

## **DOTARS Responses to Additional Questions from JCPAA (2 December 2003)**

### **Categorisation of Airports**

1. *A jet passenger service is the primary indicator for categorisation of regional airports.*
  - Please comment on the adequacy of this criteria for categorising regional airports?*
  - Does DoTaRS undertake any kind of risk assessment at regulated and non-regulated regional airports?*
  - Specifically, would DoTaRS respond to the comments from the Queensland State Government regarding Horn Island?*

The basic principles applying to categorisation of airports were outlined in paragraph 14 and Attachment 4 of the Department's written submission to the JCPAA of 27 August 2003. Not all of the 38 airports that are currently categorised actually receive jet services, and the number of passengers per annum that use an airport is also a criterion in the categorisation process.

It should be noted that the Australian aviation security regulatory framework under the *Air Navigation Act 1920* is based on the international regime that has been adopted by the International Civil Aviation Organization (ICAO), and that under this regime aviation security is primarily aimed at protecting aircraft from acts of unlawful interference. Airports and other air navigation facilities, such as air traffic control, form part of Australia's overall transport infrastructure.

Questions relating to risk assessment at airports, including Horn Island, are being taken up in the context of implementing the National Security Committee of Cabinet review of aviation security (see 2 below) and, if passed, the Aviation Transport Security Bill 2003 (ATS Bill), and its associated regulations.

*On Monday 1 December 2003 an article appeared on page 2 of The Australian commenting on the purported outcome of the Cabinet National Security Committee (CNSC) review.*

2. *Please provide a brief on aspects of the CNSC review which are relevant to the JCPAA's aviation security inquiry?*

Please refer Attachment 1: Media Release by Minister Anderson of 4 December 2003 and supporting documentation.

3. *In DoTaRS' submission of 27 August a list of categorised airports is provided at Attachment 4. If there have been any changes following the CNSC review:*
  - Please provide an updated list to reflect the proposed changes.*
  - What were the reasons for the changed requirements for the airports concerned?*

Minister Anderson's announcement of 4 December 2003 that the aviation security regulatory system will be expanded means that a greater number of airports across the country will be included in the system. All airports that service regular passenger aircraft will be included in the system and other airports may also be included where they service regular freight and or charter operations.

A list of airports currently in the regime and those which service regular passenger aircraft is at [Attachment 2](#). It should be noted that categorisation is a concept that is not retained in the ATS Bill.

DOTARS is currently assessing operations at other airports and will be liaising with industry representatives to finalise airports affected in early 2004. The Department is consulting with industry and State/Territory Government agencies on the details, such as identifying those airports to be required to produce security programs, and is developing other implementation arrangements such as program guidelines.

4. The Australian article notes that 'A number of Australia's 140 regional airports will be required to prepare security plans and address potential risks to air travellers.'
- What were the reasons for this decision?
  - How many regional airports were required to prepare security plans?
  - How many were regional airports which had not been previously categorised?
  - Are these regional airports now required, or likely to be required to introduce enhanced security measures?

Having considered the assessment of aviation security by the Secretaries' Committee on National Security (SCNS), the Government decided that the scope of the current aviation security regime needed to be extended in light of the nature of the terrorist threat and the threat of unlawful interference to aviation from other sources.

A recent publication from ASIO provides the following useful summary:

Aviation is a particular focus of al-Qa'ida. The 11 September 2001 attacks in New York and Washington were its most dramatic use of aircraft for terrorist purposes. Since the 11 September attacks, terrorist interest in attacks on the airline industry and the use of aircraft as weapons has continued unabated... There is no doubt that al-Qa'ida will maintain its interest in aircraft as weapons and targets for terrorist attacks.

The main impact on airports brought into the regulatory system is that they will be required to prepare security plans (referred to in the legislation as *security programs*). These programs will detail:

- how the operator will manage and co-ordinate aviation security activities;
- the technology, equipment and procedures to be used to maintain aviation security; and
- how the operator will respond to aviation security incidents.

As set out in the answer to question 3, the precise number of airports which will be in the regulatory system is still being determined.

The changes to aviation security will be implemented under the Aviation Transport Security Bill 2003 currently before the Parliament. Under the Bill, airport operators will determine the appropriate security measures to meet risks identified by the operator. As a result, the nature of changes that new entrants to the aviation security system will make to their security measures will depend upon their assessment of risk and will take into account measures already in place.

DOTARS is currently preparing guidance material to assist airport operators to identify relevant risks and develop security programs. DOTARS has already undertaken to run workshops for new entrants to the aviation security system to assist them to comply with the new requirements.

Part of the announcement on aviation security was that a grant program of \$14m would be provided by the Australian Government to help fund security enhancements identified in security programs. Details of the grant program are currently being developed.

In addition, when new airports become part of the aviation security system, they may need to comply with directions in relation to additional security measures (referred to in the new legislation as *special security directions*). These directions may be given if the nature or level of the threat to aviation changes.

5. *The Committee received evidence from the NSW State Government that DoTaRS should be contributing to and be accessing security assessments by police or intelligence agencies as part of its risk assessment profiling for regional airports.[Transcript, 2 Oct, Sydney p. 9]*
- How do you respond to these comments?*
  - Does DoTaRS have access to intelligence databases that may indicate possible threats or risks?*
  - Which networks of intelligence gathering is DoTaRS active in?*

In terms of risk profiling for regional airports, DOTARS relies in particular on ASIO threat assessment information, which generally underpins the aviation security system. While this information has traditionally focussed on major airports and jet aircraft, ASIO recently produced a regional and general aviation threat assessment. This assessment, together with earlier threat information, informed the outcomes of the SCNS assessment.

In addition, DOTARS actively contributes to a wide range of security processes conducted by other agencies via consultative arrangements under the umbrella of the National Counter-Terrorism Committee. In particular DOTARS values the assistance and support of the various State and Territory police services, and expects to work closely with state and territory police as changes to the aviation security system are implemented.

In addition to its close and effective working relationship with ASIO, DOTARS is also active in the National Counter-Terrorism Committee arrangements and through that mechanism receives regular intelligence from State and Territory agencies, including police. In addition the Australian aviation industry provides transport security information to DOTARS, as do transport security agencies in other countries and international organisations such as ICAO.

