission No. 51*, p. 10 and Annexure D.

34 DoTaRS, *Submission No. 52*, p. 17.

35 DoTaRS, *Submission No. 52*, pp. 17-8.

- 2.49 They commonly attributed refusal to provide advice to the inexperience of Office of Transport Security personnel. The high level of inexperience was, in turn, understood as arising from the rapidity with which the aviation security regime had expanded.

## Provision of advice

- 2.50 Shire of Derby – West Kimberley, which operates airports at Derby and Fitzroy Crossing, praised the levels of advisory and funding support it had received:

DoTaRS, whom we dealt with a fair bit during 2004 and up until the Shire Transport Security Plans were approved, provided the Shire of Derby – West Kimberley with timely and up-to-date advice on all issues relating to new entrants and the production of TSP ... as new entrants, we had a very minimal idea of what was required. DoTaRS was excellent in helping us with that aspect...

I probably did three runs to which DoTaRS and I both said "No, this does not work." They came back and said, "We reckon you should do that," and I said, "No, that does not work up where we are; it has to be done this way."<sup>36</sup>

- 2.51 Shire of Halls Creek supported the positive view of DoTaRS service delivery:

we really do appreciate the assistance that they have given us. My interpretation is that it has been a fairly drawn-out and cumbersome process and I have really appreciated their tolerance and help in preparing all the documentation.<sup>37</sup>

- 2.52 Albury City stated that:

DoTaRS, in conjunction with the relevant police authorities have provided valuable training and information seminars regarding security issues as they apply to regional aviation. DoTaRS have also provided personnel to visit regional airports to discuss security issues directly with local general aviation businesses.<sup>38</sup>

- 2.53 Shire of Carnarvon stated that:

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36 Shire of Derby – West Kimberley, *Transcript*, 8 March 2006, pp. 2 and 10.

37 Shire of Halls Creek, *Transcript*, 8 March 2005, p. 20.

38 Albury City, *Submission No. 62*, p. 2.

we have had two visits by the Perth [DoTaRS] group. Both have been very informative; they were good visits ... The people that I have contact with in DoTaRS, here and in Canberra, have been excellent.<sup>39</sup>

2.54 However, other witnesses before the inquiry advised the Committee of difficulties they had experienced. Some aviation industry participants claimed unacceptable levels of uncertainty arose because they were not provided with advice on the adequacy of measures proposed in TSPs to meet identified threats and minimum required standards.

2.55 While the Shire of Carnarvon was, as noted above, positive about its dealings with DoTaRS, they also referred to difficulties in:

trying to speak to people who do not understand where Carnarvon is or what the factors are that are impinging on us...

it would be good to be able to say, "... we recognise some of the difficulties with material, delay, contractors, transport et cetera."<sup>40</sup>

2.56 The consequences of uncertainty arising from lack of advice appeared particularly urgent for regional aviation industry participants.

2.57 The operator of Newman Airport, Shire of East Pilbara, stated:

If you go to [DoTaRS] with a query and ask them a question, they will say, "Well, you do the risk assessment, you put it in place and then we will tell you whether we think it is suitable."

We cannot function like that. We do not have the funds to function like that. We need it to be clear-cut and precise, not, "You will hopefully do this; you may do this; you could consider this ... We need some clarity and continuity that this will be in place. We can deal with minor changes, but a small airport like this one just cannot handle significant changes which impose million-dollar expenses at any given time."<sup>41</sup>

2.58 Shire of East Pilbara provided an example of the difficulties that inadequate advice could impose on operators. East Pilbara had

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39 Shire of Carnarvon. *Transcript*, 7 March 2006, p. 5.

40 Shire of Carnarvon, *Transcript*, 7 March 2006, p. 3.

41 Shire of East Pilbara, *Transcript*, 8 March 2006, p. 4.



sought advice on regulatory requirements governing the separation of general aviation and Regular Public Transport apron areas:

with the apron, do we extend the apron we have or do we build another one with a 50-metre separation between them? That is the question that is facing us at the moment and we need to act on that quite soon too. It is the one question we have not got answered in black and white.<sup>42</sup>

2.59 Some regional aviation industry participants contrasted the reluctance of DoTaRS to provide advice with the operation of the Civil Aviation Safety Authority (CASA).

2.60 North West Travel Services, which provides services for Paraburdoo and Newman Airports, stated:

if you go to CASA when developing an airport, they tell you exactly where to put that line, exactly where to put that marker and exactly how much distance should be in between them. They are very specific about it. If they come out and measure it and if it is wrong, they will tell you. However, if you go to DoTaRS ... "It is up to you. We will tell you what the regulation says, but we will not tell you how to implement it"<sup>43</sup>

2.61 The operator of Port Hedland International Airport, Town of Port Hedland, stated:

CASA have a couple of aerodrome inspectors in the regions who are familiar with the airports that they audit. That means that we have an opportunity to liaise with those particular officers and they apply the standards. There are some problems with that, because there can be different interpretations of the legislation across state boundaries. But at least you have somewhere to go.

At the moment we go to a state office from OTS, but the problem we have ... is that they will not give you the advice; they will say, "We do not provide that advice." So we are not able to get that information.<sup>44</sup>

2.62 Broome International Airport went so far as to state:

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42 Shire of East Pilbara, *Transcript*, 8 March 2006, p. 21.

43 North West Travel Services *Transcript*, 8 March 2006, p. 15,

44 Town of Port Hedland, *Transcript*, 9 March 2006, pp. 11-2.

[DoTaRS] actually had an edict not to give information or opinions on your information. You can ring CASA and say, "I have the minimum standards here; this is how I interpret them," and they will give you an opinion and they will give it in writing. If you ring DoTaRS and say, "I have a person in custody," or "I have an anomaly between my security manual and the regulations; what do I do?" you will be told, "Sorry, guys, we are not allowed to give opinions." They will tell you, "If I tell you something over the phone, I will not give it to you in writing." This is what we get. They will not give you an opinion...

The Department says, "You go and do it and then we will see if you have got it right and then we will jump on you if you have got it wrong." It is just terrible.<sup>45</sup>

- 2.63 North West Travel Services and Shire of East Pilbara acknowledged that a result of the prescriptive character of CASA's advice was inflexibility:

CASA is quite inflexible, in our experience...

They have their 58-page checklist that they will go through and they will check everything. They will go through your manuals and check your spelling...

But you know what you have to do...

They tell you exactly what has to be done.<sup>46</sup>

- 2.64 However, Broome International Airport suggested that the inflexibilities of a prescriptive approach can be ameliorated with the use of discretion:

The other problem we find with the Department is that, unlike other regulators, DoTaRS officers have no discretion; they have no discretion to apply commonsense at your airport. They keep saying at all these meetings, "Oh, we know that one-size-fits-all is not a good idea and we do not want that," but that is exactly what they do want and there is no discretion. CASA will come around and say, "You should have a wind socket there. Oh, it cannot go there. Okay, I see now that that is silly for Broome. I will approve it to go over there." But these other guys have no discretionary power,

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45 Broome International Airport, *Transcript*, 9 March 2006, p. 8.

46 Shire of East Pilbara, *Transcript*, 8 March 2006, p. 20.

which is not their fault, but it locks you in to some things which at some airports do not make any sense and the security outcomes are not there.<sup>47</sup>

2.65 Shire of East Pilbara suggested:

We do have auditors coming around to do audits on our security plan and our operational plans. But why not have them come to look at the airport and say to them, "We have to pay for a risk assessor, but we need the basics to start off with." There should be someone you can go to who knows the legislation, knows a bit of the industry and can give you a response.

[DoTaRS] are good at reading the legislation, but they are not necessarily good at interpreting it and providing information to us. We just need someone who knows the legislation, who knows the category and who knows, "This is what you need; this is the minimum requirement. You do that and we will be happy," not "You do this - oh, we are not really happy and you have to do this, this and this"...

One of the concerns that perhaps some of the DoTaRS staff have is the question of culpability or liability if something goes wrong. I think that tends to cause this reluctance to interpret the Act in some way. So perhaps there could be that definition of guidelines.<sup>48</sup>

2.66 Criticism of a perceived reluctance by DoTaRS to provide advice was not confined to regional aviation participants.

2.67 Toll Transport suggested more prescriptive advice was required:

the Regulations as they stand now do not ask for anything. They ask for screening, but they do not stipulate that it should be ETD or should be X amount. There is no percentage of freight stipulated.<sup>49</sup>

2.68 Qantas also expressed concerns about the lack of advice among major aviation industry participants:

Qantas sought from DoTaRS an explanation regarding the desired security outcome of each new regulation. This would assist the industry and Qantas to determine what measure,

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47 Broome International Airport, *Transcript*, 9 March 2006, p. 8.

48 Shire of East Pilbara, *Transcript*, 8 March 2006, pp. 14-5.

49 Toll Transport, *Transcript*, 23 November 2005, p. 72.

procedure or practice could be best introduced to achieve that outcome most effectively. It is difficult for the industry when there is insufficient clarity about the purpose of many of the regulations, in particular where detailed information is required to be included in a TSP but which serves no discernible security purpose...

The Department's new approach of giving "guidance but not advice" is ... creating some difficulty for the industry. In principle, this stance is consistent with the commitment to risk management decisions being made by industry, with the regulator then auditing the efficacy of industry measures against the desired security outcome. In practice, however, the "guidance not advice" approach has on occasion led to confusion about the intended meaning of the ATSRs and inconsistency in response.<sup>50</sup>

2.69 DoTaRS affirmed its position that:

*The Aviation Transport Security Act 2004 and the Aviation Transport Security Regulations 2005 have been drafted to be deliberately non-prescriptive ... DoTaRS has no mandate under this legislation to provide prescriptive advice. In this regard, the role of the Department does not extend beyond the provision of interpretative assistance.*

It should also be recognised ... that many airports appreciate the ability to make their own decisions about how to comply with legislative provisions, by choosing options that will be efficient and effective given their operating environment.<sup>51</sup>

2.70 DoTaRS provided details of 18 workshops held around Australia prior to the entry into force of the Regulations for operators of regional airports between June and September 2004.<sup>52</sup>

## Transport Security Plans and transitioning aviation industry participants

2.71 One further source of uncertainty was presented for those aviation industry participants that had been security classified prior to the entry into force of the *Aviation Transport Security Act and Regulations*.

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50 Qantas, *Submission No. 61*, p. 31.

51 DoTaRS, *Submission No. 52.2*, p. 20.

52 DoTaRS, *Submission No. 52.2*, pp. 6-7.

These industry participants were deemed to have their extant security arrangements in transition until March 2007.

2.72 Qantas referred to the unsatisfactory character of transitioning arrangements where:

despite having formally approved existing TSPs as sufficiently compliant, the Office of Transport Security has subsequently informed industry participants, that:

- In case of discrepancy between a TSP and the ATSRs, the ATSRs will apply;
- It is the responsibility of industry to identify and remedy such discrepancies;
- It is not permissible to amend existing TSPs pending submission and approval of a new TSP;
- DoTaRS will audit industry compliance with the ATSRs and existing TSPs during the transition period.<sup>53</sup>

2.73 Town of Port Hedland stated:

We are audited on the new Act and Regulations, but our Transport Security Program is a transitional, which now does not reflect the new Act. We are audited on our old transitional program and found to be deficient. As soon as our TSP – it is a new one – is adopted over the next 12 months, that will disappear and we will have to comply with the new one. There are situations whereby fencing and/or screening requirements in the old Act and Regulations and our Transport Security Program are required; in the new one, they are not. So you are going to have to expend those funds. How you get a balance with that is where we are really coming unstuck.<sup>54</sup>

## Experience and resources in the Office of Transport Security

2.74 In the changed security environment the Office of Transport Security has faced on-going challenges in implementing a dramatically upgraded aviation security regime.

2.75 The Office of Transport Security has faced a period where it is inevitably recruiting inexperienced staff, given its rapid expansion to meet the changes in the aviation security environment. The challenges

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53 Qantas, *Submission No. 61*, p. 31.

54 Town of Port Hedland, *Transcript*, 9 March 2006, p. 12.

of resourcing and lack of experienced employees during this phase were cited as underlying the difficulties in obtaining adequate levels of advice from DoTaRS.

2.76 DoTaRS stated:

the number of staff in the Office of Transport Security continues to increase in order to meet the increasing demands of the transport security environment. OTS has developed a comprehensive capability building strategy for staff, including the development of a competency-based Capability Framework, with a priority placed on the role of Inspectors. Training is also provided to staff in relation to protective security and some have been involved in incident exercises. This training is specifically targeted to meet both international standards and the requirements of the Australian transport security environment.<sup>55</sup>

2.77 REX pointed to advantages and disadvantages of the rapid expansion of the Office of Transport Security:

major changes have occurred within the Department, not the least of which is a large personnel increase. These changes have induced an improved customer service product from the Department and made industry contact with the Department easier...

With respect to regulation, we have found that the Department has less corporate experience with and knowledge of regional aviation than they have of major domestic and international aviation. This has led to a number of issues with regulations which may only have a minor impact on domestic and international operators but do have a major and serious impact on regional operators.<sup>56</sup>

2.78 Subsequently, REX stated that the experience of DoTaRS staff in regional aviation had improved:

That [previous] statement was aimed more at the DoTaRS Canberra facility and the head office people. It came about – and was freely admitted to by senior DoTaRS people – that they had no idea of regional operations. Their experience with aviation has been with large airlines and international

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55 DoTaRS, Submission No. 52.2, pp. 20-1

56 REX, Submission No. 39, p. 1.

travel. We have attempted to address that. We have an open invitation for the Canberra people from DoTaRS to visit our facility at Wagga. They have accepted that invitation ... As far as the field officers are concerned, the number of field officers has increased in size since our submission and their experience has changed. There are some Office of Transport Security field officers who have regional aviation experience...<sup>57</sup>

- 2.79 However, RAAA identified problems not with staff in the Canberra Office of Transport Security but with OTS field officers:

central officers may have had a very clear idea but field officers then get a bee in their bonnet about something, and documents can go backwards and forwards for no real gain.<sup>58</sup>

- 2.80 Shire of Roebourne stated that despite the increase in staffing levels, DoTaRS resources were stretched beyond reasonable limits:

Despite the best efforts of DoTaRS staff we are still struggling to gain the information required to transition our security program to a new [TSP].<sup>59</sup>

- 2.81 Roebourne stated that the recent rapid increase in resources has also meant a shortfall in experience:

the staff, particularly if they are new, are endeavouring to interpret where they fit into the scheme of things, and this is new legislation that they are not across. So, when you ask a question – “How does this work?” or “How does this get applied?” or “What will this mean in our airport?” – nine times out of 10, and it is probably nine and a half times out of 10, you get told, “I will have to check with Canberra and I will get back to you.” Then you wait and wait and wait. Then the next call you get is from someone in Canberra who is in a different section who says, “You are aware that this information you need to provide to us is due in two weeks time.” ...

Often the response you get is, “Oh yes, that’s a problem with the regulations. We will be working on that and changing it.” So you think, “Okay, I am going to do all of this work to

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57 REX, *Transcript*, 23 November 2005, p. 85.

58 RAAA, *Transcript*, 10 October 2005, p. 11.

59 Shire of Roebourne, *Submission No. 31*, p. 2.

implement this and the people who are looking after it have already said that it needs to be changed.” You sit and think, “Well, that will cost money and time and then we will have to change it again.”<sup>60</sup>

2.82 AAA suggested that:

the career path development program within the Commonwealth Public Service does not necessarily mean that knowledgeable and experienced officers in any given line are retained within any department for any particular pre-determined length of time. In this regard, DoTaRS is no different to any other Commonwealth Government department or agency. However, aviation is a complex and in many ways a somewhat dysfunctional industry which requires a high level of expertise and practical working knowledge. Unfortunately, at the present time there are too few people within DoTaRS with such experience and knowledge.<sup>61</sup>

## Committee comment

2.83 The aviation industry unanimously supported the risk based objectives of the regulatory regime and the expansion of the aviation security regime to include all airports facilitating Regular Public Transport services.

2.84 However, significant numbers of industry participants were critical of the implementation of a risk based approach on two grounds:

- first, because they believed a risk based approach had been compromised by the regulator returning to the imposition of prescribing minimum standards, often without what was considered appropriate levels of consultation; or
- second, because they believed that the focus on self-assessment was being used by the regulator to avoid providing binding advice to regulated parties on the adequacy of proposed measures to meet identified security threats.

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60 Shire of Roebourne, *Transcript*, 9 March 2006, p. 6.

61 AAA, *Submission No. 33*, p. 1.



- 2.85 Both criticisms of DoTaRS performance arose from understandable concern and frustration on the part of aviation industry participants.
- 2.86 However, the reasonable concern and frustration of industry must be placed in a context of the massive overhaul of aviation security in Australia and the consequent magnitude of the task in implementing the changes faced by DoTaRS.
- 2.87 The Committee believes that the task of a regulator seeking, on the one hand, to ensure minimum security standards, while, on the other, implementing a risk based approach focusing on security outcomes inevitably leaves it open to criticisms of, on the one hand, being too prescriptive and, on the other, not being prescriptive enough.
- 2.88 The criticisms show that, on different occasions, DoTaRS failed to achieve the difficult balance between achieving flexible security outcomes and prescribing minimum standards.
- 2.89 The Committee believes that DoTaRS should ensure it develops a compliance regime that focuses on security outcomes rather than concentrating on isolated breaches of regulations.**
- 2.90 Concerns that the regulatory regime may be returning to a prescriptive approach were attributed to insufficient consultation as a result of the arrival of deadlines or what were perceived as pre-emptive announcements of additional measures by the Government.
- 2.91 The Committee is fully aware that security is an area in which the occurrence of events is always unexpected and the responses must be urgent.
- 2.92 While the Committee acknowledges that the regulatory regime has been developed in a climate of urgency and at times rapidly changing circumstances, there appears to be occasions when security measures could have been:
- better explained to industry, particularly in terms of their intended outcomes; and
  - implemented with less urgency, specifically in the case of regional aviation where the ASIO security threat assessment remained unchanged and was considered 'low to negligible'.
- 2.93 The Committee encourages DoTaRS to continue to implement required security standards in a way that is consistent with a security outcomes approach to aviation in Australia.

- 2.94 Since June 2004, the aviation security regime in Australia has undergone rapid expansion requiring large increases in the resources, particularly personnel, available to the Office of Transport Security.
- 2.95 A broad array of aviation industry participants claimed that the expansion in numbers of personnel has led to unfortunate but unavoidable levels of inexperience in the Office of Transport Security with regard to aviation industry requirements.
- 2.96 The Committee believes that Office of Transport Security personnel would benefit from increased contact and familiarity with the aviation industry participants they are regulating, particularly in the case of remote and regional sectors of the industry.
- 2.97 Office of Transport Security personnel require the experience and authority to both advise of the adequacy of proposed measures to meet identified security threats and to exercise discretion in facilitating security outcomes through the flexible implementation of regulatory requirements to accommodate local circumstances.
- 2.98 First hand experience of the conditions faced by regulated parties is of the utmost importance in implementing an effective risk based security regime, particularly where these conditions are not familiar to officers charged with the implementation of the regulatory regime.
- 2.99 To this end, Office of Transport security personnel would benefit from increased site visits to regional airports that are required to subscribe to Aviation Transport Security Regulations.

## Recommendation 2

- 2.100 **That the Department of Transport and Regional Services mandate training for selected Office of Transport Security personnel to gain greater first hand knowledge of the industry participants it regulates, particularly those based in regional Australia, through required on site visits and short term work experience.**
- 2.101 The lack of certainty arising from the refusal to provide binding advice to aviation industry participants concerned the Committee particularly in regard to smaller operators in regional Australia.
- 2.102 The Committee believes that in some cases the provision of advice on whether a specific security measure will meet an identified threat

does not compromise a security outcomes based approach when the advice is requested by the regulated party. DoTaRS' insistence on self-assessment to the point of refusing to provide any advice to regional aviation industry participants is not appropriate for a potentially high risk environment where resources, both physical and human, are limited.

### **Recommendation 3**

- 2.103 That the Department of Transport and Regional Services establish and publish standards for certain security related infrastructure (for example airport fencing, Closed Circuit Television coverage, and access points).**

## Expansion and tightening of Aviation Security Identification Card requirements

- 3.1 The new regulatory regime extended the requirement to hold an ASIC in the following ways:

all security controlled airports that have RPT services are now required to comply with the requirements for ASICs. Previously, an ASIC was only required to enter a security restricted area. From 10 March 2005 the new legislation extends this requirement to all people accessing the airside area and landside security zones, and to people checking-in passengers or handling checked baggage.<sup>1</sup>

- 3.2 Aviation industry participants were originally scheduled to meet the ASIC requirements by 1 January 2006.<sup>2</sup> This deadline was subsequently extended until 31 March 2006.<sup>3</sup>

- 3.3 In addition to the expansion of ASIC requirements under the *Aviation Transport Security Regulations 2005*, on 7 June 2005 the Australian Government announced that it would:

require an immediate review of the backgrounds of all holders of ... ASICs. Every ASIC holder will be reassessed, to

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1 DoTaRS, *Submission No. 52*, p. 18.

2 DoTaRS, *Submission No. 52*, p. 19.

3 Shire of Roebourne, *Transcript*, 9 March 2006, p. 11.

make sure they are fit and proper persons to work in airport positions<sup>4</sup>

3.4 In reviewing the backgrounds of current ASIC holders:

the Australian Government decided to remove the grandfathering provisions under the *Aviation Transport Security Regulations 2005* that saw some offences committed prior to 1 December 1998 not considered for the issue of an ASIC.<sup>5</sup>

3.5 On related matters, in its *Report 400* the Committee recommended, in relation to ASICs, that:

- DoTaRS set a performance standard for the return of expired ASICs for each card issuing body, in response to concerns about the high number of expired ASICs that had not been returned; and
- that ASIC holders who have not received security training as part of their normal duties be required to undertake such training.<sup>6</sup>

3.6 The Committee is pleased to note that the proposed *Aviation Transport Security Regulations 2005* include requirements for card issuing bodies to identify mechanisms to retrieve expired ASICs, and that Transport Security Plans must now set out mechanisms to provide general security awareness to operational staff.

3.7 Aviation industry participants raised the four areas of concern regarding the extension of the ASIC system and rechecking of all current holders of the cards:

- delays in the processing time of applications for ASICs;
- use of Visitor Identification Cards as a device for circumventing ASIC requirements;
- issues of fairness to employees who may fail the background checks required to hold an ASIC on the strength of an irrelevant or minor criminal conviction and subsequent industrial disputes that may arise; and
- practicalities and effectiveness of background checking for overseas workers.

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4 Deputy Prime Minister, 'Securing and Policing Australia's Major Airports', *Press Release*, 7 June 2005.

5 DoTaRS, *Submission No. 52*, Annexure N, p. 105.

6 JCPAA, *Report 400: Review of Aviation Security in Australia*, June 2004, p. 100.

## ASIC application waiting period

3.8 Aviation industry participants claimed periods of unacceptable delay between the lodgement of an ASIC application and the required background checks being brought to completion:

- APAC stated the waiting period was five to six weeks at present and had been as long as eight weeks at one stage.<sup>7</sup>
- the operator of Learmonth Airport, Shire of Exmouth, stated that background checks were completed in around two months;<sup>8</sup>
- Aero-Care stated that for one project some applicants were still waiting for advice 17 weeks after applications had been lodged;<sup>9</sup> and
- Blue Collar Recruitment stated that the wait could be anywhere up to three months.<sup>10</sup>

3.9 An additional source of delay for some small regional airports regarded the physical manufacture of the ASIC by third parties:

- Shire of Derby – West Kimberley stated that it had been waiting for a period of six months for the production of its ASICs at Merimbula Airport;<sup>11</sup> and
- Shire of Exmouth stated it had been waiting for up to eight months since applying for ASICs for delivery of the physical cards from Perth International Airport.<sup>12</sup>

3.10 Regional aviation participants and suppliers of part time and casual labour to the aviation industry stated that delays in providing background checks for ASIC holders was particularly detrimental to their operations.

3.11 REX stated that:

One of the issues that we are having at the moment is with our own staff trying to renew expiring ASICs. The delays in

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7 APAC, *Transcript*, 24 November 2005, p. 3.

8 Shire of Exmouth, *Transcript*, 7 March 2006, p. 7.

9 Aero-Care, *Transcript*, 27 February 2006, p. 3.

10 Blue Collar Recruitment, *Transcript*, 23 November 2005, p. 101.

11 Shire Derby – West Kimberley, *Transcript*, 8 March 2006, pp. 6-7.

12 Shire of Exmouth, *Transcript*, 7 March 2006, p. 7.

getting that done are quite large because of all the new ASICs being required. We actually had a pilot card run out of date, so we could not use them for a short while because of the time it took to get the ASIC through.<sup>13</sup>

- 3.12 RAAA criticised the period of time taken for conducting background checks in terms of the financial impact of sectors of the aviation industry with tight margins, in particular:

ASIO's vetting performance has been less than impressive and caused substantial business losses while employees and clients wait for clearances.<sup>14</sup>

- 3.13 Blue Collar reiterated that the police check took approximately seven days and that the ASIO background check was the cause of most delays.<sup>15</sup>

- 3.14 Aero-Care stated that the delay between applying for and issuing of an ASIC varies:

from airport to airport. Having said that, for all airports there is still a lag. For a service which we actually pay for it is fairly poor. We pay a reasonable price for a task that does not take that long, if pushed. We have had airports committing to us that the process would take less than a week. That is what we have been told consistently over the last several years by airport authorities and Australian Federal Police...

it would appear that, once it gets to the point where a person processes it, they spend very little time doing the task. [The delay] appears to be the resources allocated for the criminal history check and the ASIO check, according to the claims that we are getting back.<sup>16</sup>

- 3.15 Delays in obtaining background checks were compounded for labour hire organisations by a lack of information on when applicants might be cleared:

the client could say, "I require 30 people," and I might have only 20 people cleared ... I still may not be able to get an

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13 REX, *Transcript*, 23 November 2005, p. 88.

14 RAAA, *Submission No. 28*, p. 1.

15 Blue Collar recruitment, *Transcript*, 23 November 2005, p. 107.

16 Aero-Care, *Transcript*, 27 February 2006, p. 4.

answer for two weeks, so I cannot even feed back to the client to meet their requirements.<sup>17</sup>

3.16 An additional cost for labour hire companies of delays in processing the background checks of ASIC applications is the number of applicants that 'drop off the books'. Blue Collar Recruitment estimated the drop off rate to approximate 50 percent.<sup>18</sup>

3.17 In the event that applicants drop out of the procedure, Blue Collar stated:

They will still obtain the clearance, regardless, as that process is already under way...

and we still have to pay for it, regardless.<sup>19</sup>

3.18 The time taken to clear background checks for ASIC applicants was considerably longer than the two week waiting period that APAC considered reasonable.<sup>20</sup>

3.19 DoTaRS set out some of the reasons for delays in background checking ASIC applicants:

There are a couple of challenges in the background-checking environment. Firstly, if you have led an interesting life and ASIO needs to look at you, that can simply take time. It is a question of how much national resource we are prepared to devote to that ... Australian Federal Police have to work closely with state police. Because we do not have, at a state level, live databases that are constantly updated so that you get a real-time picture of a person's criminal history, that can be a little steam driven.<sup>21</sup>

3.20 DoTaRS also indicated the enormity of the task of re-screening current ASIC holders together with roll out of ASICs for new entrant airports and pilots:

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17 Blue Collar Recruitment, *Transcript*, 23 November 2005, p. 102.

