



Subject: Objection to proposed Aviation Transport Security Amendment (Screening) Bill 2012
Date: Sunday, 26 February 2012 12:34:46 PM

Committee Members

We wish to voice our objection to the proposed Aviation Transport Security Amendment (Screening) Bill 2012. Our concerns relate to:

- The absence of freedom of choice;
- The use of unproven technology re possible health effects; and
- The fact that other Governments have removed these machines claiming they are ineffective (resulting in many false positive readings) and time-consuming.

Further, we wish to address aspects of the Explanatory Memorandum. These relate to:

- Right to Freedom of Movement; and
- Right to Health

The absence of freedom of choice

The EU legislated that passengers be allowed the choice of a body scan or an enhanced "pat down" or "frisk". At present there is also an "opt out" in the US. It is concerning that the Australian Government is intending to withdraw this option for travelers out of Australian international airports. Why are we denied the right to alternative means of screening, such as a "pat down?".

The use of unproven technology - possible health effects

At first glance its easy to dismiss any notion that the Millimeter Wave scanners are damaging. The fact is that no long term studies have been done to assess this and there are experts who believe a safety study is warranted before large numbers of people are exposed to this level of radio frequency field.

Backscatter full body scanning machines, up until recently, were reportedly safe. Now, the European Union has decided that they are unsafe and banned their use. Some reports suggest they delivered 20 times more radiation than was advised. We are now supposed to believe that the Millimeter Wave full body scanning machines are safe. A study conducted by Boian S. Alexandrov (and colleagues) at the Center for Nonlinear Studies at Los Alamos National Laboratory in New Mexico showed that the waves emitted from the millimeter wave scanners "...Unzip double-stranded DNA, creating bubbles in the double strand that could significantly interfere with processes such as gene expression and DNA replication." In layman's terms, any time you're talking about interfering with "gene expression" and "DNA replication", you're essentially talking about something that could be a risk to human health.

Other Governments have removed these machines claiming they are ineffective and time-consuming

The Italian Government has removed these machines, saying they are ineffective and time-consuming (<http://www.smh.com.au/travel/travel-news/italy-to-abandon-airport-body-scanners-20100924-15pgu.html>). This would support the view that scanners would add no value to the overall national security regime. In fact, they were found to cause many false positive readings and that a "pat down" or "frisk" was more effective.

We believe the German Government is of the same opinion.

Right to Freedom of Movement

In the Bill's Explanatory Memorandum it refers to Articles 12 and 13 of the ICCPR (page 2) about protecting "...a person's right to move freely...." . The Government then has the audacity to say in the next sentence that what they are proposing, "...may restrict a person's right to leave Australia..." It is not a case of "may restrict". In fact, there is no doubt that this would be restricting a person's right to leave Australia if they refuse a scan. This takes away a basic human right - the freedom of movement in and out of one's own country.

This should not be the case as again, there is a perfectly good alternative for those who do not wish to undergo a full body scan, ie a "pat down" or "frisk".

Page 3 of the explanatory memorandum states "...It is unlikely that any passenger who fully understands the procedures and the technology would opt for an enhanced full body frisk in preference to a body scan..." This is presumptuous and worse shows that author/s of the Bill, has/have completely lost touch with the views of Australians. We, along with many of our friends and acquaintances, including a University Professor of Physics would, without hesitation, opt for a frisk over a scan. Further, if the Government is so sure that most people would opt for a scan, then what is the harm in providing a pat down to those who would not?

Right to Health

Page 3 of the explanatory memorandum also states "The right to the highest attainable standard of physical and mental health is protected by Article 12(1) of the International Covenant on Economic Social and Cultural Rights."

If this is the case, then surely people have the right whether to subject their body to new technology, especially given that no one can guarantee that these scans are safe for every individual. People are more conscious of their health than ever before. They are less willing to accept that something is "safe" or that a certain technology is only like "passive exposure to a mobile phone". The Government is expecting them to have blind faith that to enter a machine and have their full body scanned (the machine being operated by airport staff) is completely safe. Without doubt people should be given the choice of the full body scan or a "pat down". The onus would then be removed from the Government and placed in the individual's hands should there be any long term effects of these scans. In some cases it would be injurious to their mental health to force a full body scan on an individual who has concerns about the safety of the scans.

In summary, these Millimeter Wave scanners are not proven to be safe. The concern over radio waves potentially being a carcinogen is not new - the technology exists in mobile phones, wireless routers etc. However, in every other example of this kind of technology, people have a right to say "no". That is, we can choose not to use a wireless router or we can choose not to use mobile phones. The World Health Organization has listed mobile phone radiation as a possible carcinogen.

All citizens should have a right to an alternative screening process as is mandated by the European Union. In the absence of this, we feel a fundamental human right of choice has been denied.

We implore the Parliament to restore the rights of the public and allow them to choose between a full body scan or a "pat down" or "frisk".

Andrea & Michael Schafer

