

Current threat environment

Introduction

2.1 Australia's aviation industry services approximately 50 million international and domestic passenger movements each year and involves some 70 000 employees who contribute in one way or another to the aviation security environment.¹ The contributors to the aviation security environment include:

- airlines;
- airports;
- border control agencies;
- Commonwealth and State/Territory police and protective security agencies;
- Commonwealth and State/Territory government departments; and
- intelligence agencies.²

2.2 Australian aviation has to operate in the world context and counter a variety of threats. The nature and intensity of these threats may vary from airport to

1 Mr Andrew Tongue, *Transcript*, 4 September 2003, p. 12.

2 Mr Andrew Tongue, *Transcript*, 4 September 2003, p. 12.

airport due to location and the types of aircraft and passenger services that operate. Two additional issues of importance to the Committee are the nature of the threats facing Australian aviation, and whether Australia is meeting the benchmarks set by other countries.

Australia in the world context

- 2.3 The threat environment Australian aviation now faces is very different from that of three years ago. The terrorist attacks of 11 September 2001 in New York and Washington, and 12 October 2002 in Bali have dramatically altered the environment in which both international and domestic aviation industries operate. In particular, the attacks on the World Trade Centre and the Pentagon on 11 September 2001 demonstrated the potential for terrorist groups to use aircraft as weapons with potential for enormous loss of life and extensive damage. Since that event the global aviation community has existed in a state of continuing alert.
- 2.4 The ICAO responded to the 2001 attacks by revising the guidelines described in Annex 17 to the Chicago Convention—the document which underpins the aviation security practices of ICAO member states. As noted in Chapter 1, the international changes have impacted significantly on the aviation security requirements in Australia. Amongst other measures, passenger screening was mandated at all categorised airports in Australia.³
- 2.5 The fieldwork for *Audit Report No. 26, 2002–2003*, was undertaken in the post-11 September 2003 environment. The audit report commented that DoTaRS' response to the terrorist attacks of that day was 'rapid and appropriate'. The ANAO noted that within a few hours of learning of the attacks, DoTaRS had issued its first set of additional security measures (ASMs) to airports and airlines. Reassessment and variations to the ASMs continued frequently over the following weeks and the audit report adds that 'DoTaRS does not consider that a significant lessening of the current ASM requirements will occur for some time.'⁴
- 2.6 While recent changes to aviation security in Australia have largely been in response to terrorism incidents overseas, it should be remembered that terrorism is only one aspect of the threat environment in which aviation operates. As DoTaRS noted:

3 DoTaRS, *Submission No. 79*, p. 450.

4 Auditor-General, *Audit Report No. 26, 2002–2003*, pp. 30, 31.

The international security environment is built on unlawful interference with aviation, of which terrorism is only a part.⁵

Categorisation of airports

2.7 Each airport in Australia will have a unique combination of factors which contribute to its risk profile. The role of the regulator is to determine the risk profile of the airport and, based on this, determine whether or not the airport will be subject to regulation.

2.8 At the commencement of the inquiry, DoTaRS operated a system of airport categorisation that determined which airports were subject to regulation. The categorisation system was primarily based on whether or not jet aircraft used an airport. Risk assessment and traffic of passengers were additional criteria for ascertaining the level of categorisation. DoTaRS explained further:

Categorisation is a way of focussing on the size of the airport. So it is essentially a combination of the type of traffic and the number of passengers ... The intelligence tells us that the focus is jet aircraft so we have to cover all those jet aircraft carrying people.⁶

2.9 Australian airports that were subject to security regulation were categorised into 5 levels. Category 1 was the highest rating and included airports such as Sydney, Melbourne and Brisbane. These had a high volume of passengers and therefore represented the 'highest assessed risk within Australia.' Level 5 categorisation applied to smaller airports where jet aircraft might use the facility, but frequency of flights and traffic volume was very small.⁷

2.10 Only categorised airports were regulated by DoTaRS and required to have security programs. In this system, most of Australia's more than 200 airports remained uncategorised and therefore unregulated by DoTaRS. Many of these airports were significant regional airports with regular passenger transport services. The airports had been excluded from regulation because the services used turbo-prop aircraft rather than jet aircraft.

2.11 The support for the airport categorisation system, based predominantly on the type of aircraft, ranged from lukewarm to rejection:

5 Mr Andrew Tongue, *Transcript*, 4 September 2003, p. 13.

6 Dr Andy Turner, Mr Andrew Tongue, *Transcript*, 4 September 2003, p. 26.

7 A full list of airports categorised at that time and their level of categorisation is at DoTaRS *Submission No. 29*, pp. 215–16.

- the Tasmanian Government generally supported the security ratings, but its own civil infrastructure review suggested a higher rating for Burnie and Devonport Airports than the rating used by DoTaRS;⁸
 - the Queensland Government noted that it was unaware of any security incident which indicated a greater need for security at its regional airports, but it was happy that future categorisation would be on more of a case by case basis;⁹
 - Qantas agreed with the assessment that regional aircraft operations posed less of a risk than those from major cities, but thought more could be done in the regions;¹⁰
 - the Victorian Government considered the reasons for categorisation were sometimes unclear and cited the example of Avalon Airport which was unregulated, yet had a jet maintenance facility and was used for training the crews of Boeing 747 and Airbus jet aircraft;¹¹
 - the Western Australia Government said that it did not wish to challenge the risk assessments, but suggested a closer look at the trigger for the requirement for passenger screening;¹² and
 - the South Australian and New South Wales Governments both advocated the extension of the security system to cover all airports.¹³
- 2.12 The Government announcement of 4 December 2003 has addressed the concerns about the categorisation of airports. The new system removed the ‘categorisation concept’ and brought under regulation ‘all airports handling passengers’ and ‘the operators of freight aircraft, charter flights, and private and corporate jets.’¹⁴
- 2.13 Under the *Air Navigation Act 1920* and its regulations, the activities of airports and aircraft operators were relatively prescribed. The requirements of aviation participants under the new *Aviation Transport Security Act 2004* are less prescriptive, more broad ranging, and allow flexibility.
- 2.14 Airports and aircraft operators will be required to demonstrate the following:

8 Tasmanian Government, *Submission No. 32*, p. 241.

9 Mr Damien Vasta, *Transcript*, 12 November 2003, p. 43.

10 Mr Geoffrey Askew, *Transcript*, 12 November 2003, p. 22.

11 Victorian Government, *Submission No. 71*, p. 404.

12 Mr Andrew Gaynor, *Transcript*, 21 October 2003, p. 58.

13 NSW Government, *Submission No. 20*, p. 143; SA Government, *Submission No. 56*, p. 309.

14 DoTaRS, *Submission No. 79*, pp. 429, 443.

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 for 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.¹⁵

Committee comment

- 2.15 The Committee recognises the important step DoTaRS has taken to address a potential gap in the aviation security environment. By requiring all aviation participants to operate within an approved security program, DoTaRS will be in a position to ensure the robustness of the aviation security environment in Australia.
- 2.16 A consequence of the changes is that the number of airports with security programs will increase from 38 to 180, with variable intensity. This will place a significant oversight burden on DoTaRS as the regulator. The Committee notes that \$93 million from surplus Ansett levy funds will underpin the new regulatory system.¹⁶
- 2.17 As well, there will be an impact on smaller airports, many of which were only marginal operations. They will now be required to introduce additional security measures which will have significant cost implications. The Committee discusses the enhancements to security in Chapter 3, and how additional costs might be met in Chapter 4.

Threats facing Australia's aviation industry

- 2.18 The threats facing aviation security are many and varied. In response, authorities have to devise a single 'catch all' system of procedures. The ANAO defined the purpose of this system as being:

... to deter, detect and prevent attempted acts of unlawful interference. It covers the "intentional and wilful" attempts to disrupt an aircraft or flight, for example, to sabotage an aircraft.¹⁷

15 DoTaRS, *Submission No. 79*, p. 454.

16 DoTaRS, *Submission No. 79*, p. 452.

17 Auditor-General, *Audit Report No. 26, 2002–2003*, p. 19.

- 2.19 While the costs of security measures are immense, the cost of a single ‘act of unlawful interference’ can also be huge. DoTaRS has estimated the possible cost of a single event as amounting to \$510 million.¹⁸
- 2.20 The Committee has received evidence on a number of threats to Australia’s aviation industry which were, in order of discussion in this chapter (and not necessarily in order of importance to Australian aviation):
- terrorism threats;
 - threats from passengers with mental health problems;
 - threats posed by passengers travelling in custody; and
 - airport rage.

Terrorism threats

- 2.21 The terrorist attacks of 11 September 2001 focussed world attention on the use of fully loaded passenger jet aircraft as flying bombs. In Australia the regulatory focus, until December 2003, has also been on jet aircraft. DoTaRS commented:

The reason for that is that the intelligence tells us that jet aircraft are the focus for attention by terrorists. That is largely because they are good media targets, they travel very fast, they have high fuel loads and they do a lot of damage.¹⁹

- 2.22 Placing global aviation terrorism in context, *Audit Report No. 26, 2002–2003* commented that ‘politically motivated violence represents about five per cent of all aviation security incidents globally.’²⁰ DoTaRS also emphasised that terrorism was but one aspect of aviation security concern.²¹

Terrorism incidents affecting Australian aviation

- 2.23 The Committee sought to ascertain whether Australian aviation had been subject to terrorism. The DoTaRS witness responded that there was ‘no evidence of any terrorist related incident in Australian aviation history for as far back as I can remember.’²² This view has been confirmed by the Australian Federal Police (AFP) in answer to a question taken on notice.²³

18 Auditor-General, *Audit Report No. 26, 2002–2003*, p. 19, quoting from figures provided by DoTaRS in *Aviation Security Regulations 2001—Regulation Impact Statement*, p. 11.

19 Mr Andrew Tongue, *Transcript*, 4 September 2003, p. 18.

20 Auditor-General, *Audit Report No. 26, 2002–2003*, p. 19.

21 Mr Andrew Tongue, *Transcript*, 4 September 2003, p. 13.

22 Mr Andrew Tongue, *Transcript*, 4 September 2003, p. 17.

23 AFP, *Submission No. 58*, p. 328.

- 2.24 In addition, Mr Clive Williams from the Strategic and Defence Studies Centre, Australian National University, told the Committee that he did not think it likely that a group would try to hijack an aircraft in Australia.²⁴
- 2.25 Concerns, nevertheless, have been raised in the media that:
- ... a light plane from a local airport is more likely to be turned into a suicide bomb than an international jet travelling from an overseas destination.²⁵
- 2.26 The media article cited Bankstown Airport in western Sydney as being identified as a 'prime terrorist target'. The management of Bankstown Airport dismissed the article, commenting that it had contacted all of the security agencies both State and Federal with which it had dealings and that there:
- ... is no evidence to support that Bankstown was identified as a threat.²⁶
- 2.27 Bankstown Airport added that it had a very high level of security, exceeding security requirements for an airport of its categorisation, with person-proof fences, keypad gates and regular security patrols.²⁷

The use of common items as weapons

- 2.28 Mr Clive Williams raised the issue of common items being used as 'weapons of opportunity'. He provided the following examples:
- bottles of duty free alcohol carried by passengers into the cabin and available at Qantas' proposed self-service bars on aircraft—the alcohol could be used as a fire accelerant, or the glass bottle as a weapon;
 - bottles apparently containing water could instead contain more sinister liquids which were toxic or could be used to make a weapon; and
 - metal cutlery could be used as weapons—during an air-rage incident a passenger was stabbed in the neck with a fork.²⁸
- 2.29 The Flight Attendants' Association of Australia (FAAA) agreed in principal with the banning of bottles from aircraft. It felt, however, that this would be a difficult step, as would banning the sale of duty-free alcohol to passengers on departure. It advocated, nevertheless, the examination of bottles of liquid as a standard screening procedure.