18 Blue Collar Recruitment, *Transcript*, 23 November 2005, p. 104.

19 Blue Collar Recruitment, *Transcript*, 23 November 2005, p. 105.

20 APAC, *Transcript*, 24 November 2005, p. 3; Blue Collar Recruitment suggested that a period of three weeks would be a commercially reasonable time in which to obtain an ASIC background check. *Transcript*, 23 November 2005, p. 103.

21 DoTaRS, *Transcript*, 5 December 2005, p. 11.



There are currently 80,000 ASICs in circulation. This number will increase to approximately 120,000...<sup>22</sup>

3.21 DoTaRS contrasted the extended waiting period for background checks for ASICs in Australia with the Canadian arrangement where:

The Canadian transport department are the background checking agency. Typically, they can issue a background check in around 48 hours...

At its core, the reason they can do that is they have the Royal Canadian Mounted Police ... although they have a constitution with policing that is a bit like ours, most provinces have defaulted to the RCMP being the police force. You are dealing with one police force and a live criminal-checking system that gives you a screen that is updated electronically all the time. We do not have that...

CrimTrac is really good and it is an effort in the Australian system to move to that. Ultimately there would need to be some investment by state governments to move to something a bit more like the Canadian system.<sup>23</sup>

## Issuing and vetting authorities

3.22 The vulnerabilities identified in the current ASIC program by the Wheeler review included that:

there is no central list maintained of everyone who holds an ASIC [among 188 ASIC issuing bodies].<sup>24</sup>

3.23 As a result, the Wheeler review recommended that:

the background checking process required to obtain and hold an [ASIC][ be ... centralised...<sup>25</sup>

3.24 SACL stated:

By having a national database and a central vetting service, it will be clear to all government agencies as to who has a background clearance and therefore has potential access to

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22 DoTaRS, *Submission No. 52, Annexure N*, p. 105.

23 DoTaRS, *Transcript*, 5 December 2005, p. 23.

24 Rt Hon Sir John Wheeler, *An Independent Review of Airport Security and Policing for the Government of Australia*, 21 September 2005, p. 45.

25 Rt Hon Sir John Wheeler, *An Independent Review of Airport Security and Policing for the Government of Australia*, 21 September 2005, Recommendation 10.

airports. In the event of intelligence or information coming to hand, government will be able to quickly ascertain, without going to a number of issuing authorities, who has access to airports. So we believe it will be an improvement to security and will help intelligence agencies manage threat issues in the aviation environment...<sup>26</sup>

- 3.25 SACL also referred to efficiencies of a centralised ASIC database for persons working in the aviation industry:

if a worker ... moves between two companies that are both involved in the airport then potentially they will already be pre-cleared when they move to the other company, and there will not have to be a whole reissue process.<sup>27</sup>

- 3.26 However some aviation industry participants argued that the centralisation of background checking did not go far enough and called for the centralisation of the issuing of ASICs.

- 3.27 Shire of Roebourne stated that centralisation of background checking for ASICs:

would be a halfway step to a central issuing body. We strongly recommend that the Government look at transitioning straight to a central issuing body, as they have done with pilots with CASA issuing all of their ASICs ... if ASICs are the standard for security checking and background checking and there is no control on where they are issued and who issues them, a pretty big hole is left in the system.<sup>28</sup>

- 3.28 Qantas supported:

A single centralised service for assessing the suitability of ASIC applicants, while leaving Issuing Bodies to attend to the physical issue of cards ... provided it can meet appropriate standards of timeliness and transparency. The alternative, of leaving the assessment responsibility with Issuing Bodies, is also feasible provided all potentially relevant information from Government databases is made available.<sup>29</sup>

- 3.29 Virgin Blue stated:
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26 SACL, *Transcript*, 23 November 2005, p. 4.

27 SACL, *Transcript*, 23 November 2005, p. 4.; also Nhulunbuy, *Submission No. 22*, pp. 1-2.

28 Shire of Roebourne, *Transcript*, 9 March 2006, pp. 3-4.

29 Qantas, *Submission No. 61*, p. 24.

we believe that ASICs should be issued by a centralised government agency. Currently, we provide ASICs to our staff. We make the determinations in relation to persons who make applications to us in accordance with the guidelines and our programs ... We believe, for consistency, it would be more appropriate that one central body make determinations.<sup>30</sup>

3.30 REX stated:

support [for] having a single issuing body, with the proviso that they have sufficient staff and resources to turn over.<sup>31</sup>

3.31 Some aviation industry participants expressed concern that delays in the current ASIC program would only be intensified if the Commonwealth became the ASIC issuing authority.

3.32 Thus, Blue Collar Recruitment expressed concern that, based on current experience, a central ASIC issuing authority could not cope with demand.<sup>32</sup>

3.33 AAL expressed concern that the function of an ASIC as a background clearance be kept to the fore:

I do not know how [a centralised ASIC issuing authority] would work ... because that is a huge thing to try to bite off. Just getting a police record check takes a long time...

I think there is an argument for reducing the number [of issuing authorities], certainly. But it is a bit unwieldily to try to get one single nationwide issuing body...

over the years the ASIC card has been confused with identifying that you have had a background check and with giving you access control. If you separate the two, there is probably a way forward for looking at having somebody coordinating all the background checking. But, if you are going to use that card then as access control, that needs to be controlled locally or to be localised. So the background checking of people can rest perhaps with a central body. But then, if you are going to tie access control to that card, it has to be localised.<sup>33</sup>

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30 Virgin Blue, *Transcript*, 24 August 2005, p. 4.

31 REX, *Transcript*, 23 November 2005, p. 88.

32 Blue Collar Recruitment, *Transcript*, 23 November 2005, p. 101.

33 AAL, *Transcript*, 21 September 2005, p. 22.

3.34 However,

we are supporting a single agency for the assessment of the background and a consistency in terms of its application ... What is happening now is that the backgrounds are being provided to the organisations which then make that assessment, and therefore there is a possibility of inconsistency in its application...

The physical issuing of it I do not think is the major concern. If there is a concern, it is about the assessment of it.<sup>34</sup>

3.35 DoTaRS updated the Committee on the Government's response to the Wheeler recommendation:

We work very closely with the three principal agencies – the Department of Immigration, the Australian Federal Police and ASIO – to try and ensure that the flow of ASICs to industry happens quickly. We are certainly working at policy level around the possibility of a centralised vetting agency, which we believe would significantly improve responsiveness in the system.<sup>35</sup>

3.36 In the May 2006 budget the Commonwealth Government announced:

The centralisation of the [ASIC] assessment process in [DoTaRS] in the lead up to the centralised vetting agency Auscheck on 1 July 2007 in the Attorney-General's Department.<sup>36</sup>

## Committee comment

3.37 The haste with which the upgraded ASIC requirements were implemented has been responsible for high levels of frustration across the aviation industry and imposed significant hardship upon some smaller industry participants such as aviation labour hire companies.

3.38 The initial under-resourcing of the upgraded ASIC roll out is evident in unreasonably long delays between the lodgement of ASIC applications and the completion of background checks.

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34 SACL, *Transcript*, 21 July 2005, pp. 6-9.

35 DoTaRS, *Transcript*, 5 December 2005, p. 11.

36 Minister for Transport and Regional Services, '\$4.7 Million Boost for Security Cards in Aviation and Maritime Industries', *Budget Media Release*, 9 May 2006.

- 3.39 The Committee acknowledges that delays in clearing background checks for ASICs were due to the expansion and deepening of the ASIC program and magnified by the upgraded Maritime Security Identification Card (MSIC) requirements and the Commonwealth Games in Melbourne.
- 3.40 Nevertheless the delays in processing the background checks for ASIC applicants created difficulties for the aviation industry.
- 3.41 The Committee has publicly supported Recommendation 10 of the Wheeler Review that the background checking process for ASICs be centralised and coordinated with MSICs in the Attorney-General's Department (AGD).
- 3.42 In response to Wheeler's recommendation, the Australian Government announced:
- \$2.9 million for the establishment of a regime to audit the activities of ASIC and MSIC issuing bodies...
- A further \$1.8 million [was] provided to enable [DoTaRS] to undertake the assessment of ASIC and MSIC applicants' criminal history certificates for the period 1 July 2006 to 30 June 2007 when responsibility will move to the newly-created AusCheck in the Attorney-General's Department.<sup>37</sup>
- 3.43 The Committee takes this opportunity to reiterate Recommendation 4 of its interim *Report 406* that all employees, contractors and subcontractors who are required to work in secure airside areas, whether on an infrequent basis or not, be required to obtain an ASIC before commencing their employment.
- 3.44 The centralisation of background checking and issuing of clearances has the following advantages:
- introduction of uniform conditions under which an ASIC or MSIC applicant is granted or denied the card;
  - efficiencies allowing ASIC transferability for a cardholder moving between employers across the aviation industry;
  - relieving smaller aviation industry participants that do not necessarily have the resources to make determinations on issuing clearances.

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37 Minister for Transport and Regional Services, '\$4.7 Million Boost for Security Cards in Aviation and Maritime Industries', *Budget Media Release*, 9 May 2006.

#### **Recommendation 4**

- 3.45 **As well as being responsible for the assessment of criminal and security background checks for applicants of Aviation Security Identification Cards (ASICs), that the new Australian Background Checking Service, AusCheck, be charged with responsibility for the issue of these cards, and that appropriate standards for the issue of ASICs be determined in consultation with industry.**
- 3.46 The Committee notes that significant differences in required levels of security across airports for which ASICs are required. For instance, there is a far higher level of security required at a CTFR airport than at an airport with screened jet services but no CTFR function and an airport with turbo prop Regular Public Transport services.

#### **Recommendation 5**

- 3.47 **In determining to issue an applicant with an Aviation Security Identification Card, AusCheck should take into account the specific level of risk that exists at the airport for which the application has been made.**

#### **Recommendation 6**

- 3.48 **That AusCheck establish detailed and formal mechanisms for monitoring the return of Aviation Security Identification Cards on the expiry or termination of a cardholder's work in aviation related industries and provide an annual report to the Parliament on the number of non returned identity cards.**

**Recommendation 7**

- 3.49 **That AusCheck be required to monitor and report annually to the Attorney-General on the adequacy of the Australian Security Intelligence Organisation, Australian Federal Police and Department of Immigration and Multicultural Affairs in completing background checks for Aviation Security Identification Card applications.**

**Recommendation 8**

- 3.50 **Any decision by AusCheck should be subject to appeal through the Administrative Appeals Tribunal.**
- 3.51 It should be noted that the above recommendations refer to ASICs as certifying that a successful applicant has passed designated background clearances. Industry participants should maintain control of determining and granting access to areas of ports necessary for card holders to work.
- 3.52 The Committee believes that AusCheck should be authorised to pass on all information arising from background checks that is currently made available to aviation industry participants to facilitate their determination of appropriate levels of access for the ASIC holder.
- 3.53 The Committee notes that the effectiveness and usefulness of Auscheck depends on state and territory law enforcement bodies providing timely advice of criminal convictions. The Committee is concerned that there remains no live national database of criminal convictions. This means that there is a potential for holders of ASICs to acquire convictions that would, if known, be cause for denying their application but remain holding a valid card.<sup>38</sup> This highlights the importance of all law enforcement bodies providing timely information on convictions, in order to maintain the integrity of the Auscheck process.

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38 In December 2002 the maximum validity of ASICs was reduced from five years to two years. DoTaRS, *Submission No. 52, Annexure N*, p. 105. The Committee remains concerned that ASIC holders who acquire a criminal conviction may not be detected by background checking systems until they apply for a new ASIC on expiry of the current card.

- 3.54 The Committee encourages the Commonwealth Attorney-General to progress the development of a live national database of criminal convictions with his state and territory colleagues with the aim of providing AusCheck with automatic notification of convictions made against holders of Aviation Security Identification Card.**

## Visitor Identification Cards

- 3.55 Visitor Identification Cards (VICs):

may be issued to persons needing to enter the secure area of a security controlled airport ... A person wearing a VIC in a secure area must be supervised by a holder of a valid ASIC. VICs may not be issued for longer than 1 month or if a longer period is permitted by the issuing body's ASIC program, no longer than 3 months...

VIC holders are required to be under the control of an ASIC holder from the time the VIC is granted to the time it is handed back.<sup>39</sup>

- 3.56 Qantas outlined that in its operations:

Visitor Passes may not be used on an ongoing basis for staff or contractors with a continuing role in a restricted area. Visitor Passes may not be issued to the same person for more than ten consecutive days without the approval of Group Security, and an individual may not be issued with Visitor Passes for more than 30 days in any year.<sup>40</sup>

- 3.57 ALAEA expressed concern at:

contract companies [that] appear under the umbrella of "ground handling services", which includes services such as baggage handling and "meet, greet and depart" services ... employ casual contract labour ... [which] is frequently employed by more than one employer because of low hours of work and low wages. Due to the nature of contracting, job security does not become a positive motivator for loyalty to

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39 DoTaRS, *Submission No. 52, Annexure N*, pp. 107-8.

40 Qantas, *Submission No. 61*, p. 23.



the company nor an understanding of or respect for the culture of safety vital to the airline industry.<sup>41</sup>

3.58 Aero-Care stated:

Where the work is of a permanent nature, we have a predominantly permanent base of employment in the order of 90 percent. In locations where we have a small volume of work which does not fulfil a full-time role, there is a high percentage of casuals, often in the order of 50 percent. Overall, the employment is predominantly of a permanent nature at something in the order of 75 percent...

The average length of employment at this point is approximately two years.<sup>42</sup>

3.59 Aero-Care attributed the use of VICs to delays in processing ASIC applications:

One of the first processes that we have when we employ a person is that we require them to complete an ASIC application. That is submitted prior to their commencement of employment. Having said that, we are unable to wait the period of time for those applications to be processed through the various checks before we commence their employment ... For instance, we recently took on a contract with Singapore Airlines. We were given just under 60 days notice to start that contract.

It commenced on 1 November and today [27 February] we are still waiting for some of those peoples' ASIC applications to be returned. It is true that these people are working with visitors cards, temporary passes, but they are required to be strictly supervised in all aspects of the work that they do ... an ASIC holder escorts them wherever they perform work on the airport. That is the case for all of our operations.<sup>43</sup>

3.60 In relation to the Singapore Airlines contract:

When we started the Singapore Airlines contract I believe only a handful of ASICs came through. We employed approximately 70 people at that stage. By the time the

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41 ALAEA, *Submission No. 77*, p. 16.

42 Aero-Care, *Transcript*, 27 February 2006, p. 2.

43 Aero-Care, *Transcript*, 27 February 2006, p. 3.

contract started, there were only a couple of ASICs that had been processed by the system.<sup>44</sup>

- 3.61 Blue Collar Recruitment stated that there were about 890 staff at various airports of which approximately 600 were casual and the rest permanent part time. All part timer staff had ASICs and the rate of casuals with ASICs was:

Probably about 50 percent. The rest are at the catering depots, which do not go anywhere near the airport.<sup>45</sup>

- 3.62 Blue Collar stated that all staff requiring ASICs were cleared prior to commencing work in restricted areas.<sup>46</sup>

- 3.63 SACL stated that it issued 1,200 visitor passes per month<sup>47</sup> and strongly rejected a media report that 20 percent of security screeners at Sydney International Airport were avoiding ASIC requirements through the use of day passes.<sup>48</sup>

- 3.64 SACL stated:

We have a program for the issuing of ASICs that is approved by the Department, and it allows for day passes and for what we call extended visitor passes. Our program allows for a period of up to three months. A lot of new employees obtain an extended visitor card to work, under supervision, until such time as their clearance comes through and we can issue them with a permanent pass. There is a lot of short-term work, whether it be fixing a photocopier or doing short deliveries airside that require the provision of short-term visitor passes as well as extended visitor passes.<sup>49</sup>

- 3.65 Virgin Blue stated that it would support the elimination of VICs:

As long as the Government, through the Australian Federal Police, ASIO, Immigration and the Department of Transport, can turn around those checks in 24 hours, we would be more than willing to assist in that...

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44 Aero-Care, Transcript, 27 February 2006, p. 9.

45 Blue Collar Recruitment, *Transcript*, 23 November 2005, p. 100.

46 Blue Collar Recruitment, *Transcript*, 23 November 2005, p. 101.

47 SACL, *Transcript*, 23 November 2005, p. 21.

48 SACL, *Transcript*, 21 July 2005, p. 7. 'Security Sidestepped by Airport Day Passes', *Australian*, 2 June 2005, p. 5.

49 SACL, *Transcript*, 23 November 2005, pp. 5-6.

It is very hard to get people who have the [ASIC] approval from day one. I know that is not just Virgin Blue; it is everyone throughout the industry. It would be preferable, and we have advised them it would be preferable, if they could do their pre-checks prior to the person commencing employment but, due to supply and demand, on occasions that is not possible.<sup>50</sup>

3.66 DoTaRS stated that it:

is working with external agencies involved in the background checking for ASICs (AFP, ASIO and DIMIA) to determine if background checking processes can be expedited with a view to applying it to VICs. Preliminary advice indicates that significant system development would need to take place within the external agencies and also in state jurisdictions...<sup>51</sup>

### Committee comment

3.67 The Committee notes that supervision is required of VIC holders in secure areas by holders of ASICs.

3.68 Notwithstanding this, the Committee considers it necessary to restrict the number of VICs to those required for temporary purposes. Furthermore, the Committee reiterates Recommendation 3 of *Report 406* requiring all VICs to carry photographic identification of the cardholder.

3.69 Extended waiting periods for the processing of ASIC applications has meant the VICs have become an integral part of the system rather than a device to accommodate exceptional circumstances.

3.70 Successfully overcoming the delays between application for and issuing of ASICs that are unworkable for industry will reduce demand for VICs and allow more stringent limitations to be imposed on their use.

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50 Virgin Blue, *Transcript*, 24 August 2006, p. 31.

51 DoTaRS, *Submission No. 52*, Annexure N, p. 108.

## **Recommendation 9**

- 3.71 **Taking into account the expected reduction in waiting periods for the issue of Aviation Security Identification Cards, the Committee reiterates Recommendations 3 and 4 of its *Report 406* that the Department of Transport and Regional Services:**
- **require Visitor Identification Cards to carry photographic identification of the cardholder; and**
  - **tighten the conditions under which Visitor Identification Cards are issued to ensure they are provided for genuinely temporary purposes.**

## **Fit and proper persons and industrial fairness**

3.72 Some labour organisations expressed concern that the requirement to re-screen personnel requiring ASICs may result in termination of employment for acts that were not relevant to the current security threat of the applicant.

3.73 ALAEA referred to a case:

where offences and convictions from the past are considered relevant [to obtaining an ASIC] – in some cases up to 15-20 years previously. The individual concerned on past security screening still holds an ASIC and has exemplary employment and community history but on current proposals in regard to tightening of ASIC screening would suffer a grave injustice should his ASIC be revoked on the basis of having a “criminal” record.<sup>52</sup>

3.74 The Transport Workers Union of New South Wales (TWU) referred to concerns raised by members at Sydney International Airport:

In light of what the Federal Government is saying that it would like to reissue the cards, they do ask, “If I had a pub

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52 ALAEA, *Submission No. 74*, p. 9.

room brawl 20 years ago, is that going to count against me? It was dealt with at the time, and I had no conviction." We are not clear, so we cannot answer that, and we would like to get some further information.<sup>53</sup>

3.75 Qantas outlined the types of consideration taken account of when assessing whether or not to issue an ASIC:

- The nature of offences recorded, with particular reference to drug use (particularly hard drugs), violence or dishonesty;
- The number and frequency of offences recorded;
- The currency of the offences i.e. number of years since the last offence was committed;
- The age of the offender at the time of the offence;
- Whether the applicant admitted to the convictions in his/her application form; and
- The nature of the duties in the job for which the applicant is being considered.<sup>54</sup>

3.76 Qantas welcomed the extension of the background checks and stated:

The criminal element of the check should involve an assessment process that is not dependent solely on recorded convictions.<sup>55</sup>

3.77 SACL argued that disallowance of an ASIC using the upgraded results of background checks was a positive development:

one of the areas of some contention was the spent convictions issue. Under the Regulations as they previously stood, a spent conviction would mean potentially that somebody with a serious criminal offence which had occurred 20 years ago or whatever was required under the Regulation to be discounted. The revised Regulations allow us to take that into account now.<sup>56</sup>

3.78 Some aviation industry participants expressed concern that the new screening requirements could result in unfair dismissal claims against employers.

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53 TWU, *Transcript*, 21 July 2005, p. 78.

54 Qantas, *Submission No. 61*, p. 23.

55 Qantas, *Transcript*, 23 November 2005, p. 30.

56 SACL, *Transcript*, 21 July, p. 5.

- 3.79 Board of Airline Representatives of Australia (BARA) raised the possibility of unfair dismissal claims arising from failed background checks required of ASIC holders:

In the event that the new background checks result in an employee, previously in possession of an ASIC, being denied an ASIC and, therefore, continued employment, aviation sector employers will not be prepared to meet any expenses resulting from possible unfair dismissal claims.<sup>57</sup>

- 3.80 Shire of Roebourne expressed concern at the potential for costly industrial action for small regional aviation operations in the event that a current employee was not granted an ASIC under the upgraded requirements.<sup>58</sup>

- 3.81 DoTaRS acknowledged that:

the [ASIC] regime is difficult for smaller airports to implement, particularly in relation to the requirement to assess adverse results of the AFP criminal record check against complicated list of offences.<sup>59</sup>

- 3.82 The operator of Adelaide International and Parafield Airports, Adelaide Airport Limited (AAL), stated that the requirement that all ASIC holders be re-screened discovered only:

a small percentage of people who do have a criminal history. There was nothing in those criminal histories that caused us any concern. They were reported to the Department of Transport for their information only.<sup>60</sup>

- 3.83 SACL stated that of the approximately 9,500 ASICs issued, a few hundred were identified as being of interest and about four were not re-issued following adverse findings from background checks.<sup>61</sup> The reasons given for not re-issuing ASICs were 'a longer history of criminal activity or relevant criminal activity.'<sup>62</sup>
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57 BARA, *Submission No. 57*, p. 4.

58 Shire of Roebourne, *Submission No. 31*, p. 2.

59 DoTaRS, *Submission No. 52*, Annexure N, p. 107.

60 AAL, *Transcript*, 21 September 2005, p. 5. AAL subsequently stated that over the last two years five applicants had not been recommended for the reissuing of an ASIC: 'For acts that were considered to be a threat to aviation or for a repetitive criminal history, we have rejected them and asked for supporting documentation.' AAL, *Transcript*, 21 September 2005, p. 16.

61 SACL, *Transcript*, 21 July 2005, pp. 3-4.

62 SACL, *Transcript*, 21 July 2005, p. 4.

## 3.84 Furthermore,

With the four that we have rejected in the past couple of months, we have probably gone beyond the current regulation in that assessment, but we think it was necessary.<sup>63</sup>

## 3.85 Virgin Blue stated:

We currently have ... four personnel within our organisation of whom we have done a review and who could be considered potentially inappropriate. With respect to that, we will put that determination to the Secretary of the Department of Transport or their delegate in relation to the criminal history of those personnel.<sup>64</sup>

## 3.86 Qantas stated that it:

has requested background checks on approximately 43,000 names since November 2003. Renewals for existing employees comprised about 23,000 of the checks, and the remaining 20,000 were for applicants for Qantas employment and contractors. Of the incumbents, eight failed to meet the minimum standard for an ASIC but were 'grandfathered' under the provisions of Regulation 6.28 (three cases) or were the subject of approval granted by the Secretary of DOTARS under the provisions of Regulation 6.29 (five cases). Of the 20,000 checks for applicants for employment and contractors, 41 (or 0.21 percent) were rejected on the basis of unsatisfactory backgrounds.

Criminal history checks for applicants for employment and contractors typically yield about 7 percent with some form of disclosable record. The most common offences are driving and/or alcohol-related. Many offences are minor and commonly relate to adolescent or young adult behaviour.<sup>65</sup>

## 3.87 ALAEA suggested that in the event that an ASIC is not granted or revoked:

There should be a process ... whereby an Australian citizen ... can have recourse to an appeal tribunal or court of

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63 SACL, *Transcript*, 21 July 2005, p. 11.

64 Virgin Blue, *Transcript*, 24 August 2005, p. 20.

65 Qantas, *Submission No. 61*, p. 22.

competent jurisdiction to have their particular circumstances taken into account.<sup>66</sup>

### Committee comment

- 3.88 The Committee supports the recent extension of criminal background checks to include consideration of circumstances beyond recorded convictions such as spent convictions.
- 3.89 Concerns raised by industry participants in relation to the increased scope of the fit and proper person test are addressed in the Committee's recommendation to centralise the clearance for issuing of ASICs.
- 3.90 As the authority responsible for issuing the clearance, an agency of the Commonwealth Government would also clearly be responsible for the decision not to grant a clearance for the issue of an ASIC, thus removing the burden from employer or contractor organisations. Furthermore, the Committee has recommended that determinations be subject to the Administrative Appeals Tribunal.

### Background checking of international personnel

- 3.91 A further difficulty confronting the clearing of personnel involved in the aviation industry in Australia was presented by some participants.
- 3.92 Qantas referred to difficulties in obtaining:  
background checking for its overseas-hired staff. In these cases the Australian ASIC check may be meaningless because it only searches Australian law enforcement records. The difficulty in obtaining police checks in some countries, and the value of the resulting data, are factors which must be considered in this process.<sup>67</sup>
- 3.93 Qantas stated that currently:  
We have sought the assistance of private contractors to undertake a background inquiry for us, for a fee...

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66 ALAEA, *Submission No. 77*, p. 9.

67 Qantas, *Submission No. 61*, p. 23.



It depends on the country. Some countries will provide them with a police certificate for a fee, so we can seek a police check. But a more in-depth check than that is far more difficult, so we are employing a private organisation to try and do a background check on those staff for us. It is with great difficulty that we are doing that at the moment.<sup>68</sup>

3.94 ALAEA concurred stating:

The mobility of [Aircraft Maintenance Engineers and Licensed Aircraft Maintenance Engineers whose country of origin is not Australian] presents additional problems associated with an appropriate security check for ASIC approval.<sup>69</sup>

### Committee comment

3.95 The Committee accepts the difficulties and uncertainties in obtaining background checks for staff of aviation industry participants hired overseas and, indeed, any person including Australian citizens who have spent periods of time in countries where criminal checks may not deliver a degree of confidence equitable with those conducted on persons who have resided in Australia.

