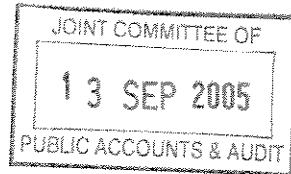




Tasmania

PREMIER

Submission No:74.....



8 SEP 2005

Mr Bob Baldwin MP
Chair
Joint Committee of Public Accounts and Audit
Parliament House
CANBERRA ACT 2600

Dear Mr Baldwin

Thank you for your invitation to provide a submission to the review of developments in aviation security in Australia since the Joint Committee's report of June 2004. Please find attached the Tasmanian Government submission.

This Joint Committee's review is being conducted concurrently with the *Airport Security and Policing Review*, being undertaken by the Rt Hon Sir John Wheeler on behalf of the Commonwealth Department of Transport and Regional Services. Because there is some overlap in the terms of reference of the two reviews, this submission includes some material that has also been submitted to the Wheeler review by the Commissioner of Police.

The Tasmanian Government would be interested in commenting on any draft reports or other publications that may be produced during the course of the review.

Yours sincerely

Paul Lennon
Premier



**TASMANIAN GOVERNMENT SUBMISSION TO THE
REVIEW OF AVIATION SECURITY IN AUSTRALIA**

JOINT COMMITTEE OF PUBLIC ACCOUNTS AND AUDIT

JULY 2005

1. INTRODUCTION

The Tasmanian Government recognises that, because there are fewer alternatives for travel to Tasmania than other states, we are particularly reliant on air transport. The Tasmanian Government's interest in aviation is, first and foremost, to ensure that people travelling to and from Tasmania are secure. Relevant considerations include the commercial viability and long-term sustainability of airports and airlines (and industries that support and rely on them).

Many smaller airports do not have the capacity to absorb the cost of additional security measures. If the cost of these measures is passed on to passengers it could have a significant effect on the demand for air travel – particularly to regional airports due to the high price sensitivity and low margins associated with air travel to these destinations.

This submission makes recommendations which seek to strike a balance between ensuring a strong security regime, on one hand, and ensuring the commercial viability and long-term sustainability of airports and airlines.

This review is being conducted concurrently with the *Airport Security and Policing Review*, being undertaken by the Rt Hon Sir John Wheeler on behalf of the Commonwealth Department of Transport and Regional Services (the Wheeler review). Because there is some overlap in the terms of reference of the two reviews, this submission includes some material that has also been submitted to the Wheeler review by the Commissioner of Police.

The Tasmania Government acknowledges improvements in airport security that have resulted from the Joint Committee's report of June 2004. The recommendations in this submission are consistent with recommendations made in the Tasmanian Government submission to the Joint Committee in 2003.

2. REGULATION OF AVIATION SECURITY BY THE COMMONWEALTH DEPARTMENT OF TRANSPORT AND REGIONAL SERVICES, AND THE DEPARTMENT'S RESPONSE TO SECURITY INCIDENTS SINCE JUNE 2004

The Tasmanian Government has worked closely with the Commonwealth *Department of Transport and Regional Services* (DOTARS) in relation to a number of aviation security programs since 2003, including the *Securing Our Regional Skies* initiative, the introduction of Aviation Security Identification Cards, and the *Aviation Transport Security Act 2004* and associated regulations.

The Tasmanian Government, in conjunction with the *Department of Transport and Regional Services*, liaises with airport owners/operators to share information regarding security threats and ensure that appropriate security controls are implemented.

Tasmania has eight security regulated airports under the Commonwealth *Aviation Transport Security Act 2004*: Hobart, Launceston, Burnie/Wynyard, Devonport, Cambridge, King Island, Flinders Island and Strahan. This submission focuses on the two major airports in Hobart and Launceston.

Regulation of aviation security should remain the responsibility of the Commonwealth to ensure compliance with internationally agreed aviation security regimes and to ensure consistency within and across Australian jurisdictions.

In this context 'consistency' does not mean 'uniformity'. Security measures should be based on a risk based methodology taking into account the ASIO threat assessments and other relevant factors

The Department of Transport and Regional Services *Aviation Risk Context Statement* recognises that there is less risk to regional airports servicing smaller aircraft:

Within Australia, the major metropolitan airports are more likely to be targeted by terrorists than regional airports and general aviation, due to their proximity to major population centres and the potential to achieve a high level of impact and public alarm. The level of threat depends on a mix of factors in each case, including size of the airport; types of aircraft using the airport; amount of traffic; and location.