24 Mr Clive Williams, *Transcript*, 5 September 2003, p. 61.

25 Sun-Herald (Sydney), *Bankstown Airport named as prime terrorist target*, 14 September 2003.

26 Mr Kimber Ellis, *Transcript*, 2 October 2003, p. 43.

27 Mr Kimber Ellis, *Transcript*, 2 October 2003, p. 43.

28 Mr Clive Williams, *Submission No. 35*, p. 261–2.

2.30 Qantas responded:

What we need to do is to look at our priorities and our priorities are to prevent terrorism, so we prevent firearms and the like from being in our aircraft. I am not sure that we enhance the process by the removal of metal knives that will not cut butter, nailfiles or duty-free alcohol. I think the examination of liquid at a screening point, and open liquid at that, is a value added part of the process, but we really need to have that balance and that is what we need to strive for.

... We do have an area in our new business class fit-out that will enable people to go and serve themselves with alcohol, but it is supervised and monitored.

...We do have a responsible alcohol policy. I think people themselves are more aware of it now, too. We certainly consume more water on our aircraft than alcohol.²⁹

Other countries as a launching pad for terrorism in Australia

2.31 Notwithstanding the unlikelihood of an aviation terrorist incident originating in Australia, concerns have been raised that terrorists could take advantage of lax security at the airports of Australia's neighbouring countries to launch attacks on Australia.³⁰

2.32 Qantas advised the Committee that it had an audit team which travelled around its network undertaking security audits and assessments:

There are a number of countries where we have been less than satisfied with the security that has been provided for our operations there. We have spoken to the organisation, whether it is the airport operator or the government agency. If we are unable to have a remedy then we will introduce our own measures. There are a number of airports around the world where we will subject Qantas passengers to secondary screening because of the substandard nature, in our belief, of the primary screening. We will subject our cargo to screening if the locally provided screening does not meet a Qantas standard.³¹

2.33 Qantas added that while it was not required to notify DoTaRS, the department was 'certainly aware' where these additional measures had been introduced. There were international airlines flying to Australia from

29 Mr Geoffrey Askew, *Transcript*, 12 November 2003, p. 25.

30 Australian Associated Press, *Terrorists could use PNG as launching pad—Anderson*, 23 March 2004.

31 Mr Geoffrey Askew, *Transcript*, 12 November 2003, p. 16.

those airports, Qantas said, but DoTaRS would need additional resources if it was to ensure that these airlines met minimum security standards.³²

- 2.34 Brisbane Airport Corporation (BAC) told the Committee that like Qantas it was aware of airlines and overseas departure points which presented a possible security risk. BAC continued:

From a political sensitivity side, that has been addressed by government. If the aircraft has arrived and the passengers are exiting the terminal, nothing is going to happen anyway, because all they want to do is escape. The government has put in place a process where we do 100 per cent screening of all transit passengers. That caters for the good carriers and the bad carriers, the good destinations and the bad destinations. ... You arrive, and there is the same standard for everybody, so no-one feels they are being punished or victimised. But we know who the good ones are and who the bad ones are.³³

- 2.35 DoTaRS explained that international airlines operating into Australia had to have approved aviation security programs just like Australian carriers. There was thus a measure of control over international airlines, but this did not extend to overseas airports. DoTaRS added that it was, however, working with AusAID:

... in the near region to assist nations to develop their capability to manage their airports. ... My sense is that, in the current threat environment, looking at inbound aircraft and ensuring, if you like, a more aggressive regime is possibly one of the areas that the system will evolve to capture.³⁴

- 2.36 The Committee notes that in the 2004–05 Budget, the Government announced three initiatives aimed at enhancing aviation security in the Asia-Pacific region:

- a two year project for regional country scoping studies to assess the border management requirements of each country, followed by workshops with the recipient countries and their border agencies;
- an independent assessment of the border management and control systems of Asia-Pacific countries to identify additional requirements for more secure border management; and

32 Mr Geoffrey Askew, *Transcript*, 12 November 2003, p. 18.

33 Mr Edward McPheat, *Transcript*, 12 November 2003, pp. 58–9.

34 Mr Andrew Tongue, *Transcript*, 4 September 2003, p. 21.

- assistance of \$4.7 million over four years to Asia-Pacific to improve local skills in passenger screening, access control management, and security planning.³⁵

Threats from 'man portable air defence systems'

2.37 The issue of man portable air defence systems, or MANPADS, was raised by Mr Williams. In the context of global aviation security, he told the Committee that he thought the security measures introduced after September 2001 would make hijacking more difficult, but:

... if a terrorist group wanted to have a go at an aircraft, clearly the use of a surface-to-air missile would be an easier option or perhaps more attractive option.³⁶

2.38 MANPADS are shoulder-launched anti-aircraft missiles such as Stingers and SA-18s. Several thousand missiles are available to insurgents and other non-state groups. Chemring Group told the Committee:

General capabilities of the MANPADS are that it is portable, reliable, inexpensive and fairly easy to use—that is key. Target detection range is about six miles and engagement range is about four miles. Aircraft above 15,000 feet are considered relatively safe. Take-off and landing are the most vulnerable parts of attack. It has a very large engagement footprint,³⁷ and it is difficult to detect on the ground.³⁸

2.39 Chemring indicated that the time from launch to impact at four miles would be about fifteen seconds.³⁹ The witness added that MANPADS were easy to use, but training was an issue:

As a timeline, you have to get it out of the box, you have to put the trigger guard onto it, you have to engage the battery and then it starts the cooling process. Then you have to sight it, super elevate and fire.