**3.96 The Committee urges the Attorney-General's Department to consider, concerns about the limited confidence in background checks for aviation industry personnel who have spent periods of time in jurisdictions where background checking processes may be considered unreliable with a view to putting in place arrangements and requirements that address these concerns.**

### Regional aviation industry participants

3.97 The extension and upgrading of the ASIC program caused particular concern for some smaller regional aviation industry participants because of the establishment and maintenance costs for operation with relatively marginal financial resources.

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68 Qantas, *Transcript*, 23 November 2005, p. 42.

69 ALAEA, *Submission No. 77*, p. 9.

## Cost imposts

- 3.98 Shire of Roebourne estimated the on-going costs of running ASIC programs:

The cost ... is approximately \$200 per person to produce and supply an ASIC. Estimates are that up to 100 cards will be required in the initial distribution together with the renewals for existing staff...

The more significant cost ... is ongoing adherence ... In order to maintain the integrity of the system we will require an additional staff member to co-ordinate the ASIC issuing process and the operation of visitor cards ... The cost of this service 24 hours, 7 days per week is estimated at \$60,000 per annum.<sup>70</sup>

- 3.99 Albury City, with 187,000 annual passenger movements to the year ending June 2005 forecast:

The implementation of ASIC cards ... is likely to require a further increase in staffing levels to firstly administer the process and secondly to ensure staff are available on site 24 hours per day to deal with visitors. It is considered that this would result in an increase in airfares of between \$1 and \$2 per ticket.<sup>71</sup>

- 3.100 Shire of Roebourne expressed concern at the possibility of an additional cost impost in providing volunteer fire fighters and emergency crew who may require airside access with ASICs:

Another issue ... relates to ASICs for volunteer ambulance drivers who meet the [Royal Flying Doctor Service] RFDS aircraft. In theory, they should have an ASIC card to go airside or they need to be under the control of the pilot. That works fine, unless the pilot is still in the air and the ambulance has already driven out on to the apron. What is the reality of a security threat of a patient in an ambulance with two volunteer ambulance drivers? There is none. There is no security issue with that. They are not background checked. Unless they are there when there is a RPT jet on the ground, it is not really an issue but it creates a problem. We

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70 Shire of Roebourne, *Submission No. 31*, pp. 1-2.

71 Albury City, *Submission No. 62*, p. 4.

have 40 volunteers in our ambulance service and any one of those 40 can drive an ambulance on any given night.<sup>72</sup>

3.101 DoTaRS stated:

rescue or fire service officers responding to an emergency ... can pass through a screening point without being screened.<sup>73</sup>

## ASICs, pilot's licenses and general aviation

3.102 Early in the reopened inquiry, general aviation industry participants raised concerns that the extension of ASIC requirements to all airside areas of security regulated airports would mean that they would be subject to two security checks – one for their pilot's licence and one for tarmac access.<sup>74</sup>

3.103 Professor Jason Middleton of the Aviation School of University of New South Wales stated:

It turns out that to obtain one of the new CASA photo licences, which will be required by 1 January next year, a security check is required. Exactly the nature of that I do not know, but certainly it is a police check and an ASIO check, or I am advised that that is the case. That allows a person to fly an aircraft throughout Australian air space, to land, to taxi at any airport in Australia, but it does not necessarily enable them to walk on the ground at all. In fact, there is no facility for that photo licence to allow someone to step out of the aircraft and walk on the ground. Instead, an ASIC is required. That means that the way the regulations now sit, two forms of ID are required for most or for all general aviation pilots. In a general aviation context, there are 180 airports now identified as being security controlled, that is it is not just Sydney, Melbourne and Brisbane and so on. Most of the regional airports where regular passenger transport services operate are also airports where flight training and general aviation operates. Therefore, our students are all going to need an ASIC card to go in and out of Port Macquarie, Wagga, Dubbo

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72 Shire of Roebourne, *Transcript*, 9 March 2006, p. 16.

73 DoTaRS, *Submission No. 52*, p. 26

74 Mr S. Hitchen, *Submission No. 14*, p. 1; Mr C. McGrath, *Submission No. 15*, p. 1; Mr A. Hill, *Submission No. 36*, p. 1; Prof J Middleton, *Submission No. 38*, p. 1; Mr M. Jones, *Submission No. 55*, p. 1.

and Canberra and so on – all places they would expect to go as part of their cross-country training.<sup>75</sup>

3.104 Professor Middleton summed up:

The fact that you can fly around in an aeroplane but not be able to walk around on the ground for security purposes seems rather odd, at least in the general aviation sector.<sup>76</sup>

3.105 Albury City stated:

The issuing of ASIC cards for the RPT apron area only and for ground handling staff rather than all persons in the GA areas is more manageable and appropriate for regional operations.<sup>77</sup>

3.106 DoTaRS stated that:

All pilots received a mail-out, including a message from the Minister, in October indicating that now pilots can apply for both their flight crew licence and ASIC at the same time – one form, one application fee.<sup>78</sup>

## Committee comment

3.107 In relation to concerns that emergency volunteers may be required to obtain ASICs the Committee is reassured that such personnel do not require screening in emergency situations and further observes that Aviation Transport Security Regulation 3.18(b) states:

Nothing in this Division requires or authorises an aviation industry participant to prevent any of the following having access to any part of the airside area or airside security zone of the airport:

...

(b) ambulance, rescue or fire service officers who are responding to an emergency.

3.108 The Committee supports making ASICs more accessible to general aviation pilots through authorising CASA to issue ASICs and the

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75 Prof J Middleton, *Transcript*, 21 July 2005, pp. 56-7.

76 Prof J Middleton, *Transcript*, 21 July 2005, pp. 58.

77 Albury City, *Submission No. 62*, p. 3; also Mr B. Hannan, *Submission No 2*, p. 1

78 DoTaRS, *Transcript*, 5 December 2004, p. 12.

incorporation on application forms for the general pilot's licence of  
ASIC application

## Screening and controlling access and egress

- 4.1 Responding to the Australian Government's announcement of aviation security upgrades of 7 June 2005,<sup>1</sup> DoTaRS required the following screening and access measures to be immediately implemented at CTFR airports and other airports from which screened air services operate:
- reduction of the number of points to access the airside;
  - inspection/validation of identification and bags at access points into airside and Security Restricted Areas;
  - posting of aviation security guards at access points to check ASICs;
  - engaging with sub-lessees who control access to airside areas to limit access points to essential purposes only.<sup>2</sup>
- 4.2 A second phase of measures would be implemented in consultation with industry including:
- random searches and inspection of all persons, bags and vehicles entering airside areas;
  - augmentation of perimeter barriers and control systems; and

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1 Deputy Prime Minister, 'Securing and Policing Australia's Major Airports', 7 June 2005.

2 DoTaRS, *Submission No. 52*, pp. 23-4.

- removal of legislative impediments to increasing use of video surveillance in security controlled airports and aircraft operating to and from security controlled airports.<sup>3</sup>
- 4.3 Designated airport operators were required to complete an initial Airside Access Management Plan by 31 July 2005 to identify how they would comply with the second phase of announced measures.<sup>4</sup>
- 4.4 The following chapter considers the impact on the aviation industry of upgraded security requirements relating to screening, access points and perimeter security.

## Screening of aircrew and other airside workers

- 4.5 The New South Wales Government supported the upgraded screening requirements announced on 7 June:

the Commonwealth's announcement that it will require all major airports to intensify the inspection of all persons, vehicles and goods entering and leaving the airside of major airports, and that this increased scrutiny will include airline and airport staff, contractors and their possessions. Such measures are essential in discharging the Commonwealth's responsibilities...<sup>5</sup>

- 4.6 However, the security outcomes of screening aircrew was claimed to be ineffectual because of the nature of the airside environment in which they work:

security screening of airline crews has no discernible benefit for airline security beyond the dubious claim that it means all persons on an aircraft have been security screened. The counter argument that aircrew have a number of weapons on the flight deck to use to take over an aircraft and the only two suspected incidents of airline crew involvement in an attack (SilkAir flight 185 and Egypt Air flight 990) resulted in co-pilots simply diving the aircraft into the water...

[Furthermore] the extension of security screening to aviation industry employees would be ineffective due to the

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3 DoTaRS, *Submission No. 52*, pp. 24-5.

4 DoTaRS, *Submission No. 52*, p. 25.

5 NSW Government, *Submission No. 70*, p. 1.

abundance of prohibited items in the normal airport environment...<sup>6</sup>

- 4.7 Mr Peter Kerwin, a captain in a regional airline for nearly thirty years, reiterated the case against screening aircrew:

I ... spend the day ensuring the aircraft and occupants do not come to any harm. I do this strapped in a seat less than 10 cm from a nice sharp crash axe and a pressurised fire extinguisher installed there for everyone's safety.

...Professional licensed crew are now treated as the enemy ... We cannot be trusted with nail clippers, but we can be let loose with a plane load of passengers.<sup>7</sup>

- 4.8 RAAA linked the insistence on screening pilots to a flawed security risk analysis:

DoTaRS regulation of aviation security is driven by Regulations ... which not are outcome based and which are unnecessarily prescriptive producing large cost impositions for no appreciable security gain, for example, the repeated screening on one day of pilots of regional aircraft...<sup>8</sup>

- 4.9 Regional sectors of the aviation industry criticised the decision to require screening of pilots and aircrew not only on the grounds that the measure delivered no security outcomes but that it also introduced significant inefficiencies for no gain.

- 4.10 RAAA detailed the inefficiencies attached to what it considered was the unnecessary screening of commercial pilots operating between screened and unscreened airports:

a regional pilot who is going to do three or four runs out to Dubbo or three or four runs out to a regional port in Queensland is screened when he goes out in the morning. He comes back and he has to get out of the aeroplane, take his flight bag out of the aeroplane, go back into the terminal and be rescreened before getting back into his aeroplane. He does that three or four times a day.<sup>9</sup>

- 4.11 REX confirmed the negative consequences of imposing screening requirements on aircrew:
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6 Name withheld, *Submission No. 21*, pp. 5-6.

7 Mr P. Kerwin, *Submission No. 13*, p. 1.

8 RAAA, *Submission No. 28*, p. 2.

9 RAAA, *Transcript*, 10 October 2005, p. 7.



One particular regulation causing concern for regional operators is the requirement for all aircrew to be screened. REX crew operate from screened airports to unscreened airports and return. Each time the crew return to a screened airport they must escort the passengers across the apron and perform their weight and balance calculations and other duties in the terminal. This means that, under the current Regulations, the crew must be screened.

At Sydney and Adelaide the screening points are a considerable distance from the areas where crew perform their duties. The journey to and from screening and the act of screening takes a considerable amount of time. The turn around times demanded of the crew at these airports is 20 minutes in order to maintain the REX schedule. The added requirement of screening has induced considerable delays to departures, with subsequent delays within the REX network.<sup>10</sup>

- 4.12 REX estimated that security screening of aircrew between 1 March 2005 and 30 November 2005 had cost the airline \$27,680.<sup>11</sup>

### Committee comment

- 4.13 The Committee accepts that the *security* outcomes in screening aircraft crew are limited, given their access to weapons in airside areas and, indeed, the fact that they are in control of aircraft.
- 4.14 However, the unscreened access of aircraft crew to secure airside and Security Restricted Areas does present some potential vulnerabilities to aviation security.
- 4.15 First, an explosive device or weapon could be introduced into the carry on luggage of aircrew without their knowledge.
- 4.16 Second, an explosive device or weapon could be introduced into a secure airside area by aircrew to be smuggled on to aircraft that they are not operating.
- 4.17 Third, screening of aircrew and other aviation industry personnel serves to impose a barrier against the introduction or removal of any illicit substance to or from secure airside areas, which at international airports can be highly vulnerable border areas.
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10 REX, *Submission No. 39*, pp. 3-4

11 REX, *Submission No. 39*, p. 5 & *Submission No. 39.1*, p. 2.

- 4.18 To this end the Committee supports the requirement to screen aircrew and other aviation industry personnel entering and exiting secure airside areas.
- 4.19 The Committee is sympathetic to aviation industry participants and their personnel whose tight schedules are put under further pressure by upgraded screening requirements. However, accommodating the new security requirements is an area for the aviation industry to resolve through reworking scheduled turn around times and so forth.
- 4.20 The Committee is concerned at expressions of alienation from some aviation industry personnel. This may indicate an area in which the DoTaRS could work more closely with industry in providing information on the reasons for and expected outcomes of announced security upgrades.

## Passengers and hand luggage

- 4.21 The following issues were raised in relation to passenger and hand luggage screening requirements:
- excessive prohibited items list;
  - the efficacy of screening requirements at regional airports;
  - verification of identity of persons travelling; and
  - training of personnel responsible for screening;<sup>12</sup>

## Prohibited items

- 4.22 A major concern raised by aviation industry participants and users regarded the consistency of Australia's classification of prohibited items when compared with other countries.
- 4.23 DoTaRS stated that:

The ... ICAO provides guidance to aviation industry participants on what constitutes prohibited items. This guidance is contained in Appendix 35 of ICAO's *Security Manual for Safeguarding Civil Aviation Against Acts of Unlawful Interference* (a restricted document)...

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12 Considered at Chapter Five.

ICAO's prohibited items list is intended to provide guidance only. It is up to individual states to establish their own prohibited items list, based on their own risk assessments. ICAO also provides a further list of items that states may wish to include on their prohibited items listings, including corkscrews, knitting needles, metal cutlery and blades of less than 6 cm.<sup>13</sup>

4.24 Qantas stated:

there has been little notable progress in harmonising Australian legislation with international practice, so as to reduce the inconsistencies and additional burden which necessarily resulted from the short term measures instituted unilaterally by different countries immediately after 11 September 2001. Most other countries have, like Australia, amended their legislation and sought to harmonise it with guidelines issued by ICAO. However, the ATSA and ATSRs deviate from ICAO in a number of important areas, most significantly in relation to definitions of ... prohibited items ... the result is that Australia maintains a regulatory regime inconsistent with most countries and more restrictive in some ways than even the US and UK.<sup>14</sup>

4.25 WAC stated:

we need to be consistent in the items that we do have on the prohibited items list, particularly with other countries coming in. There needs to be consistency in that prohibited items list so that we are all doing the same thing, otherwise we create a lot of confusion for the passengers. The list is something that the industry is working closely with government to try and rationalise, to come up with a list that is appropriate, given the risk of the use of those items as a weapon on board the aircraft.<sup>15</sup>

4.26 SACL stated:

lists of prohibited items permitted in Australia are different to those that are allowed by other regulators such as New Zealand. This inconsistency amongst States makes the management of prohibited items through passenger

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13 DoTaRS, *Submission No. 52.1*, p. 2.

14 Qantas, *Submission No. 61*, p. 32.

15 WAC, *Transcript*, 22 September 2005, p. 4.

screening points more difficult. Metal cutlery on aircraft is not permitted in Australia but allowed most everywhere else. The ICAO lists of prohibited items allow small knives (under 6 cm) and knitting needles; however, Australia does not permit such items.<sup>16</sup>

4.27 Qantas stated that:

There are only two countries that I am aware of now that prohibit metal knives: Japan and southern Ireland. I might just say, though, that the other countries prescribe what that knife should be – the length of the blade and the cutting ability of the blade. We support a regulation that permits the return of the metal knives but that also prescribes the cutting ability.<sup>17</sup>

4.28 DoTaRS stated that Australia was not alone in having a unique prohibited items list:

The US Transport Security Administration has again recently relaxed some aspects of the system but even the US and Canada are a little bit out of kilter, and the US and Canada are a little bit out of kilter with New Zealand. So we are not alone in the problem.<sup>18</sup>

4.29 A list of prohibited items under the Australian regulatory regime that are beyond minimum ICAO guidelines and a comparison with anomalies in countries comparable to Australia is included at Appendix A.

4.30 AAL identified the increased breadth of prohibited items in Australia as an instance of the failure to implement an adequately flexible risk assessment approach:

Prior to September 11, we were required to search for metal objects and so forth on passengers going through our terminals. September 11 came and we screwed those down a bit further – nose hair clippers, bangles and so on – but at the same time introduced higher levels of in-flight training for flight crews and lockable doors to cockpits ... So the finding of these small “sharps” or small metallic objects pales into

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16 SACL, *Submission No. 44*, p. 5.

17 Qantas, *Transcript*, 23 November 2005, p. 48.

18 DoTaRS, *Transcript*, 5 December 2005, p. 9

insignificance once you have introduced these other measures...

we need to have an exit strategy. If you have introduced another measure that will make it extremely difficult to take over the aeroplane with your bangle, why do we need to find your bangle?<sup>19</sup>

4.31 DoTaRS conceded that:

The fact of the hardened cockpit doors means that, frankly, it wouldn't matter what you had on the plane by way of a weapon; unless it was a tank it would not get through that hardened cockpit door.<sup>20</sup>

4.32 DoTaRS stated that:

Ultimately [the list of prohibited items] are policy questions and the Government is best placed to make the judgement, given the nature of the environment that we are in, about what it thinks should or should not be on the list.<sup>21</sup>

4.33 DoTaRS outlined the procedures available for review of the listed prohibited items under the *Aviation Transport Security Regulations*:

The Office of Transport Security is currently undertaking a review of the recently introduced *Aviation Transport Security Act 2004* and the *Aviation Transport Security Regulations 2005*. The prohibited items list will be considered in the context of this review. This issue is also being considered by a working group established under the framework of the Aviation Security Advisory Forum.

The Department of Transport and Regional Services will provide a report to government in June 2006 with suggested policy changes identified in the legislative review process. This report will include the issue of the prohibited items list.<sup>22</sup>

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19 AAL, *Transcript*, 21 September 2005, p. 15.

20 DoTaRS, *Transcript*, 5 December 2005, p. 10.

21 DoTaRS, *Transcript*, 5 December 2005, 8.

22 DoTaRS, *Submission No. 52.1*, p. 4.

## Passenger screening at regional airports

### 4.34 DoTaRS stated that:

The current policy setting for passenger screening at regional airports captures those airports receiving Regular Passenger Transport services using jet powered aircraft. This setting was designed with regard to the Aviation Security Threat Assessment.<sup>23</sup>

### 4.35 New entrant airports were provided with a metal detection capability under the Securing Our Regional Skies program:

The Australian Government announced that it will provide \$8.5 million over four years to provide [hand wand] metal detection capability at 146 regional airports...

Although the current threat level to regional airports has been assessed as low, the Government has determined that all regional airports that operate under Transport Security Programs should be in a position to establish and operate hand wand metal detecting capability quickly in the event of a change in alert levels.<sup>24</sup>

### 4.36 Kangaroo Island Council related the circumstances in which hand wand equipment is used:

We only do that if required to by the Department of Transport. They or the Secretary will notify us and say, "We want you to wand ... every flight this week," or "all the REX flights this week." ... We are allowed to bring [the equipment] out and use it as a training exercise to keep up skills.<sup>25</sup>

### 4.37 Albury City expressed concern that if hand wand was required:

we do not have a separate sterile area where we can do it. We would have to establish a sterile area, and that would be a bit more onerous.<sup>26</sup>

### 4.38 DoTaRS stated that:

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23 DoTaRS, *Submission No. 52*, p. 28.

24 DoTaRS, *Submission No. 52*, Annexure Q, p. 120.

25 Kangaroo Island Council, *Transcript*, 21 September 2005, p. 31. The use of hand-held metal detection equipment is determined by Regulation 4.07.

26 Albury City, *Transcript*, 24 November 2005, p. 36.

Airports will only be required to conduct hand wand screening should there be a change in the nature of the threat, and this will only be made on the basis of an assessment by the Australian Security Intelligence Organisation.

Airports that might [be] subject to such a requirement will have some flexibility in implementation. For example, wandling could occur prior to boarding an aircraft. The Department would provide advice to airports should this contingency be required.

It is unlikely that the Department will require non-screening airports create a sterile area comparable to those in place at screening airports.<sup>27</sup>

- 4.39 Dr Barry Dowty suggested that an anomalous situation prevailed at regional airports where physical security such as fencing had been upgraded but, screening of passengers or hand luggage did not take place. He likened the situation to:

building a fowl pen to keep out the fox but leaving the door opening without a way of it being closed.<sup>28</sup>

## Verification of travellers

- 4.40 Concern was expressed that:

We do not have an effective system to identify false IDs for passengers getting on board aircraft ... False IDs are a major way that persons commit [illegal] acts, be they criminal or terrorist.<sup>29</sup>

- 4.41 DoTaRS stated:

At present there is no requirement for domestic passengers to present identification on boarding and therefore no real verification to a domestic airline that the person they believe they are carrying is indeed that person. This has security implications in that should Australia move to a watch list of persons of concern, there is no real way of matching this to passengers on Australian domestic flights.<sup>30</sup>

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27 DoTaRS, *Submission No. 52.2*, p. 11.

28 B. Dowty, *Submission No. 20*, p. 2.

29 In Camera, *Transcript*, 21 September 2005, p. 2.

30 DoTaRS, *Submission No. 52*, p. 43.

## Committee comment

- 4.42 Australia has one of the most restrictive prohibited items lists in the world and this contributes a layer of security to an aviation security system which is recognised to be one of the world leaders.
- 4.43 The Committee notes the concerns of aviation industry participants that disparities between the prohibited items lists of various countries create difficulties for international passenger carriers and their customers. However, the issue of security in this area is not one that should be compromised in the name of convenience.
- 4.44 The Committee acknowledges that the security threat to passenger aircraft posed by the introduction of items that could be used to take control of the aircraft has been significantly decreased with the introduction of hardened cockpit doors.
- 4.45 However, the security and safety of persons travelling in the cabin of aircraft must be taken into account.
- 4.46 At a time when strong evidence exists that those who have ill intent towards aviation security are exploring new avenues to execute their crimes, as indicated by the detection on 10 August 2006 of attempts to detonate liquid explosives aboard flights travelling between the United Kingdom and the United States of America, the Committee is not convinced that it is appropriate to explore making the prohibited items list less restrictive.
- 4.47 The Committee acknowledges advantages of having an internationally uniform prohibited items list in terms of providing greater acceptance and leading to less public resistance.
- 4.48 However, the ramping up of restrictions applying to carry-on hand luggage for Australian flights travelling to the United States and transiting through London immediately following the alleged transatlantic bomb plot shows the overriding importance of authorities being able to implement a rapid and flexible response to identified threats.
- 4.49 The rapidity with which prohibited items lists were extended shows an effective response mechanism to urgent threats. The flexibility of the response showed that authorities were capable of identifying new risks, in this case flights with specific points of destination, without subjecting the entire industry to unnecessary security restrictions.
- 4.50 The Committee is concerned, however, that in response to questions on the prohibited items list the Department stated that the



Government, meaning the Minister, is best placed to make the judgement.<sup>31</sup> The Office of Transport Security ought to have the facility to explain and contribute to Government policy in this area of high importance.

- 4.51 DoTaRS stated that the prohibited items list was constantly under review by the Department.<sup>32</sup> The Committee believes that security would benefit from a more formal reporting mechanism for items to be included on the prohibited items list at Regulation 1.07 of the ATSRs.

### **Recommendation 10**

- 4.52 **That the Department of Transport and Regional Services adopt a formal mechanism for making six monthly reports, and as required at other times, advising the Minister for Transport and Regional Services on what, if any changes, should be made to the list of items prohibited to be introduced into the cabin of a prescribed air service set out at Regulation 1.07 of the *Aviation Transport Security Regulations 2005*.**
- 4.53 The Committee supports the provision of metal detection capability to new entrant airports.
- 4.54 Providing passenger and carry-on luggage screening capability to new entrant airports, without requiring the implementation of this layer of security, reflects the current low security threat assessment that attaches to this class of aviation industry participants, while acknowledging the desirability of imposing screening if required at short notice.
- 4.55 The provision of hand wand metal detection capability for new entrant airports also recognises the thin financial margins of many of these smaller regional operations. To require the installation of more permanent and expensive screening equipment would either impose an unnecessary burden on Commonwealth taxpayers or increase the costs of flying in regional Australia to a point where services might not be sustainable.

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31 DoTaRS, *Transcript*, 5 December 2005, p. 8. See para 4.32 above.

32 DoTaRS, *Transcript*, 5 December 2005, pp. 8-11.

- 4.56 Based on confidential information, the Committee is satisfied that DoTaRS has implemented a considered and sound risk based approach to passenger and hand luggage screening requirements at regional airports.<sup>33</sup>
- 4.57 However, the screening of passengers who transit from unscreened airports through ports with screening, the practice known as reverse screening, needs to be rigidly adhered to.

## Checked baggage

- 4.58 In December 2002 screening of all checked baggage was required for international baggage originating at Adelaide, Brisbane, Melbourne, Perth, Sydney, Cairns, Canberra, Coolangatta and Darwin airports, with effect from 31 December 2004.<sup>34</sup>
- 4.59 On 10 March 2005 the Government, based on advice from DoTaRS, announced that from 1 August 2007 100 percent of checked baggage would be screened at the nine CTFR airports listed above as well as Alice Springs and Hobart Airports for all domestic flights<sup>35</sup> This upgraded screening requirement was imposed on the entry into force of Aviation Transport Security Regulation 4.29(3).
- 4.60 Therefore, after 1 August 2007 all checked baggage departing from or transiting through a major Australian airport will be screened.
- 4.61 The 100 percent checked baggage requirement has not been extended to security classified airports that do not have CTFR status. This is in accord with the Wheeler review's observation that:

It is neither practicable nor desirable to expect 100 percent security at regional airports. The sheer diversity of Australia's regional airports makes the challenge of common standards of security an impossibility. Any protective security enhancements should be undertaken in accordance with a local threat and risk assessment and not instituted on the basis of what is sometimes media-driven scare-mongering.<sup>36</sup>

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33 DoTaRS, *Submission No. 52*, Confidential Annexure AB.

34 DoTaRS, *Submission No. 52*, p. 21.

35 SACL, *Submission No. 44*, p. 7.

36 Rt Hon Sir John Wheeler, *An Independent Review of Airport security and policing for the Government of Australia*, September 2005, p. 50.

