

Further developments

- 7.1 As the Committee was completing this inquiry the importance of aviation security was, once again, thrust into the public's mind in a most urgent and disturbing way.
- 7.2 On 10 August 2006 a major counter-terrorism operation in the United Kingdom disrupted an alleged terrorist plot to blow up aircraft mid-flight. A press release by the UK Metropolitan Police stated that:
- The investigation has focused on intelligence, which suggested that a plot was in existence to blow up transatlantic passenger aircraft, in flight. The intelligence suggested that this was to be achieved by means of concealed explosive devices smuggled onto the aircraft in hand baggage. The intelligence suggested that the devices were to be constructed in the United Kingdom, and taken through British airports.¹
- 7.3 It was subsequently revealed that the targeted flights were destined for the United States, and that liquid explosives were to be used in the construction of the bombs on board the aircraft.
- 7.4 At the time of writing this report, the threat levels in the United Kingdom and United States were 'severe' (the second highest threat level) and 'Code Orange' (indicating a 'high' risk of terrorist attacks)

¹ Deputy Assistant Commissioner Peter Clarke, Head of the Anti-Terrorist Branch, 10 August 2006.

respectively.² The Australian security threat level had been reviewed, but was not lifted as the threats were directed at the United States.³

- 7.5 Following the counter-terrorism operation, United Kingdom and United States authorities significantly enhanced security procedures at their airports, and placed restrictions on hand baggage. Flights from Australia bound for the United Kingdom and United States are affected by the hand baggage prohibitions.

Messages from the transatlantic plot

- 7.6 The detection of the attempt to bring down transatlantic flights reiterated three important messages:
- aviation security is an on-going and evolving concern;
 - high quality intelligence is intrinsic to effective aviation security; and
 - the security of a country's aviation industry is enhanced considerably through co-operation with countries that are points of origin and last ports of call for incoming flights.

Aviation security an on-going concern

- 7.7 While not explicitly denied, the importance of aviation security has been challenged implicitly on two grounds.
- 7.8 The first implicit challenge to the on-going importance of aviation security underlies suggestions that aviation security has been confused with instances of criminality in the aviation industry. Some aviation industry participants have suggested that the most pressing challenge for aviation in Australia is criminality *rather* than vulnerabilities in the security regime.
- 7.9 Any criminal activity within the aviation industry, whether it consists of an isolated and opportunistic event or takes the form of a more organised and systemic breach, is a cause for concern.
- 7.10 Just as criminal activity is an inevitable part of the life of broader society, it will always be present within the aviation industry. To
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2 Department of Foreign Affairs and Trade, *Travel Bulletin: Enhanced Airline Security*, issued on Monday, 14 August 2006.

3 Prime Minister, *Interview with Neil Mitchell, Radio 3AW*, Melbourne, 11 August 2006.

attempt to eradicate criminal activity completely is not feasible in terms of the increased costs and further imposition upon the convenience of the travelling public.

- 7.11 The Committee supports the implementation of a risk management approach to aviation security. This entails identifying, assessing and providing measured responses to vulnerabilities in security systems. However, all aviation related criminal activity should be examined with an eye to what, if anything, it reveals of possible vulnerabilities in aviation security systems.
- 7.12 While an event such as the transatlantic bombing plot not unreasonably causes public alarm, the successful early detection of the plot also gives cause for public confidence in aviation security systems. This point reinforces frustration expressed by some aviation industry participants during the inquiry that attempted security breaches were equated with security failures by some media commentators.
- 7.13 The Committee notes that the public response to the increased security arrangements and disruptions to travel following the counter-terrorist operation appeared both measured and resolute.
- 7.14 In the wake of the bombings of public transport systems in Madrid on 11 March 2004 and London on 7 July 2005, understandable concern was brought to bear upon the security of public transport systems in Australia. The change of attention may have implied to some that terrorists had turned from aviation to softer targets.
- 7.15 There has been no suggestion that the high levels of aviation security should be wound back, but rather that greater security resources should be devoted to protect other areas of public infrastructure.
- 7.16 While not discounting concerns about vulnerabilities in other areas of public transport systems, the transatlantic bombing plot shows that aviation continues to be an attractive target for terrorists and other persons of ill will.