... if the guy has never fired one before, he does not have three or four goes. He also only has about a minute of cooling time to cool the seeker head. So he has to react fairly quickly before he fires. Training is an issue, but he only has to fire it a few times before he

35 Budget Measures 2004–05, Budget Paper No. 2, pp. 101, 104.

36 Mr Clive Williams, *Transcript*, 5 September 2003, p. 60.

37 The threat area around an airport is 300 square miles or 768 square kilometres.

38 *Exhibit 10*, Committee briefing by Chemring Group Plc/Raven Alliance, 11 February 2004, Transcript p. 2; Power Point presentation p. 12.

39 *Exhibit 10*, Transcript p. 3.

understands what is going on. It took me two or three goes to understand how to use it, and I had never fired one before.⁴⁰

- 2.40 Possible counter-measures to MANPADS are covered in Chapter 3 when the Committee discusses possible enhancements to aviation security.
- 2.41 Mr Williams advised the Committee that he considered MANPADS were not a threat to aircraft in Australia.⁴¹ DoTaRS agreed that they were not a priority issue,⁴² and Customs advised there had been 'no detections of attempts to illegally import surface to air missiles.'⁴³ Qantas also considered the threat in Australia is 'almost negligible.'⁴⁴
- 2.42 Notwithstanding the lack of a MANPADS threat in Australian airspace, Mr Williams considered that South-East Asia was the most likely area for an attack on Australian aircraft. Specifically, the most vulnerable country would be Thailand because it was known that MANPADS were available in Indochina.⁴⁵
- 2.43 DoTaRS commented that it was in constant contact with the Australian Security Intelligence Organisation (ASIO) about the anti-aircraft missile threat. ASIO in turn was in contact with its associates in other countries. DoTaRS was similarly in constant contact with Qantas and the airline was in contact with authorities in other countries about the threat.⁴⁶
- 2.44 Qantas commented that there was a realisation in Australia of the 'importance of intelligence and the importance of the timely dissemination of that intelligence.'⁴⁷

Committee comment

- 2.45 The Committee considers that the risk of a terrorist attack is dependent on intention, capability and training. Terrorist groups might have the intention of attacking Australia, its citizens or interests. In Australia, though not necessarily overseas, the capability of such groups is believed to be limited. Marshalling capability, in the form of personnel, weapons or explosives, and subsequent training exposes terrorist groups to the attention of government intelligence agencies.

40 *Exhibit 10*, Transcript p. 4.

41 Mr Clive Williams, *Transcript*, 5 September 2003, p. 60.

42 Mr Andrew Tongue, *Transcript*, 4 September 2003, p. 17.

43 Customs, *Submission No. 60*, p. 344.

44 Mr Geoffrey Askew, *Transcript*, 12 November 2003, p. 20.

45 Mr Clive Williams, *Transcript*, 5 September 2003, p. 60.

46 Mr Andrew Tongue, *Transcript*, 4 September 2003, pp. 16, 17.

47 Mr Geoffrey Askew, *Transcript*, 12 November 2003, p. 18.

- 2.46 Regarding the use of light aircraft as suicide bombs, the Committee draws attention to an incident on 6 January 2002 when a teenager commandeered a Cessna light aircraft and flew it into the side of a forty-two storey skyscraper in Tampa, Florida.⁴⁸ This event shows that light aircraft pose a security risk. The size of such aircraft, however, indicates that this risk is significantly less than that posed by regular passenger transport aircraft.
- 2.47 The Committee notes that the enhancements to aviation security announced on 4 December 2003 require anti-theft devices to be installed in light aircraft and pilots and trainee pilots to be subject to security background checks.⁴⁹ The Committee supports this initiative.
- 2.48 The Committee agrees with witnesses that currently the risk of a terrorist attack on aviation in Australia is low. In this context, the Committee considers the current arrangements regarding passengers carrying bottles of water and the presence of alcohol on aircraft to be appropriate.
- 2.49 Australia's international carriers may on the other hand face the threat of terrorism. In such circumstances effective security relies on intelligence gathering and timely dissemination of intelligence to international carriers. The Committee expects all players in aviation security to maintain vigilance.
- 2.50 The Committee is pleased that DoTaRS in conjunction with AusAID is looking to improving security in airports beyond Australia's borders. Such improvements will reduce the ability for terrorists to use other countries and foreign airlines as a conduit for an attack on Australia. The Committee believes this is an aspect of aviation security which can easily be boosted with benefits accruing to Australia and Pacific region countries. The Committee expects this initiative to continue with the appropriate resourcing.
- 2.51 Terrorists have a range of potential targets. Aviation with its umbrella of security is a relatively 'hard target'. As the 11 March 2004 attack on Madrid's rail network showed, terrorists may prefer to direct their attentions to 'softer' targets.
- 2.52 The Committee notes reports in the media that counter-terrorism agencies have identified some 300 potential terrorist targets in New South Wales.⁵⁰ As well, a man was arrested in Sydney on 22 April 2004 on terrorist

48 *Mystery of teen's crash into skyscraper*, in *The Australian*, 7 January 2002.

49 DoTaRS, *Submission No. 79*, p. 458.

50 Australian Associated Press, *Police identify almost 300 NSW sites as potential targets*, 10 May 2004.

charges—allegedly for plotting to bomb Australia’s national electricity grid.⁵¹

- 2.53 The Committee also notes that the Government has turned its attention to the security of maritime and other potential terrorist targets. This is not to sound the ‘all clear’ for aviation—DoTaRS has provided information from a recent ASIO publication:

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.⁵²

Passengers with mental health problems

- 2.54 The history of aviation security incidents in Australia indicates that most incidents have arisen from the activities of passengers with mental health problems. As Mr Williams said:

I think the kind of aviation security incident that is more likely to occur in Australia is the sort of thing that we have seen over the years—which is essentially a single individual, usually mentally unbalanced or stressed, creating an incident on board an aircraft and sometimes trying to take over the aircraft.⁵³

- 2.55 DoTaRS commented that it is difficult to predict the actions of people who have a mental health problem and are making a cry for help.⁵⁴
- 2.56 The Committee agrees that currently in Australia the most likely security incident will arise from a passenger with a mental health problem. Such passengers may not be identified as having a mental illness and pass through various security procedures before their problems surface. The Committee believes that a layered system of security such as that used in Australian aviation is the only way to address this threat.