6. *Does DoTaRS provide security advice to regional airports, for example by providing better practice guidelines?*

DOTARS is currently developing material to assist airport operators to develop a security program that will identify security measures relevant to their individual airport. The material being developed will include guidance on how to undertake a risk assessment, and how that risk assessment should be reflected in the security program. DOTARS will hold workshops as early as possible in 2004 to ensure that airport operators are provided with the opportunity to seek guidance on how to comply with the new regulatory obligations.

### **Advice to Technology Companies**

*At the hearing in Brisbane, L-3 Communications criticised the level of advice provided by DoTaRS on the specifications for screening equipment. (Transcript, 12 November, p. 6)*

7. *Does the Department provide formal advice to technology companies regarding the minimum standards required for screening equipment? If not, why not?*

It is unclear which screening equipment L3 is referring to: passenger or checked baggage. DOTARS' advice is that equipment operated in Australia must be approved for use by other major world aviation security regulatory bodies such as those of the United States, United Kingdom, European Civil Aviation Commission or Canada. There has been no variation to this position and all equipment suppliers are aware of it.

### **Persons In Custody (PICs)**

*The carriage of persons in custody is a major concern to airlines. The Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) is the primary provider of PICs to airlines and has provided the Committee with documentation regarding the nature and number of PICs travelling in airlines in Australia. The Committee has also received evidence that regulations around the carriage of PICs are unclear and not always consistent. Airlines identify PICs as a major security concern and are seeking to clarify the procedures surrounding the carriage of PICs.*

8. *DIMIA's submission (Submission, 30, p. 10) comments that DIMIA and DoTaRS had formed a joint working group to discuss the draft PIC regulations.*
- What has been the outcome of the discussions?*
  - What is DoTaRS' position on PICs?*
  - How is this to be reflected in the regulations?*
  - Have these regulations affecting PICs been drawn up in consultation with aviation industry participants?*

The Department recognises that the carriage of persons in custody presents a significant risk to airline operators. Airlines have reported great difficulty at times in obtaining sufficient information from enforcement bodies, such as the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA), to enable safe carriage. In earlier consultation, Qantas identified PICs as the single greatest risk to their operations outside of a terrorist event.

At the same time, the Department realises that any changes to PIC requirements will have serious implications for an agency such as DIMIA, which transports more than 13,000 persons in custody each year. It is for this reason that DIMIA's cooperation has been sought to help arrive at a solution that satisfies aviation industry participants and other Commonwealth agencies, while meeting the Government's security objectives and international obligations.

The Department has been engaged in negotiations with both DIMIA and the aviation industry. The issue of PIC was discussed at the most recent High Level Group meeting on aviation security held in late November 2003. It was agreed that a meeting between DIMIA, DOTARS, and relevant industry representatives would be scheduled by January 2004. DOTARS will advise the Committee of progress with this issue following that meeting.

## **Airport Tenants**

*The Committee received evidence about the concerns of smaller airport operators regarding the control of airport tenants. For example, Bankstown airport (Submission 2, pp. 2–3) noted that it had no authority to enforce compliance with security measures by its tenants. It appears that local government operators of airports are in a stronger position.*

9. *What authority do airport operators have in situations where tenants may be compromising the security of the airport?*
  - Should airport managers be given authority to compel tenants to adhere to security measures deemed necessary by the airport security committee?*
  - How might this be done?*

These issues can be addressed through contractual obligations and airport security program requirements. The Aviation Transport Security Bill will make it an offence for an aviation industry participant to hinder another participant's transport security program. This will put airport operators in a stronger position to ensure that their security measures are being adhered to.

## **The Air Security Officers (ASO) Program**

10. *What is the cost to DoTaRS of the Air Security Officers program?*
  - Please provide a brief on the plans to expand this program, for example to international carriers other than Qantas?*
  - Has there been any evaluation of the program?*

DOTARS does not operate the ASO program, consequently there are no operational or discrete costs to the Department. Carriage of the operational aspects of the ASO program rests with the Australian Protective Service within the portfolio of the Minister for Justice and Customs.

Senator Ellison announced on 16 December 2003 that the Air Security Officer Program would be expanded to include reciprocal operations to Singapore. It is understood that Singapore Airlines has agreed to participate with Singaporean Air Marshals on a number of its flights to Australia. The Australian Protective Service has advised that they are in discussions with the United States also.

The domestic ASO program has now been operating for two years. Senator Ellison's portfolio has responsibility for any evaluation of ASO operations, although the program was evaluated as part of the Stevenson Reviews conducted on the Counter-Terrorist First Response function by the Attorney-General's Department in late 2002.

### **The Known Shipper Program**

11. *At DoTaRS' appearance on 4 September, a regulated agents scheme aimed at increasing cargo security, or known shipper program, was mentioned (Transcript, p. 16).*
- Would you provide details of how the known shipper program works?*
  - What are the requirements of becoming a member of the known shipper program?*
  - When will this program be implemented?*
  - How much will it cost to implement this program?*
  - Do you consider the additional security provided by the scheme is sufficient to address the argument that all air cargo should be screened?*

*Air Navigation Regulations 40 to 53 provide for air cargo exported from Australia to be subject to security controls, which may be applied by Regulated Agents. This is not a new program, since the Regulated Agent scheme was established in 1995 and became fully operational in February 1996. It was established within the Department's overall aviation security operating budget.*

Regulated Agents are freight forwarders and courier companies who have agreed to operate in accordance with a security program complying with Air Navigation Regulation 43. Air Navigation Regulation 43 requires the program to specify equipment and procedures for preventing cargo from containing explosives or incendiary devices, preventing unlawful access to cargo, and documenting the security procedures in relation to each item of cargo.

The Department maintains the list of Regulated Agents, and promulgates it to the airlines quarterly. An airline can accept cargo as security cleared if the agent is on the list and provides a declaration that the cargo has been security cleared.

Consistent with international practice, a Regulated Agent's international cargo security program may provide for some cargo to be accepted as security cleared cargo if it is from a customer who has been included in the Regulated Agent's regular customer (known shipper) list.