Importance of intelligence

- 7.17 The transatlantic bombing plot showed that a strong and active intelligence function is intrinsic to effective aviation security.
- 7.18 The detection and apprehending of suspects before attempts are made to breach other layers of security is the most effective preventative to

a breach of security, particularly when the nature of the threat is unknown or uncertain.

7.19 According to the *National Counter-Terrorism Plan (2005)*, Australia 'relies upon a strong intelligence-led prevention and preparedness regime to support its counter-terrorism strategy'.⁴

7.20 The Attorney-General's stated that:

\$641.7m of funding in the 2006-07 Budget fulfils the Government's five-year plan for enhanced resourcing for ASIO endorsed in October last year.

ASIO will be resourced to grow to 1,860 staff...

The additional resources will substantially strengthen ASIO's capability in a range of areas, including intelligence collection and assessment, surveillance, technical operations, border security and IT systems.⁵

7.21 Acknowledging the importance of intelligence to aviation security should not, however, overshadow the importance of other aviation security measures.

7.22 While intelligence is important in detecting attempts to circumvent or navigate through the various layers of security measures that are in place, it is incumbent that regulator and industry participants ensure that all layers of security are as effective as possible within the bounds of managing identified risks.

International inter-dependence in aviation security

7.23 The transatlantic bombing plot shows the necessity of international cooperation in combating acts of terror targeting aviation. Security of aviation in the United States is dependant on adequate levels of aviation security in the United Kingdom.

7.24 In a specifically Australian context, the inter-dependent character of international aviation security is particularly urgent. Many of Australia's regional neighbours do not have comparable resources to devote to intelligence structures or aviation security systems.

7.25 Flights originating or transiting through ports within countries with lower levels of aviation security than Australia must be considered

4 National Counter-Terrorism Committee, *National Counter-Terrorism Plan*, 2005, p. 8.

5 Attorney-General, *Budget Media Release*, 9 May 2006.

one of the major vulnerabilities to Australia's aviation security. This risk has been acknowledged by DoTaRS:

Australia has aviation links with a number of countries in our near region. Not all of these countries have aviation regimes as developed as ours and accordingly may impact on our national security.⁶

- 7.26 DoTaRS commented that a particular challenge arising from Australia's aviation links with countries in its near region is developing Australia's capacity to gather transport security intelligence.⁷
- 7.27 Concerns about lower aviation security standards in high risk countries were also raised by number of industry participants.
- 7.28 Operators of international flights and international airports expressed concern at the lower security at some of the ports that have flights operating into Australia. Concern at lower security capabilities was coupled with evidence of elements of active hostility to Australian interests within the region.
- 7.29 Qantas provided examples of how major industry participants could cooperate with the operators of international ports to improve security, including:
- reviews of airport security by formal on-site inspection;
 - formation of strategic partnerships with screening authorities to share information about passenger screening;
 - introduction of checked baggage screening using explosive trace detection because of deficiencies in airport security systems; and
 - deployment of additional security personnel.⁸
- 7.30 The Australian Government has also put in place arrangements to improve security at international ports with incoming flights to Australia including:
- on ground engagement with authorities and funding of aviation security enhancement by DoTaRS;⁹

6 DoTaRS, *Submission No. 52*, p. 5.

7 DoTaRS, *Submission No. 52*, p. 32.

8 Qantas, *Submission No. 61*, pp. 27-30.

9 DoTaRS, *Transcript*, 5 December 2005, p. 22.

- extension of Air Security Officer deployment program on international flights by AGD;¹⁰ and
- the deployment of Airline Liaison Officers by DIMA to target persons of concern and people smuggling operations.¹¹

7.31 While complex negotiations between several nations will be involved, the Committee believes that the Australian Government is in a strong position to take the lead in promoting enhanced regional co-operation on aviation security intelligence.

