

DOTARS Responses to Additional Questions from JCPAA (21 January 2004)

Passenger in Custody

1. *The proposed regulations refer to agencies having to notify airlines of the transport of a PIC. The Air Navigation Regulation 33 (2) requires notification of airlines of PICs. Nevertheless, the Committee has received evidence of occasions when the regulations have been breached by government agencies. [Transcript 2 October p. 51; Transcript 12 November p. 14].*
 - *Would you brief the Committee on the alternative mechanisms which can be used to ensure that in the future government agencies comply with the regulations concerning PICs?*

Where the Persons In Custody (PIC) regulations have been breached, airlines retain the right to deny carriage of PIC at their discretion. Under the current draft of the new legislation, this will also apply where the aircraft operator considers that the carriage of a PIC, taking into account any additional measures imposed, jeopardises the safety of other passengers on the aircraft.

- *The Committee understands that discussions with DIMIA concerning PICs are ongoing. Would you provide a brief on the outcome of those discussions to date, especially on their impact on the proposed regulations?*

DOTARS, DIMIA and Qantas have been engaged in a series of recent meetings on the PIC regulations. Significant progress has been made, and we are close to an agreed position in terms of outstanding items such as the definition of PIC, risk assessments, information sharing, and escort arrangements. Once these policy issues are finalised, drafting will re-commence. It is anticipated that a revised draft of the PIC regulations will be available prior to the end of February.

Screening

2. *Would you respond to the suggestion by the Flight Attendants Association of Australia [Transcript 5 September p. 74] that all ground staff that have airside access should pass through screening?*

In order to maintain the integrity of the boundary between security sensitive areas and public areas on airports, procedures have been put in place to restrict entry to authorised persons and to deter premeditated access. Currently rules governing access control to aviation facilities cover a number of distinct security areas.

Access to airside areas by employees like ground staff or baggage handlers is very tightly controlled. People are required to satisfy a number of strict background checks through the Aviation Security Identification Card (ASIC) scheme before they are able to gain access to such work areas.

Currently, persons wishing to access the Security Restricted Areas (SRA) at security categorised airports, such as those in capital cities, are required to display an ASIC, or be accompanied by a person holding a valid ASIC, as well as necessarily having a legitimate work-related purpose for being in the SRA.

Recently the Government agreed to implement even tighter access controls to airside areas. Subject to the passage of the *Aviation Security Transport Bill*, the ASIC

scheme is being extended to cover all airports where passenger screening is mandated and for access to other airport-related security sensitive areas such as fuel facilities and critical air traffic control facilities.

There is a total re-issue of ASICs currently underway, with new cards taking advantage of new technology, making them tamper evident and more difficult to forge.

As part of this reissue, ASIC card holders will also be required to undergo a Politically Motivated Violence (PMV) check conducted by ASIO to supplement existing criminal history checks.

In addition, the new regulatory framework currently being developed for aviation security will deal the issues of access to the airside of airports. Integral to the new measures will be further defining of security zones in the airside and tightening of access to security sensitive areas and critical infrastructure.

Provisions of the *Air Navigation Act 1920* require that persons, including airport employees, entering sterile areas via a screening point at airports eg. parts of the terminal, must have been screened. Some personnel, such as emergency services (eg. Australian Federal Police), have been exempted from such screening.

It is important to understand that ASICs are “Identification Cards”, they are not “Access Cards”. ASIC holders need to have a legitimate reason to be in a security sensitive area.

- *How prevalent is this practice in countries such as the USA, Canada, UK and other European countries?*

It should be noted that other countries take different approaches to this issue, based upon their own assessment of risk and how to manage it. Likewise, as indicated above, Australia adopts an intelligence driven, risk based approach.

Screening of airside workers takes place at some airports, like Schiphol (in the Netherlands), but not in others. For example, the Department has been advised that, similar to Australia, Canadian requirements are for all persons (including ground crew) passing through a screening point into a sterile area are to be screened, including those who are going airside. Moreover, current regulations require all restricted area pass holders (like ground crew) to be subject to background-checks to verify they are not a threat to aviation security. The Canadian government is currently in the midst of establishing new measures requiring random screening of non-passengers (including ground crew) accessing any airport restricted area (such as airside) from any public area.

From 1 January 2004 Member States of the European Union (Regulation 2320/2002) are required to screen all staff, including flight crew, together with items carried before being allowed access into security restricted areas. Where this is not practicable, then persons and items shall be subjected to continuous appropriate random screening at a frequency indicated by risk assessments conducted by the competent authority in each Member State; random screening shall be extended to all items carried onboard aircraft by any services including cleaning, duty free, and other parties with aircraft access.

“Security Restricted Areas” in this context mean airside areas of an airport into which access is controlled to ensure security of civil aviation. Such areas will normally include, *inter alia*, all passenger departure areas between the screening checkpoint and the aircraft, the ramp, baggage make-up areas, cargo sheds, mail centres and airside cleaning and catering premises. This is the definition used by ICAO which does not specifically refer to sterile areas, unlike Australian legislation.

By 2005, all staff, including flight crew, together with items carried shall be screened before being allowed access into the critical parts of security restricted areas. The critical parts will initially be identified by individual States, but by 1 July 2004 the Commission will adopt a common definition based on the experience of EU member states, which will then be given a maximum of five years to implement 100 per cent screening of staff as identified by the competent authority of the Member State.

The United States Transportation Security Administration (TSA) has advised that all ground crew personnel would have to undergo the regular screening process before gaining access to the restricted airside.