Passengers in custody

- 2.57 During the course of the inquiry, the carriage of persons in custody (PICs) emerged as a major concern to airlines. PICs are passengers who for

51 *Plot to bomb power grid*, in *The Australian*, 23 April 2004.

52 DoTaRS, *Submission No. 79*, p. 429.

53 Mr Clive Williams, *Transcript*, 5 September 2003, p. 61.

54 Mr Andrew Tongue, *Transcript*, 4 September 2003, p. 25.

various reasons are being transported either between jurisdictions within Australia, or being deported or removed from the country.⁵⁵

- 2.58 Both the Board of Airline Representative of Australia Inc (BARA)—the industry body representing airlines—and Qantas stated that apart from terrorist events, the carriage of PICs was the single greatest risk to operations.⁵⁶
- 2.59 Qantas provided details of the scale of the issue:
- Qantas uplifted 3,092 persons in custody in 2002, of which 1,906 were escorted. Between 1 January 2003 and 30 September 2003, Qantas has uplifted 1,741 persons in custody, of which 1,065 were escorted. Qantas accepts that not all persons in custody pose a risk to its operations. The company merely seeks, however, sufficient information on all persons in custody, regardless of their status, in order to make an informed assessment as to any potential risk and thereby discharge its duty of care to its passengers and staff. The necessity for carriers to be appropriately advised by authorities of the proposed carriage of persons in custody cannot be overstated.⁵⁷
- 2.60 The Commonwealth Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) is the primary source of PICs transported by airlines, providing upwards of 13,000 PICs each year.⁵⁸
- 2.61 Evidence on this issue was taken by the Committee before the passage of the *Aviation Transport Security Act 2004* and the completion and tabling of its associated regulations. The regulations have yet to be finalised, but the Committee has received an April 2004 draft copy of the regulations.
- 2.62 The *Air Navigation Regulations 1947* required those intending a PIC to be carried on an aircraft to notify the operator ‘as soon as practicable; and before the person in lawful custody boards the aircraft.’ The operator may refuse to allow the PIC to be carried. If agreeing, the operator must notify the pilot ‘as soon as practicable before the flight’ and provide:
- the name of the person in lawful custody; and
 - the name of that person’s escort (if any); and
 - the grounds on which the person is in lawful custody.⁵⁹

55 *Air Navigation Regulations 1947*, Regulation 33, p. 38.

56 BARA, *Submission No. 3*, p. 15; Mr Geoff Askew, *Transcript*, 12 November 2003, p. 9.

57 Mr Geoff Askew, *Transcript*, 12 November 2003, p. 9.

58 DoTaRS, *Submission No. 79*, p. 4.

59 *Air Navigation Regulations 1947*, Regulation 33 (2), (3), (4), pp. 38–9.

- 2.63 The Committee received evidence that agencies regularly failed to inform carriers about the carriage of PICs. BARA's submission pointed to DIMIA as a major offender:

Of most concern to airlines is the routine failure of DIMIA to give advance notification of 'supervised and/or monitored departures'. These PIC may have been detained in custody by DIMIA, escorted to the Customs outwards control point and then released to board the aircraft alone. In some cases these 'supervised or monitored departures' have family members residing legally in Australia and such passengers are, therefore, leaving under duress.⁶⁰

- 2.64 BARA provided two examples to the Committee:

We have had instances where paedophiles have been put up the back with the unaccompanied minors on aircraft and the airlines did not know about it because the agency did not tell them. ... Another instance was a person being transported back to another country for a murder trial. ...The government agency even went so far as to not book the flight for that person. They made the person book the flight themselves so that the airline was not aware that it was a person who was being escorted out of the country.⁶¹

- 2.65 BARA's submission included a list of the information that it thought should be provided to airlines. The information covered the attitude of the PIC towards custody and removal, and the PIC's medical and criminal history. BARA commented that its list was not exhaustive, but it demonstrated the range of pertinent information regarding PICs that airlines required to conduct a risk assessment. The lack of such information clearly compromised the duty of care held by the airline towards the travelling public.⁶²

- 2.66 A supplementary submission from Qantas stated that it had 'experienced many incidents of the non-notification of the carriage of a PIC' and 'across the range of agencies there are occasions where a lack of information has caused problems.' Qantas had in fact refused the carriage of fourteen PICs in 2002 and 2003.⁶³

- 2.67 Virgin Blue advised the Committee that it had only recently become involved in carrying PICs. It had only carried a small number, but had refused the carriage of two prisoners because of unacceptable risk.⁶⁴

60 BARA, *Submission No. 3*, p. 15.

61 Mr Warren Bennett, *Transcript*, 2 October 2003, p. 51.

62 BARA, *Submission No. 3*, p. 16.

63 Qantas, *Submission No. 77*, p. 419.

64 Virgin Blue, *Submission No. 78*, p. 426.

2.68 DIMIA responded to the issues raised by the airlines:

It is the normal practice to notify a carrier when a PIC from a place of detention is to be conveyed on an aircraft. This is in part reflected in the current policy guidelines for the removal and/or deportation of persons from Australia, ... which states that the air carriers should be advised when persons are deported or removed. The same practice is generally followed for supervised departures.⁶⁵

2.69 DIMIA added that it was familiar with the concerns raised by BARA and Qantas. Little had been provided in the way of substantiation despite 'repeated requests'. While BARA's examples appeared to indicate the involvement of the department, DIMIA wrote, the circumstances surrounding the removal seemed to relate to criminal law enforcement issues and not the removal of immigration detainees. Without concrete information DIMIA was not in a position to comment further.⁶⁶

2.70 Subsequent to DIMIA's comments, a supplementary submission from BARA provided additional details. Both examples which it had raised in testimony involved Air New Zealand and DIMIA, and occurred about 8 and 4 years ago respectively. The first case involved a PIC with a paedophile record travelling from Sydney. On the aircraft the PIC was 'the subject of a complaint by the young female passenger whom the person was sitting beside.'