- 4.62 The cost of requiring smaller regional airports to provide checked baggage screening would either impose a cost burden upon the operators taking the cost of regional aviation out of reach of a large proportion of users of regional aviation, or it would require the provision of taxpayer funded support to a level that can not be substantiated under the low threat assessment level currently accorded to regional airports.
- 4.63 The imposition of unnecessary security requirements on small regional airports would also exacerbate their difficulty in recruiting and retaining trained security personnel.
- 4.64 It needs to be borne in mind that all checked baggage transiting through major Australian airports that has arrived from unscreened airports will be subject to screening. That is checked baggage transiting through major airports will be reverse screened in the same way that passengers who transit through major airports arriving from unscreened airports are screened.
- 4.65 The reason for transitioning airports having been required to screen passengers and their hand luggage is that they operate jet services, which are obviously an increased security risk because of the planes' speed and the amount of fuel they carry. As the Committee noted in its *Report 400*, the terrorist attacks of 11 September 2001 focussed world attention on the use of fully loaded and heavily-fuelled passenger jet aircraft as "flying bombs".
- 4.66 The Committee notes that those airports not required to screen all checked baggage from August 2007 vary widely in terms of passenger movements; the number of jet services operating; and their proximity to major population centres (which in turn affects the amount of fuel jets will be carrying when flying into, or near, those population centres).
- 4.67 As noted above, it is simply not feasible to demand screening of all checked baggage at every regional airport. The Committee again draws attention to the conclusions of the Wheeler review:
- ...it is clear that 'one size does not fit all' in imposing security, regulations and standards across disparate airports... Security measures at regional airports should be balanced and proportionate and must be based on enhanced threat and

risk assessments. It is always difficult to draw firm lines, and these could vary as a result of changed circumstances.<sup>37</sup>

- 4.68 However, certain airports at major regional centres close to capital cities might be thought to involve significantly greater security risks than other, more remote, airports where checked baggage will not be fully screened.
- 4.69 The Committee welcomes the screening of all checked baggage from August 2007 at the eleven airports listed above. Of Australia's remaining airports, some carry greater risks than others, and the scale of that risk may increase with time and increased volumes.
- 4.70 The Committee believes that it is inevitable that additional airports will, in time, warrant screening of all checked baggage. The Committee does not claim to have the expertise to identify which individual airports should be included in this category. As an example of the complexity of this issue, the Wheeler review called for the status of Avalon Airport to be reviewed immediately. The review was conducted and concluded that no alteration in security status was required at the present time.<sup>38</sup>
- 4.71 Instead, there should be a process to ensure continuous review by the appropriate government agency, DoTaRS, of the list of airports at which all checked baggage is screened.
- 4.72 The Committee also notes that as the eleven airports already identified have until August 2007 to implement full screening, the opportunity exists for DoTaRS to identify any further airports that should be required to implement full screening within the same timeframe.

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37 Rt Hon Sir John Wheeler, *An Independent Review of Airport Security and Policing for the Government of Australia*, September 2005, p. xiv.

38 'Terror Cops at Avalon', *Herald Sun*, 25 August 2006, p. 29.

**Recommendation 11**

- 4.73 **That the Department of Transport and Regional Services report to the Parliament within three months as to whether any additional airports should be required to screen all checked baggage from August 2007, taking into account factors including the additional risk associated with airports operating jet services in close proximity to capital cities. The Department should update its advice to the Parliament twice yearly.**
- 4.74 The Committee welcomes the extension of checked baggage screening measures. On a related matter, the Committee had recommended in its interim *Report 406* that all checked baggage be issued with weight certification at the time of check in.
- 4.75 With the inquiry now complete, the Committee is no longer persuaded that the security benefits of this measure would outweigh the costs. Baggage weighing might also engender a false sense of security, and therefore reduced vigilance, on the part of travellers, in terms of the potential for contraband or dangerous items to be placed in their luggage. The Committee therefore suggests that this earlier recommendation not be pursued by the Government at this time.

**Air cargo**

- 4.76 DoTaRS stated that:

Prior to 10 March 2005, the regulatory environment for air cargo was limited to international cargo leaving Australia ... the Regulated Agents scheme ensured that those who handled or made arrangements for international air cargo were registered with DoTaRS and adhered to a model security program that was primarily designed to prevent the carriage of explosives on prescribed aircraft.

The Regulated Agents scheme has ... been replaced as of 10 March 2005 with the Regulated Air Cargo Agents (RACA) scheme ... There are two primary differences to the previous Regulated Agents scheme. Firstly, the movement of domestic cargo is now also regulated. Secondly, rather than there being a model security program for all RACAs, the Office of

Transport Security ... has now implemented a policy whereby each RACA has an individualised ...TSP based upon a RACA-specific Security Risk Assessment.

4.77 DHL stated:

we have ... been advised that by the end of June 2006 the target is to have 75 per cent outbound explosive trace detection of cargo with a build-up then to 100 per cent.<sup>39</sup>

4.78 Toll Transport specified that the screening targets referred to air cargo on international flights.<sup>40</sup>

4.79 Many air cargo industry participants viewed the current arrangements as sound in ensuring security standards.

4.80 DHL stated:

currently shipments which are not 100 per cent screened by the air industry are from people we know, so they are not just aircraft passengers who walk in off the street and book a ticket. We have a business arrangement with these people; we have established their bona fides through established criteria and we have also set up processes whereby they must carry out certain measures to give us their cargo, so there is some difference there.<sup>41</sup>

4.81 UPS outlined that to become a known shipper or regular customer the freight forwarder must have had three consignments cleared together with checks of its bona fides by a RACA. On receiving cargo from a known shipper no further screening by a RACA is required.<sup>42</sup>

4.82 Australian Air Express (AaE) stated:

It is not just the three first consignments that you move; you have to carry three consignments within the previous three months, otherwise you fall off the list and then everything would be screened from there. There certainly is an element of risk but, in terms of the risk assessment itself and the additional measures that we have in place, I think we protect the domestic aircraft quite adequately at the moment.<sup>43</sup>

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39 DHL, *Transcript*, 23 November 2005, p. 71.

40 Toll Transport, *Transcript*, 23 November 2005, p. 71.

41 DHL, *Transcript*, 23 November 2006, p. 65.

42 UPS, *Transcript*, 23 November 2005, pp. 76-7.

43 AaE, *Transcript*, 24 November 2005, p. 44.

## 4.83 DHL added that:

we will also inspect a percentage of known shippers as well as a hundred per cent of the unknown shippers. That percentage will change depending on the current risk environment, so it is not just a free-for-all.<sup>44</sup>

## 4.84 Australian air Express (AaE) stated:

The volume of what we are screening going onto passenger aircraft at the moment is around 20 per cent. To raise that level to 100 per cent would be a huge cost impost to the business and I guess there would be a flow-on cost to customers.<sup>45</sup>

## 4.85 As a consequence of the known shipper system and RACA schemes, CAPEC stated:

there should be no need to subject shipments by air into Australia to further screening upon their arrival in Australia, so long as these are kept secure when they are transloaded from international to domestic carriers and they are handled by a Regulated Agent operating under an approved TSP.

In respect of shipments exported from Australia, we believe that the current international shipment screening, Regulated Agent and the Regulated Customer Programs obviate the need to screen shipments when they are tendered for air transport from one airport in Australia to another, before they are subsequently loaded onto international aircraft.<sup>46</sup>

## 4.86 UPS added:

We do not advise on which services packages or freight moves, whereas passenger baggage is dedicated to a particular flight. It is known at the time you book your ticket.<sup>47</sup>

## 4.87 Qantas stated:

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44 DHL, *Transcript*, 23 November 2005, p. 77.

45 AaE, *Transcript*, 24 November 2005, p. 43.

46 CAPEC, *Submission No. 30, Attachment 2*, pp. 1-2.

47 UPS, *Transcript*, 23 November 2005, p. 66.

If we all believe that passengers, carry-on baggage, all the staff servicing the aircraft and the catering should be screened, then it defies logic to ignore the cargo.<sup>48</sup>

4.88 In not accepting the known shipper arrangement as providing adequate security, Qantas stated:

we do not accept the fact that you are a known passenger. Regardless of the frequency with which you may travel, that provides you with no preference from a security outcome point of view. It would be very difficult to say that, because of the frequency that you cause cargo to be carried, that gives you a particular security profile. Our position has been that if there is a risk and one has to screen baggage, why does that not necessarily apply to cargo? ... that was the logic ... several years ago where we introduced the screening by trace detections and, in some cases, the X-raying of all cargo carried on our international aircraft.

A decision we made some years ago was that we would not rely on the regulated agent regime. I think that that has a part to play. If the freight forwarder has a security program and their facilities are audited by the government agencies, that is fine, but at the end of the day the cargo is going on the passenger aircraft and it has to be the operator of the passenger aircraft who is responsible for the passengers. That is why we, of our own accord, introduced that screening for international cargo.<sup>49</sup>

4.89 CAPEC stated:

it is recognised that the threat profile of passenger aircraft is significantly different (as in greater) to that of cargo-only aircraft. As per Annex 17 guidelines, security measures should therefore be applied to cargo transported on passenger aircraft, not to that carried on cargo-only aircraft.<sup>50</sup>

4.90 This is because:

you are dealing with hundreds of people if a passenger aircraft was involved in an incident. If you are dealing with a cargo aircraft, you are dealing with perhaps two human lives

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48 Qantas, *Transcript*, 23 November 2005, p. 27.

49 Qantas, *Transcript*, 23 November 2005, p. 56.

50 CAPEC, *Submission No. 30*, Attachment 2, p. 1.



in most cases. That is the essence of the risk matrix with respect to less risk on a cargo only aircraft.<sup>51</sup>

4.91 The Wheeler report recommended that:

the screening of cargo be expanded and include mandatory screening of all cargo on passenger aircraft where passengers' checked baggage is screened.<sup>52</sup>

4.92 The Government announced its in principle support of the Wheeler recommendations on 21 September 2005.

4.93 As part of its response to the Wheeler Report, the Australian Government announced \$38 million to strengthen air cargo security arrangements including the introduction of improved technology for the detection of explosives.<sup>53</sup>

4.94 Toll Transport stated that the funds were dedicated to supporting screening of outbound international air cargo.<sup>54</sup>

4.95 In the May 2006 budget, the Australian Government announced a further \$13 million:

to expand the deployment of Explosive Trace Detection equipment for the examination of domestic air cargo at each of Australia's major airports; improve the quality of security training for cargo handlers; and partner with customs and industry to undertake a number of trials to test a variety of existing and emerging explosive detection technologies.<sup>55</sup>

## Committee comment

4.96 The Committee views the confining of checked baggage screening requirements to CTFR airports as appropriate on condition that all checked baggage that is transferred to a flight out of a CTFR airport will be subject to full screening requirements.

4.97 The Committee supports the extension of screening to domestic cargo shipments, and strongly supports the principle that flights required to screen checked baggage also be required to screen air cargo.

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51 CAPEC, *Transcript*, 21 July 2005, p. 32.

52 Rt Hon Sir John Wheeler, *An Independent Review of Airport Policing and Security for the Government of Australia*, Recommendation 14.

53 Prime Minister, *Press Release*, 21 September 2005.

54 Toll Transport, *Transcript*, 23 November 2005, p. 73.

55 Minister for Transport and Regional Services, 'Air Cargo Security Strengthened', *Budget Media Release*, 9 May 2006.

- 4.98 The Committee notes that the considerations that limited screening checked baggage to flights departing from and transiting through major CTFR airports logically extend to the screening of air cargo on flights with checked baggage screening.
- 4.99 The measures introduced by the Government will result in the screening of a considerably increased proportion of air cargo.

## **Recommendation 12**

- 4.100 **That the Department of Transport and Regional Services report on the timetable for implementing screening of all air cargo on passenger aircraft where passengers' checked baggage is screened.**

**The Department's report should include consideration of the feasibility of implementing the screening of all air cargo on passenger aircraft where passengers' checked baggage is screened by 1 August 2007 when 100 percent check baggage screening from Counter Terrorism First Response airports is required.**

## **Closed charters**

- 4.101 The cases for and against screening closed charter flights were provided by aviation industry participants.
- 4.102 On the one hand, Nhulunbuy Corporation pointed to an apparent inconsistency in the security arrangements applying to regular Public Transport services and closed charters operating at Gove Airport:

we have a BAE146 Jet RPT Service twice a day, catering for approximately 75 people each trip. Everyone of these passengers require screening.

A Boeing 737-400 Series jet charter also operates at times with a seating capacity of 140 approximately. None of these passengers who get on and off the plane at the same terminal, but outside jet RPT hours, get screened. The 737 is a much

larger aircraft than the 146 and has a much further travel capacity.<sup>56</sup>

- 4.103 Shire of East Pilbara argued closed charters operating from mining airports without screening into CTFR airports constituted a greater threat than Regular Public Transport jet services operating from screened airports:

There is more access to explosives on an isolated mine site ... than with a normal passenger walking on to a domestic flight...<sup>57</sup>

- 4.104 The Western Australian Government's Department of Planning and Infrastructure (DPI) suggested that the application of screening requirements to Regular Public Transport jet services, while allowing closed charter jets to operate unscreened, was yet another pressure on public services to regional communities:

To recoup the money from ... small annual passenger numbers adds significantly to the cost of the ticket and it cascades onto other things, such as mining companies saying, "Well, perhaps I shouldn't use the RPT service because it's far more expensive for us to take our employees up there," and look at alternative means such as charter. If we then extrapolate that out, that could well diminish the RPT service's strength because passenger numbers go down. We believe that some airports are in a bit of a conundrum.<sup>58</sup>

- 4.105 DPI provided an example of security requirements directly threatening RPT services at Ravensthorpe in the state's south east:

BHP decided that, rather than fly in, fly out, dedicated charter, they would have an RPT service so that it would be open for the general public to use. What they are doing in the course of the construction [of the mine] is to have turboprop services more frequent, then there is going to be a period of jet services, which will then go as the construction is nearing completion, then it will go back to turboprop services, and then there may not be too many air services on a long-term basis at the completion of the mine. However, because there was a jet service down there and it was RPT, they have had to put in passenger screening at that airport. BHP provided \$5

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56 Nhulunbuy Corporation Limited, *Submission No 22*, p. 3.

57 Shire of East Pilbara, *Transcript*, 8 March 2006, pp. 2-5.

58 DPI, *Transcript*, 22 September 2005, p. 23.

million to build the airport and the state government put some money in also .... Its a false economy in the sense that it is not a long-term prospect to have a jet RPT service down there, yet they have had to do all the passenger screening.<sup>59</sup>

4.106 On the other hand, it was argued that closed charter operations constituted a lower threat than RPT services and thus should not require screening. Closed charters:

have a higher degree of security than the normal RPT operation for one critical reason: their clientele have been identified and are known.<sup>60</sup>

4.107 Furthermore, the consequences of breaching security requirements for passengers on closed charters can be more severe. For example, in the event that a:

person has caused an incident ... or refused to obey a lawful instruction ... the mining company then gives that person a final warning. Unless he behaves in future, he will be kicked off the site, not allowed to fly in the aircraft and lose his job.<sup>61</sup>

4.108 DoTaRS concurred:

Threat assessments, such as those produced by the Australian Secret Intelligence Organisation, are utilised to determine the most appropriate security measures for the current threat level.

At this time, screening of closed charters is not considered by the Government to be a necessary security measure.<sup>62</sup>

## Committee comment

4.109 The Committee notes that:

- the requirement that all aircraft of 30 seats or more to be fitted with hardened cockpit doors included closed charter aircraft; and
- the passengers of closed charter services are known to the provider of the service to a far higher degree than in Regular Public Transport services

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59 DPI, *Transcript*, 22 September 2005, p. 30.

60 In camera, *Transcript*, 21 September 2005, p. 3.

61 In camera, *Transcript*, 21 September 2005, p. 10.

62 DoTaRS, *Submission No. 52.2*, p. 19.

- 4.110 The Committee also notes concerns among operators of airports that take both Regular Public Transport and closed charter jet services at the disparity between screening requirements for each of these types of operations.

### **Recommendation 13**

- 4.111 **That the Department of Transport and Regional Services (DoTaRS) report to the Committee on the screening requirements for closed charter jet services operating in the United States of America and the United Kingdom. The report should include:**

- **a detailed analysis of the risks of closed charters in Australia; and**
- **an estimate of the costs of imposing screening requirements upon closed charter jet services operating in Australia.**

**That DoTaRS report on this matter within three months of the presentation of this report.**

## **Perimeter security**

- 4.112 Measures following the Australian Government's aviation security upgrades announced on 7 June 2005 included the reduction of access points and enhancement of physical perimeter security at security controlled airports.
- 4.113 CCTV is also a vital instrument in physical perimeter security. The security benefits of CCTV are discussed in a broader context of policing criminality at airports at Chapter Five.
- 4.114 DoTaRS referred to upgrades in perimeter security measures but cautioned against over-reliance on them:

we are now ratcheting up the requirements around fencing where there is high-volume passenger transport.

... the fence ... is a legal boundary and it is a layer. The fence keeps honest people out. If you have a dishonest intent, you can cut your way through the fence; but, in cutting your way

through the fence, you draw attention to yourself, and we have an armed response to come and get you...

[However] there is a bit of frustration about how far people would like us to take the fencing thing. We are upgrading it. The Government is putting its hand in its pocket for smaller airports. It is only one layer. Again, we have looked at overseas models and over time we will drive the industry, particularly, at the major sites, to invest more in fencing – but you can easily overdo the fencing thing.<sup>63</sup>

## Access points

- 4.115 In the course of inspecting CTFR airports,<sup>64</sup> the Committee was pleased to discuss with airport operators and observe significant upgraded security measures associated with the reduction in the number of access points and the increased scrutiny of personnel accessing secure airside areas.
- 4.116 The Committee was impressed by the increased use of swipe card activated airlock gates to prevent unauthorised vehicular access by tail gating at unmanned access points and encourages the continued installation of these devices where required.
- 4.117 The Committee was particularly impressed by the installation of fast closing roller doors at AaE air cargo facilities at Cairns International Airport.
- 4.118 The Committee was also informed that vehicular access to secure airside areas was being curtailed by airport operators particularly through the closure of drive through hangars in General Aviation sectors of airports.

## Regional aviation

- 4.119 Regional airports new to the regulatory regime received funding support to upgrade security including CCTV monitoring, access points, perimeter fencing and signage.
- 4.120 The funding arrangements for new entrant are considered in detail at Chapter Six.

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63 DoTaRS, Transcript, 5 December 2005, p. 18.

64 For details see Appendix XX

- 4.121 The remoteness of some regional airports and the consequent lack of supervision of perimeter fencing provoked criticism that new perimeter security and signage requirements in particular would deliver no significant security outcomes.

### Access points

- 4.122 North West Travel Services stated that pilots using Paraburdoo Airport:

call up and get the security gate code, which we are obliged to give them, and they will just go in and out ... they can leave the gate open and we will not know.<sup>65</sup>

- 4.123 Shire of East Pilbara agreed:

you can ring up the manager or some other person and get the codes. You do not know who you are talking to. They could give a code for a plane and say, "I am inbound, on my way," or "I am here tomorrow; can I have the code for your gate?" You do not know who they are.<sup>66</sup>

- 4.124 Shire of Northampton stated:

You have coded locks and the idea is that no-one can gain access to airside; therefore, you need to tell the pilots how to get out of the gate. Originally it was planned to be published in ERSA [AirServices Australia's En Route Supplement Australia<sup>67</sup>] and that has now been disallowed by DoTaRS. The only option that we have available is to put a sign near the gate facing the airside with a number for the lock. But some members of DoTaRS are saying that the pilot should find out first before he lands. That is not always going to be the case.<sup>68</sup>

### Fencing

- 4.125 Linfox Airports commented on the importance of perimeter security for smaller airports in populated areas:

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65 North West Travel Services, *Transcript*, 8 March 2006, p. 18.

66 Shire of East Pilbara, *Transcript*, 8 March 2006, p. 18.

67 See <http://www.airservices.gov.au/publications/aip.asp?pg=40&vdate=8-Jun-2006&ver=2>. Accessed 5 May 2006.

68 Shire of Northampton, *Transcript*, 7 March 2006, pp. 3-4.

For an airport like Essendon, just 12 kilometres from the city in a residential area, this is a tremendously important security initiative.<sup>69</sup>

- 4.126 However, perimeter security requirements at Essendon were contrasted with the other airport operated by Linfox at:

Avalon [which] is a property of 4½ thousand acres with a boundary probably in excess of 20 or 25 kilometres. The furthest boundary from the passenger terminal would be approximately four kilometres away. So our emphasis on security with our RPT operations very strongly focuses on fencing the terminal, lighting the terminal and screening passengers. The issue is ... that spending many millions of dollars on fencing four kilometres away is unnecessary.<sup>70</sup>

- 4.127 RAAA questioned the security outcomes of perimeter fencing in remote locations:

Fences seem to be one of the primary things that most of the [new entrant] airports have gone for – extra money for extra fencing – and you have to ask what is the security advance of a fence in the middle of nowhere when you have an RPT service once or twice a week.<sup>71</sup>

- 4.128 Shire of Roebourne expanded upon this point:

It is well understood that ... trained personnel can gain entry to any fence in 20 seconds and an average person in less than a minute.

It would therefore seem that increased fencing is more about perceived security than real security impact.<sup>72</sup>

- 4.129 However, Shire of Halls Creek referred to the benefits of increased perimeter security at some regional airports where there are limited personnel to ensure runways are clear in the event of after hours landings. As a result of new perimeter fencing Council staff no longer:

have to be called out at all hours of the night to attend to some of these [kangaroos, wallabies, dogs and local people,

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69 Linfox Airports, *Transcript*, 24 November 2005, p. 20.

70 Linfox, *Transcript*, 24 November 2005, p. 25.

71 RAAA, *Transcript*, 10 October 2005, p. 6.

72 Shire of Roebourne, *Submission No. 31*, p. 3.



wheel events, people having campfires on the runway]  
.issues.<sup>73</sup>

### Committee comment

- 4.130 The Committee supports the requirement that airports review and limit the number of access points they require to airside areas and upgrade security measures at remaining access points.
- 4.131 While cognisant of the limited security benefits of physical perimeter security enhancements, particularly at remote locations, the Committee found some strong outcomes in terms of aviation safety; for instance, taking pressure off limited resources – particularly personnel – that arose as the result of enhancing physical perimeter security in remote locations.
- 4.132 Physical security is only effective as a security measure if it is monitored and the Committee’s consideration of monitoring of perimeter security occurs in the Chapter Five.

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73 Shire of Halls Creek, *Transcript*, 8 March 2006, p. 20

## Criminality and aviation security

- 5.1 The Committee reopened its inquiry into aviation security in a climate of public concern regarding the presence of organised criminal elements within sectors of the aviation industry in Australia.
- 5.2 The Committee adopted an additional term of reference, relating to the procedures for and security of baggage handling procedures at international and domestic airports, to explore the adequacy of security against crime in the aviation industry.

### **Airport criminality and aviation security**

- 5.3 Two distinct views on the relation between criminality and aviation security threats were enunciated by industry participants, their peak bodies and Commonwealth agencies responsible for regulation and law enforcement.

### **The case for distinguishing criminality from security**

- 5.4 Criminality at airports and border security incidents were viewed by some aviation industry participants as having little or nothing to do with aviation security.
- 5.5 REX typified appeals to understand aviation security in a narrowly defined frame of reference:

the true meaning of aviation security ... is “to prevent unlawful interference with aviation” ... and [should not be confused with] ... certain criminal acts with no direct or indirect threat to aviation [that] may be included under Aviation Security simply because they occur at an airport.<sup>1</sup>

5.6 Confusion of criminal acts with security breaches was attributed to media reporting that was presented as driving, at times, inappropriate responses.

5.7 Thus REX claimed:

the media (and thus the general public) have made a number of claims regarding events which they label as “aviation security” matters. These discussions in the public forum have lead to a number of measures being introduced in short time periods which have had and will continue to have a detrimental effect on airlines.<sup>2</sup>

5.8 More dramatically, RAAA referred to:

an atmosphere of hysteria, misinformation and total confusion between law enforcement and border control on the one hand and aviation security on the other.<sup>3</sup>

5.9 Aviation industry participants argued that the detrimental effects of inappropriately expanding the ambit of aviation security to include instances of criminality could result in the implementation of measures that provided ineffective security outcomes and thus dilute resources available to producing sound security outcomes.

5.10 WAC stated:

Measures hastily conceived and based on a perception of risk engendered by a media beat up of isolated incidents or a misunderstanding of airport airline operations by the public have the potential to be costly to implement with questionable security outcomes.<sup>4</sup>

5.11 Qantas referred to:

an apparent wish by the Australian Government to redefine aviation security to have a broader application than that

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1 REX, *Submission No. 39*, p. 2; also AAA, *Submission No. 33*, p. 3.

2 REX, *Submission No. 39*, p. 2.

3 RAAA, *Submission No. 28*, p. 1; also SACL, *Submission No. 44*, p. 2.

4 WAC, *Submission No. 43*, p. 1.

provided by ICAO. An unintended consequence has been to dilute the application of resources to those risks which bear directly on the security of aircraft, passengers and staff ... DoTaRS continues to justify some Regulations, on the basis of “community expectations” rather than any stated security outcome.<sup>5</sup>

- 5.12 Gold Coast Airport Limited called for the distinction between security issues and criminal matters to be reflected in clearly delineated portfolio responsibilities:

DoTaRS handles its responsibilities as regulator of aviation security well; they should not also be responsible for criminal and community policing.<sup>6</sup>

- 5.13 Australian Federal Police (AFP) maintained that this distinction exists:

In terms of aviation security, the role of DoTaRS is to provide the framework for preventative aviation security measures, while the AFP’s role focuses on the provision of certain protective security-related services, incident response and incident management.<sup>7</sup>

- 5.14 DoTaRS confirmed:

It is important to recognise that there are a range of agencies involved with policing at airports ... and that DoTaRS does not have a direct role in relation to community policing at airports.<sup>8</sup>

- 5.15 The demarcation did not, however, preclude:

DoTaRS and AFP shar[ing] the objective of strengthening the links between the preventative security, incident management and incident response elements of the overall aviation security system.<sup>9</sup>

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5 Qantas, *Submission No. 61*, p. 32.

6 Gold Coast Airport Limited, *Submission No. 35*, p. 1.

7 AFP, *Submission No. 40*, p. 2.

8 DoTaRS, *Submission No. 52*, p. 33.

9 AFP, *Submission No. 40*, p. 2.

## The case for linking criminality with security

- 5.16 Criminal elements operating within the aviation industry were understood by some participants as constituting potential threats to security.
- 5.17 SACL suggested a link between criminality and aviation security:  
while there is criminal activity ... there is a potential terrorism threat, if there are some avenues that show potential to be used for criminal activities on airports, those same things could potentially be applied by people seeking to undertake threats against aircraft.<sup>10</sup>
- 5.18 One witness suggested:  
If 4kg of marijuana could be inserted into luggage, there is no reason why 4kg of high explosive could be inserted.<sup>11</sup>
- 5.19 REX agreed that criminal activity could indicate a vulnerability in security:  
The introduction of drugs into baggage ... indicates a possibility to introduce an explosive device into baggage.<sup>12</sup>
- 5.20 While this is a popular view and naturally causes concern, it defies the fact that screening requirements for baggage, passengers and their carry on luggage entering secure airside areas specifically target metal and explosive items.
- 5.21 To this end, AAL rejected propositions that vulnerability to criminal activity such as the introduction of illicit substances, indicated potential security vulnerabilities such as the introduction of explosive devices or weapons:  
While some enterprising radio talkback hosts may try to gain mileage from alleging "if you can get drugs on board an aircraft you can get a bomb on board" gives no credence to the past 20 years or so of initiatives introduced to deter and detect explosives and weapons – drug running is another issue and one which does not directly impact on the safe and secure operations of aircraft.<sup>13</sup>

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10 SACL, *Transcript*, 23 November 2005, p. 16.