3. *Would you respond to Group4 Securitas [Transcript 24 November p. 3] and Chubb Security’s suggestion [Transcript 24 November p. 18] that wilfully attempting to carry an object which could be used as a weapon through a screening point or deliberately trying to breach security areas should be a criminal offence?*

Section 22 of the *Air Navigation Act 1920* states that “a person must not intentionally or recklessly carry a weapon through a screening point, or intentionally or recklessly have a weapon in his or her possession in a sterile area” unless the person is a law enforcement officer, or exempt by the Secretary. The maximum penalty is imprisonment for five years.

Section 22A of the *Air Navigation Act 1920* contains provisions, for example, that make it an offence for a person to intentionally or recklessly enter a sterile area without undergoing screening, unless the person is exempt.

4. *DoTaRS’ submission to the Committee’s 21 May 2003 public hearing states at paragraph 44 that, in response to ANAO’s recommendation 6, by the end of 2003 preliminary performance standards will be developed particularly in regard to the skills-based activities involved in passenger and baggage screening.*
 - *Would you provide the Committee with an update on progress?*

We are continuing to develop aviation security performance indicators that reflect the rapid change in the aviation security regulatory framework in response to the continuing threat posed by terrorism and unlawful acts of interference against civil aviation. The scope of the Department's regulatory activities has increased significantly following the 4 December 2003 announcement by the Minister for Transport and Regional Services (Mr Anderson) of an enhanced aviation security package, including expansion of the regulatory framework to include all airports servicing regular passenger aircraft and freight aircraft. Our performance indicators will be integrated into a reporting system within the Office of Transport Security's information management system.

5. *Would you provide a brief on the use of the Threat Image Projection System (TIPS)?*
 - *How widespread is its use?*

As of 30 September 2003, unless specifically exempt, it has been mandatory for screening authorities using X-ray machines to conduct passenger screening, to have Threat Image Protection systems (TIPs) installed and operational when those machines are in use.

TIPs is a software program which can be installed on certain X-ray machines. It projects virtual images of threat articles (eg. guns and knives) within the X-ray image of a real or virtual bag under examination and provides immediate information to the X-ray machine operator on their ability to detect such images.

TIPs is a training tool. It is designed to teach screeners about a variety of threats. To improve training, screener performance is monitored by supervisors and screening authority security management staff.

- *How are the results used?*

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Training

6. *Chubb and Group4 Securitas have referred to national standards for the training of security screeners and the fact that they are a registered training organisation. [Transcript 24 November pp. 2, 12]*
 - *Would you provide a brief on those national security standards and the mechanism by which a screening contractor can become registered as a registered training organisation?*

The Department has mandated that the screening of people, goods and vehicles is to be undertaken by people who hold the *Certificate II in Security (Guarding) with special application to Aviation Screening*.

The *Certificate II in Security (Guarding) with special application to Aviation Screening* is comprised of 13 Units of competency. Screeners need to demonstrate competence in all of these units to be awarded the qualification. Screeners need to satisfy training and experience requirements both initial on-the-job training and annual recurrent training.

Screener training is provided at the workplace by (or under the auspices of) organisations endorsed (as being equipped to deliver training) under Australia's accreditation arrangements for vocational training – termed "Registered Training

Organisations” or “RTOs”. Registered Training Organisations are not limited to dedicated educational institutions (such as TAFEs, universities or private colleges). An organisation wishing to become a Registered Training Organisation must be registered with the relevant State/Territory Registration Body under the Australian Quality Training Framework(AQTF).

The Australian Quality Training Framework (AQTF) comprises two sets of nationally agreed standards to ensure the quality of vocational education and training services throughout Australia.

States and territories apply the Standards for Registered Training Organisations under the AQTF when:

- registering organisations to deliver training, assess competency and issue Australian Qualifications Framework (AQF) qualifications
- auditing RTOs)to ensure they meet (and continue to meet) the requirements of the AQTF
- applying mutual recognition and
- accrediting courses.

The AQTF ensures that all RTOs and the qualifications they issue are recognised throughout Australia.

The Standards for Registered Training Organisations under the AQTF require RTOs to:

- have documented systems for quality training and assessment
 - conduct an internal audit at least annually
 - have documented agreements with other organisations when they provide training or assessment in partnership
 - have written procedures for recruitment, induction and professional development of staff
 - use trainers and assessors with specified competencies
 - follow explicit requirements for quality assurance in assessment
 - have a recognition of prior learning process in place and offer to recognise the prior learning of all learners on enrolment
 - follow specific requirements for developing, validating and implementing learning and assessment strategies.
- *If DoTaRS is happy with those training standards how do you ensure those standards are being met?*

Under the powers of the *Air Navigation Act 1920* the Department has specified the procedural standards for core screening tasks for screening of people, goods and vehicles. These standards have been developed by the Department in consultation with the industry. Screeners must adopt these procedures when using screening equipment or conducting physical searches. The standards ensures that screeners continue to apply the skills learnt (and assessed) during screener training.

The Department regularly conducts systems tests of screening points, as do some screening authorities and screening contractors, to ensure that screening is being conducted according to the procedural standards. The Department also regularly assesses the performance of screening points against the *Instrument on the Manner and Occasion of Screening* and also conducts regular ongoing compliance monitoring and regulatory surveillance of screening point performance. As part of the formal compliance monitoring processes, DOTARS regularly conducts inspections of staff training records and screening point logbooks.