The regular customer list is only one of several security clearance methods included in Regulated Agents' international cargo security programs. If a Regulated Agent wishes to security clear cargo on the basis it is from a regular customer, they are required to maintain a formal regular customer list. The requirements for inclusion in a Regulated Agent's regular customer list are documented in the Regulated Agent's international cargo security program.

In Minister's Anderson's announcement of 4 December 2003, it was indicated that the current regulatory regime for international air freight will be extended to cover domestic services, considerably enhancing air freight security. Air freight security is recognised internationally as an area needing further strengthening, and that the implementation of a more effective screening program will provide considerably enhanced levels of security for the aviation industry. Consistent with this, the Australian Government will conduct a field trial of new freight screening technology to assess its suitability for use within the Australian aviation sector.

### **Risk Assessment of International Airlines Operating into Australia**

12. *During DoTaRS' appearance on 4 September (Transcript, p. 21), reference was made to DoTaRS looking at the various security programs of airlines flying from Asia-Pacific airports to Australia.*
- Please brief the Committee on this activity?*
  - Which airlines have been reviewed? What has been the outcome of these reviews?*
  - How much funding has AusAID provided—do you think there is room for further funded reviews?*
  - What other options are there for Australia to boost security in overseas countries, especially in the Asia-Pacific region?*

As part of its compliance-monitoring role, DOTARS regularly audits all international airlines, including those from the Asia-Pacific region, operating flights from Australia against their respective aviation security programs. Where deficiencies are identified as a result of these audits, the airline is advised and directed to address them.

DOTARS is aware that Australia's existing aviation security regime has focussed on ensuring the security and integrity of aircraft leaving Australia for overseas destinations. This, however, does not address the question of adequacy of security measures in 'at risk' countries in our near region that represent a threat to Australia from inbound aircraft, where passengers and cargo are at risk of being inadequately screened at the point of foreign departure.

As a result of the SCNS assessment of aviation security and other related initiatives, the Australian Government has decided to place DOTARS transport security officials in a range of locations in the near region, including Manila, Jakarta and Papua New Guinea. Their role will be to advise on steps to achieve improved aviation security regimes and to assess and report on the risks to Australia from inadequate protective security policy and processes.

AusAID is providing considerable funding across a range of whole of government initiatives, a number of which are still before Cabinet.

13. *The Committee notes that Qantas applies additional security measures to enhance security when flying from ports with security standards below those applied in Australia.*

- Is DoTaRS aware of other airlines undertaking similar practices?*

Any airline or airport operator can apply their own security measures over and above those required by DOTARS or other regulators. The Department does not maintain a record of such practices, especially those undertaken at overseas ports.

## **Airport Rage**

*The Committee received evidence in Melbourne from the Australian Services Union (ASU) regarding a survey undertaken by the ASU about airport rage. Airport rage was defined as incidents of violence or intimidation perpetrated by passengers frustrated by security-caused delays and inconvenience. The survey by the ASU identified airport rage as a significant problem within airports where they represented workers, however, Qantas gave evidence that such incidents were on the decrease.*

14. *If it is a criminal offence to endanger an aircraft, does it follow that the airport is also a high risk environment and that there should therefore be a similar charge for airport rage?*

- Has the Department encountered reports of airport rage?*

DOTARS is an industry regulator rather than a law enforcement agency, and the issue does not fall within this Department's regulatory responsibility. DOTARS' regulatory objective in relation to aviation security is to deter, prevent, and where necessary detect, acts of unlawful interference with aviation. As with other disturbances or fracas in public places, 'airport rage' is a community policing matter and thus falls under the jurisdiction of the respective State/Territory police forces.

Whilst the Department is aware of instances of 'airport rage', DOTARS does not have any evidence that it is a significant or growing issue of concern. Although airlines and airports do report aviation security incidents to the Department, as they are required to, these relate primarily to DOTARS' regulatory responsibilities rather than to incidents such as 'airport rage'. Therefore, DOTARS would not expect, or seek, most of these types of incidents to be reported to it.



## Secure Cockpit Doors

*During DoTaRS appearance, on 4 September, it was mentioned that DoTaRS has brought in regulations concerning cockpit doors (Transcript, p. 24). An AAP news report from November 4 states that Virgin Blue has been unable to obtain enough secure cockpit doors, and DoTaRS has had to extend their deadline.*

15. *Are you satisfied with Virgin Blue's efforts to install secure cockpit doors?*

Yes.

16. *The article in The Australian on 1 December 2003, refers to Qantas extending its fitting of secure cockpit doors to its Dash 8 fleet.*

- Should all passenger aircraft have secure cockpit doors? Is such an idea practical?*
- Would you comment on the suggestion by AACE Worldwide (Submission 1, p. 1) that video surveillance and wireless threat notification devices should be fitted to passenger aircraft?*

On 4 December 2003, the Deputy Prime Minister and Minister for Transport and Regional Services announced the Enhanced Aviation Security Package. This included the implementation of enhanced cockpit door security for Australian-registered non-jet regional commercial and charter aircraft with a seating capacity of 30 or more passengers. This initiative is to be fully funded by the Australian Government.

As part of the correspondence to industry in relation to the International Civil Aviation Organization (ICAO) requirement for retro-fitting of flight deck doors, the Department advised airlines that ICAO had not settled on a definite view in regard to Close Circuit Television (CCTV). As a result, it was decided that in respect of the cost impost on airlines (and variations of operations), peepholes would suffice as an appropriate surveillance mechanism. It should be noted that this was also an alternative that had been suggested by ICAO. ICAO continues to examine this and related issues.

## Aviation Security Identity Cards (ASICs)

*The Committee notes that 2% of current ASICs are not returned when no longer required and that approximately 15% of expired ASICs are not returned.*

- Has DoTaRS considered providing incentives for return of ASICs such as a refundable bond potentially payable by the card holder on ASICs at point of issue?*

Regulations proposed under the ATS Bill will provide an obligation on the individual to return an ASIC that has expired, been damaged or is no longer needed for employment, and the penalty has been increased to 10 penalty units (equivalent to \$1,100 for an individual). Individuals must also notify loss of an ASIC and there is a penalty for failure to do so. Both these provisions exist under the current regulations, but there is an increase in the penalty for non-compliance.