11 L. Oates, *Submission No. 11*, p. 1.

12 REX, *Submission No. 39*, p. 7.

13 Adelaide Airport Limited, *Submission No. 29*, p. 2.

- 5.22 In response to claims that public perception was misinformed by media treatment SACL affirmed the importance for aviation security not only to be effective but to be seen to be effective:

Without an effective crime prevention unit operating with the necessary resources and powers of State and Federal law enforcement agencies, organised to specifically address criminal activity at airports, passengers, staff, members of the public and other users will translate the alleged weakness in preventing criminal activity to an overall lack of aviation security in its broadest definition.<sup>14</sup>

- 5.23 DoTaRS maintained that public perception was an important aspect of aviation security:

All acts of unlawful interference against aviation, whether minor or major, are considered significant due to the potential for loss of life, financial loss and need to maintain public confidence in the aviation industry.<sup>15</sup>

- 5.24 To this end, DoTaRS stated that aviation industry participants should consider threats of criminality, including acts of vandalism, public or insider interference and criminality as well as terrorism, in developing risk assessments and TSPs.<sup>16</sup>

- 5.25 While maintaining that its primary concerns and core functions went to border control rather than aviation security narrowly defined, Customs confirmed points of overlap where:

general airport security with good access control is essential for both aviation and border security.<sup>17</sup>

## Committee comment

- 5.26 The Committee accepts that isolated and opportunistic incidents of criminal activity may not reveal vulnerabilities in aviation security systems.

- 5.27 The suggestion that the possible introduction of illicit substances reflects a vulnerability to explosives and weapons into a secure area ignores the specificity of screening measures such as subjecting

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14 SACL, *Submission No. 44*, p. 2.

15 DoTaRS, *Submission No. 52*, p. 58.

16 DoTaRS, *Submission No. 52*, p. 65.

17 Customs, *Submission No. 42*, p. 3

checked baggage to Explosive Trace Detection and passengers to metal detection and x-rays of carry on luggage.

- 5.28 Furthermore, the upgrading of background checks and requirements to screen access and egress of aviation industry personnel have significantly hardened the aviation industry against being targeted by criminal activity.
- 5.29 However, the tightened background checking and screening regimes do not establish a case for complacency concerning criminality in the aviation industry. As noted by the Wheeler review, terrorism and crime are distinct, but potentially overlap; a culture of lax security or petty criminality can provide opportunities for terrorists to exploit weaknesses in airport security.<sup>18</sup>
- 5.30 The primary objective of aviation security is the protection of life and property. However, perhaps the greatest current threat to aviation security, terrorism (as opposed to hijacking or other activity), does not confine its target to life and property. Terrorism is an attempt to terrorise, to destroy a public's sense of security and confidence.
- 5.31 An important consideration in implementing an aviation security regime, therefore, is not only the effectiveness of security outcomes but public confidence that the regime is effective.
- 5.32 The Committee concludes that criminality at airports should be of concern both in itself and as showing possible vulnerabilities in aviation security systems.

## **Concerns of inadequate policing arrangements at airports**

- 5.33 Major aviation industry participants raised concerns in relation to the policing arrangements at airports including:
- variability of policing arrangements across major airports and poor coordination of law enforcement personnel;
  - funding of CTFR and community policing functions at airports;
  - limitations on powers of law enforcement officers at airports; and

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18 J. Wheeler, *An Independent Review of Airport Security and Policing for the Government of Australia*, p. ix.

- training of airport security staff.

## Variability of policing arrangements and poor coordination

5.34 The Police Federation of Australia (PFA) referred to a lack of uniformity in the security and policing roles shared by the Commonwealth, states and territories law enforcement agencies:

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.<sup>19</sup>

5.35 AFP stated that the CTFR function at airports was designed to provide a nationally consistent base for policing arrangements for major airports across the country:

The aviation industry has agreed to the application of the new CTFR model nationally, noting its ability to be appropriately modified to meet local conditions and each airport's Transport Security Plan.<sup>20</sup>

5.36 SACL stated that the relationship between law enforcement agencies was characterised by a lack of coordination and communication:

there is confusion between the responsibilities of state and national bodies, a lack of coordination at operational levels...<sup>21</sup>

5.37 WAC specified:

There is a very robust process through the National Terrorism Committee to establish protocols and procedures for dealing with incidents, but the reality is that the rank and file people that often turn up, the first respondents to the airport, are not fully aware of their jurisdictional responsibilities. So we view any controller or commander on the airport that would help to coordinate that function as being a positive step.<sup>22</sup>

5.38 Some operators of major airports expressed high levels of satisfaction in communication with state police and AFP forces.<sup>23</sup>

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19 PFA, *Submission No. 67*, p. 1.

20 AFP, *Submission No. 40*, p. 3

21 SACL, *Submission No. 44*, p. 2.

22 WAC, *Transcript*, 22 September 2005, p. 5.

23 AAL, *Transcript*, 21 September 2005, pp. 5-6; APAC, *Submission No. 25*, p. 7.



- 5.39 SACL referred to a lack of communication between enforcement authorities and industry participants:

At the moment, we are not part of that law enforcement system. We receive intelligence updates from the OTS from time to time. We are not involved with intelligence with the state police. Therefore we believe that there are a lot of operations at the airport that we do not become aware of.<sup>24</sup>

- 5.40 AFP responded to claims that lines of communication between law enforcement agencies and industry participants required improvement by citing the presence of Protective Security Liaison Officers:

The PSLO Network ... currently has 18 AFP Federal Agents at the 11 CTFR Airports to facilitate national security information and intelligence sharing between agencies and to ensure that operational functions relating to Australian Government national security responsibilities at airports are integrated as effectively and efficiently as possible...

In addition to the facilitation of intelligence sharing, the PSLO Network also monitors national security related activities at airports, provides advice to aviation security stakeholders and is the AFP's point of contact for industry participants and airport tenants that may come into possession of information concerning aviation security.<sup>25</sup>

- 5.41 CAPEC identified cargo crime as a further issue arising in the limitation of policing over several jurisdictions:

if a shipment leaves Singapore and is bound for Melbourne, it may come through a couple of destinations - maybe even Sydney and then Melbourne. If a shipment does not arrive in Melbourne and it is deemed as lost or stolen, the issue with reporting that is a national policing issue in Australia. We may attend or deal with the Victoria Police to report the item missing. They may turn around and say, "Where was the item lost?" At that stage it may be that the item was lost in Singapore or Sydney. It is difficult to actually make that report in Melbourne because the Victoria Police may say, "We don't know the shipment was lost here - we won't take

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24 SACL, *Transcript*, 23 November 2005, p. 18.

25 AFP, *Submission No. 40*, p. 4.

responsibility for that report.” That is the issue of the national reporting problem within our industry.<sup>26</sup>

5.42 PFA suggested that:

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.<sup>27</sup>

5.43 The Tasmanian Government suggested a single law enforcement command structure would assist in the policing function at airports:

This would enable a seamless provision of police services across landside and airside areas of airports. The single entity could be responsible for all aspects of law enforcement from community policing and organised/serious crime to terrorist incidents.<sup>28</sup>

## Cost imposts of policing airports

5.44 Aviation industry participants raised on-going concerns regarding the cost of policing airports.

5.45 AAA stated that where aviation security was in the interest of the wider community, the broader community should cover the cost:

We feel that, where it is a cost of doing business, our industry is more than happy to meet that cost. But, where the cost of aviation security – or community policing, for that matter – is in the community interest, that cost needs to be shared across the broader community and not left to the travelling public.<sup>29</sup>

5.46 AAL expanded upon this point arguing, that as key parts of the public infrastructure, major airports should be treated no differently to other communities:

All areas of the Australian community expect a certain level of police activity to deter and respond to criminal acts – why should airports be different? Police have a clear community policing role at a range of public places, for example major

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26 CAPEC, *Transcript*, 21 July 2005, p. 28.

27 PFA, *Transcript*, 28 November 2005, p. 1.

28 Tasmanian Government, *Submission No. 74*, p. 8.

29 AAA, *Transcript*, 24 November 2005, p. 2.

shopping centres and railway stations. It would appear unusual to expect one sector of Australian industry to pay and be responsible for community policing simply because the role is delivered at an airport.<sup>30</sup>

5.47 SACL stated that:

the notion that passengers should pay extra for such improved protection, normally provided as part of government arrangements, is a major policy issue which does need further deliberation by both state and federal governments and industry participants.<sup>31</sup>

5.48 AAA raised concerns about the nature of the funding:

some funds have been made available by government for the introduction of a police presence at airports. That is an initial up-front allocation of moneys. What we do not know is whether that will continue and, if it does not, who is going to have to pay. We would expect that in the application of a police presence at airports, which are communities – of varying size – in their own right, the community at large should pick that up. It is, in our view, part of national security and the fighting of crime for the benefit of the nation, not just for the odd few people who travel through airports.<sup>32</sup>

## Limitations on law enforcement powers

5.49 Concerns were raised at limitations on the powers of Australian Federal Police Protective Service (AFP-PS) officers responsible for providing the CTFR function at major airports.

5.50 DoTaRS stated that the AFP-PS presence:

provides deterrence measures designed to deny information to terrorists and deter acts of terrorism, and if an act is threatened or prospective, to deter or prevent it. AFP Protective Service Officers are specially trained for the CTFR role and, under current government policy, are directed to maintain an undivided focus on this central national security

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30 AAL, *Submission No. 29*, p. 2.

31 SACL, *Transcript*, 21 July, 2005, p. 2.

32 AAA, *Transcript*, 24 November 2005, p. 68.

task to ensure that resources are always available immediately to address a terrorist incident.<sup>33</sup>

- 5.51 SACL stated AFP-PS personnel at airports were under utilised.<sup>34</sup>
- 5.52 PFA explained that AFP-PS officers had only limited powers of arrest and detention. AFP-PS:
- are trained to do a certain limited role, and that is a Counter Terrorist First Response. If someone was to be running out of the newsagency having stolen money from the cashier, the only powers [AFP-PS] have are the powers of a citizen's arrest. [AFP-PS] have no policing powers to stop a person.<sup>35</sup>
- 5.53 SACL suggested the problem of airport policing could be addressed through increasing the scope and responsibilities of Australian Protective Service officers at airports.<sup>36</sup>
- 5.54 Virgin Blue concurred:
- [AFP-PS] have no community policing role and they have no other role within the airport precinct. It is something that we have spoken about with a number of personnel within the Australian Federal Police, the Government and the Department of Transport ... they should be doing constant patrols within the airport precinct, both airside and landside. Their role should not be specific to general public areas. They should be allowed to go in all areas that staff are involved in within the terminal so they can look and wander through.<sup>37</sup>
- 5.55 PFA stated:
- Subordinate security roles, including passenger screening and baggage screening, domestic and international, should be undertaken by appropriately trained AFP Protective Service officers. 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.<sup>38</sup>

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33 DoTaRS, *Submission No. 52*, p. 156.

34 SACL, *Submission No. 44*, p. 2.

35 PFA, *Transcript*, 28 November 2005, p. 7.

36 SACL, *Transcript*, 21 July 2005, p. 2.

37 Virgin Blue, *Transcript*, 24 August 2005, p.9

38 PFA, *Transcript*, 28 November 2005, p. 2.

- 5.56 The Liquor, Hospitality and Miscellaneous Union suggested a more limited function for AFP-PS officers in screening operations:

In the instances when patrons or clients cannot be cleared through the screening machines, it is the position of the Union and our members that the Australian [Protective] Service Guards should be responsible for undertaking the necessary searches to clear the person.<sup>39</sup>

## Training of private security personnel

- 5.57 Some aviation industry participants expressed their confidence in the current training requirements and certification for security personnel. AAL stated:

Certificate II Security Guarding is based on national competencies and there is an airport competency that adds on to that. So here in South Australia they do the Tertiary and Further Education Certificate II Security (Guarding Airports). That should have – and we are assured that it does have – national competencies.<sup>40</sup>

- 5.58 However, unions with members working in the aviation industry and aviation industry participants identified the need for accredited and standardised training for private security personnel, including personnel responsible for screening, at airports.

- 5.59 PFA stated 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.<sup>41</sup>

- 5.60 One aviation industry participant claimed that no adequate training standard existed for checked baggage screeners:

Screening is not a certifiable training scheme in itself. You do a Certificate II in general security training, which means that you could be a guard at a hotel ... To become a security screener is an on the job learning exercise, so it is dependent largely on the skills and abilities of the person who supervises...

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39 LHMU, *Submission No. 37*, p. 2.

40 AAL, *Transcript*, 21 September 2005, p. 19.

41 Police Federation of Australia, *Submission No. 67*, p. 4.

5.61 Claims were made that:

there is no formalised training for Threat Image Projections ... each screening device has its own software program that identifies what may or may not be a suspect item. You move from one piece of equipment to another and there is a variation in the type of software being used. There is no accepted standard. There is no threshold of what is expected.<sup>42</sup>

5.62 SNP Security stated that:

In every one of 200 bags, with a 20 percent diversification ratio either way, the x-ray monitor is presented with the image of a weapon or an IED in the bag...<sup>43</sup>

5.63 LHMU stated that in relation to operations for screening passengers:

What has become clear is that there is no one position being promoted amongst security firms at the moment with respect to the problems being experienced when clients and patrons cannot be cleared by the screening equipment ... guards are being required to take patrons into secure rooms and physically search them ... this is a completely unacceptable position. Guards have not been properly trained to undertake extensive physical searches and are in more of a risk in this situation without handheld scanners.<sup>44</sup>

5.64 LHMU identified a further difficulty in maintaining an appropriately trained personnel:

the high level of casual employees and high turnover of staff is a major barrier to improved security arrangements at airports...<sup>45</sup>

5.65 Unions and aviation industry participants proposed several solutions to the problem of inadequate training of private security personnel.

5.66 LHMU reiterated its call for:

formally accredited training standards for security officers to be developed by the Government ... and audits regularly

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42 Name withheld, *Transcript*, 21 September 2005, pp. 2-3.

43 SNP Security, *Submission No. 64*, p. 3.

44 LHMU, *Submission No. 37*, p. 2.

45 LHMU, *Submission No. 37*, p. 1.

conducted to ensure training is being implemented ... There needs to be a national system of accreditation...<sup>46</sup>

5.67 APAM stated that:

Additional training for security screeners and making sure that they are continually up to speed with the requirements of the position is very important. The security regime is increasing; therefore the training needs to increase...<sup>47</sup>

5.68 DoTaRS identified the development of a new paradigm in the training of airport security personnel:

The challenge for us is that we are moving from a system that in the past has been what I would call input driven – the number of hours of training – to one with a more outcome based approach, which is: what competency does the person have? We have also got the huge scale of the industry to deal with: to get out across the core part of the regular passenger transport industry we are talking in the order of 100,000 people...

The Government has recently allocated us \$4 million and we have commenced work with the industry on a competency based approach ....<sup>48</sup>

5.69 WAC confirmed:

The Industry Consultative Group, that the Department of Transport has set up ... has established a sub-working group that has been looking at training of screening staff for some period of time and they are working currently to establish a whole new training regime. We believe that the current training regime is appropriate but it can always be improved, so we would support any additional training or any advancement in training for screening staff.<sup>49</sup>

## Security personnel at regional airports

5.70 Some regional aviation industry participants referred to additional difficulties that accompanied additional training requirements.

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46 LHMU. *Submission No. 37*, p. 2.

47 APAC, *Transcript*, 24 November 2005, p. 14.

48 DoTaRS, *Transcript*, 5 December 2005, p. 3.

49 WAC, *Transcript*, 22 September 2005, p. 5.

- 5.71 Albury City was unsure if the powers of airport personnel were extensive enough to cope with the increased security procedures such as the introduction of hand wand screening for regional airports:

it is unclear to what extent airport or airline personnel have the authority to undertake these processes.<sup>50</sup>

- 5.72 Nhulunbuy Corporation Limited referred to difficulties in meeting costs to provide staff with the necessary security officer training:

It appears from the legislation that the airport operator/owner has no powers to challenge, remove or issue infringement notices unless they are "airport security guards" or employ one. This puts an extensive cost on airports such as Gove where remoteness is a key issue requiring high wages and the provision of accommodation for an employee.<sup>51</sup>

- 5.73 Shire of Carnarvon stated:

For this town, currently we have five people who are trained with wands...

Down the track, how do we maintain those people financially? We have nothing in place to pay for that. These people need to maintain jobs too. They have to exist and survive. Down the line there has been absolutely nothing. How do we keep it going? How do we pay for it?<sup>52</sup>

- 5.74 Kangaroo Island Council referred to the difficulties of training part time personnel:

the Commonwealth is providing money for ... a six-day training course and it does not cover the wages of people who will be undertaking that training. We have five employees at the airport who will need to undergo such a training course and their wages have to be covered. Not all of them work for the organisation all of the time, so we cannot expect them to give up their normal day job to take up a training course on our behalf and not refund them.<sup>53</sup>

- 5.75 Shire of Exmouth, identified issues with retaining staff who were trained in the required security procedures:

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50 Albury City, *Submission No. 62*, p. 5.

51 Nhulunbuy Corporation Ltd, *Submission No. 22*, p. 2.

52 Shire of Carnarvon, *Transcript*, 7 March 2006, p. 12.

53 Kangaroo Island Council, *Transcript* 21 September 2005, p. 25.



We seem to be having a problem in training and retaining staff. There is a constant turnover at the moment because we cannot offer them regular hours. At the moment it is only six hours a week and during the tourist season we will need screening staff for 15 hours a week.<sup>54</sup>

5.76 DoTaRS stated:

There are already existing training requirements in the national aviation security program and in all of the security programs of airports and airlines. We have been very active in training, particularly at the smaller end, where there was very little out there by way of training.<sup>55</sup>

### Committee comment

5.77 The Committee supports the initiative of DoTaRS and aviation industry participants to generate a nationally uniform screening standard for training private security guards.

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### Recommendation 14

5.78 **That the Department of Transport and Regional Services, in consultation with aviation industry participants, develop a security training standard specific to the aviation industry required of all security and screening personnel working at security controlled airports across Australia.**

5.79 The Committee is concerned that training requirements may be particularly difficult to meet for regional aviation industry participants.

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### Recommendation 15

5.80 **That the Department of Transport and Regional Services take responsibility for on-going security training in regional airports that have a high turnover of part-time staff.**

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54 The Shire of Exmouth, *Transcript*, 7 March 2006, p. 3.

55 DoTaRS, *Transcript*, 5 December 2005, p. 3.

## Airport Police Commands

5.81 On 25 July 2005, the Australian Government announced that an Airport Security Controller would be established at each CTFR airport:

The controllers will be senior AFP officers and will co-ordinate the work of all the Australian Government law enforcement and border control agencies at each airport.<sup>56</sup>

5.82 The Wheeler review recommended that:

- the position of Airport Security Controller be renamed Airport Police Commander and include responsibility for all the police functions at the airport;<sup>57</sup> and
- that the arrangements for State or Territory Police to take over from airport AFPPS CTFR personnel in the event of a terrorist incident, along with arrangements for potential broader Commonwealth involvement, be reviewed and simplified by a senior Commonwealth / State working group under the supervision of the Secretaries' Committee on National Security. The Wheeler review urged that the changes incorporate the role of the Airport Police Commander and ensure clear and consistent lines of responsibility, command, and control.<sup>58</sup>

5.83 As part of the Commonwealth Government's in principle acceptance of the Wheeler recommendations, the Prime Minister announced additional funds for policing airports including:

- \$40.9 million for the establishment of five new Joint Airport Investigation Teams at Sydney, Melbourne, Brisbane, Adelaide and Perth airports to address serious and organised crime;

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56 Minister for Transport and Regional Services, Attorney General, Minister for Justice and Customs, Joint Media Statement: *Securing and policing Australia's major airports*, 7 June 2005. The 11 CTFR designated airports are Sydney, Melbourne, Canberra, Hobart, Adelaide, Perth, Darwin, Alice Springs, Cairns, Gold Coast and Brisbane

57 J. Wheeler, *An Independent Review of Airport Security and Policing for the Government of Australia*, Recommendation 6.

58 J. Wheeler, *An Independent Review of Airport Security and Policing for the Government of Australia*, Recommendation 17.

- \$48.7 million for increased air-side Customs border patrols at Sydney, Melbourne, Brisbane, Adelaide, Perth, Darwin and Cairns airports to provide a more visible presence to deter and respond to criminal activity;
- \$43.9 million for improved security and crime information exchange arrangements for aviation; and
- \$3.8 million to introduce a new national aviation security training framework to support the aviation industry.<sup>59</sup>

5.84 On 27 September 2005 the Council of Australian Governments (COAG) supported the Wheeler report, in particular the concept of a single command structure at Australian Airports and specified that:

The Commonwealth will fund under the unified model a full-time community policing presence of Australian Federal Police officers wearing AFP uniforms under AFP command, at all 11 CTFR airports.<sup>60</sup>

5.85 On 9 May 2006 the Australian Government announced further funding of \$242 million over four years to provide for:

- a uniformed community policing at designated airports;
- the development of an AFP National Operations Centre;
- the establishment of a Canine Training Centre; and
- the fit out of Darwin and Perth Airport Uniformed Police Offices.<sup>61</sup>

5.86 AFP outlined the evolution of the function of the centralised airport command from Security Controller to Police Commander:

The role of [Airport Security Controller] was initially considered ... as being more ... facilitative ... between agencies at the airport. It was considered a coordination role to draw information together. As a result of the Wheeler report those position titles were changed to Airport Police Commanders ... they are there to provide a stronger role around law enforcement and security related activities at the airport than was originally considered.<sup>62</sup>

5.87 AFP stated that Airport Police Commands would provide for:

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59 Prime Minister, *Securing and Policing Australia's Airports*, 21 September 2005.

60 COAG, *Special Meeting on Counter-Terrorism*, 27 September 2005, p. 4.

61 Minister for Justice and Customs, 'Budget includes Significant Boost to Airport Security', *Budget Media Release*, 9 May 2006.

62 AFP, *Transcript*, 28 November 2005, p. 25.

the establishment of permanent and dedicated community policing at each of the 11 CTFR airports and the maintenance of the existing CTFR capability and ... the Protective Security Liaison Officer network...

A subcommittee of the National Counter-Terrorism Committee ... has been established to facilitate arrangements for the delivery of community policing by the states and territories under AFP command ... We anticipate having [arrangements] in place during December 2005. The AFP and Customs components of the joint airport investigation teams are now in place, with negotiations continuing with the respective state police agencies on the secondment of two officers to each of those schemes.<sup>63</sup>

5.88 The AFP explained that:

the Airport Police Commander does have a role in coordinating the overall aviation security related activities of Commonwealth Government agencies. This will be effected through the Australian Government Agencies Aviation Security Committees already in place at airports. MOUs will be put in place as required.<sup>64</sup>

5.89 AFP described the interaction of Airport Police Commands with local state or territory forces in the event of a security incident:

the airport police commander would hand over to the police force commander when they arrive at the airport and, if the incident is large enough to call upon state and territory resources, they would then work in cooperation with that police force commander at the incident until such time as that incident is resolved.<sup>65</sup>

5.90 AFP stated that pending the development of Airport Police Commands the Wheeler review's recommendation to extend the policing powers of AFP-PS officers was under reconsideration:

The AFP is reviewing the requirement [that all AFP-PS and Customs officers deployed to an airport be given clear unambiguous powers, including to stop search detain and arrest] to broaden PSO powers at airports noting that the

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63 AFP, *Transcript*, 28 November 2005, pp. 17-18.

64 AFP, *Submission No. 40.1*, p. 5.

65 AFP, *Transcript*, 28 November 2005, p. 22.

deployment of uniformed police to airports may reduce this requirement.<sup>66</sup>

- 5.91 The Committee expects that the establishing of Airport Police Commands will not only improve information exchange and coordination of operations between agencies charged with law enforcement at airports but also facilitate better communication in these areas between enforcement agencies and airport operators.

## Staffing Airport Police Commands

- 5.92 One concern raised in relation to the establishment of Airport Police Commands referred to the use of state and territory police officers.

- 5.93 The AFP stated:

The CTFR capability at airports is being staffed by the existing AFP Protective Service Officers previously deployed for this role. The Airport Uniformed Police (AUP) presence agreed to by the Council of Australian Governments (COAG) ... will be provided by each jurisdiction. Negotiations with each State/Territory are progressing with an expectation that approximately half the total of the AUP will be deployed by the end of 2006, with the remainder deploying during 2007. Tasmania Police to staff Hobart International Airport will commence training on 18 April 2006 and will be the first to deploy when they commence in late May 2006. Joint Airport Investigation Teams (JAITS) will be staffed by AFP, Australian Customs Service officers and State Police and have commenced operations at Sydney, Melbourne, Perth, Brisbane and Adelaide airports with the full complement of AFP investigators and Customs staff. State Police have commenced in Perth and the remainder are expected in the near term.<sup>67</sup>

- 5.94 PFA questioned drawing personnel from state and territory police forces:

between 350 and 500 police Australia-wide will now be required to be provided by the respective state and Northern Territory police forces. Whilst that decision was taken by the Prime Minister and all state and territory leaders, it will place

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66 AFP, *Submission No. 40.1*, p. 6.

67 AFP, *Submission No. 40.1*, p. 5.

significant strain on the state and Northern Territory police forces to meet that demand...

Bearing in mind that Queensland has the largest number of airports – they have three airports that fit into the 11 Counter-Terrorism First Response – and the smallest jurisdiction in Australia has two. That is the Northern Territory. Certainly the burden that is going to be placed on the Northern Territory is going to be extreme.<sup>68</sup>

- 5.95 However, AFP referred to the advantages of drawing on state and territory police forces to establish the community policing function of Airport Police Commands. Officers responsible for community policing:

will be required to actually look at state and territory legislation as well as the Commonwealth legislation, and many of the crimes they will investigate in the airport precinct will be under state law – we consider that a unified policing model – that is, having the states and territories come on board under AFP command working side-by-side – is the most preferable way to go.

They would be sworn in as special constables in the Australian Federal Police, thereby giving them access to the powers at a Commonwealth level, and they would come under AFP command. But, again, they would remain officers under their state command and be available to apply both sets of powers and legislation.<sup>69</sup>

## Committee comment

- 5.96 The Committee strongly supports the Australian Government's lead role in providing a unified and complete policing function for Australia's major airports.
- 5.97 The Committee believes that the provision of a uniformed police presence at airports will allow AFP-PS to retain its discrete counter terrorism first response function.
- 5.98 However, during its inspections of airports with a CTFR function, the Committee noted that AFP-PS officers were rarely observed in public areas. The Committee believes that AFP-PS providing CTFR function

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68 PFA, *Transcript*, 28 November 2005, pp. 2-4.