2.71 The second case was a PIC in custody for a murder charge and being deported from Perth. The case had attracted 'some media interest' and DIMIA 'in an apparent attempt to disguise the person's identity from Air New Zealand, arranged for the person's travel to be booked via a travel agency in Canberra.'

2.72 In both cases the airline did not make a formal complaint but made a verbal complaint to departmental staff in Sydney and Perth.⁶⁷

2.73 DoTaRS has acknowledged that the carriage of PICs represented a significant risk to airline operators and that airlines had experienced difficulties in obtaining sufficient information from enforcement bodies such as DIMIA. DoTaRS added that any changes to the PIC requirements would have serious implications to DIMIA. Consequently, the department had sought DIMIA's cooperation to arrive at 'a solution that satisfies aviation industry participants and other Commonwealth agencies, while

65 DIMIA, *Submission No. 81*, p. 467.

66 DIMIA, *Submission No. 81*, p. 469.

67 BARA, *Submission No. 91*, pp. 546-7.

meeting the Government's security objectives and international obligations.'⁶⁸

- 2.74 BARA's supplementary submission stated that 'some progress has been made recently towards resolution of the airlines' concerns.' A high level meeting of senior airline representatives, DoTaRS, and DIMIA had 'produced an agreed set of protocols to be adopted by government agencies and airlines for the transport of persons in custody.' The protocols were to provide the basis for new aviation security regulations.⁶⁹
- 2.75 The Committee has reviewed the April 2004 draft of the *Aviation Transport Security Regulations 2004*. The draft regulations recognise two categories of PIC carriage—supervised departures and other departures.
- 2.76 A supervised departure involves the movement of unlawful non-citizens who make their own travel arrangements under the supervision of DIMIA. Information including that 'relevant to the person's safety or to aviation security' has to be provided to the aircraft operator at 'least 6 hours before the intended start of the flight.'⁷⁰
- 2.77 'Other departures' can involve escorted or unescorted PICs. Agencies have to provide the aircraft operator with prescribed information 'at least 48 hours before the intended start of the flight.' The information includes the reason for the person being in custody, whether the person is dangerous, and a copy of the agency's risk assessment of the person. The operator can require additional information to be provided by the agency.⁷¹
- 2.78 For both types of departure, the aircraft's pilot must be informed that a PIC is being carried and the conditions under which the PIC is travelling.⁷²

Committee comment

- 2.79 The Committee agrees with the airlines that the carriage of PICs poses a significant risk. The transportation of passengers who may be in custody for criminal behaviour or who may be unwillingly deported or removed from Australia creates a situation where people under stress may take inappropriate and unsafe actions.
- 2.80 The Committee accepts the evidence that there have been occasions when airlines were not notified of an agency's intention to transport a PIC on an aircraft. This was a breach of the previous regulations.

68 DoTaRS, *Submission No. 79*, p. 432.

69 BARA, *Submission No. 91*, p. 547.

70 Draft *Aviation Transport Security Regulations 2004*, 16 April 2004, pp. 71–2.

71 Draft *Aviation Transport Security Regulations 2004*, 16 April 2004, pp. 72–3.

72 Draft *Aviation Transport Security Regulations 2004*, 16 April 2004, p. 74.

- 2.81 The Committee notes, however, that the examples provided by BARA occurred some time ago and no other more recent specific examples have been provided.
- 2.82 Adherence to the regulations as well as a culture of cooperation and openness is important if airlines are to meet their duty of care obligations to the travelling public. Members of the public expect to travel in safety, secure in the knowledge that the airline is fully informed of risks and threats.
- 2.83 The Committee is pleased that negotiations between the airlines, DoTaRS, and DIMIA have been fruitful, and there is agreement on a new set of regulations concerning PICs which cover the provision of advance information to the carriers.
- 2.84 The Committee expects agencies to follow the requirements of the new regulations.

Airport rage

- 2.85 The issue of ‘airport rage’ has been raised by the Australian Services Union (ASU) which represents employees working in the customer service, clerical, administrative, and operational and supervisory functions.⁷³ Airport rage can be defined as disruptive passenger behaviour occurring at airports which ranges from ‘the failure to obey safety instructions to verbal harassment to physical assault directed at airline staff.’⁷⁴
- 2.86 The ASU suggested the reasons for such behaviour were complex, but included:
- ... the impact of alcohol, the failure of consumer expectations of air travel to coincide with reality and the vagaries of air travel including delays, overbooking, flight cancellations and baggage limitations. Most of these issues find customer service staff as the front line deliverers of bad news which precipitates anger and violence from passengers and their families and friends who accompany them. As security at airports is tightened air rage at airports will increase and it must be met with sanctions for offenders.⁷⁵
- 2.87 In support of its view, the ASU provided the Committee with preliminary results of a survey of its members at 14 airports.⁷⁶ Some 317 employees

73 Ms Linda White, *Transcript*, 21 October 2003, p. 30.

74 ASU, *Submission No. 62*, p. 359A.

75 ASU, *Submission No. 62*, p. 360.

76 ASU, *Exhibit No 5, Zero air rage—Preliminary survey results, October 20, 2003*.

and ground handlers of 10 airlines had responded. The ASU summarised the results:

96 per cent of respondents had experienced air rage while working at the airport. ... a third of those respondents said that it was almost every day, 35 per cent said once a week and 27 per cent said once a month. ... Seven out of 10 agents said that they had seen a passenger being threatened by another passenger; 32 per cent had seen somebody assaulted, and there have been incidents of stalking. ... [the behaviour ranged] from being chested by a passenger, having briefcases or passports thrown at you, grabbing of arms, following you to the toilet to get your ASIC ... being spat at and being punched.⁷⁷