The proposed regulations are outcomes-based and focus on making the ASIC issuing body responsible for the cards that they issue. As the regulator, DOTARS must approve the programs of the ASIC issuing body, and as such it is required to be satisfied that they have sufficient mechanisms in place to ensure that cards are returned and accounted for. As part of the implementation task, ASIC programs will all need to be remodelled under the new regulatory system, and the return of ASICs issue will be addressed in these programs. DOTARS will also be auditing against these approved programs.

Discussions with industry resulted in a number of approaches to achieving this outcome, all of which can be accommodated in the ASIC programs. SACL, for instance, favours requiring a bond for an ASIC and the Department supports this. Qantas, however, does not favour a bond system, and will demonstrate their mechanism for ASIC accountability through conditions of employment. This is a good example of the outcomes-based regulatory system at work.

### **Photo ID for Passengers**

*During DoTaRS appearance on 4 September, it was mentioned (Transcript, p. 25) that DoTaRS is closely watching a trial by Newcastle Airport that requires passengers to produce a photo ID when collecting their ticket. This trial also requires passengers to produce a photo ID and boarding pass when passing through the screening equipment. Potentially, this may suggest that passage through screening equipment and into sterile areas of the airport should be limited to travelling passengers.*

17. *Please brief the Committee on what was involved with the trial?*

- What conclusions has DoTaRS reached from its observations of the trial?*
- How does this trial affect “meeters and greeters”, who do not have boarding passes when they pass through the screening equipment?*
- What is DoTaRS’ position on whether only travelling passengers should be entitled to enter sterile areas of the airport?*

This trial was an initiative of the airport operator, the basis of which was outlined in Newcastle Airport’s submission to the Committee of 24 July 2003, and DOTARS’ interest was to ensure there were no problems that adversely affected mandated security outcomes. No such problems have been noted to date by the Department.

In terms of ‘meeters and greeters’, those who come to receive arriving passengers are not affected at all as they congregate near the arrivals doors to see the passengers as they enter the terminal via the door from the apron. However, it does affect those persons who have come to farewell departing passengers, as they are not permitted into the sterile area/departure lounge.

Such restrictions as access to sterile areas were not adopted as part of the enhanced aviation security package announced in December 2003 and the Department has no proposals at this time to mandate such measures, although all aspects of aviation security are under constant review.

## **Unscreened Baggage In Transit**

18. *How does DoTaRS currently manage the security of baggage arriving from unscreened overseas ports belonging to passengers transiting Australia and changing aircraft?*

DOTARS does not manage screening: it regulates the standards within Australia that screening authorities must meet. Screening of baggage arriving from overseas ports is the responsibility of the port of departure. Since 11 September 2001, measures have been put in place to screen checked baggage being placed on flights to certain destinations, including transfer bags.

## **DOTARS Responses to Supplementary Questions from JCPAA (18 December)**

*The Committee is considering the role and composition of airport security committees (ASCs) and has received evidence in the submissions from Qantas and Asia Pacific Airports.*

*Qantas considers that ASCs 'are currently under-utilised for achieving aviation security outcomes' (Sub 17, p. 14).*

*Asia Pacific Airports has called for the strengthening of the role of ASCs (Sub 19, p. 4).*

*The Committee notes that Section 22ZB of the Air Navigation Act 1920 refers to the need for ASCs, but the Aviation Transport Security Bill 2003 is silent on ASCs, instead focussing in Part 2 on transport security programs.*

1. *What are the reasons for not referring to ASCs in the current Bill?*

While Airport Security Committees (ASCs) have not been explicitly referred to under the Aviation Transport Security Bill, it is the Department's intention that they continue to play an integral role in Australia's aviation security system. The requirement for airports to have an ASC, as well as their role and composition, will be detailed under the transport security program guidelines. Unless these guidelines are adhered to, the Department will not approve an industry participant's program. In practice, this will achieve the same outcome as Section 22ZB of the current *Air Navigation Act 1920*.

2. *Would you respond to Qantas' and Asia Pacific Airport's call for strengthening ASCs?*

The fact that ASC requirements are no longer housed under principal legislation means that they can be more easily altered as the aviation environment changes. In this way, the Aviation Transport Security Bill 2003 provides greater scope for an increased ASC role than does existing legislation.

It is also worth noting here that coordination arrangements between Australian Government agencies with transport security interests will be enhanced through the creation of a Canberra-based central policy committee and an Australian Government security agency committee at each major airport. The security agency committee at airports will not replace the ASC but will ensure better coordination of the work of Australian Government agencies at airports, including intelligence dissemination and cooperation with industry on security matters.

3. *Part 2, Division 3 of the Bill stipulates that one aviation industry participant must not hinder or obstruct the transport security program of another aviation industry participant. If the approved transport security programs of two aviation industry participants are found to be mutually incompatible and a dispute arises, how is the issue to be resolved expeditiously? (It appears to the Committee that a functioning ASC with strengthened authority might have prevented such disputes from arising.)*

The Department will not approve mutually incompatible programs. In that sense, the Department will act as arbiter where disputes arise. The Department has an obligation to reconcile potential conflicts before approving any transport security program. In addition, provision 16(2)(g) requires that the aviation industry participant responsible for a transport security program must demonstrate the consultation undertaken with other industry participants who are covered by and/or operating under that program. Where this is insufficient, the Department cannot approve the program.

## **DOTARS Response to Submission to JCPAA dated 20 November 2003 by Christopher R Smith**

Mr Smith's submission highlights three main issues relating to training of inspectors, regulation of air cargo, and funding and resources. In many ways, the issues raised in this submission have been, or are being, overtaken by developments such as DOTARS' response to the 2003 ANAO report and implementation of the Government's December 2003 announcement about enhancements to the aviation security framework.

### ***Training***

The importance of a structured training program has long been recognised by the Department, and considerable work has already been done in this regard. This was foreshadowed in DOTARS' submission to the JCPAA of 16 May 2003, which noted that 'appropriate surveillance training for Departmental security inspectors' would be incorporated in the process of developing and moving towards a systems-based auditing approach.