69 AFP, *Transcript*, 28 November 2005, p. 18.

should be required to have a greater public profile, at least for the period taken to establish Airport Police Commands.

- 5.99 The Committee supports the populating of the community policing function of Airport Police Commands with AFP officers some of whom will be drawn from state and territory forces and placed under AFP command.
- 5.100 The Committee is concerned to ensure that the AFP has adequate personnel to effectively meet its expanded role at a time of increased threat, and if necessary is provided with additional funds in order to conduct a recruitment campaign for officers.

## Regional Rapid Deployment Teams

- 5.101 Four Regional Rapid Deployment Teams (RRDTs) were announced under the *Securing Our Regional Skies* program:

Teams consist of eight AFP-PS officers and include an Explosive Detection Canine team and a Bomb Appraisal Officer.

RRDT deployments will occur on both a threat response basis and as routine pre-planned exercise deployments. The former will occur as short notice deployments triggered by intelligence indicating an increased threat to a regional airport or airports, and the latter designed to practice deployment protocols, familiarise other stakeholders (including state/territory police and airport operators) with the RRDT capability and provide an active deterrence against terrorist threats to regional aviation.<sup>70</sup>

- 5.102 The first RRDT, located in Melbourne, became operational in January 2005. As of 1 July 2005, the other three RRDTs were in place and are located in Sydney, Perth and Brisbane.<sup>71</sup>

- 5.103 The AFP expanded on the detail of RRDT activities:

The time spent at each airport varies due to travel time, size of the airport precinct and duties undertaken at the airport. When on site the RRDT undertakes a site survey, liaises with

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70 AFP, *Submission No. 40*, p. 4.

71 AFP, *Submission No. 40*, p. 4.

airport operators and staff, conducts training and provide a ... CTFR capability when required.<sup>72</sup>

## Effectiveness and functionality of Regional Rapid Deployment Teams

5.104 A range of views on the functionality and effectiveness of RRDTs were expressed by regional aviation industry participants.

5.105 RAAA expressed scepticism at RRDTs delivering any aviation security outcomes:

The security outcomes to be achieved by these expensive teams are far from clear. If the real problems are in the major gateway ports the funds devoted to these teams would have better been spent there.<sup>73</sup>

5.106 AAA questioned the effectiveness of the rapid deployment function of RRDTs:

if the Government receives information that airport A out in the middle of New South Wales has a heightened level of threat or an incident is unfolding at airport A, the Rapid Response Team will deploy from Sydney and head out to that airport to assist in the remedy of the incident...

for some of the remoter airports in South Australia it is going to take the deployment team more than four hours to get from Melbourne to anywhere near the airport.<sup>74</sup>

5.107 AFP specified the character of the RRDTs' activities:

These teams are not designed to deploy after an incident has occurred – it is a pre-emptive capability designed to deter terrorism and resolution of a terrorist incident remains the responsibility of the state/territory police in accordance with the National Counter Terrorism Plan.<sup>75</sup>

5.108 AFP noted that:

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72 AFP, *Submission No. 40.1*, p. 3.

73 RAAA, *Submission No. 28*, p. 1.

74 AAA, *Transcript*, 24 November 2005, p. 72.

75 AFP, *Submission No. 40*, p. 4.



The RRDTs have not conducted any threat based deployments in response to intelligence indicating an increased threat to a regional airport.<sup>76</sup>

- 5.109 Shire of Greenough supported visits by RRDTs as establishing a knowledge of security controlled facilities:

It is very useful for them to just be known to us and to see what our facilities are. If in the event they are required to operate here, they know the infrastructure.<sup>77</sup>

- 5.110 However, both Shire of Roebourne and Town of Port Hedland stated that they had negligible contact with RRDTs during scheduled visits:

I am aware that the Rapid Response group are able to attend our airport in an incident, but I have had no contact with them...

We have only had one visit from the Regional Rapid Response Team and it was brief. They were in Karratha, drove to Port Hedland, spent an hour at our airport and went back to Karratha.<sup>78</sup>

- 5.111 Shire of Northampton stated:

They let me know when they are coming and all I do is tell my ranger ... They tell us purely so we know that there will be people snooping around and running around out in the bush or something. At the airport I do not know what they do ... They have been up here twice.<sup>79</sup>

## On going funding

- 5.112 The New South Wales Government stated:

Notwithstanding Commonwealth funding assistance ... some local councils still have concerns about the longer term financial implications of the new regional airport security requirements. Any additional measures that may be required following further risk assessments have the potential to place additional demands on resources. Police services in particular

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76 AFP, *Submission No. 40.1*, p. 4.

77 Shire of Greenough, *Transcript*, 7 March 2006, p. 4.

78 Shire of Roebourne & Town of Port Hedland, *Transcript*, 9 March 2006, p. 25.

79 Shire of Northampton, *Transcript*, 7 March 2006, p. 10.

generally become a key preventative and response component of any security plan.<sup>80</sup>

5.113 AAA reiterated these concerns:

The long-term funding arrangements for the Rapid Response Deployment Teams needs to be addressed, particularly post 2008, when we assume the regional aviation industry will probably be expected to meet the costs.<sup>81</sup>

5.114 AFP stated:

The Government has provided funding of the RRDTs until 2007-08 and the continuation of the program will be considered closer to that time.<sup>82</sup>

## Committee comment

5.115 The Committee welcomes the introduction of Regional Rapid Deployment Teams (RRDTs).

5.116 In evidence and during inspections the Committee encountered a wide range of views on the effectiveness of RRDTs.

5.117 In some instances RRDTs visited airports for brief periods of time and without making contact with Airport Managers or personnel.

5.118 While such visits may serve to familiarise RRDT personnel with the facilities they may be required to attend, a more extended period of time would allow RRDTs to establish and strengthen working relationships with airport operators.

5.119 The Committee believes that the AFP should consider expanding contact between RRDTs and operators of regional airports, for instance the possibility of providing basic security training for regional airport personnel. AFP should ensure that RRDTs provide particular attention to establishing working relations with operators of transitioning airports.

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80 NSW Government, *Submission No. 70*, p. 3.

81 AAA, *Submission No. 33*, p. 2; also AAL, *Submission No. 29*, p. 3; Kangaroo Island Council, *Transcript*, 21 September 2005, p. 25; District Council of Grant, *Submission No. 41*, p. 2.

82 AFP, *Submission No. 40.1*, p. 5.

**Recommendation 16**

5.120 The Committee welcomes the introduction of four Regional Rapid Deployment Teams (RRDTs) and recommends that:

- the Australian Federal Police (AFP) explore and report to the Committee on the feasibility of establishing one RRDT per state and territory in terms of cost and the size required to cover each jurisdiction;
- the AFP, in consultation with state and territory police forces and regional aviation industry participants, explore ways in which the function of RRDTs may be expanded during visits to regional airports;
- the AFP review the effectiveness of RRDT activities against an outcomes framework that sets overall expectation, outcome statements and bench marks for the successful establishment of an ongoing aviation security culture; and
- the provision of RRDTs be made cost neutral to owners or operators of regional airports.

## Inspector of Transport Security

5.121 On 18 October 2006, the Minister for Transport and Regional Services introduced to the House the *Inspector of Transport Security Bill 2006*.

5.122 Among other things the Bill provides for the Inspector:

to undertake an inquiry, when required by the Minister for Transport and Regional Services (the Minister), into a major transport security incident, a major offshore facility security incident, or a pattern or series of incidents that point to a systemic failure or possible weakness of the security regulatory systems for aviation or maritime transport or offshore facilities.<sup>83</sup>

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83 House of Representatives, *Inspector Transport Security Bill 2006, Explanatory Memorandum*, p. 2

- 5.123 The Inspector is established as an office that is independent of direction from Minister or Secretary:

While the Minister for Transport and Regional Services tasks the inspector with an inquiry, the inspector is not subject to direction from the Minister for Transport and Regional Services in the conduct of that inquiry. Nor is the inspector subject to direction from the Secretary of the Department of Transport and Regional service or any other public servant.<sup>84</sup>

- 5.124 The information gathering, as opposed to regulatory or enforcement, function of the Inspector is emphasised in the 'no blame' character of inquiries undertaken. Information provided to the Inspector cannot be used in inquiries to establish culpability, and officers of the Inspector cannot be compelled to provide evidence taken in their inquiries except to coronial inquiries.
- 5.125 Further emphasising the intelligence nature of the Inspector, all information provided to the Inspector's inquiries is exempt from Freedom of Information requests.

### Committee comment

- 5.126 The Committee welcomes the establishment of the Inspector Transport Security as an office to investigate possible security vulnerabilities arising out of major transport security events and to identify other systemic weaknesses and possible vulnerabilities in transport security systems.

### Closed Circuit Television monitoring

- 5.127 CCTV monitoring is used by various organisations in and associated with the aviation industry for an array of purposes including identifying blockages in baggage conveyor systems, controlling crowd flow, monitoring of access points to security controlled areas, deterrence of criminal behaviour by aviation industry personnel, tracking persons of interest and monitoring perimeter security.
- 5.128 The Committee observed and was briefed on CCTV operations by Customs at Adelaide and Perth International Airports and the

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84 House of Representatives, *Hansard*, 18 October 2006, p. 5.

operators of various airports that were inspected during the course of the inquiry.

## Coordination of CCTV monitoring

5.129 Authorities and airline and airport operators referred to two difficulties in coordinating CCTV monitoring:

- the different purposes for which each party used CCTV; and
- the different technologies in use.

5.130 DoTaRS stated:

Part of the challenge is that, if you are in Customs and you are doing covert surveillance, you do not necessarily want anybody else to see it. A lot of the equipment is old. It is analog. If you need to search for something quickly – this is again something we learned from [the] London [bombings of 7 July 2005] – you need digital, you need to keep it for a month and you need to be able to recall it and index it very quickly. Some of the cameras are static, some are motion activated and some are infrared. It is trying to get that picture right across the airport and between the various agencies. It is to the point where one agency may install a camera and turn your camera away so it is looking at the ceiling. The management of cameras is a big issue.<sup>85</sup>

5.131 Customs expanded on the uncoordinated state of CCTV monitoring at airports:

coverage is fragmented; that there are multiple people collecting data for different purposes; and that all of the systems that have been installed operate to address the owner's perception of risk rather than the overall risk. Most of the cameras are recorded but how long the images are kept varies between seven and 28 days. There is a mixture of digital and analog equipment. Very few organisations have off-site storage so that, if there were a catastrophic event at the terminal, you would be likely to lose all the previous images at the same time. In a similar vein, there is no ability to look at images in real time off-site. So if you are closing down part of the airport because there is a specific threat, unless you are able to leave somebody there in the control

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85 DoTaRS, *Transcript*, 5 December 2005, p. 26.

room you have also lost your vision from all those cameras. These are certainly issues that need to be developed and, when we have synthesised this, we will be providing a report back to government about what we think the next steps should be and how we can help address them.<sup>86</sup>

5.132 AAL stated:

We have a matrix ... whereby you could probably access them together, but Customs want their own. We have another reason. The airlines also want some of ours and want to feed into them. There is specific reason that Customs want to have separation ... some are for general observation and some are more discrete...

Customs ... are looking for contraband drugs et cetera. We are looking for illegal activity, I suppose, in its broadest form. We also have a building management system with cameras that we use to assist us in ensuring that doors remain locked on areas that are not occupied. There is a security process through the cameras to ensure that no-one is in those areas when they are not occupied and to assist us in managing the building better in dimming lights and turning off air conditioning and so forth. General safety compliance issues and so forth.<sup>87</sup>

5.133 DoTaRS stated:

We will certainly offer legislative and regulatory support to ensure that evidence that is collected can be used, to ensure that there is a good governance structure working with Customs around the issue and to ensure that there is some sort of industry code around the management of CCTV.<sup>88</sup>

5.134 APAC stated that:

Additional CCTV monitoring has been provided and an agreement with Customs has been reached to address CCTV planning and further system enhancement as well as the sharing of CCTV resources.<sup>89</sup>

5.135 SACL stated:

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86 Customs, *Transcript*, 27 February 2006, p. 24.

87 AAL, *Transcript*, 21 September 2005, p. 4-5.

88 DoTaRS, *Transcript*, 5 December 2005, p. 26.

89 APAC, *Submission No. 24*, p. 3.

The issue is about standardising the technology so we can share the information CCTVs can give us. Customs have written to us. We have written back agreeing to the study proceeding, and Customs are about to embark on that within days at Sydney airport.<sup>90</sup>

5.136 Customs stated:

Following on from the Wheeler report, the Government has charged the Australian Customs Service with taking an integrated approach to making sure that we can bring together all the available information from those CCTVs. We have now embarked on a path whereby the first step is working with all the various agencies and organisations that have CCTVs and understanding their distribution, because until now it has not been our responsibility.

The objective is to come forward with a proposal that would enable us to take a lead role in taking feeds from the various cameras, ensuring first of all that there is coverage, and being able to store the feeds and access them readily into the future. So up until recently there were separate organisations with their CCTVs for their own purposes. We have been given responsibility to work out how we integrate that and make sure there is a single source available for airport security issues.<sup>91</sup>

5.137 On 21 September 2005 the Australian Government announced:

\$19.8 million to further upgrade the Customs closed circuit television capabilities, including assistance for airport operators and additional cameras at major airports.<sup>92</sup>

## Monitoring standards

5.138 During inspections of security measures at the CTFR airports the Committee observed the conditions under which monitoring of CCTV was carried out. The conditions faced by security staff at Sydney International Airport appeared particularly onerous.

5.139 SACL qualified that staff:

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90 SACL, *Transcript*, 23 November 2005, p. 20.

91 Customs, *Transcript*, 27 February 2006, pp. 22-3.

92 Prime Minister, *Securing and Policing Australia's Airports*, 21 September 2005.

are not meant to look at all the cameras all the time. As you grow CCTV networks, we will need intelligent software to support cameras, so that the software does the work and the operator intervenes when he has to. They are there to support alarms that occur. The system notifies an alarm and the camera is used to support that. It is not always just about looking at the camera all the time; it is also used to look back at incidents to find out what happened.<sup>93</sup>

5.140 SACL stated:

There are no established standards for CCTV. One of the things that came out of both Wheeler and COAG was that a review of CCTV standards has been established under the Victorian police. Customs is doing a review and Standards Australia are currently undertaking a number of reviews of protective security standards, one of which is CCTV. So we have three groups working, and they will work together.<sup>94</sup>

5.141 DoTaRS stated:

There is an informal standard, which is basically derived from how screening occurs, which is about 20 minutes on a machine. One of Wheeler's recommendations that we vigorously support is the development of an industry code. There is no code about this issue in Australia.<sup>95</sup>

## Regional airports

5.142 DoTaRS referred to the benefits that CCTV monitoring had for regional airports particularly in monitoring perimeter security:

in order to increase the effectiveness of a fence, it should be kept under surveillance, and be monitored and alarmed. However, a number of regional security controlled airports are limited by their lack of resources, such as access to funds, to implement and maintain equipment, their lack of access to people with the right skills or qualifications and, in some cases, their lack of access to power.<sup>96</sup>

5.143 Under the Securing Our Regional Skies program, a:

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93 SACL, *Transcript*, 23 November 2005, p. 21.

94 SACL, *Transcript*, 23 November 2005, pp. 20-1.

95 DoTaRS, *Transcript*, 5 December 2005, p. 27.

96 DoTaRS, *Submission No. 52*, p. 29.



\$3.3 million CCTV trial was introduced to provide broad recommendations to the Australian Government as to any further consideration of CCTV for security enhancement to regional airports...

The cameras will initially provide 24-hour a day surveillance, monitoring all key aspects of an airport's operations. The surveillance feed will be made available to the local police, airport management and the Office of Transport Security Operations Centre and will support responses to any activity of interest or concern.<sup>97</sup>

5.144 DoTaRS provided an update of the progress of the trial:

Four airports are participating in the CCTV trial - Dubbo, Geraldton, Gladstone and Moorabbin. These airports were selected for their diverse locations and the unique security considerations identified in their transport security programs.

The one year trial will conclude in November 2006. This trial has already provided valuable insights into developing this kind of preventive security measure for regional airports across Australia. After the trial period, DoTaRS will assess the research data and make a recommendation to Government as to the best use of CCTV at regional airports, considering on-going costs and the effectiveness of CCTV systems...

A number of other airports have also accessed funding through the RAFP to install CCTV.<sup>98</sup>

5.145 Shire of Greenough, which operates Geraldton Airport and is participating in the CCTV trial, expressed support for the trial and stated:

For the security system that we are using, they laid optical fibre cable from the main gates at the entrance of the airport right up into the terminal here. With the upgrading of the CCTV system, which has 30-odd cameras, it is all very fast. The monitoring system from there on in is very slow because we are still using a telephone line to do it...

Telstra have been promising that we would have a broadband connection here by the middle of February, but that is just ongoing. If you ask anyone, it does not happen.

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97 DoTaRS, *Submission No. 52, Annexure Q*, p. 122.

98 DoTaRS, *Submission No. 52.2*, p. 2.

But we now have a wireless broadband connection down to our works depot, which is part of the Shire as well – that is just down at the entrance – and that is working effectively. This system could be upgraded. It hasn't been, but it could be and should be upgraded to a broadband system, whether microwave or whatever.<sup>99</sup>

5.146 Shire of Derby – West Kimberley described the operation of CCTV at Derby Airport:

We have a program so that it [the CCTV] is able to pick up movement only, so you do not have to go through 24 hours of camera. First thing in the morning, the reporting officers would go in there and check for movement and it just automatically flicks on to the movement that has occurred in the last 24 hours. So you can pick up what planes have come in or gone out. If there is any plane that we do not recognise the call sign for and where it is not a charter from this area, we will check out who it is.<sup>100</sup>

5.147 One unforeseen benefit that has flowed to Derby – West Kimberley was an additional \$4,000 to \$5,000 per annum in landing fees that without the CCTV monitoring would have been evaded.<sup>101</sup>

## Committee comment

5.148 The Committee strongly supports CCTV monitoring as an integral security measure in the aviation industry.

5.149 While acknowledging that various organisations operating at airports require CCTV for a diverse range of reasons, there are undoubted advantages to improving coordination of monitoring.

5.150 The advantages lie in achieved efficiencies in avoiding duplication and in ensuring that any blind spots in Security Restricted Areas are covered.

5.151 The Committee supports the tasking of Customs to upgrade, standardise and coordinate CCTV monitoring at major Australian airports.

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99 Shire of Greenough, *Transcript*, 7 March 2006, p. 8.

100 Shire of Derby – West Kimberley, *Transcript*, 8 March 2006, p. 5.

101 Shire of Derby – West Kimberley, *Transcript*, 8 March 2006, pp. 5-6.

- 5.152 The Committee believes that in supporting the upgrade, standardisation and coordination of CCTV monitoring Customs should be mindful of the value of CCTV surveillance in deterring criminal activities among aviation industry employees and explore the value of covert monitoring.
- 5.153 In discharging its responsibility as the lead agency in CCTV at CTFR airports, Customs should take a comprehensive approach ensuring the development and adherence to standards governing the conditions under which CCTV is monitored.

### **Recommendation 17**

- 5.154 **That as part of its responsibilities as the lead agency for coordination of Closed Circuit Television at Counter Terrorism First Response airports, the Australian Customs Service ensure the development of an enforceable industry code applicable to monitoring CCTV including:**
- **the need for Occupational Health and Safety standards to be met;**
  - **designation of line of vision requirements between monitors and operators (for example, eliminating awkward angles);**
  - **designation of maximum length of shifts; and**
  - **maximum numbers of monitors per operator.**
- 5.155 The Committee believes that CCTV is a vital component in gaining the maximum benefit from upgrades to perimeter security at regional airports.

### **Recommendation 18**

- 5.156 **The Committee believes that as a matter of urgency, the Australian Government ought to ensure that reliable, high-speed internet services are available to security classified airports that do not possess such services.**

- 5.157 The Committee is concerned that some operators of regional airports with transitioning security programs with no CCTV, such as Shire of Roebourne, or insufficient CCTV coverage, such as Shire of Wyndham-East Kimberley, were not eligible for funding support to upgrade their facilities under the Regional Airports Funding Program.
- 5.158 The Committee has dealt with funding arrangements for security at regional airports in greater detail at Chapter Six.

## Australian concerns at overseas airports

- 5.159 Aviation industry participants consistently drew attention to lower aviation standards at some high risk countries as presenting a major vulnerability in Australian aviation security.

- 5.160 AAL stated:

we feel that [the high level of security risk facing Australian aviation from international flights] is probably one of the weakest links in the [aviation security] chain. With the introduction of the additional measures and the existing measures in aviation security in this country, anybody who gets on an aeroplane to fly within the country or to depart this country can be reasonably assured that every deterrence factor is in place and is worked to the maximum of its ability. Unfortunately, we cannot say the same about aircraft coming into the country.<sup>102</sup>

- 5.161 AAA stated that incoming aircraft from overseas points of origin:

is perhaps ... the greatest opportunity for compromise of Australian aviation security...<sup>103</sup>

- 5.162 Gold Coast Airport Limited expressed:

considerable concern with the aviation security practices of our northern neighbours.<sup>104</sup>

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102 AAL, *Transcript*, 21 September 2005, pp. 6-7.

103 AAA, *Submission No. 33*, p. 2.

104 Gold Coast Airport Limited, *Submission No. 35*, p. 1.

5.163 From the perspective of an operator of international flights, Qantas stated:

it remains a matter of continuing concern that Qantas is required by regulation to commit increasing resources to aviation security measures within Australia, an area of relatively lower threat, effectively at the expense of overseas locations, particularly in South East Asia, that are of greater concern.<sup>105</sup>

5.164 BARA stated that:

Some states ... do not have the resources or expertise to devise and deliver security systems to a world standard. In such environments, airline operators may put in place their own additional security measures to enhance the safety and security of airline passengers, employees and aircraft. The Australian security system also takes account of assessed security standards at last ports of call before arrival in Australia. Special security measures may be adopted for those flights, eg additional screening of baggage and passengers before on-carriage to further Australian ports on either international or domestic flights.<sup>106</sup>

5.165 Qantas stated that it:

has formed strategic partnerships with the screening authorities of Jakarta, Denpasar and Manila airports to share information about passenger screening. Although in their formative stages, these arrangements in the longer term will provide local authorities with a source of information and constructive advice so as to enhance the performance of passenger screening at their airports. The possibility exists for Qantas to extend this program also to the screening authorities of other airports in South East Asia.

Regardless of the success of any strategic initiative, tactical security measures are employed to manage specific risks as they are identified. For example, Qantas has introduced CBS using Explosive Trace Detection at several ports in the region because of perceived deficiencies in the existing, airport-supplied systems...

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105 Qantas, *Submission No. 61*, p. 27.

106 BARA, *Submission No. 57*, p. 3.

In Manila, for example, despite substantial improvements in the quality of passenger screening observed over the last twelve months, Qantas continues to re-screen all of its passengers at the departure gate...

Such measures have been applied not only in South East Asia. In 2003, to overcome a design deficiency that permitted the mixing of arriving and departing passengers at Auckland's International Terminal, Qantas introduced Gate Lounge Screening until infrastructure changes were completed.<sup>107</sup>

5.166 DoTaRS identified:

aviation links with a number of countries in our near region, which also impact on our national security. This raises a number of challenges including:

- ensuring the security of aircraft and passengers flying from and to Australia...
- monitoring security at last ports of call...
- further developing Australia's capacity to gather intelligence relevant to the transport security task.

... the Office of Transport Security is concerned by the low compliance with ICAO standards and other aviation security measures in a number of countries where flights into Australia originate, specifically areas of south east Asia.<sup>108</sup>

5.167 Various Commonwealth Departments stated that they have personnel at some overseas airports.

5.168 The Department of Immigration and Multicultural Affairs stated:

its Airline Liaison Officer network [of] seventeen [officers], located at twelve key hub international airports with direct flights to Australia and/or last ports of embarkation...

deters the activities of people smugglers and persons of concern.<sup>109</sup>

5.169 DoTaRS stated:

We have been funded both directly and through AusAID to work with Pacific island nations and South-East Asian nations to improve the basic standards of aviation security, so

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107 Qantas, *Submission No. 61*, pp. 28-9.

108 DoTaRS, *Submission No. 52*, p. 32

109 DIMA, *Submission No. 45*, p. 4.

we can have a little bit more confidence. We actually have a person on the ground at Jackson Field in Port Moresby who is working very closely with the Papua New Guinea Government to run security at the airport. We have a deal now of engagement with those countries to help build capability ... We also have officers based in the Philippines, and we are working there in both aviation and maritime security.<sup>110</sup>

## Air Security Officers

5.170 Air Security Officers (ASOs), often called 'sky marshals' after their counterparts operating in the United States of America, are AFP-PS officers who travel covertly aboard Australian commercial aircraft on certain domestic and international routes. These officers may be armed.

5.171 The air security program for Australian domestic flights commenced on 31 December 2001, in response to the terrorist attacks on the United States on 11 September 2001.<sup>111</sup>

5.172 AFP provided an update of the ASO program:

International operations commenced in late December 2003, ... between Australia and Singapore. Deployments between Australia and the US commenced in May 2004 ... [Commonwealth agencies] are continuing to explore options for further extending international ASO deployments with a number of other priority countries.<sup>112</sup>

5.173 AFP specified that:

Air security officers actually fly only on Australian registered aircraft...<sup>113</sup>

5.174 In regard to the extension of the ASO program into high priority countries, AGD stated:

ASO negotiations are underway with countries in South-East Asia assessed as priority countries from a threat perspective. Preliminary responses from these countries have been positive, although there are significant legal and operational

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110 DoTaRS, *Transcript*, 5 December 2005, p. 22.

111 AFP, *Submission No. 40*, p. 2.

112 AFP, *Submission No. 40*, p. 2.

113 AFP, *Transcript*, 28 November 2005, p. 20.

issues that will need to be resolved before ASO deployments can commence.<sup>114</sup>

## Committee comment

- 5.175 The Committee believes there is merit in supporting security capability programs in South East Asia and the West Pacific where levels of airport security are below international standards or where there is a heightened level of threat to Australian interests.
- 5.176 The Committee believes that the Government, through regional forums, should continue to explore ways of encouraging higher security standards at some overseas airports that are last ports of call for flights arriving in Australia.
- 5.177 The Committee encourages the Commonwealth Government's efforts to extend the ASO program to include flights departing from neighbouring countries in South East Asia.

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114 AGD, *Submission No. 63*, p. 5.