While regional airports are not likely to be an attractive target for international terrorism in their own right, they could conceivably be used in terrorist plans, directed at other targets, which involved the use of aircraft based at, or leaving from, these airports.

[...]

Regional airport infrastructure could also be targeted, but again would provide limited symbolic value and comparatively low damage potential, in terms of casualties, compared to major airports.

Threat of a terrorist attack on regional airlines in Australia is low.

Aviation security measures should be based on a risk based methodology specific to the circumstances of individual airports and airlines.

Airports and airlines operate in highly competitive markets. The cost of security requirements should not inappropriately distort these markets.

3. COMPLIANCE WITH COMMONWEALTH SECURITY REQUIREMENTS BY AIRPORT OPERATORS AT MAJOR AND REGIONAL AIRPORTS

The responsibility of each operator of a security regulated airport is to ensure that prescribed minimum regulatory standards are met with respect to airport security, including physical security, access control and, where required, a counter-terrorist first response capability. These requirements are laid down in the *Aviation Transport Security Act 2004* and its regulations and in individual airport security plans approved by DOTARS.

All Tasmanian security regulated airports have developed security plans in accordance with the *Aviation Transport Security Act* and regulations. The Tasmanian Government is currently auditing these plans. This audit is partly funded by the Commonwealth under the *Securing our Regional Skies* package. The outcomes of the audits can be shared with the Joint Committee when completed.

Tasmania Police is currently delivering a structured education program for airport managers and senior staff to improve their knowledge and skills in relation to security issues.

4. COMPLIANCE WITH COMMONWEALTH SECURITY REQUIREMENTS BY AIRLINES

The Tasmanian Government has a limited role in relation to compliance of airlines with Commonwealth security requirements. Members of the airlines have been involved in exercises with Tasmania Police to test security controls at airports. The outcomes of these exercises are in classified reports that can be provided to the Joint Committee upon request.

5. THE IMPACT OF OVERSEAS SECURITY REQUIREMENTS ON AUSTRALIAN AVIATION SECURITY

The Commonwealth *Department of Transport and Regional Services* participates in international aviation security policy formulation through its membership on the International Civil Aviation Organisation (ICAO) *Aviation Security Panel* which considers proposals for amendments to Annex 17 of ICAO's *Convention on International Civil Aviation* entitled *Security: Safeguarding International Civil Aviation against Acts of Unlawful Interference*.

The Tasmanian Government has no direct involvement in international aviation security policy development. The states/territories are consulted when legislative amendments are proposed to incorporate Annex 17 requirements into Australian legislation.

The Tasmanian Government does not propose any changes to this approach.

6. COST IMPOSTS OF SECURITY UPGRADES, PARTICULARLY FOR REGIONAL AIRPORTS

Both Hobart and Launceston airports have recently upgraded their access controls and Hobart Airport recently announced a further \$8M upgrade to security measures, fully funded by the airport owners.

The benefits of aviation security enhancements in Tasmania go beyond the bounds of airport and even beyond the borders of this state. The whole Australian community reaps the benefits of a strong aviation security regime.

If operators are required to meet the cost of further security measures they will have to pass these costs on to passengers. This will lessen demand for air travel, particularly to regional destinations due to the high price sensitivity and low margins associated with air travel to these destinations.

The Commonwealth Government should finance the cost of any further security upgrades at regional airports.

7. PRIVACY IMPLICATIONS OF GREATER SECURITY MEASURES

The Tasmanian Parliament passed the *Personal Information Protection Act 2004* in November 2004. The Act is scheduled to commence on 5 September 2005.

The Act applies to the Tasmanian public sector as well as to local government authorities, and regulates the collection, use and disclosure of personal information by means of the Personal Information Protection Principles (PIPPs). The PIPPs are largely consistent with the National Privacy Principles applying under the *Privacy Act 1988* (Cth).

As a general principle, the Act requires that personal information is only collected, used or disclosed for a particular purpose or purposes that are necessary for the functions or activities of the body collecting it.