2.88 The ASU added that the incidence of prosecutions had been low and there was a culture of non-complaint because there was an expectation that 'nobody is going to do anything about it anyway'.⁷⁸

2.89 The ASU's submission drew the Committee's attention to legislation in the USA which provided sanctions against individuals who assaulted or interfered with the duties of air carrier employees who had security duties. The penalties ranged from a fine or imprisonment, or both. If a weapon was used in the assault, the perpetrator faced up to life imprisonment.⁷⁹

2.90 Qantas responded by advising the Committee that the number of incidents in the three years since 2001 had constantly declined. This included on-the-ground incidents as well as in-flight incidents in both its domestic and international areas of operation. Qantas provided the following statistics:

Between 1 January and 30 September of this year [2003] there has been a total of 239 incidents, 156 in flight and 83 on the ground, compared with 362 for 2002 and 659 for 2001—a reduction of 34 per cent and 64 per cent respectively. Of the incidents in 2003, only 30—13 in the air and 17 on the ground—were classified as violent. With a travelling population of 22½ million over the first nine months, this equates to an incident rate of one in 94,000 passengers or, for violent incidents, one in 750,000 passengers.⁸⁰

77 Ms Linda White, *Transcript*, 21 October 2003, pp. 29–30.

78 Ms Linda White, *Transcript*, 21 October 2003, pp. 30, 31.

79 ASU, *Submission No. 62*, p. 360.

80 Mr Geoffrey Askew, *Transcript*, 12 November 2003, p. 10.

- 2.91 Qantas added that over the same period ‘the number of passengers refused boarding or off-loaded has increased by 22 per cent and 71 per cent respectively.’ (Actual numbers were not provided.)⁸¹
- 2.92 Two passenger screening companies, Chubb Security Personnel and Group 4 Securitas, told the Committee that airport rage was not a problem. Group 4 said there had only been one incident in 2003.⁸² Chubb’s response to the Committee’s question as to whether airport rage was a significant problem was:
- Certainly not. In fact, statistics on people injured at work show much lower numbers at airports. We have a much higher proportion of women working at airports than in our general workforce, which reflects the fact that it is a very good environment in which to work.⁸³
- 2.93 The Committee recognises that passenger screening personnel are covered by a different union to the ASU, hence the experiences of screeners may not have a bearing on the ASU’s concerns. Also screeners are uniformed personnel and have a greater ‘authoritative presence’, thereby possibly reducing the likelihood of a passenger misbehaving.
- 2.94 The Committee, therefore, has sought further evidence from airport managements, and State and Federal Police forces on the incidence of airport rage and whether sanctions for such behaviour are appropriate.
- 2.95 BAC responded that it was unable to provide specific figures, but its opinion was there had been no discernable increase or decrease in airport rage. BAC noted that traditionally the incidence of airport rage at the international terminal was low because of the attitude of travellers. At the domestic terminal, however, airport rage problems are compounded by ‘the numbers of meeters, greeters and farewellers that accompany travellers.’⁸⁴
- 2.96 Sydney Airport Corporation Ltd (SACL) advised the Committee that there had been ‘five minor incidents’ since July 2001. Three allegations involved physical assault and two involved verbal abuse. SACL added that ‘anecdotally, passenger frustration appears to increase when procedures are changed.’⁸⁵

81 Mr Geoffrey Askew, *Transcript*, 12 November 2003, p. 10.

82 Mr Alexander George, *Transcript*, 24 November 2003, p. 2.

83 Mr Michael McKinnon, *Transcript*, 24 November 2003, p. 19.

84 BAC, *Submission No. 83*, p. 526.

85 SACL, *Submission No. 84*, p. 528.

- 2.97 Submissions from the State Governments of NSW, Victoria and Queensland indicated the following:
- NSW—no specific figures of airport rage were provided as it wasn't a recorded category of crime, but figures for 'offensive conduct' and 'offensive language' showed no incidents in 2001 and one in 2002; assaults for the same period were 28 and 20 respectively;⁸⁶
 - Victoria—the lack of a definition of airport rage prevented reporting the incidence or the trend over the previous three years;⁸⁷ and
 - Queensland—no incidents of airport rage had been reported.⁸⁸
- 2.98 The AFP provided response figures for its Australian Protective Service (APS) officers at Australia's eleven security categorised airports. The APS responded to screening point incidents when the incident had escalated beyond a point where it could be resolved by the screening staff themselves. The figures were:
- 2000—24 recorded incidents;
 - 2001—28 recorded incidents;
 - 2002—76 recorded incidents; and
 - 2003—39 recorded incidents (thought the figures were not complete⁸⁹).⁹⁰
- 2.99 The AFP noted that the rise in incidents correlated with the September 2001 terrorist attacks which prompted the introduction of 'stricter screening practices and reporting requirements upon screening authorities which may have contributed to the increase'.⁹¹
- 2.100 Regarding the appropriateness of sanctions, BAC suggested there was 'a definite need for a review'.⁹² SACL believed there should be specific legislation to empower the APS 'to deal with airport specific incidents related to inappropriate and offensive behaviour.' This would assist industry to deal with passengers who made 'improper statements or bomb threats'.⁹³

86 State Government of NSW, *Submission No. 80*, pp. 463–4.

87 State Government of Victoria, *Submission No. 86*, p. 533.

88 State Government of Queensland, *Submission No. 85*, p. 531.

89 The submission was dated 17 December 2003.

90 AFP, *Submission No. 76*, p. 416.

91 AFP, *Submission No. 76*, p. 417.

92 BAC, *Submission No. 83*, p. 527.

93 SACL, *Submission No. 84*, p. 528.

2.101 The Victorian Government advised that ‘air rage’ was a federal offence, whereas offences committed in an airport fell within State jurisdiction. While there was no designated offence of airport rage in Victoria, the behaviour could fall within the definitions of assault, offensive behaviour or indecent language. In deciding which offences may apply, the courts would consider the conduct of the person, the likely consequences of the conduct, the circumstances, and the person’s state of mind. The submission added that the ‘location of these offences was not generally considered relevant, as the nature of the offence is generally the same.’⁹⁴

Committee comment

2.102 The evidence before the Committee is contradictory. The level of officially reported airport rage incidents is low and AFP figures indicate it is decreasing. On the other hand, the ASU considers the behaviour is a problem after survey comments from 317 members and the union suggests airport rage may be under-reported.