## Cost imposts and funding of security upgrades

- 6.1 The impact of the cost of security upgrades, particularly upon regional airports, has already been considered in relation to ASIC programs and requirements for screening and security personnel at Chapters Three and Five.
- 6.2 The following chapter examines the cost imposts of security upgrades focusing particularly on the capital expenditure required to establish security related infrastructure for both major and regional aviation industry participants.
- 6.3 The chapter also considers the adequacy of funding arrangements designed to support smaller aviation participants in meeting the new requirements.

### **Major aviation industry participants**

- 6.4 AAA drew attention to the absence of any funding support for the upgrading of security at major airports:

The cost of introducing ... additional [required] measures runs to millions of dollars. There is no assistance provided through any program at all by government for the introduction of those measures that are directly related to aviation security. So the airline or airport needs to find the

capital moneys up front, introduce the relevant deterrents or measures and then seek to recover that cost either from the airline or through the passenger.<sup>1</sup>

6.5 Qantas stated that in 2004-05 it spent in the region of \$260 million on security.<sup>2</sup>

6.6 As an operator of terminals at Sydney, Melbourne and Brisbane International Airports, Qantas stated that the implementation of 100 percent of screening domestic checked baggage alone will cost in excess of \$100 million.<sup>3</sup>

6.7 Upgrading of access requirements will cost:

Qantas in the vicinity of \$12m in capital expenditure and about \$30m in annual operating costs. These figures do not include the costs that will be incurred by airport operators, to implement these same measures, and that will be passed on to airlines.<sup>4</sup>

6.8 SACL stated that:

it is expected that in the forthcoming financial year, SACL will ... invest in excess of \$30 million on new facilities and security measures, complete the installation of the \$80 million Checked Baggage Screening System, and substantially enhance its CCTV network at a cost of \$2.8 million. Further, fully implementing the Government's recent initiatives at Sydney Airport may require additional investment of about \$50 million with operation costs adding another \$20 million per year.<sup>5</sup>

6.9 WAC stated that the cost of complying with upgraded checked baggage screening requirements at Perth International Airport 'was in the order of \$13 million'.<sup>6</sup>

6.10 The Tasmanian Government stated:

Both Hobart and Launceston airports have recently upgraded their access controls and Hobart Airport recently announced

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1 AAA, *Transcript*, 24 November 2005, p. 68.

2 Qantas, *Submission No. 61*, p. 7.

3 Qantas, *Transcript*, 23 November 2005, p. 54.

4 Qantas, *Submission No. 61*, p. 21.

5 SACL, *Submission No. 44*, p. 5.

6 WAC, *Transcript*, 22 September 2005, p. 3.

a further \$8 million upgrade to security measures, fully funded by the airport owners.<sup>7</sup>

6.11 Virgin Blue stated:

The latest budget ... on this [checked baggage screening] costing was approximately \$7 million for Brisbane Airport alone, just for Virgin Blue. That was the initial set-up cost, not the operational cost each year after that...

We would be looking at somewhere in the vicinity of \$1 million a year to maintain that, plus the manpower of the personnel involved. You could quite realistically look at a \$1.5 million to \$2 million a year recurrent cost for that system.<sup>8</sup>

6.12 RAAA pointed out that the significantly smaller size of passenger movements through some CTFR airports resulted in larger costs being levied against users of these airports:

One of the factors which differentiates regional aviation from the major airlines is that we do not have the economies of scale that most of the major airlines have. That means that small costs have a much greater impact on regional aviation...

for example ... in Sydney the airport security cost is \$1.21 per ticket whereas in Darwin it is \$7.17 per ticket.<sup>9</sup>

6.13 Virgin Blue stated:

We believe that being a low cost carrier means that we share a disproportionate burden of the cost of a number of security requirements, some of which, particularly in regional Australia, discourage us from opening new destinations. Of course, other factors, such as landing charges, also impact on any decision to open up new regional destinations.<sup>10</sup>

6.14 DoTaRS stated that the cost imposts of security upgrades were an essential consideration in developing a sound risk mitigation strategy:

One of the challenges ... is to try to balance the security aspects of aviation with the safety, environmental and

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7 Tasmanian Government, *Submission No. 74*, p. 5.

8 Virgin Blue, *Transcript*, 24 August 2005, p. 11.

9 RAAA, *Transcript*, 10 October 2005, pp. 2-5.

10 Virgin Blue, *Submission No. 69*, p. 1.

employment aspects of aviation and the economic development consequences of aviation.

\$5 on the price of a ticket can make or break a low-cost airline route. So when we impose measures we have to consider that if somebody is going to pay it is going to be either the taxpayer or the person flying, and that \$5 is a very price-sensitive point.<sup>11</sup>

## Committee comment

- 6.15 The Committee views the funding of community policing and CTFR functions at major airports by the Commonwealth Government as a considerable support to their operations.
- 6.16 Furthermore, the funding of policing functions at CTFR airports will have a disproportionate benefit for CTFR airports with smaller numbers of passengers such as Alice Springs, Hobart and Darwin International Airports.

## Regional aviation

- 6.17 The Committee reiterates the point made in its *Report 400* that regional airports are important to vibrant and viable regional communities, and that regional airports and regional airlines do not benefit from economies of scale and suffer economic penalty from being in remote areas.<sup>12</sup>
- 6.18 Linfox Airports stated:
- Regional airports are not monopolies like their capital city counterparts ... security policies which add high costs to secondary airports are causing grave anxiety across the industry. Smaller airports simply do not have the economies of scale to withstand these added charges and can rarely claim additional income from airlines to defray these imposts.<sup>13</sup>

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11 DoTaRS, *Transcript*, 5 December 2005, p. 2.

12 JCPAA, *Report 400: Review of Aviation Security in Australia*, June 2004, p. 75.

13 Linfox, *Transcript*, 24 November 2005, p. 21.

6.19 RAAA added:

Business is very price sensitive, particularly as you get further away from the major centres. The drought it still having an effect, ... It is also very convenience sensitive when you get into ... the areas closer to the major centres of Melbourne, Sydney and so on – where road conditions are very much better. As a result of that, [regional airports] are extremely affected by additional costs and additional inconvenience.<sup>14</sup>

6.20 Kangaroo Island Council provided a specific example of the situation confronting it as the operator of Kingscote Airport and the community it services:

Our passenger numbers in 1999 of 90,000 have fallen in the last financial year to 30 June 2005 to just over 60,000 ... However ... the costs of running our airport have [not] gone down at the same rate as our passenger numbers and our ability to raise funding. The airport is a self-funding part of the Council. We do not use any ratepayer funds ... However, with the reduced passenger numbers and the costs of running an airport, whether we have 90,000 passengers or 40,000 going through our airport, we still have to keep the infrastructure and the facility to the same standard, so obviously we have to raise those funds from somewhere...

The fear that we ... have is that this [increased user costs because of required security upgrades] may end up having an impact on not just our tourist industry, which is one of our major industries, but also the community as a whole. It will force airfares up to the stage where not only will it stop tourists from coming to the island and making it expensive, which it already is, but as a community and the fact that we live on an island, we only have a boat or an aircraft to get away. So it will be an ongoing impost on the actual community itself.<sup>15</sup>

6.21 RAAA warned of the consequences of over-regulation on regional aviation:

The impact of cost imposts on regional airports and regional operators for security upgrades may well be a reduction of

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14 RAAA, *Transcript*, 10 October 2005, p. 2.

15 Kangaroo Island Council, *Transcript*, 21 September 2005, p. 26; cp REX, *Submission No. 39*, p. 5.

services to remote and regional communities. Although the Commonwealth has provided some funding for security upgrades, it is not sufficient, especially as there is no allowance for continuing maintenance. The shortfall will be passed on to operators, who will have to decide whether it is possible to pass it onto passengers or whether a marginally viable route has become unviable. Equally costs imposed directly on operators, such as supervision of unattended aircraft can be expected to reduce if not terminate marginal services. Overnighting aircraft at remote ports may become prohibitively expensive so that the quality of service is dramatically reduced or even terminated.<sup>16</sup>

6.22 Virgin Blue stated that screening requirements acted as a significant disincentive to expanding services to regional Australia:

we estimate that the cost of introducing checked bag screening, say at a regional location such as Kalgoorlie, is about \$1 million for the actual equipment and around \$600,000 to \$1 million to operate and sustain ... Recently we decided not to fly to Kalgoorlie ... The issue of checked bag screening alone was a significant issue for us in coming to that conclusion.<sup>17</sup>

6.23 REX stated that:

In recent months REX has introduced RPT airline services to two ports which have been without airline services for a period of some years. Both services are marginal at best at this time. Substantial increased security measures over and above that based on a reasonable risk assessment may lead to these services being terminated. In terms of an outcome, this may be the ultimate security risk mitigation measure.<sup>18</sup>

6.24 APAC went so far as to state that:

Any significant additional security requirements ... quite possibly will see a significant rationalisation of services in regional Australia including Tasmania where ... four airports

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16 RAAA, *Submission No. 28*, p. 2.

17 Virgin Blue, *Transcript*, 24 August 2005, p. 3.

18 REX, *Submission No. 39*, p. 6.

serving a population of around 500,000 compete for market share.<sup>19</sup>

- 6.25 Furthermore, the disproportionate cost of security upgrades at regional airports caused a disproportionate rise in costs to airline operators:

If we look at a Qantas discount fare from Darwin to Brisbane ... the cost of the ticket is \$300 and the percentage of that security impost is 2.4 per cent of that ticket. If we look at an Airnorth flight going from Darwin to Kununurra, which is a very much shorter distance, the ticket price is more than half: it is about \$180. But the percentage of the ticket that is the security cost is four per cent.<sup>20</sup>

## Transitioning versus new entrant airports

- 6.26 The decision to increase the aviation security regulatory regime to include all airports with RPT services provoked a significant source of frustration and dissatisfaction because of the associated funding arrangements.
- 6.27 The Commonwealth Government established the Regional Airports Funding Program (RAFP) worth \$35 million to provide funding to new entrant airports in implementing security measures.
- 6.28 The RAFP consists of monies from a \$14 million Government grant program announced under the Enhancing Aviation Security Package (EASP) in December 2003. EASP matched, dollar for dollar, expenditure on designated security upgrades by eligible smaller regional airports.
- 6.29 Funding was increased by \$21 million under the Strengthening Australia's Transport Security in the May 2004 budget.<sup>21</sup> With the increase in funding the Government withdrew the requirement for recipient airports to match grant amounts.

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19 APAC, *Submission No. 25*, p. 7.

20 RAAA, *Transcript*, 10 October 2005, p. 5.

21 DoTaRS, *Correspondence*, 9 March 2006.

- 6.30 RAFP funding supported the implementation of security upgrades including installation of:
- security fencing;
  - floodlighting;
  - alarm systems;
  - access gates;
  - key pad locks;
  - swipe card access control systems;
  - CCTV systems; and
  - baggage handling and inspection facilities.<sup>22</sup>
- 6.31 Funding of security upgrades under the RAFP was criticised on three grounds:
- the funded measures had limited or no security outcomes and thus funding was poorly targeted;
  - the ineligibility of airports with transitioning security programs to access RAFP funds was unfair; and
  - the ineligibility of airports with transitioning security programs to access RAFP funds defied the principles of sound risk management.
- 6.32 The RAFP was claimed to have benefited many of the smaller regional airports that were eligible to receive funding but excluded larger regional airports.

### Targeted funding

- 6.33 AAA, which authorised distribution of RAFP funds, questioned the effectiveness of the funding in general terms:

It was not an initiative in response to any overall threat assessment process. Accordingly, some in the industry may reasonably ask the question if this is money well spent in the name of aviation/airport security.<sup>23</sup>

- 6.34 DoTaRS stated:
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22 DoTaRS, *Correspondence*, 9 March 2006, p. 2.

23 AAA, *Submission No. 33*, p. 2.



The RAFFP was introduced following consideration of an ASIO threat assessment of Australia's aviation sector and the need to ensure the viability of the regional aviation industry. An assessment of these factors found that the security of regional aviation would be better achieved through a requirement for airport operators to upgrade their physical security measures.<sup>24</sup>

6.35 REX stated that it:

is also suggested by some regional airport operators that the current security upgrade scheme is a means by which enhancements can be made to their facility with the cost borne by the Federal Government. Comments have been made by such airports that they must not miss out on this untapped funding availability.<sup>25</sup>

6.36 AAA reiterated that:

It would seem ... that, in the majority of cases that I have been made aware of, the local community or council saw that the Government was offering a grant of money, so the initial reaction was: "Let's grab some of it." Of the 146 airports, 143 of them prepared a risk assessment which identified security measures or deterrents that they felt they needed to introduce. Three chose not to. Some of the measures that have been introduced - like fencing, floodlighting, CCTV cameras, improved access controls and the like - in some locations would seem to be a bit of overkill given that the type of aeroplane that flies there, if it was able to be hijacked, could not reach any town of any size to do any sort of damage. So their remoteness is their best security measure.<sup>26</sup>

6.37 DoTaRS responded:

Each of the eligible airports has received approval from the Department of Transport and Regional Services for the specific security enhancements consistent with the airport's individual needs, risk assessment and Transport Security Program. This means all appropriate layers of security are being put in place based on the size and scale of the airport and the type of aircraft that service the region.

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24 DoTaRS, *Submission No. 52.2*, p. 21.

25 REX, *Submission No. 39*, pp. 2-3.

26 AAA, *Transcript*, 24 November 2005, p. 71.

Security consultants contracted to the Department assessed each proposal for funding, to ensure the proposed measures were appropriate to address the risks identified by the airport.<sup>27</sup>

- 6.38 Shire of Northampton indicated that it found the arrangement too inflexible:

The first contact was advice from DoTaRS saying that I had to get my airport inspected by a licensed security agent and send the report into DoTaRS for consideration...

I commented that I did not believe [the recommended security upgrades were] necessary and so on. But I understood that, with the direction that I got from DoTaRS, I really did not have a say. Whatever the consultant said we had to submit the funding for. That is how I took it – it is a direction, it is under the Aviation Act and I have to abide by it.<sup>28</sup>

- 6.39 Northampton, subsequently qualified:

I was new to the game of airports and this whole business. Taking some advice from other people, they said, “Just get your consultant in and, whatever he is going to do, submit that.” That is the attitude I took.<sup>29</sup>

- 6.40 The Shire stated that no follow up visits were conducted by DoTaRS to confirm the adequacy of security upgrades.<sup>30</sup>

- 6.41 DoTaRS stated that it:

conducts regular audits and inspections of airport security arrangements in accordance with the airport’s approved TSP. These inspections include assessment of the airport’s physical infrastructure.<sup>31</sup>

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27 DoTaRS, *Submission No. 52.2*, p. 3.

28 Shire of Northampton, *Transcript*, 7 March 2006, p. 2 & 5-6.

29 Shire of Northampton, *Transcript*, 7 March 2006, p. 15.

30 Shire of Northampton, *Transcript*, 7 March, p. 9.

31 DoTaRS, *Submission No. 52.2*, p. 21.

## Exclusion of transitioning airports

- 6.42 Broome International Airport typified the frustration at the RAFF among regional airport operators with transitioning security arrangements:

The Government's response has been to largely ignore our calls [for funding support for security upgrades] and suggest that our needs have been addressed through the provision of funded education and awareness programmes, the Rapid Response Deployment Team exercise and some basic training programmes. It is our opinion that spending in these areas has little benefit for aviation security at the larger regional airports.<sup>32</sup>

- 6.43 DoTaRS stated:

When the Government allocated funding for security upgrades at regional airports, it allocated that funding on the basis of those airports not now having or not previously having had jet RPT services. That meant that, of the 180 airports in Australia, those that were already security regulated were not eligible for funding under the program. That subsequently raised a number of issues for ... the smaller regional airports that also have jet passenger transport...

That is a policy question that the Government is going to have to adjudicate on.<sup>33</sup>

- 6.44 Beyond claims of unfairness, the ineligibility of transitioning airports to access RAFF funds or other support for the implementation of additional security upgrades was criticised on the grounds that it defied the principles of a sound risk based approach.

- 6.45 Shire of Roebourne argued:

In many cases ... enhanced facilities at the new entrant airports far exceed those present at the previously categorised [transitioning] airports, which by nature are considered a higher security risk, based on the previous standard defined by aircraft size.<sup>34</sup>

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32 Broome International Airport, *Submission No. 79*, p. 2.

33 DoTaRS, *Transcript*, 5 December 2005, p. 4.

34 Shire of Roebourne, *Submission No. 31*, p. 2.

- 6.46 As an example of its concern Shire of Roebourne questioned the comparative security outcomes of a situation:

where the Fitzroy Crossing Airport has nine-seat RPT aircraft. Their new security regime includes full-height fencing on their boundary road, CCTV cameras on their apron ... The largest aircraft into Karratha is the 737-800 series. They fly twice daily from Perth. We have a four-foot high stock fence and no CCTV.<sup>35</sup>

- 6.47 AAA supported Roebourne's position with reference to another new entrant:

In Western Australia, Karratha is one of those transitional airports that did not get any funding. It is a very well-managed airport which has a number of 737 services each day – it is a jet port. It has a long-term approved Transport Security Program. It has done its risk assessment and has infrastructure in place commensurate with its TSP. Halls Creek is a small community 300 kilometres inland from Karratha and, because Halls Creek have access to funding through the RAFFP, they are putting in fancy fences and CCTVs. They only have a nine-seater twice a day but they are putting in all this equipment and the community are saying, "Hang on a minute, if we need this at Halls Creek, why aren't we having this infrastructure put in place in Karratha?"<sup>36</sup>

- 6.48 Besides the incommensurate security outcomes funded by DoTaRS, Roebourne was concerned that:

one of [DoTaRS'] new inspectors will be looking at Fitzroy Crossing on a Tuesday and turn up at Karratha on a Wednesday and say to me, "What are you playing at? You have 160-seat aircraft here and you do not have any of the provisions that I have just seen at a relatively quiet, small country airport in Fitzroy Crossing..."<sup>37</sup>

- 6.49 Or:

you have an incident at your port. Then it will be, "So you thought a stock fence was sufficient. Clearly it wasn't, because you have had five people get through it. Why don't

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35 Shire of Roebourne, *Transcript*, 9 March 2006, p. 3.

36 AAA, *Transcript*, 24 November 2005, pp. 71-2.

37 Shire Roebourne, *Transcript*, 9 March 2006, p. 3.

you have a 2.4 metre-high fence with barbed wire on the top?'<sup>38</sup>

6.50 Linfox stated that:

It is unusual ... that the Commonwealth would provide funding to some far afield airports and then overlook places like Mildura...<sup>39</sup>

6.51 Linfox suggested that:

the regional airports like Avalon should have been part of the funding process to perhaps make some inroads into checked bag screening...<sup>40</sup>

6.52 DoTaRS stated:

As at 31 March 2006, 101 of the airports eligible to access funds from RAFP had their funding announced, to the value of \$25.3 million...

It is expected that all \$35 million will be expended.<sup>41</sup>

## Capital versus ongoing funding

6.53 The operators of new entrant airports expressed high levels of satisfaction with the levels of funding available to support the establishment of security infrastructure. However, concerns were raised regarding the additional expense of on-going maintenance of infrastructure put in place with RAFP funds.

6.54 AAA expressed concern that some new entrant airports had not fully appreciated additional on-going costs:

a lot of those member airports ... whilst they have accepted the opportunity to get some capital investments done at their airports, I do not think many of them have done an operational expenditure ongoing. So when that fence needs replacing or that CCTV camera needs upgrading or whatever, the costs are theirs. I do not know whether they have done that part of it.<sup>42</sup>

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38 Shire of Roebourne, *Transcript*, 9 March, 2006, p. 14.

39 Linfox, *Transcript*, 24 November 2005, p. 32.

40 Linfox, *Transcript*, 24 November 2005, p. 31

41 DoTaRS, *Submission No. 52.2*, p. 1.

42 AAA, *Transcript*, 24 November 2005, p. 71.

- 6.55 In relation to the operation of Parafield Airport, AAL stated:
- no consideration has been given to the ongoing maintenance and replacement costs into the future, an impost that will need to be passed on to an industry whose bottom line is already stretched very thin.<sup>43</sup>
- 6.56 DoTaRS responded to concerns about on-going costs of maintaining infrastructure granted under the RAFFP:
- A lot of the capital that we are putting in place is not what I would call high-end capital with very high maintenance costs. Fencing, lighting and those sorts of things, like sporting ovals, are things that councils maintain across the community. From that perspective, whilst there will be maintenance costs, I do not think they are going to be for maintenance of a type that a small local council would not be used to providing.<sup>44</sup>

## Hardened cockpit doors

- 6.57 In December 2003 the Commonwealth Government announced \$3.2 million in funding for hardened cockpit doors for all RPT aircraft with 30 seats or more. A further \$1.5 million was announced under the Securing Our Regional Skies program to ensure that charter aircraft with 30 seats or more are treated consistently with RPT aircraft.<sup>45</sup>
- 6.58 RAAA questioned the specifications to require aircraft to be fitted with cockpit hardened doors:
- We are grateful for the Government supplementation there, but the real issue becomes that, whilst the capital costs of the door itself and defitment were provided for by government, CASA fees for modifying the aeroplane were not covered by government. And there are the ongoing costs of those doors. Essentially, in the Brazilia, the door adds 37 kilos, which basically means that either you lose a passenger or you lose freight. It is more often the freight because, with aeroplanes, they fill up the passenger seats, work out the fuel load that is necessary for the flight and then fill up the rest with

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43 AAL, *Submission No. 29*, p. 3.

44 DoTaRS, *Transcript*, 5 December 2005, p. 5.

45 DoTaRS, *Submission No. 52*, p. 31.

opportunity freight. The freight is always there. One of our members estimated that just that lost freight from carrying the extra weight of the door around is costing them at least \$16½ thousand a year. Then, at the end of the exercise, that aeroplane is now not saleable on a world market – and these aeroplanes sell on a world market. They have to demodify the aeroplane, as it were...

The other ongoing cost is that with the cockpit door you cannot do line flying with a third crew member on board, so any flying that you need to do like that flying training has to be done without passengers on board, because you just cannot physically put in the third person with the door in. So there is a substantial ongoing cost associated with the cockpit doors. And of course there are other screening costs. One other estimate that has been done was for Karratha, where at certain times of the year a jet service is used. The additional cost for the jet service, I am told, is about \$45 a ticket.<sup>46</sup>

- 6.59 REX confirmed that installation of hardened cockpit doors: created a weight limitation for us of approximately 30 kilograms. We had to reduce 30 kilograms from the aircraft in other areas. It is not so much with the 737, but when you are looking at the Saab, that is a lot of weight we had to lose.<sup>47</sup>

### Committee comment

- 6.60 Whilst the Committee welcomes funding for new entrant airports, it is concerned that there was not funding for transitional airports.
- 6.61 The Committee's concerns are based on information from operators of transitioning airports and AAA, which was designated by DoTaRS to administer funds available under the RAFF.
- 6.62 The Committee was also concerned to receive statements from the organisation charged with administering RAFF funds that questioned the effectiveness of the measures funded under this program.
- 6.63 In regional aviation a situation appears to have prevailed where smaller new entrant airports have received funding support for security upgrades, particularly fencing and CCTV, that has promoted the standard of their facilities in these areas to levels that are in excess

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46 RAAA, *Transcript*, 10 October 2005, pp. 5-6

47 REX, *Transcript*, 23 November 2005, p. 84.

of previously security classified airports with transitioning security programs.

- 6.64 It is an anomalous situation where one class of airport because it services jet aircraft, and thus poses a higher security threat, is not eligible for funding of measures that are available to airports servicing aircraft with lower levels of security threat.
- 6.65 The incongruous situation is borne out by comparing fencing provided under the RAFP to airports, such as Kalbarri and Derby that take a small number of turboprop aircraft and are located significant distances from local population centres, with the international airport at Broome, which takes jet services and is in close proximity to a relatively large population centre and has regular instances of trespass, but was not eligible for RAFP funds.
- 6.66 The Committee is particularly concerned that CCTV and fencing at transitioning regional airports is provided to at least an equivalent level of adequacy to that provided at new entrant airports.**
- 6.67 The Committee welcomes the funding the Australian Government has provided to date to help upgrade security at smaller airports through improved physical infrastructure and engendering of a security culture.
- 6.68 The Committee also notes additional benefits for smaller regional airports such as reducing trespass, airport fee evasion, vandalism and itinerant traffic.
- 6.69 Nonetheless, the Committee believes that consideration should be given to providing funding for additional measures. In particular, the Committee believes that security at larger regional airports should be supported to at least the same standard as their smaller regional counterparts.
- 6.70 The Committee reiterates the point made in its *Report 400* that:  
...it is important for State Governments to continue to recognise the value of regional aviation through the provision of assistance to regional airports and regional airlines. The Committee commends the Queensland and Western Australia Governments for providing such assistance. The evidence provided to the Committee did not indicate whether



or not similar assistance was provided by other State or Territory Governments.<sup>48</sup>

- 6.71 Some of the larger transitioning regional airports play an important part in the infrastructure of both national and state and territory economies through support of an array of industries from tourism to mining and pastoral. They are owned and operated by an array of organisation ranging across local councils, mining companies, private corporations dedicated to operating airports and state government corporations.
- 6.72 Reflecting the wide diversity of circumstances and local conditions the Committee believes that the Commonwealth should explore a variety of funding arrangements including the provision of grants, provision of interest free loans or joint funding arrangements with state and territory governments to bring security standards at transitioning regional airports to a level commensurate with those achieved at new entrant airports under the RAFFP.

### **Recommendation 19**

- 6.73 **That the Minister for Transport and Regional Services provide further funding options for the upgrading of security at regional transitioning airports to a level that is at least commensurate with levels of security supported under the Regional Airports Funding Program.**

**The Committee is of the view that the Minister should explore a variety of mechanisms for funding these security upgrades. These may include interest free loans, matching funding with local and state governments as well as provision of grants to be determined by considering the local conditions and particular circumstances of each airport owner-operator.**

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48 JCPAA, *Report 400: Review of Aviation Security in Australia*, June 2004, p. 75.

## Further developments

- 7.1 As the Committee was completing this inquiry the importance of aviation security was, once again, thrust into the public's mind in a most urgent and disturbing way.
- 7.2 On 10 August 2006 a major counter-terrorism operation in the United Kingdom disrupted an alleged terrorist plot to blow up aircraft mid-flight. A press release by the UK Metropolitan Police stated that:
- The investigation has focused on intelligence, which suggested that a plot was in existence to blow up transatlantic passenger aircraft, in flight. The intelligence suggested that this was to be achieved by means of concealed explosive devices smuggled onto the aircraft in hand baggage. The intelligence suggested that the devices were to be constructed in the United Kingdom, and taken through British airports.<sup>1</sup>
- 7.3 It was subsequently revealed that the targeted flights were destined for the United States, and that liquid explosives were to be used in the construction of the bombs on board the aircraft.
- 7.4 At the time of writing this report, the threat levels in the United Kingdom and United States were 'severe' (the second highest threat level) and 'Code Orange' (indicating a 'high' risk of terrorist attacks)

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<sup>1</sup> Deputy Assistant Commissioner Peter Clarke, Head of the Anti-Terrorist Branch, 10 August 2006.

respectively.<sup>2</sup> The Australian security threat level had been reviewed, but was not lifted as the threats were directed at the United States.<sup>3</sup>

- 7.5 Following the counter-terrorism operation, United Kingdom and United States authorities significantly enhanced security procedures at their airports, and placed restrictions on hand baggage. Flights from Australia bound for the United Kingdom and United States are affected by the hand baggage prohibitions.

