

Introduction

Brisbane Airport Corporation (BAC) is pleased to make the following version of our submission available as a public submission.

We offer this submission in the spirit of wanting to provide open, honest and meaningful feedback to the Committee.

BAC states that the intent of this submission is to highlight areas for improvement and to suggest possible solutions which will aid the common objective of providing a safe, secure and efficient environment for travellers and users of Australian Airports.

BAC values strongly its relationship with all industry partners including the Federal Department of Transport and Regional Services. BAC strongly believes that the appropriate government body to be responsible for Australian Aviation security must be with the Federal Department of Transport and Regional Services.

Points for Public Submission:

(a) regulation of aviation security by the Commonwealth Department of Transport and Regional Services

- a. Knowledge and Experience:** Recent developments, including staff movements within the Aviation Security branch have resulted in an exodus of specialist industry experience, knowledge and understanding. This is of considerable concern, most especially as departmental officers responsible for redrafting the legislation are doing so with little practical or other knowledge of the industry.
- b. Consultation and Listening:** BAC has itself experienced and observed elsewhere in the industry an increasing level of frustration at a lack of commitment to meaningfully two-way dialogue.
- c. Co-operation:** Lack of direction encourages an acceptance of minimum standards with all risk and responsibility shifted to the airport. BAC submits that the Department should assist airports by supporting security initiatives to raise the standard, this must involve direction and/or assistance in funding.
- d. Conflicting Directions:** Our concern is at the Department's seeming refusal to acknowledge that security outcome priorities at airports must be made in the context of the specific incident or threat, the commercial and changeable airport environment and in consideration of issues such as customer service and relationships with business partners. Again, airports have shown they are responsible and mature and well equipped to produce these outcomes openly and willingly.
- e. APS / CTFR Relationships.** The regulations indicate that an airport operator has a CTFR responsibility. Currently industry pays millions of dollars to ensure this capability. However, recent legislative changes, including APS coming under the responsibility of the AFP, have brought great difficulty in managing currently unchanged and unratified contractual arrangements. APS is the responsibility of the AFP, yet the airport is the contract manager who pays the bill. The department cannot "have its cake and eat it to". If the Government wants control then surely it must "foot the bill". Any other solution is complicated and fraught with danger in terms of

command and control outcomes required to ensure security outcomes. The current CTRF review needs a higher priority in order to resolve this major problem.

- f. **New Legislation.** BAC is highly concerned that some proposed legislative changes may be totally impractical, impossible to implement and out of kilter with the privatised and commercial airport environment.
- g. **Interdepartmental Communications.** Of real concern are missed opportunities to maximize good communications between the Department in Canberra and its officers in the field. It is not infrequent that the industry is asked from Canberra to provide comment on documents and policy of which local departmental representatives are unaware and have not been consulted.

(b) compliance with Commonwealth security requirements by airport operators at major and regional airports.

Compliance with regulatory requirements is a priority for BAC. However, legislation and regulations must be practical and workable. BAC has serious concerns that future requirements may be neither practical nor workable.

- a. **Clarity:** BAC submits that decisions should be made following genuine industry consultation and that decisions should be clearly communicated, by the regulator.
- b. **Enforcement.** It is very difficult for an airport operator to raise or enforce a security outcome unless there is some form of legislative support or government direction or recommendation. Government should work to achieve the highest standards by supporting airport initiatives to improve security, through implementing decisions and enacting regulations to support these decisions.
- c. **Penalties.** BAC is concerned at an apparent change in overall responsibility. Now it seems that airports are required to spell out in great detail their security arrangements while government positions itself to take action against airports for non-compliance under proposed legislation (Security Program requirements).
- d. **Changing Legislation.** There is too much uncertainty for the future. BAC has not received any quality information on the intention of proposed legislative changes and regional departmental staff appear uninformed. Government has not updated some of its own documents on which industry relies, such as the National Security Programme.

(c) compliance with Commonwealth security requirements by airlines.

BAC believes airlines may be experiencing similar difficulties.

(d) the impact of overseas security requirements on Australian aviation security.