However, the Act contains various exemptions from or exceptions to this requirement, including in relation to law enforcement information. Limitations on the disclosure of personal information are put aside in relation to law enforcement activities, or where disclosure is required or authorised by law, or to lessen or prevent a threat to life, health or safety.

The application of security measures within the community, including in the aviation area, would appear to fall within this category and therefore be catered for under the Tasmanian legislation.

8. OPPORTUNITIES TO ENHANCE SECURITY MEASURES PRESENTED BY CURRENT AND EMERGING TECHNOLOGIES, INCLUDING MEASURES TO COMBAT IDENTITY FRAUD

The Tasmanian Government does not have the resources to conduct comprehensive research into emerging technologies relevant to aviation security.

The Government recently made a significant contribution the Capability Subcommittee's research and development fund and would support the use of this fund to investigate emerging technologies relevant to aviation security.

The Commonwealth and States/Territories should consider applying their consolidated R&D fund to the research of emerging technologies relevant to aviation security.

A number of Tasmanian Government projects established over the last 12 months have emphasised the need for consistent identity management practices across government. To identify and act on these emerging issues, the Identity Management Framework Project has been established within the Department of Premier and Cabinet.

The project will be undertaken in two parts: firstly to review the current whole-of-government Evidence of Identity Standard, which was developed in 2001. Secondly, to undertake an environmental scan of emerging issues within the State Government with a view to developing recommendations for future action. It is expected that these will include recommendations regarding the use of emerging technologies to combat identity fraud.

The Commonwealth's recently announced *National Identity Security Strategy* initiative represents a significant driver for achieving consistency of approach in relation to identity management practices, and will influence the work of the Tasmanian Project.

9. PROCEDURES FOR, AND SECURITY OF, BAGGAGE HANDLING OPERATIONS AT INTERNATIONAL, DOMESTIC AND REGIONAL AIRPORTS, BY BOTH AIRLINES AND AIRPORTS

Tasmanian Police conducted a comprehensive review of crime and criminal intelligence relating to Tasmanian airports for the Wheeler review. It concluded that, while there is some intelligence to suggest that drugs and other illicit goods have been transported through Tasmanian airports, there is no reliable information to suggest Tasmanian airports are systematically being used for the transport of illicit goods.

Similarly, there is no specific security intelligence suggesting that Tasmanian airports are the target of a terrorist attack.

Tasmania Police conducts exercises with airport security guards at Hobart and Launceston airports to test security measures.

The Tasmanian Government notes the proposal by the Commonwealth to extend the use of video surveillance at airports. There are no legislative obstacles to greater use of video surveillance at Tasmanian airports however there are a number of issues that will need to be resolved before new arrangements can be implemented. These issues include: responsibility for the cost of implementation, permitted uses for the footage, responsibility for monitoring the video feed, and expectations in relation to response. If these issues can be satisfactorily resolved Tasmania would support the extension of video surveillance to security sensitive areas at major airports.

Tasmania also supports the Commonwealth proposal to subject holders of Aviation Security Identification Cards (ASIC) to greater scrutiny to ensure that they are fit and proper persons to work at airports.

10. TASMANIAN GOVERNMENT RECOMMENDATIONS TO WHEELER REVIEW

The Tasmanian Government recently made a submission to the *Aviation Security and Policing Review* being conducted by the Rt Hon Sir John Wheeler on behalf of the Commonwealth Department of Transport and Regional Services. That submission identified a number of benefits of having a single law enforcement entity responsible for the exercise of all Commonwealth and State police powers at airports. This would enable a seamless provision of police services across landside and airside areas of airports. The single entity could be responsible for all aspects of law enforcement from community policing and organised/serious crime to terrorist incidents.

Public confidence would be greatly enhanced by a recognisable police presence at airports, wearing a uniform which is familiar and trusted.

The single law enforcement entity would need to have sufficient, locally based resources to cover personnel shortages due to illness or other issues.

A single law enforcement entity should be responsible for all aspects of policing in both airside and landside areas of major airports.

This single entity should be responsible to a joint management committee which would include airport owners/operators and representatives of relevant Commonwealth and State government agencies.

11. SUMMARY OF RECOMMENDATIONS

1. Regulation of aviation security should remain the responsibility of the Commonwealth to ensure compliance with internationally agreed aviation security regimes and to ensure consistency within and across Australian jurisdictions.