## Messages from the transatlantic plot

- 7.6 The detection of the attempt to bring down transatlantic flights reiterated three important messages:
- aviation security is an on-going and evolving concern;
  - high quality intelligence is intrinsic to effective aviation security; and
  - the security of a country's aviation industry is enhanced considerably through co-operation with countries that are points of origin and last ports of call for incoming flights.

## Aviation security an on-going concern

- 7.7 While not explicitly denied, the importance of aviation security has been challenged implicitly on two grounds.
- 7.8 The first implicit challenge to the on-going importance of aviation security underlies suggestions that aviation security has been confused with instances of criminality in the aviation industry. Some aviation industry participants have suggested that the most pressing challenge for aviation in Australia is criminality *rather* than vulnerabilities in the security regime.
- 7.9 Any criminal activity within the aviation industry, whether it consists of an isolated and opportunistic event or takes the form of a more organised and systemic breach, is a cause for concern.
- 7.10 Just as criminal activity is an inevitable part of the life of broader society, it will always be present within the aviation industry. To
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2 Department of Foreign Affairs and Trade, *Travel Bulletin: Enhanced Airline Security*, issued on Monday, 14 August 2006.

3 Prime Minister, *Interview with Neil Mitchell, Radio 3AW*, Melbourne, 11 August 2006.

attempt to eradicate criminal activity completely is not feasible in terms of the increased costs and further imposition upon the convenience of the travelling public.

- 7.11 The Committee supports the implementation of a risk management approach to aviation security. This entails identifying, assessing and providing measured responses to vulnerabilities in security systems. However, all aviation related criminal activity should be examined with an eye to what, if anything, it reveals of possible vulnerabilities in aviation security systems.
- 7.12 While an event such as the transatlantic bombing plot not unreasonably causes public alarm, the successful early detection of the plot also gives cause for public confidence in aviation security systems. This point reinforces frustration expressed by some aviation industry participants during the inquiry that attempted security breaches were equated with security failures by some media commentators.
- 7.13 The Committee notes that the public response to the increased security arrangements and disruptions to travel following the counter-terrorist operation appeared both measured and resolute.
- 7.14 In the wake of the bombings of public transport systems in Madrid on 11 March 2004 and London on 7 July 2005, understandable concern was brought to bear upon the security of public transport systems in Australia. The change of attention may have implied to some that terrorists had turned from aviation to softer targets.
- 7.15 There has been no suggestion that the high levels of aviation security should be wound back, but rather that greater security resources should be devoted to protect other areas of public infrastructure.
- 7.16 While not discounting concerns about vulnerabilities in other areas of public transport systems, the transatlantic bombing plot shows that aviation continues to be an attractive target for terrorists and other persons of ill will.

### Importance of intelligence

- 7.17 The transatlantic bombing plot showed that a strong and active intelligence function is intrinsic to effective aviation security.
- 7.18 The detection and apprehending of suspects before attempts are made to breach other layers of security is the most effective preventative to

a breach of security, particularly when the nature of the threat is unknown or uncertain.

7.19 According to the *National Counter-Terrorism Plan (2005)*, Australia 'relies upon a strong intelligence-led prevention and preparedness regime to support its counter-terrorism strategy'.<sup>4</sup>

7.20 The Attorney-General's stated that:

\$641.7m of funding in the 2006-07 Budget fulfils the Government's five-year plan for enhanced resourcing for ASIO endorsed in October last year.

ASIO will be resourced to grow to 1,860 staff...

The additional resources will substantially strengthen ASIO's capability in a range of areas, including intelligence collection and assessment, surveillance, technical operations, border security and IT systems.<sup>5</sup>

7.21 Acknowledging the importance of intelligence to aviation security should not, however, overshadow the importance of other aviation security measures.

7.22 While intelligence is important in detecting attempts to circumvent or navigate through the various layers of security measures that are in place, it is incumbent that regulator and industry participants ensure that all layers of security are as effective as possible within the bounds of managing identified risks.

## International inter-dependence in aviation security

7.23 The transatlantic bombing plot shows the necessity of international cooperation in combating acts of terror targeting aviation. Security of aviation in the United States is dependant on adequate levels of aviation security in the United Kingdom.

7.24 In a specifically Australian context, the inter-dependent character of international aviation security is particularly urgent. Many of Australia's regional neighbours do not have comparable resources to devote to intelligence structures or aviation security systems.

7.25 Flights originating or transiting through ports within countries with lower levels of aviation security than Australia must be considered

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4 National Counter-Terrorism Committee, *National Counter-Terrorism Plan*, 2005, p. 8.

5 Attorney-General, *Budget Media Release*, 9 May 2006.

one of the major vulnerabilities to Australia's aviation security. This risk has been acknowledged by DoTaRS:

Australia has aviation links with a number of countries in our near region. Not all of these countries have aviation regimes as developed as ours and accordingly may impact on our national security.<sup>6</sup>

- 7.26 DoTaRS commented that a particular challenge arising from Australia's aviation links with countries in its near region is developing Australia's capacity to gather transport security intelligence.<sup>7</sup>
- 7.27 Concerns about lower aviation security standards in high risk countries were also raised by number of industry participants.
- 7.28 Operators of international flights and international airports expressed concern at the lower security at some of the ports that have flights operating into Australia. Concern at lower security capabilities was coupled with evidence of elements of active hostility to Australian interests within the region.
- 7.29 Qantas provided examples of how major industry participants could cooperate with the operators of international ports to improve security, including:
- reviews of airport security by formal on-site inspection;
  - formation of strategic partnerships with screening authorities to share information about passenger screening;
  - introduction of checked baggage screening using explosive trace detection because of deficiencies in airport security systems; and
  - deployment of additional security personnel.<sup>8</sup>
- 7.30 The Australian Government has also put in place arrangements to improve security at international ports with incoming flights to Australia including:
- on ground engagement with authorities and funding of aviation security enhancement by DoTaRS;<sup>9</sup>

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6 DoTaRS, *Submission No. 52*, p. 5.

7 DoTaRS, *Submission No. 52*, p. 32.

8 Qantas, *Submission No. 61*, pp. 27-30.

9 DoTaRS, *Transcript*, 5 December 2005, p. 22.

- extension of Air Security Officer deployment program on international flights by AGD;<sup>10</sup> and
- the deployment of Airline Liaison Officers by DIMA to target persons of concern and people smuggling operations.<sup>11</sup>

7.31 While complex negotiations between several nations will be involved, the Committee believes that the Australian Government is in a strong position to take the lead in promoting enhanced regional co-operation on aviation security intelligence.

7.32 The Committee understands that the Attorney-General's Department has engaged a consultant to prepare a review on Recommendation 1 of the Wheeler Report. This recommendation stated that:

a thorough examination of legislation and regulations on the sharing of information, both among government agencies and between government and the private sector, be carried out by the Attorney-General's Department, in collaboration with States and Territories and the private sector, with the aim of identifying and removing elements which prohibit or inhibit the flow of information needed to counter crime and terrorism which threaten the aviation sector.<sup>12</sup>

7.33 The Committee has previously indicated its unanimous support for all of the recommendations in the Wheeler Report.<sup>13</sup> **In light of the findings of this inquiry, the Committee now suggests that the consultant preparing the Attorney-General's review of the sharing of aviation security information consider broadening the scope of the review to include relevant South East Asia and West Pacific government agencies and private sector organisations.**

7.34 In addition to actively developing intelligence links with the international community, and particularly our regional neighbours, the Committee is supportive of Government efforts to enhance regional aviation security capability. DoTaRS advised the Committee that:

With regards to international services, the Office of Transport Security works with a number of international partners,

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10 AGD, *Submission No. 63*, p. 5.

11 DIMA, *Submission No. 45*, p. 4.

12 The Rt Hon Sir John Wheeler DL, *An Independent Review of Airport Security and Policing for the Government of Australia*, September 2005, p. xviii.

13 *Report 406: Developments in Aviation Security since the Committee's June 2004 Report 400: Review of Aviation Security in Australia – An Interim Report*, Foreword.

including the governments of countries in South East Asia and the Pacific that are last ports of call for commercial services to Australia, to build capacity and to meet international obligations.<sup>14</sup>

- 7.35 The Committee believes there is merit in DoTaRS exploring opportunities to share this work with the Governments of South East Asia and Western Pacific countries. Building upon the work already undertaken to develop awareness and promote best practice in aviation security within Australia, and using its pre-established links with government counterparts in neighbouring countries, DoTaRS is well placed to promote a robust aviation security culture in Australia's region.**

## **Aviation security: finding a balance**

- 7.36 The convenience attached to air travel in the past may not exist in the future, given the threats now faced. However, the Committee acknowledges that in a free society the level of security has to be balanced against the right of Australians to affordable and convenient air travel.
- 7.37 The Committee emphasises that responses to aviation security threats cannot be too prescriptive, as the nature of the challenge changes constantly. For example, the tragedy of September 11 revealed weak cockpit security, while the transatlantic plot highlighted the threat of carrying liquid explosives in hand baggage.
- 7.38 The Government has funded substantial upgrades to aviation security over the past five years, however in order to combat continually evolving aviation security threats, the Committee considers that DoTaRS needs to be flexible, and the Government has to be prepared to keep investing.
- 7.39 The Committee, in this report and the interim report of the inquiry, has recommended a number of improvements. The Committee believes that aviation security could be strengthened by:
- tightening the security audits of major airports;

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14 DoTaRS, *Submission No. 52.1*, p. 20.



- increasing the on-ground experience of selected Office of Transport personnel particularly in relation to regional aviation industry participants;
- establishing standards for aviation industry participants against which to measure proposed security measures;
- improved processes for issuing an ASIC and tighter conditions and format for issuing a Visitor Identification Card;
- revised reporting arrangements for the prohibited items list;
- a review of checked baggage screening requirements at selected major regional airports;
- a review of closed charter jet security screening arrangements;
- support and flexibility in the delivery of security training;
- expanding the functions of Regional Rapid Deployment Teams;
- the development of an industry code for the monitoring of Closed Circuit Television;
- improving communication services to security classified regional airports; and
- negotiating funding arrangements to upgrade security at security classified regional airports.

7.40 Notwithstanding, the Committee was pleased to learn during the course of the inquiry that Australia's aviation security measures are essentially sound. DoTaRS reported that:

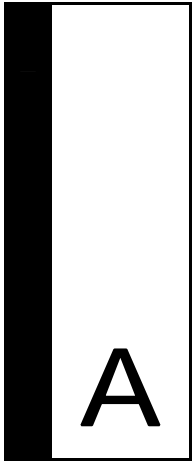
The newly strengthened Australian regime is as good or better than aviation security regimes in other parts of the world. The measures that the government has introduced have resulted in an aviation industry with tightened security requirements that put Australia on par with other industrialised nations such as the United States of America, the United Kingdom and Canada. Our regime is also significantly stronger than those of our immediate neighbours in south-east Asia.<sup>15</sup>

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15 DoTaRS, *Submission No .52*, p. 6.

7.41 The Committee is also heartened by evidence that Australia's aviation security culture remains strong and is growing.

Tony Smith MP  
Committee Chair  
4 December 2006



## Appendix A – Prohibited items lists

ICAO listing	Australia	New Zealand	USA	UK	Canada
Scissors	Manicure scissors and scissors with blades more than 6 cm long may be carried in checked baggage. Blunt or round-ended scissors with blades less than 6 cm long may be carried in cabin baggage	Blades less than 6 cm permitted in cabin baggage	Scissors with blunt tips (blades no longer than 4 inches) permitted in cabin baggage	Blades less than 6 cm permitted in cabin baggage	Scissors with pointed tips may only be carried in checked baggage
All firearms - must not be loaded	May be carried in checked baggage	May be carried in checked baggage	May be carried in checked baggage	May be carried in checked baggage	May only be carried in checked baggage if approved by carrier
Sporting equipment	May be carried in checked baggage	May be carried in checked baggage	May be carried in checked baggage	May be carried in checked baggage	May be carried in checked baggage
Martial arts equipment	May be carried in checked baggage	May be carried in checked baggage	May be carried in checked baggage	May be carried in checked baggage	May not be carried
Grenades of all types	May be carried in checked baggage	May be carried in checked baggage	May not be carried	May be carried in checked baggage	May not be carried
Fire extinguishers		May be carried in checked baggage		May be carried in checked baggage	May not be carried
Cutlery	Metal cutlery may be carried in checked baggage		Plastic or round bladed non-serrated butter knives may be carried in checked baggage	On-board metal cutlery must conform to certain design criteria	Kitchen forks permitted
Knitting and crochet needles	May be carried in checked baggage		May be carried in checked baggage		May be carried in cabin baggage
Replica, imitation or toy firearms	May be carried in checked baggage	May be carried in checked baggage	May be carried in cabin baggage if not 'realistic replicas'	May be carried in checked baggage	May be carried in checked baggage



## Appendix B – List of submissions

- 1 Mr G Bailey
- 2 Mr B Hannan
- 2.1 Mr B Hannan
- 2.2 Mr B Hannan
- 3 Dr L Turner
- 4 Ms J Fox
- 5 Mr R Wilson
- 6 Mr B Murphie
- 7 Mr J Groth
- 7.1 Mr J Groth
- 8 Mr K Hancock
- 9 Mr A Purcell
- 10 Mr N Taylor
- 11 Mr L Oates
- 12 Mr I McAuley
- 13 Mr P Kerwin
- 14 Mr Steve Hitchen
- 15 Mr Chris McGrath

- 16 Bankstown Airport Ltd
- 17 Mr Isaiah Komaravalli
- 18 Mr Leonard Attard
- 19 China Eastern
- 20 Dr Barry Dowty
- 21 CONFIDENTIAL
- 22 Nhulunbuy Corporation Limited
- 23 Burnie Airport Corporation Pty Ltd
- 24 Mr Paul Clough
- 25 Australia Pacific Airports Corporation
- 25.1 Australia Pacific Airports Corporation
- 26 China Southern West Australian Flying College
- 27 Anonymous
- 28 Regional Aviation Association of Australia
- 28.1 Regional Aviation Association of Australia
- 29 Adelaide Airport Limited
- 30 Conference of Asia Pacific Express Carriers (Australia) Limited
- 31 Shire of Roebourne
- 32 Linfox Airports Pty Ltd
- 33 Australian Airports Association
- 34 Kangaroo Island Council
- 35 Gold Coast Airport Limited
- 36 Mr Adrian Hill
- 37 Liquor, Hospitality & Miscellaneous Union
- 38 Prof Jason Middleton
- 39 Australiawide Airlines Limited
- 39.1 Australiawide Airlines Limited
- 40 Australian Federal Police

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- 40.1 Australian Federal Police
  - 41 District Council of Grant
  - 42 Australian Customs Service
  - 42.1 CONFIDENTIAL
  - 42.2 Australian Customs Service
  - 42.3 CONFIDENTIAL
  - 42.4 CONFIDENTIAL
  - 42.5 CONFIDENTIAL
  - 43 Westralia Airports Corporation
  - 43.1 Westralia Airports Corporation
  - 44 Sydney Airport Corporation Limited
  - 44.1 CONFIDENTIAL:
  - 45 Department of Immigration & Multicultural & Indigenous Affairs
  - 45.1 Department of Immigration & Multicultural & Indigenous Affairs
  - 46 CONFIDENTIAL
  - 47 Mackay Port Authority
  - 48 Southern Grampians Shire Council
  - 49 Department of Foreign Affairs & Trade
  - 50 Diabetes Australia
  - 51 CONFIDENTIAL
  - 52 Department of Transport & Regional Services
  - 52.1 Department of Transport & Regional Services
  - 52.2 Department of Transport and Regional Services
  - 53 Flight Attendants' Association of Australia
  - 54 Transport Workers Union NSW Branch
  - 55 Mr Mark Jones
  - 56 Dr Stanley Robinson

- 57 Board of Airline Representatives of Australia
- 58 Mr Mike Allsop
- 59 Customs Officers Association
- 59.1 Customs Officers Association
- 60 Mr Peter Griffiths
- 61 Qantas Airways Limited
- 61.1 Qantas Airways Limited
- 61.2 Qantas Airways Limited
- 62 Albury City Council
- 63 Attorney-General's Department
- 64 SNP Security
- 65 Warrnambool City Council
- 66 CONFIDENTIAL
- 67 Police Federation of Australia
- 68 Department for Planning and Infrastructure WA
- 69 Virgin Blue Airlines Pty Ltd
- 70 New South Wales Government
- 71 TNT Australia Pty Ltd
- 72 Recreational Aviation Australia Inc
- 73 CONFIDENTIAL
- 74 Tasmanian Government
- 75 Ms Ann Moir-Bussy
- 76 Mr L McMahon
- 77 Australian Licenced Aircraft Engineers Association
- 78 Shire of Wyndham-East Kimberley
- 79 Broome International Airport
- 80 Shire of Derby-West Kimberley
- 81 Humphrey & Edwards Architects





## Appendix C – List of exhibits

- 1 Mr M Clode  
*Letter written by Mr M Clode to Hon J Anderson MP re: Aviation Security*
- 2 Mr Peter Griffiths  
*Various correspondence relating to airport security at Sydney Airport. Author Mr Peter Griffiths, dated between 12/9/04 and 26/9/04*
- 3 Corporate Intelligence Analyst Network Pty Ltd  
*CiAn Profile and Mission Statement.*
- 4 Cairns Port Authority  
*Photographic Visitor Pass for Cairns Port Authority*
- 5 Ms Barbara Ford  
*Security Checked Sticker for Freight*
- 6 CONFIDENTIAL
- 7 CONFIDENTIAL
- 8 CONFIDENTIAL
- 9 Name Withheld  
*Recruitment Process/QANTAS Ramp Services Vic/Tas*
- 10 CONFIDENTIAL
- 11 Attorney-General's Department  
*National Counter-Terrorism Plan Second edition September 2005*

- 12 Attorney-General's Department  
*Protective Security Coordination Centre: A Snapshot*
- 13 Attorney-General's Department  
*Slide presentation on the National Security Committee*
- 14 Attorney-General's Department  
*Slide presentation - Australian Government Security Planning for the M2006 Commonwealth Games.*
- 15 CONFIDENTIAL
- 16 CONFIDENTIAL
- 17 Town of Port Hedland  
*Commonwealth of Australia Airport Security Signage*



## Appendix D – List of public hearings

**Thursday, 21 July 2005 - Sydney**

**Bankstown Airport Ltd**

Mr Kim Ellis, Chief Executive Officer

Mr Mario Bayndrian, Manager, Airport Compliance and Operations  
Manager

**Conference of Asia Pacific Express Carriers (Australia) Limited**

Mr Sean Haran, DHL, Security Manager, Oceania

**Flight Attendants' Association of Australia**

Mr Guy Maclean, Government & Regulatory Affairs Advisor,  
Domestic/Regional Division

**Sydney Airport Corporation Limited**

Mr Rodney Gilmour, General Manager, Corporate Affairs & HR

Ms Lyn Tohovaka, Aviation Security Standards Manager

Mr Grant Woods, General Manager, Airport Operations

**Transport Workers Union NSW Branch**

Mr Glenn Nightingale, Senior Airlines Official

Mr Nimrod Nyols

**University of New South Wales**

Prof Jason Middleton, Head of Department, Department of Aviation

**Thursday, 18 August 2005 - Canberra**

Customs Officers Association

Mr Peter Bennett, President

**Wednesday, 24 August 2005 - Brisbane**

Virgin Blue Airlines Pty Ltd

Mr John O'Callaghan, Government Relations Adviser

Mr Phil Scanlon, Manager, Security Department

**Wednesday, 21 September 2005 - Adelaide**

Adelaide Airport Limited

Mr Phil Baker, Managing Director

Mr John McArdle, Manager Corporate Affairs

Mr Vince Scanlon, Manager, Aviation & Infrastructure

Kangaroo Island Council

Ms Jayne Berden, Airport Manager

Mr Bill Richards, Chairman

**Thursday, 22 September 2005 - Perth**

Department for Planning and Infrastructure WA

Mr Don Challis, Program Leader

Mr Drew Gaynor, Principal Policy Manager

Westralia Airports Corporation

Mr David Price, Company Secretary

Mr Neil Fitzgerald, Security Operations Manager

Mr Steven Whitmore, Aviation Security Manager

**Monday, 10 October 2005 - Canberra****Recreational Aviation Australia Inc**

Mr Paul Middleton, Executive Director

**Regional Aviation Association of Australia**

Mr Brian Candler, Chief Executive Officer

Mr Terrence Wesley-Smith, Chairman

**Wednesday, 23 November 2005 - Sydney****Australian Licenced Aircraft Engineers Association**

Mr Michael O'Rance, Federal President

Mr Christopher Ryan, Industrial Manager

**Blue Collar Recruitment**

Ms Lucia Natale, Business Development Manager

Ms Cynthia Smith, Director

**DHL**

Mr Sean Haran, Security Manager, Oceania

**FedEx**

Mr Brian McCreath, Manager, International Security South Pacific

**Qantas Airways Limited**

Mr Geoffrey Askew, Head of Group Security

Mr David Gray, General Manager Strategy & Support, Qantas Group Security

Mr Trevor Jones, Manager, Group Security Policy & Compliance

**Regional Express Limited**

Mr Derek Trafford, Compliance & Quality Assurance Manager

**Sydney Airport Corporation Limited**

Mr Ron Elliott, Manager, Airport Security

Mr Rodney Gilmour, General Manager, Corporate Affairs & HR

Mr Grant Woods, General Manager, Airport Operations

**TNT Australia Pty Ltd**

Mr Brian Harding, Security Director

**Toll Priority**

Mr Mike Valkenburg, State Manager NSW

**Toll Transport**

Mr Rod Grimshaw, National Security Manager

**UPS Pty Ltd**

Mr Keith Sylvester, Security Manager

**Thursday, 24 November 2005 - Melbourne**

**Aircraft Owners & Pilots Association of Australia**

Mr Ronald Bertram, President

**Albury City Council**

Mr Dale Blampied, Manager, Albury Services

Mr Robert Brown, Acting General Manager

Mr Bradley Ferris, Civil Services Team Leader, Albury Airport

**Australia Pacific Airports**

Mr John Nahyna, General Manager, Melbourne Airport

**Australian Air Express**

Mr Paul Cullis, General Manager, Security

**Australian Airports Association**

Mr John McArdle, National Chairman

Mr Ken Keech, Chief Executive Officer, National Secretariat

**Linfox Airports Pty Ltd**

Mr Tim Anderson, General Manager

**Monday, 28 November 2005 - Canberra****Australian Federal Police**

Mr Tony Negus, National Manager, Protection

Mr Matthew Graham, National Coordinator, Airport Operations

Ms Mandy Newton, Program Manager - Project Jupiter

**Australian Federal Police Association**

Mr Peter Engeler, Aviation Security Zone Coordinator

Mr Jim Torr, Chief Executive Officer

**Police Federation of Australia**

Mr Mark Burgess, Chief Executive Officer

**Wednesday, 30 November 2005 - Canberra****Attorney-General's Department**

Mr Lee Gordon, Executive Officer, Protective Security Coordination Centre

Mr Keith Holland, First Assistant Secretary, Security & Critical Infrastructure Division

Mr Michael Rothery, Assistant Secretary, Critical Infrastructure Branch

Mr Ed Tyrie, Executive Director, Protective Security Coordination Centre

**Monday, 5 December 2005 - Canberra****Department of Transport & Regional Services**

Mr John Kilner, Acting Executive Director, Office of Transport Security

Mr Andrew Lalor, Section Head, Regional Airlines & General Aviation

Mr Andrew Tongue, Executive Director, Office of Transport Security

## Monday, 27 February 2006 - Canberra

### Aero-Care

Mr Lincoln Butler, National Airports Manager

Mr Gavin Lister, National Commercial Manager

Mr Glenn Rutherford, General Manager

### Australian Customs Service

Ms Gail Batman, National Director, Border Intelligence and Passengers

Mr Michael Carmody, Chief Executive Officer

Mr John Jeffery, Deputy Chief Executive

### Department of Immigration & Multicultural Affairs

Mr Todd Frew, Assistant Secretary, Border Security Division

Mr John Rees, Director, Airport Policy Section

## Tuesday, 7 March 2006 - Geraldton

### Shire of Greenough

Mr William Perry, Chief Executive Officer

Mr Robert Urquhart, Manager

## Tuesday, 7 March 2006 - Carnarvon

### Shire of Carnarvon

Mr Graham Wilks, Chief Executive Officer

Mr Edward Smith, Aerodrome Supervisor

### Shire of Exmouth

Mrs Natasha Duane, Airport Manager

Mr Neil Haywood, Executive Officer/Manager, Corporate Services



**Tuesday, 7 March 2006 - Kalbarri****Shire of Northampton**

Mr Garry Keefe, Chief Executive Officer

Cr George Parker, Shire President

**Wednesday, 8 March 2006 - Newman****North West Travel Services**

Mr Neil Thoars, Manager

**Shire of East Pilbara**

Mr Allen Cooper, Chief Executive Officer

Mr Alexander Douglas, Director of Technical Services

Mr Peter Voros, Director of Corporate Services

**Wednesday, 8 March 2006 - Derby****Shire of Derby-West Kimberley**

Mrs Elsia Archer, President

Mr John Pearson, Chief Executive Officer

Mr Kevin Pettingill, Executive Manager, Technical & Development Services

**Thursday, 9 March 2006 - Broome****Broome International Airport**

Mr Reith MacLeod, Manager

Mr Craig Waters, Security Manager

**Shire of Roebourne**

Mr Guy Thompson, Director Technical & Development Services/ Airport Manager

**Town of Port Hedland**

Mr Rod Evans, Airport Manager





## Appendix E List of inspections

The committee conducted inspections on the dates listed at all the following airports

**Thursday, 21 July 2005 -**

Sydney Airport - Domestic terminal

Sydney Airport - International terminal

**Wednesday 24 August 2005 -**

Brisbane International Airport

**Thursday 25 August 2005 -**

Cairns International Airport

**Friday, 26 August 2005 -**

Darwin International Airport

**Wednesday 21 September 2005**

Australian Customs Service at Adelaide International Airport (New terminal)

**Thursday, 22 September 2005**

Australian Customs Service at Perth International Airport

**Tuesday 7 March 2006**

Geraldton Airport, Kalbarri Airport and Carnarvon Airport

**Wednesday, 8 March 2006**

Newman Airport, Derby Airport and Broome International Airport