Mr Smith implies the primary task of a regulatory inspector should not be focusing on compliance by the company with procedures in the company's approved security program. On the contrary, that is the primary task of the inspector and the role should not be blurred by seeking *ad hoc* application of additional provisions.

### ***Regulation of Air Cargo***

Mr Smith comments that regional aviation security inspectors have not been utilised. That is incorrect. In the 1998/99 audit report, the ANAO recommended for airline and airport audits:

'The ANAO recommends that DoTRD adopt a systems and risk-based approach to support the process of both approving airline-security programs and monitoring airline operators' compliance with those programs.'

The ANAO also reported in respect of the Regulated Agent scheme:

'The ANAO found that, overall, the regulated agents scheme has been developed in a comprehensive manner. In particular, the database used to track the registration of regulated agents, subsequent changes in their details and the audit coverage plays a pivotal role in the scheme. Without it, DoTRD would be unable to follow-up and manage the continuing emergence of new agents, takeovers and mergers of existing agents and the withdrawal of agents from the industry. The ANAO also found that the two-tiered approach of advisory and systems audits seems to have benefited from external research.'

Regional aviation inspectors have been utilised in cargo auditing functions. As noted by the ANAO, Regulated Agent audits were already conducted using a systems-based approach. However, given available resources and other aviation security priorities, the work of regionally based staff became focused on other areas, with the Regulated Agents scheme being administered from Central Office.

In the Department's submission to the Committee of 27 August 2003, it was noted in paragraph 22 that the relevant elements of the Transport Security work program included:

- reorganising to allocate increased resources to the cargo security function integrated across all transport modes; and
- redesigning work processes to incorporate the auditing of Regulated Agents into the work programs of Regional Offices.

### ***Funding and Resources***

On 4 December 2003, the Acting Prime Minister and Minister for Transport and Regional Services announced the Australian Government would spend \$93 million on a further major expansion of the national aviation security regime. This was a measured, practical response to the comprehensive review of aviation security by the Secretaries' Committee on National Security.

A significant proportion of this funding would go towards a four-fold increase in the Department's resources to monitor industry compliance (i.e. auditors), including that of Regulated Agents. The package also includes Transport Security officers being posted in countries within Australia's immediate region to help improve security at last ports of call identified as posing greatest risk.

DOTARS is currently developing an implementation strategy to guide the complex reforms to the aviation security framework required by the Government's recent announcement.

**MEDIA RELEASE BY MINISTER ANDERSON OF 4 DECEMBER 2003 AND SUPPORTING DOCUMENTATION**

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*Enhanced Aviation Security Package Announced*

**A155/2003**

**4<sup>th</sup> December 2003**

The Australian Government will spend \$93 million on a further major expansion of the nation's aviation security regime, the Acting Prime Minister and Minister for Transport and Regional Services, John Anderson, announced today.

The announcement is a measured, practical response by the Government to a comprehensive review of aviation security by the Secretaries' Committee on National Security.

"Today's announcement fulfils the Australian Government's commitment to reinvest any surplus money from the Ansett ticket levy to the benefit of the aviation and tourism sector," Mr Anderson said.

"Our aviation security system is threat-driven and risk-based. The package of new measures significantly expands the aviation security regulatory regime to safeguard the long-term security of Australian aviation and the travelling public.

"The aviation security regulatory regime will now be expanded to cover all airports handling passengers. Some 180 airports will now be regulated. The expanded regime will also cover operators of freight aircraft, charter flights, and private and corporate jets.

"The Government will require appropriate security measures based on individual risk assessments and comprehensive security programs to be implemented.

"A \$14 million Government grant program, matching contributions dollar for dollar, will be available to assist eligible smaller airports implement appropriate security measures.

**"Hardened cockpit doors will be required for all regular passenger and charter aircraft with more than 30 seats. The Government will fully fund the implementation of this measure on non-jet regional aircraft.**

"The current regulatory regime for international air freight will be extended to cover domestic services, considerably enhancing air freight security. New freight screening technology will also be trialed by the Australian Customs Service and the CSIRO.

"Aviation Security Identification Cards (ASICs) currently held by airport employees working in security sensitive areas in Australian airports will now be required for all staff working at airports servicing passenger and freight aircraft.



“The background checking process currently conducted for ASIC holders will be extended to cover all pilots and trainee pilots prior to the issuing of new photographic licences by 1 July 2004.

“An Office of Transport Security will be established in my Department to oversee all transport security matters. The number of Transport Security Investigators will be increased four-fold to 80 to audit industry compliance.

“An independent Inspector of Transport Security will be appointed to investigate major transport security incidents.”

Other measures in the enhanced aviation security package include:

- Aviation security programs will be upgraded to reflect the new measures;
- General aviation aircraft will be required to implement anti-theft measures;
- Governance arrangements at airports will be improved, including the establishment of a Protective Security Liaison Officer network for major airports;
- Transport Security Officers will be posted in our immediate region, including Jakarta and Manila; and
- Intelligence gathering capability at major airports will be developed.

The Australian Government has requested relevant agencies discuss the operation of the Aviation Security Officer program with major airlines. In addition, the Government will further consider arrangements in relation to the Counter-Terrorist First Response program.

“The Australian Government takes aviation security very seriously, particularly in regional areas. We are looking to the state and territory governments to show their willingness to support regional aviation,” Mr Anderson said.

“Today’s announcement of measures, matched with the Aviation Transport Security Bill currently before Parliament, greatly strengthens the already robust framework we put in place after the events of September 11.”

**The enhanced aviation security package will be progressively implemented during the first half of 2004.**

For further information about the enhanced aviation security package, please visit: [www.dotars.gov.au/transsec/index.aspx](http://www.dotars.gov.au/transsec/index.aspx)

Pilots needing further information about the new requirements can call 1300 734 950.

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***Improving the security of regional aviation******Security programs for airports and aircraft***

A wider range of operators will be required to develop and put in place security programs. This will include all regular passenger transport operators, charter operations and private or corporate jets, as well as freight aircraft operators. Airports servicing these aircraft will also need to have a security program in place.

Actual security measures identified in the security programs for each airport and aircraft operator will be based on individual risk assessment.

The Australian Government will establish a \$14 million grant programme to assist eligible smaller airports to implement appropriate security measures, matching contributions dollar for dollar.