2.103 The Committee considers airport rage is a problem and should be an issue for airport and airline managements. The onus is on employers to provide a safe working environment. Consistent with this, management should ensure staff receive training on conflict resolution.

2.104 The Committee notes that Qantas, notwithstanding its evidence to the Committee, is reported to have installed distress alarms at its check-in counters in Melbourne. As well, more security staff had been hired to respond to airport rage and other incidents.⁹⁵

2.105 Concerning penalties, the Committee believes that adequate sanctions are available under State legislation. Indeed, if sanctions were increased, the Committee wonders whether the desired outcome would be achieved. This is because, in an environment of alleged under-reporting, increasing penalties may induce less reporting if victims knew that offenders faced more severe consequences.

Comparing Australia’s aviation security with international benchmarks

2.106 In considering the current threat environment facing Australian aviation, the Committee has been keen to determine how Australia’s aviation security compared to that of other countries.

94 State Government of Victoria, *Submission No. 86*, p. 533.

95 Australian Associated Press, *New Qantas security measures ahead of EBA talks*, 12 May 2004.

2.107 DoTaRS compared Australia's approach to aviation security to that of the USA, Canada and the UK. The department concluded that Australia's response to the heightened threat environment was closest to the British model. DoTaRS noted that in Australia, responsibility for security had largely remained with airlines and airports while government had taken an active support and monitoring role, 'to ensure that all appropriate resources are brought to bear.'⁹⁶

2.108 DoTaRS told the Committee that Australia's security standards met with the stringent expectations of countries such as the USA and UK, both of whom had experienced a level of terrorism unknown within Australia:

We are subject to international review by various interests, including both national governments and airlines ... we pass all those international reviews with flying colours. If we did not, Australians would not be flying to those countries. When the US, the UK or other nations come here, our airports pass with flying colours. So, as an international benchmark, Australians can be assured that we are up there with the best in the world.⁹⁷

2.109 The Committee asked Qantas, as an airline flying to over 30 countries, to compare Australia's level of aviation security internationally. Qantas responded:

We have improved enormously in recent times. We are certainly at the top end of the tree. There are a lot of countries that have security that is quite visible but lacks substance. One of the strengths of the Australian regime is that it is quite thick; there are a number of layers there.⁹⁸

2.110 The value of a layered approach to aviation security was endorsed by BARA:

Australia adopts a layered approach to aviation security. At no stage is aviation security dependent solely on one measure or program. Unlawful interference with an aircraft is checked at multiple levels to ensure the greatest capacity to detect and obstruct a potential threat. As a result, Australia has achieved world class aviation security outcomes over many years.⁹⁹

2.111 Turning to Australia's airports the Committee asked Sydney Airport management whether it benchmarked its security performance against

96 Mr Andrew Tongue, *Transcript*, 4 September 2003, p. 20.

97 Mr Andrew Tongue, *Transcript*, 4 September 2003, p. 12.

98 Mr Geoffrey Askew, *Transcript*, 12 November 2003, p. 19.

99 BARA, *Submission No. 3*, p. 4.

overseas international airports. SACL responded that it and DoTaRS looked at ‘the experiences around the world, what other people are doing and what is working well.’¹⁰⁰ SACL was confident that in comparison to security at the John F Kennedy and Newark airports in the USA and London airport, Sydney airport’s security was:

... at least equivalent to what happens overseas. There are different measures in place at different airports and different regulatory regimes set up different requirements, but we would certainly match the requirements of any overseas airport given the threat level that we have here.¹⁰¹

2.112 The managers of Melbourne airport, Australian Pacific Airports Corporation (APAM), told the Committee that it had been subject to a peer review by the British Airport Authority (BAA). The review included safety as well as security.¹⁰² APAM provided the Committee a copy of the report on a confidential basis. The Committee has reviewed this report which indicates Melbourne airport’s standards are ‘as good as, or better than’ the other international airports audited by the BAA.

2.113 The Committee is satisfied that the standard of security at Australia’s major airports 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 these incidents will cause major disruption. The Committee believes this shows aviation participants are taking security seriously—to the extent they are prepared to incur a financial cost over an incident which may appear trivial to the casual observer.¹⁰³

Committee conclusion

2.114 The Committee believes that the measures adopted by the regulator and aviation industry in Australia are appropriate in the current threat environment. The major feature benefiting aviation security is the layered nature of security. This ‘strength in depth’ provides the flexibility to increase security in stages to meet changes in the threat profile.

100 Mr Steven Fitzgerald, *Transcript*, 2 October 2003, p. 25.

101 Mr Ronald Elliot, *Transcript*, 2 October 2003, pp. 25–6.

102 Ms Pamela Graham, *Transcript*, 21 October 2003, p. 16.

103 For example, on 22 May 2003 the Qantas terminal at Sydney airport was shut down for three hours when three elderly passengers wandered into a sterile area of the terminal.

2.115 It is always possible that the threat environment in Australia may change and require more exacting security arrangements. Possible enhancements to these layers are discussed in the next chapter. The Committee recognises, however, that the level of security must be balanced with the operating viability of the industry. This was a point well-made by Qantas when it said:

The only way [to] guarantee the security of our operations would be to ground the fleet. From the moment we decide to fly, we are in the business of risk management.¹⁰⁴

104 Mr Geoffrey Askew, *Transcript*, 12 November 2003, p. 25.