7.32 The Committee understands that the Attorney-General's Department has engaged a consultant to prepare a review on Recommendation 1 of the Wheeler Report. This recommendation stated that:

a thorough examination of legislation and regulations on the sharing of information, both among government agencies and between government and the private sector, be carried out by the Attorney-General's Department, in collaboration with States and Territories and the private sector, with the aim of identifying and removing elements which prohibit or inhibit the flow of information needed to counter crime and terrorism which threaten the aviation sector.¹²

7.33 The Committee has previously indicated its unanimous support for all of the recommendations in the Wheeler Report.¹³ **In light of the findings of this inquiry, the Committee now suggests that the consultant preparing the Attorney-General's review of the sharing of aviation security information consider broadening the scope of the review to include relevant South East Asia and West Pacific government agencies and private sector organisations.**

7.34 In addition to actively developing intelligence links with the international community, and particularly our regional neighbours, the Committee is supportive of Government efforts to enhance regional aviation security capability. DoTaRS advised the Committee that:

With regards to international services, the Office of Transport Security works with a number of international partners,

10 AGD, *Submission No. 63*, p. 5.

11 DIMA, *Submission No. 45*, p. 4.

12 The Rt Hon Sir John Wheeler DL, *An Independent Review of Airport Security and Policing for the Government of Australia*, September 2005, p. xviii.

13 *Report 406: Developments in Aviation Security since the Committee's June 2004 Report 400: Review of Aviation Security in Australia – An Interim Report*, Foreword.

including the governments of countries in South East Asia and the Pacific that are last ports of call for commercial services to Australia, to build capacity and to meet international obligations.¹⁴

- 7.35 The Committee believes there is merit in DoTaRS exploring opportunities to share this work with the Governments of South East Asia and Western Pacific countries. Building upon the work already undertaken to develop awareness and promote best practice in aviation security within Australia, and using its pre-established links with government counterparts in neighbouring countries, DoTaRS is well placed to promote a robust aviation security culture in Australia's region.**

Aviation security: finding a balance

- 7.36 The convenience attached to air travel in the past may not exist in the future, given the threats now faced. However, the Committee acknowledges that in a free society the level of security has to be balanced against the right of Australians to affordable and convenient air travel.
- 7.37 The Committee emphasises that responses to aviation security threats cannot be too prescriptive, as the nature of the challenge changes constantly. For example, the tragedy of September 11 revealed weak cockpit security, while the transatlantic plot highlighted the threat of carrying liquid explosives in hand baggage.
- 7.38 The Government has funded substantial upgrades to aviation security over the past five years, however in order to combat continually evolving aviation security threats, the Committee considers that DoTaRS needs to be flexible, and the Government has to be prepared to keep investing.
- 7.39 The Committee, in this report and the interim report of the inquiry, has recommended a number of improvements. The Committee believes that aviation security could be strengthened by:
- tightening the security audits of major airports;

14 DoTaRS, *Submission No. 52.1*, p. 20.

- increasing the on-ground experience of selected Office of Transport personnel particularly in relation to regional aviation industry participants;
- establishing standards for aviation industry participants against which to measure proposed security measures;
- improved processes for issuing an ASIC and tighter conditions and format for issuing a Visitor Identification Card;
- revised reporting arrangements for the prohibited items list;
- a review of checked baggage screening requirements at selected major regional airports;
- a review of closed charter jet security screening arrangements;
- support and flexibility in the delivery of security training;
- expanding the functions of Regional Rapid Deployment Teams;
- the development of an industry code for the monitoring of Closed Circuit Television;
- improving communication services to security classified regional airports; and
- negotiating funding arrangements to upgrade security at security classified regional airports.

7.40 Notwithstanding, the Committee was pleased to learn during the course of the inquiry that Australia's aviation security measures are essentially sound. DoTaRS reported that:

The newly strengthened Australian regime is as good or better than aviation security regimes in other parts of the world. The measures that the government has introduced have resulted in an aviation industry with tightened security requirements that put Australia on par with other industrialised nations such as the United States of America, the United Kingdom and Canada. Our regime is also significantly stronger than those of our immediate neighbours in south-east Asia.¹⁵

15 DoTaRS, *Submission No .52*, p. 6.

7.41 The Committee is also heartened by evidence that Australia's aviation security culture remains strong and is growing.

Tony Smith MP
Committee Chair
4 December 2006