The Department of Transport and Regional Services (DOTARS) will assist operators to understand the security assessment process and how to develop security programs that meet their specific circumstances.

DOTARS' Transport Security Investigators will be auditing compliance and undertaking random compliance checking to ensure that security programs are being properly implemented.

**Aviation Security Identification Cards (ASICs)**

Aviation Security Identification Cards (ASICs) will be required to be held by staff at all airports servicing passenger and freight aircraft.

In order to obtain an ASIC, applicants must undergo a police records check and a security assessment to determine whether a person poses a politically motivated violence threat in the aviation environment.

The extension of the ASIC system will counter attempts to place terrorists as employees in the aviation industry and will ensure wider coverage of background checking of people working in security sensitive areas in Australia's airport environment.

### *Hardened cockpit doors*

All regular passenger and charter aircraft with 30 seats or more will be required to be fitted with hardened cockpit doors. This will reduce the risk of hijacking of aircraft by protecting against attempts by passengers to gain unlawful access to the cockpit. The Australian Government will fully fund implementation of this measure on non-jet regional aircraft.

## ***Improving Freight security***

### **Better security for air freight**

The Australian Government will put in place greater compliance monitoring and enforcement of the current Regulated Agents Scheme and extend the scheme to domestic air freight.

Currently the Regulated Agents Scheme ensures that air cargo exported from Australia is subject to security controls through freight forwarders and courier companies operating in accordance with approved security programs.

Air freight security is recognised internationally as an area needing further strengthening. The implementation of a more effective screening program for air freight would provide considerably enhanced levels of security for the aviation sector.

### **New freight screening technology**

The Australian Government will conduct a field trial of new freight screening technology to assess its suitability for use within the Australian aviation sector.

Customs will construct a facility in Brisbane to trial world-first neutron technology developed by CSIRO that promises rapid detection of explosives and other threats in air cargo more effectively than conventional x-ray systems. The technology is non-intrusive, minimising the impact of security on the rapid movement demanded by the air freight industry. It is estimated the technology will scan an air freight container in less than two minutes.

Import and export

air cargo containers in Brisbane are to be screened at the facility.

## ***General Aviation***

### **Aircraft theft measures**

Practical measures to mitigate against the risk of theft are necessary for operators of general aviation aircraft who are not required to develop and implement security programs. Measures will be determined by individual owners of aircraft and could include fitting auxiliary locks (for example to propellers or prop controls), securing aircraft in hangers or fitting door locks.

### **Background checking and licensing of pilots**

All pilots and trainee pilots will be required to undertake background checking prior to being issued with new photographic licences.

Ensuring that pilots and trainee pilots are subject to security checking will reduce the likelihood of persons who might pose a threat to aviation gaining access to aircraft through legitimate means like undergoing training and progressing through other licensing requirements.

DOTARS' Transport Security Investigators will be auditing compliance and undertaking random compliance checking in relation to aircraft theft measures and pilot licensing.

### ***Other initiatives***

#### **Prohibited Items**

The list of items prohibited aboard aircraft will be harmonised with international practice.

This will bring Australia into line with International Civil Aviation Organization (ICAO) standards and other countries including the United States and New Zealand. Penalties for taking an item through a screening point are increased in the Aviation Transport Security Bill 2003.

#### **Intelligence/Information Collection & Dissemination**

The Australian Government will put in place additional capacity at major airports to ensure effective intelligence collection, dissemination and liaison. The Government will also develop an aviation security information collection and dissemination capacity in the South East Asia and Pacific regions.

This additional capacity will provide valuable information to relevant authorities in relation to the adequacy of security measures and activities or persons potentially impacting on the security of the Australian aviation sector.

#### **Inspector of Transport Security**

The Australian Government will establish of an Inspector of Transport Security to investigate major incidents or systemic problems in aviation and maritime security.

The position will effectively separate the regulatory and major incident investigation functions.

#### **Coordination arrangements between Australian Government agencies**

Coordination arrangements between Australian Government agencies with transport security interests will be enhanced through the creation of a central policy committee and an Australian Government security agency committee at each major airport.

The security agency committee at airports will not replace the operator convened airport security committee but will ensure better coordination of the work of Australian Government agencies at airports including intelligence dissemination and cooperation with industry on security matters.

## ***Areas of further work***

### **Screening**

The Australian Government will work with the aviation industry to extend arrangements for checked baggage screening.

### **Aviation Law Enforcement Programs**

The Australian Government has requested relevant agencies to conduct discussions with major airlines regarding arrangements for the Aviation Security Officer program.

In addition, the Government will further consider arrangements in relation to the Counter -Terrorist First Response program and will be discussing the question of community policing at airports with the states and territories.

### **POST SEPT 11 2001**

In the wake of 11 September 2001, the Australian Government introduced a number of additional security measures applying to airports and airlines, including:

- Greater controls over access to airport secure areas
- Increased passenger and baggage screening including 100 per cent checked bag screening on certain international flights and an increase in the number of airports where passenger screening takes place
- An increased Australian Protective Services presence at airports
- The deployment of armed air marshals on domestic services.

### **2002**

Following the heightened security alert announced by the Acting Attorney-General in November 2002, further aviation security measures were introduced, including:

- Secondary screening for specified international services
- Tighter controls over the carriage of domestic and international cargo including requiring the production of identification prior to lodging a parcel with Australia Post that is bound for an international destination
- Screening of lap top computers on domestic flights and
- Screening of all goods and persons entering airport sterile areas.

On 11 December 2002 Deputy Prime Minister and Minister for Transport and Regional Services, John Anderson, announced a further major package of security measures, including:

- Screening of passengers and carry-on baggage at additional airports
- The introduction of 100 per cent checked bag screening (CBS) for all international flights by 31 December 2004, a full year ahead of the International Civil Aviation Organization (ICAO) deadline
- Permanent checked bag screening for domestic terminal operators at the major airports (Adelaide, Melbourne, Brisbane, Sydney, Perth, Cairns, Canberra, Coolangatta and Darwin) by 31 December 2004
- Introduction of explosives trace detection at domestic and international passenger screening points
- Threat Image Projection Systems to be mandatory for passenger screening x-ray equipment from 30 September 2003
- The gradual upgrade of aviation security over four years at both Christmas and Cocos Islands.