The main difficulty is inconsistency of standards, in particular the higher standards being applied by the USA. Our experience is that government is not prepared to provide a quality position of what its requirements are, leaving a position to be developed by individual airports.

- a. **Checked Baggage Screening.** No common standard has yet been endorsed by the Government.
- b. **Cost.** Current security outcomes required by the Government are mandated with the provision that “**Industry is to meet all costs**”. The cost imposed on industry in Australia and eventually the passenger is no more than a “hidden tax”. Government must recognize that privatised Australian airports have commercial considerations and responsibilities to their shareholders. The industry has suffered enormously over the past six years from external influences including the Asian currency crisis; wars in Afghanistan and Iraq; collapse of Ansett; September 11 and other threats of terrorism; Bali bombings and SARS. Additional costs imposed on top of this on make survival and sustainability more difficult for all concerned. While industry can meet some of the costs a more collaborative approach would be welcomed.
- c. **Inconsistent Standards.** Passengers often complain of the far higher standards imposed by Australia compared to some other countries. Differing standards, such as between ourselves and New Zealand, cause a lot of passenger confusion and frustration.

(e) cost imposts of security upgrades, particularly for regional airports.

Security costs as the result of security upgrades directed by government are currently able to be passed onto the industry and subsequently the passenger. If you are a major operator (i.e. Sydney Melbourne, Brisbane) the effect on the travelling public is distributed over a large number of passengers and therefore is only a marginal increase on ticket costs. Conversely regional airports are significantly affected, and small operators even more significantly affected. For example, if a small operator starts up and cannot use the facilities of a larger airline or airport, the cost of the new mandated requirements would be substantial if not prohibitive and could greatly affect their viability therefore decreasing competition.

- a. **Costs v/s Security Outcomes.** Government needs to contribute to funding issues which are related to policy and matters of national security and safety and not place this solely on industry.
- b. **Cost Recovery.** BAC submits that more support is required from government on behalf of the operator. This is a preferred manner to achieve positive security outcomes. Commonsense must apply and actions and outcomes must be beneficial to all.
- c. **ASIC Reissue.** Government has directed that a full reissue be conducted this Financial Year 2003/04. Despite issuing this directive, government still is unable to make a decision which the industry can fully support. As time advances in relation to meeting mandated implementation dates the government will not assist with any flexibility in timeframes even though they

have yet to determine outcomes and directives. For example, BAC requested a two-year reissue timeframe to tie in with existing processes. This was refused, and will therefore result in possibly doubling the costs of the reissue. The government position here highlights a lack of understanding of issuing requirements and processes and the subsequent increased costs associated with an unrealistic timeframe for implementation.

(f) privacy implications of greater security measures.

At this stage BAC is concerned at the number of government agencies who may access the information collected as part of the security process.

- a. **Access to Information.** While we appreciate the need for access for other agencies to this information, most of the information is already available or will be available from AFP through the Criminal History Check.
- b. **Concerns re the new Politically Motivated Violence (PMV) checks.** This new requirement raises concerns particularly if ASIO does not clear a person for the issue of an Aviation Security Identification Card. Who advises the person if they are unsuccessful and what is the redress process for those unsuccessful? There are privacy issues and disclosure issues which need to be addressed to protect all parties.
- c. **Public Comment.** The Department has directed the industry to not discuss security measures or procedures at airports. This has generally been industry practice and is regarded by BAC as a security measure in itself. The Government should issue the same directive to its politicians and public servants who are in positions to make public comment.

(g) opportunities to enhance security measures presented by current and emerging technologies.

- a. **Cost effectiveness.** The cost of changing current access control facilities must produce a real security outcome. All in the industry must acknowledge that with the rapid pace of change in technology, delays in decisions can make any investment almost immediately worthless.
- b. **Cost recovery.** As a private company, BAC must recover cost as a business imperative. While the use of leading-edge technology is a positive security outcome, the costs must be balanced. These are passed onto industry and must be justified to the airlines. BAC believes that if government provided more support in direction, and particularly funding, there would be increased use of advanced technology.