

Additional comments by Senator Nick Xenophon

On a Wing and a Prayer? Aviation Security in Australia

1.1 The committee's comprehensive summary and analysis of the evidence provided on this very important issue is to be commended.

1.2 The genesis of this inquiry can be traced back to the invaluable work that former Custom's Officer Mr Allan Kessing did in preparing reports on risks he identified in airport security. Those reports were disgracefully suppressed and only saw the light of day when leaked to *The Australian* newspaper in May 2005. Mr Kessing has always denied he was responsible for the leaking of those reports to *The Australian*.

1.3 The public furore that arose following the release of the reports led to the Howard Government commissioning the Wheeler Review into Airport Security and upon its release in September 2005, the Howard Government announced a \$200 million security upgrade at Australia's major airports – a complete vindication of the matters raised by Mr Kessing several years earlier.

1.4 However, the revelations by the Seven Network's investigative reporter Mr Bryan Seymour in a series of reports broadcast in 2014 highlighted that, despite the 2002 and 2003 Kessing Reports, the 2005 Wheeler Review, the 2009 Beale Review and the 2014 ANAO Audit of Policing at Australian International Airports, there are still many deficiencies in security at Australian airports.

1.5 This is clearly unacceptable and poses avoidable risks to the Australian travelling public.

1.6 In addition to the work of Mr Seymour, stories by Fairfax journalists Mr Richard Baker and Mr Nick McKenzie also revealed glaring problems with the Aviation Security Identification Cards (ASIC) and Visitor Identification Cards (VIC).

1.7 The work of these and other journalists begs the question whether the concerns going all the way back to the Kessing Reports have been appropriately addressed.

An overview of the problem

1.8 The inquiry drew out a number of issues in relation to aviation security.

1.9 The first of these issues relates to security screening of passengers as they enter the airport. Evidence was presented to the committee that shows that current screening does detect contraband, but that there are holes. Examples were provided of prohibited objects discovered after passengers had boarded planes; objects including knives, tools (such as screwdrivers and pliers), scissors and box cutters, pepper spray, tasers and bullets. Problems identified by the committee in respect of screening

included screening processes, the use of subcontracted security staff and inadequate staff training. Mr Kessing indicated that screening also lacks appropriate intelligence analysis, which has served other countries well.

1.10 The second issue relates to mandatory and voluntary reporting of ‘unlawful interference’ with aviation safety. The committee was presented with evidence to show that some in industry had a reluctance to make voluntary reports.

1.11 The third issue relates to the issuing and use of ASICs and VICs. The evidence provided to the committee, particularly the evidence of Mr Kessing, showed significant problems in relation to the ASIC and VIC vetting process – with up to 20 per cent of all non-Customs staff (i.e. baggage handling, cleaners, screening staff, aircraft catering etc.) with access to the sterile areas having criminal convictions, and about half of those were serious convictions, including drug trafficking, assault and the other misdemeanours. The vetting process is decentralised and has no notification scheme for an ASIC holder who may have been subject to a conviction after the card has been issued.

A solution to the problem

1.12 There is no starker example of what can happen when aviation security fails than the horrific events that took place on the morning of 11 September 2001 when nearly 3,000 people were killed in a series of coordinated terrorist attacks. The 11 September 2001 attacks resulted in the creation of both the US Transportation Security Administration (TSA) and the Canadian Air Transport Security Authority (CATSA).

1.13 The TSA is a one-stop shop for aviation security with the following functional responsibilities:

- to receive, assess, and distribute intelligence information related to transportation security;
- to assess threats to transportation;
- to develop policies, strategies, and plans for dealing with threats to transportation security;
- to make other plans related to transportation security, including coordinating countermeasures with appropriate departments, agencies, and instrumentalities of the United States Government;
- to serve as the primary liaison for transportation security to the intelligence and law enforcement communities;
- to, on a day-to-day basis, manage and provide operational guidance to the field security resources of the Administration;
- to enforce security-related regulations and requirements;
- to identify and undertake research and development activities necessary to enhance transportation security;

- to inspect, maintain, and test security facilities, equipment, and systems;
- to ensure the adequacy of security measures for the transportation of cargo;
- to oversee the implementation, and ensure the adequacy, of security measures at airports and other transportation facilities;
- to require background checks for airport security screening personnel, individuals with access to secure areas of airports, and other transportation security personnel;
- to work in conjunction with the Administrator of the Federal Aviation Administration with respect to any actions or activities that may affect aviation safety or air carrier operations;
- to work with the International Civil Aviation Organization and appropriate aeronautic authorities of foreign governments to address security concerns on passenger flights by foreign air carriers in foreign air transportation; and
- to carry out such other duties, and exercise such other powers, relating to transportation security as the US Under Secretary considers appropriate, to the extent authorised by law.

1.14 The TSA also has explicit responsibilities in the event of a US national emergency.

1.15 The US (and Canadian) Government's response is instructive, and Australia would do well to proactively adopt a similar approach, rather than reactively after some future aviation incident. The US approach inherently addresses all the problems identified in this inquiry in an integrated and coherent manner, with clear lines of responsibility.

Recommendation 1

1.16 That the Australian Government adopts a US Transport Security Administration-like agency approach to airport and aviation security.

1.17 Finally, I wish to particularly thank Mr Kessing's contribution to this inquiry. Given that his home was raided by the AFP after *The Australian* stories broke in 2005, and he was subsequently convicted (I believe wrongly) for leaking the report (which he has consistently denied), Mr Kessing should be acknowledged for the significance of the reports he prepared and for his integrity throughout.

1.18 Australians owe Mr Kessing a great deal of gratitude for the reports he prepared that have been a catalyst for improvements to aviation security in this country. Sadly, it seems that a number of Mr Kessing's warnings and recommendations of almost 15 years ago have continued to go on unheeded. That is completely unacceptable.

Senator Nick Xenophon
Independent Senator for South Australia