## **2003 TO DATE**

### *Tighter control over access to security sensitive areas in airports*

Recently, the Australian Government moved to implement even tighter access controls to security sensitive areas in airports through the Aviation Security Identity Card (ASIC) scheme. Under the ASIC scheme people wanting to access certain areas in major airports are required to display a valid ASIC or be with another person doing so. Tighter controls are being implemented by:

- Extending the ASIC scheme to cover all airports where passenger screening is required and also for access to other airport-related security sensitive areas such as fuel facilities and critical air control facilities
- Re-issuing all ASICs to take advantage of new tamper-evident technology
- Requiring ASIC holders to undergo security checking by the Australian Security Intelligence Organisation (ASIO) to supplement existing criminal history checks.

### *Aviation Security Legislation*

Minister Anderson introduced the Aviation Transport Security Bill 2003 into Parliament in March 2003. The Bill underpins the Australian Government's revision of the aviation security policy and regulatory regime by:

- Simplifying the current aviation security legislation
- Reflecting the outcomes of policy reviews on ASICs and access control, and passenger and checked bag screening
- Aligning Australia's aviation security framework with the revised ICAO standards.

### *Measures to improve cockpit security*

On 8 July 2003 the Department of Transport and Regional Services directed airlines to vary their aviation security programs in line with the ICAO requirements for installation of hardened cockpit doors in passenger aircraft with 60 seats or more or weighing 45,500kg or more.

### *Audit and compliance systems*

The Australian Government is implementing the recommendations on aviation security made by the ANAO earlier this year. This will entail a move to a new systems-based auditing and compliance regime and further enhance the aviation security regulatory framework.



**The Australian Government will spend \$93 million from surplus Ansett levy funds on a dramatic expansion of the aviation security regime.**

**The Government maintains that the costs of security measures are the responsibility of owners or operators of airports and airlines. However the Government also recognises that the imposition of additional security measures may impact on the viability of some airports and airlines.**

A \$14 million Government grant program will be created to assist eligible smaller airports to enhance security at their airports following a risk assessment to determine appropriate measures. Details of the program are currently being developed.

The Government will provide \$3.2 million in assistance towards the cost of installing hardened cockpit doors in passenger aircraft with 30 seats or more. This move complements the international standard already in place which requires hardened cockpit doors in all jet aircraft of 60 seats or more.

**The Department of Transport and Regional Services (DOTARS) will be significantly increasing its visibility at airports and be active in ensuring compliance with the regulatory regime. There will be compliance checking and auditing at around 180 airports and at international and domestic air-freight operators and a broader range of airline operators will be regulated. DOTARS will also be ensuring that general aviation aircraft are secured from theft.**

**Additional resources will be provided to ASIO and the AFP to ensure effective intelligence collection, dissemination and liaison at major airports.**

**The Australian Government will develop an aviation security information collection and dissemination capacity in the South East Asia and Pacific regions. This additional capacity will provide valuable information to relevant authorities in relation to the adequacy of security measures and activities or persons potentially impacting on the security of the Australian aviation sector.**

**Funding will be provided to the Australian Customs Service to further its airfreight container x-ray program.**

**These new security measures are structured to provide a comprehensive package, incorporating the outcomes of a significant Government review of aviation security and information provided by Australia's intelligence agencies. It is designed to provide flexibility to adapt to a changes in the nature or level of the threat.**

## Expansion of the Regulatory Regime—Security Programs FACT SHEET 2

A wider range of aviation industry participants will be required to develop and put in place security programs, including:

- All operators of regular passenger services
- Operators of charter aircraft and private or corporate jets
- Operators freight aircraft
- Airports that service these aircraft (approximately 180 airports in total).

The Australian Government will assist operators to understand the security assessment process and how to develop security programs that meet their specific circumstances.

Ensuring that more airport and airline operators have security programs will foster a basic security culture by making it a legislative requirement for a broader range of aviation industry participants to address security issues and put in place measures to deal with incidents.

This will also provide national consistency in identifying a range of minimum security requirements appropriate for airports in cities and regional areas, while allowing for variation in the actual implementation of measures depending on the size and type of operator and local conditions.

Security Programs will need to be approved and operational by 1 July 2004.

### *General information about security programs*

Under the current regulatory regime under the *Air Navigation Act 1920* only the following operators must have security programs:

- The 38 airports that are currently security categorised
- Operators of international air services
- Operators of domestic regular public transport aircraft fitted with 38 seats or more.

Security programs are developed by operators and must address outcomes and measures mandated by DOTARS. Under the current regulatory regime, requirements for security programs are prescriptive.

**Existing aviation security programs** require operators of larger passenger aircraft to set out procedures to be followed by operators to do a range of things including:

- preventing unlawful carriage of weapons onto the aircraft
- preventing persons having unlawful access to aircraft
- ensuring all baggage and cargo are accepted to be taken on board an aircraft by an employee or authorised agent of the operator.

**Existing airport security programs** must describe resources to be used and procedures to be followed to do a range of things including:

- preventing, detecting, deterring or responding to unlawful interference with aviation at the airport
- responding to an unlawful interference with aviation against aircraft intending to land at the airport.

Under the proposed regulatory regime set out in the new Aviation Transport Security Bill, the requirements in relation to programs are less prescriptive. Aviation industry participants (aircraft operators and airports) must develop transport security programs that demonstrate that the participant:

- is aware of their general responsibility to contribute to the maintenance of aviation security
- has developed an integrated, responsible and proactive approach to managing aviation security
- is aware of, and has the capacity to meet, the specific obligations imposed by the Act
- has taken into account relevant features of their operation in developing activities and strategies for managing aviation security.

Among other minimum requirements, transport security programs must set out:

- how the participant will manage and co-ordinate aviation security activities
- technology, equipment and procedures to be used to maintain aviation security
- how the participant will respond to aviation security incidents.

In addition, regulations may prescribe other matters that are to be dealt with in programs. These programs may vary for different classes of aviation industry participants and will, for aircraft operators, include that programs set out procedures to prevent unlawful access to aircraft.

Australia's aviation network is interlinked and interdependent and must have a level of attention to aviation security that supports Australia's reputation as a safe destination.

The Government acknowledges that many regional airports already have upgraded security measures and it is evident that a strong culture supporting aviation security exists in all areas of the aviation industry.

The Government has decided that the aviation security regulatory regime will now be expanded to cover all airports servicing passengers and freight aircraft. Some 180 airports will now be regulated. For many regional airports this means that there will be Australian Government security regulation for the first time. The changes to regional aviation include:

- Airports will be required to prepare a security program
- Employees at airports will be required to undergo background checking and be issued with an Aviation Security Identification Card (ASIC)
- Aircraft with more than 30 seats will be fitted with hardened cock-pit doors.
- General Aviation aircraft will have to be secured against theft
- Pilots will need to undergo background checking and be issued with photographic licences

A security program will set out measures identified by the operator. Measures identified in a program might include physical infrastructure improvements like fencing, basic lighting, or base-to-base alarm systems. DOTARS will approve the security program and then monitor and audit compliance as required. Further details about security programs is provided at Fact Sheet 2.

The economic reality for regional airports and the slim profit margins under which they operate, is well understood by the Australian Government. A \$14 million Government grant program will assist eligible smaller airports to enhance the security at their airports following a risk assessment and development of a security program that identifies appropriate mitigation measures. Details of the grant program are currently being developed.

The Australian Government has decided that Aviation Security Identification Cards (ASICs) will be required for employees at all airports servicing passengers and freight aircraft by 1 July 2004.

The ASIC is the primary identification mechanism for people who, as part of their duties, normally access security restricted areas of an airport.

The Government is committed to ensuring that any persons entrusted with access to the security restricted areas, including the airside, of Australia's airports are of appropriate character for that environment. Applicants for an ASIC must undergo a police records check and a security assessment, including for politically motivated violence. Politically motivated violence is any act of violence or threat of violence or unlawful harm that is intended or likely to achieve a political objective, whether in Australia or elsewhere.

In the event that an employee fails to be granted an ASIC, they would be unable to work in an airside area, however, all decisions to deny or cancel an ASIC are appealable by the Administrative Appeals Tribunal and the grounds on which the decision has been taken are required to be provided to the applicant.

The Government has assessed that additional administration and expense to be borne by aviation industry participants is outweighed by the benefit of ensuring that persons who pose a threat to aviation security do not gain positions of trust in airports.

Airports typically pay for employees to undertake the security checks and arrangements for the extended ASIC regime will be developed jointly with the aviation industry.

The Australian Government will put in place greater compliance monitoring and enforcement of the current Regulated Agents Scheme and extend the scheme to domestic air freight.

The implementation of more effective cargo screening for international and domestic airfreight will provide considerably enhanced levels of security for the aviation sector.

Compliance monitoring and enforcement of the current Regulated Agents Scheme will begin as soon as possible. Regulation of agents servicing domestic air freight services, including the requirement for those agents to have security programs in place, will occur from 1 July 2004.

### **General information on the Regulated Agents Scheme**

The Regulated Agents Scheme implements the International Civil Aviation Organisation requirement that contracting states:

- establish measures to ensure that cargo, courier and express parcels and mail intended for carriage on passenger flights are subjected to appropriate security controls; and
- establish measures to ensure that operators do not accept consignments of cargo, courier and express parcels or mail for carriage on passenger flights unless the security of such consignments is accounted for by a regulated agent or such consignments are subjected to other security controls.

The scheme is set out in Division 3 of the Air Navigation Regulations 1947 which requires that a regulated agent has an acceptable international cargo security program and that the agent gives effect to the program.

Australia currently has about 900 regulated agents, most using the model security plan jointly developed by government and industry. The model plan addresses matters such as security clearance of cargo, storage and handling of cargo, transportation of cargo, documentation and cargo security training.

### **Aircraft theft measures**

General aviation aircraft including private/corporate non-jet aircraft that are not required to have a security program will be required to put measures in place to reduce the risk of theft.

Practical measures to mitigate against the risk of theft would be determined by the aircraft operators as appropriate and might include fitting auxiliary locks (for example to propellers or prop controls), securing aircraft in hangers or fitting door locks.

DOTARS Transport Security Investigators will be auditing compliance and undertaking random compliance checking in relation to aircraft anti-theft measures.

### **Background checking and licensing of pilots**

All pilots and trainee pilots will be required to undertake background checking prior to being issued with new photographic licences by 1 July 2004.

**Ensuring that pilots and trainee pilots are subject to background checking will reduce the likelihood of persons who might pose a threat to aviation gaining access to aircraft through legitimate means.**

**The cost of background checking and the photographic licence will be borne by individual pilots. Licences will be valid for two years and will cost around \$200.**

Please note: Sport aircraft are not included in the category of aircraft required to be secured from theft. Background checking will not be carried out on pilots of sport aircraft and they will not be required to have a photographic licence.

Following the attacks in the USA on 11 September 2003, Australia, like a number of other countries, including the USA and UK, imposed additional restrictions on the carriage of items onto aircraft. As a result, Australia currently prohibits a broader range of items than many other countries, including New Zealand.

**The Transport Security Administration in the United States has recently highlighted the extension of hardened cockpit doors throughout the international and domestic fleet of passenger aircraft as supporting the recent reduction in the number of items prohibited from cabins of aircraft in the United States. Harmonising those items currently prohibited in Australia with the ICAO list is being advanced in regulations being drafted under the new Aviation Transport Security Bill.**

Consistency will be sought between the items prohibited in Australia and by similar foreign authorities, including the USA, New Zealand and will take note of International Civil Aviation Organisation standards.

Under the new Aviation Transport Security Bill, a clear distinction has been made between weapons and other items prohibited. Prohibited items, while not strictly weapons, are items that could be used to threaten or injure a person. Examples include scissors or a chef's knife.

**The penalties for carriage of weapons or prohibited items are increased under the Aviation Transport Security Bill 2003. A person who carries a weapon faces a maximum penalty of 7 years imprisonment or a fine of \$110,000. For carriage of prohibited items there is a maximum penalty of 2 years imprisonment or a fine of \$2200.**