

Rural Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Additional Estimates February 2011

Infrastructure and Transport

Question no.: 67

Program: 2.1

Division/Agency: (OTS) Office of Transport Security

Topic: Offences precluding MSIC applications

Proof Hansard Page/s: 86 (22/02/11)

Senator Heffernan asked:

Senator HEFFERNAN—Thank you. I want to go into regional security in a minute, but just quickly, in response to some questions that I asked at an earlier Estimates in October, I just want to clarify a couple of matters; thank you for the answers you have given. In terms of the Maritime Security Identification Cards, what types of offences are classified as disclosable criminal offences? Maybe you would like to table it if it is a complicated document.

Mr Retter—Mr Dreezer will answer that, Senator, if you are happy with that.

Mr Dreezer—Disclosable criminal offences basically relate to those offences which are part of your criminal history, so it is any particular offence which, as I understand it, is an offence that you would have that would arise out of a background check. That is a disclosable offence.

Senator HEFFERNAN—When I apply for a security clearance card, I do not own up to you; you investigate me. If I am Joe Bloggs, I may have—which I have had plenty of—speeding tickets et cetera, but I have not threatened anyone with bloody murder or something. But, for the public to get a sense of where is the cut-off point, that would be a judgment that is made on the side by the government?

Mr Dreezer—CrimTrac conduct the background-checking process. It is not up to the applicant to advise the issuing body of their criminal offences, and those offences that are identified by CrimTrac are subsequently reviewed by AusCheck, which conducts the background-checking process to confirm whether or not they are offences that are within the offence categories within either the Aviation Security Identification Card regulations or the Maritime Security Identification Card regulations. Separate to that, there are also offences that need to be disclosed by either an ASIC or an MSIC holder. In respect of ASICs, they are aviation-security-relevant offences, and the categories of those offences are outlined in the regulations as well. Similarly, MSCIs holders also have to report to their issuing body on whether or not they have been convicted of a maritime-security-relevant offence after the background checking process has occurred.

Senator HEFFERNAN—So, as I understand it from the answer, of 963 people who applied for an MSIC, only 30 had disclosable criminal offences and only 30 of these people were refused a pass. What specific offences precluded the 30 applicants but let the 933 people through?

Mr Dreezer—I would have to take that on notice, because I do not have those figures in front of me.

Senator HEFFERNAN—That would be good if you could.

Mr Dreezer—Are you referring to the application statistics that we provided you for ASICs or MSICs?

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Senator HEFFERNAN—I am referring to the question I asked about how many applicants for your Maritime Security Identification Card had previous criminal convictions, and it was the Office of Transport Security 04, question 2.

Mr Dreezer—I will take that one on notice, if I could.

Answer:

Of the 963 MSIC applications, 30 were found Not Eligible. The following table represents the specific offence categories that precluded those found Not Eligible.

Reasons not Eligible Application statistics (AUSCHECK)	FY 2010-11 1 July to 30 September 2010 Number of applications (percentages)
Drug offences	10 (33.33%)
Threat to Murder	2 (6.67%)
Aggravated Assault	6 (20.00%)
Unlawful activity relating to weapons, firearms or explosives	2 (6.67%)
Armed Robbery	2 (6.67%)
Extortion, blackmail and racketeering	1 (3.33%)
Forgery, Fraud, including identity fraud	3 (10.0%)
Import, export, supply, manufacture or cultivate illegal drug or controlled substance	4 (13.33%)

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Question no.: 68

Program: 2.1

Division/Agency: (OTS) Office of Transport Security

Topic: **Regional Airport Passenger Numbers and Airlines that Service Regional Airports.**

Proof Hansard Page/s: 87 (22/02/11)

Senator Heffernan asked:

Senator HEFFERNAN—Obviously there have been concerns expressed to me about everything from pilot training to what a monopoly like Sydney Airport can do to a small airline. They will have charges and they will want to get rid of them—but I do not want to go back to a horse and sulky. Can you provide information on the number of passengers that pass through regional airports annually and the airlines that service them? Can you take that on notice?

Mr Robertson—Yes, we can.

Answer:

The Bureau of Infrastructure, Transport and Regional Economic collect passenger and aircraft movement data for a number of Australian airports. These statistics published as Airport Traffic Data 1985-86 to 2009-10 and are publically available on the internet site: <http://www.bitre.gov.au/info.aspx?ResourceId=191&NodeId=96>.

The information available to the Department indicates that there were a total of 127,204,284 passenger movements in Australia in the year 2009-10. Of these movements, a total of 23,439,239 were recorded at regional airports.

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Question no.: 69

Program: 2.1

Division/Agency: (OTS) Office of Transport Security

Topic: Body Scanners

Proof Hansard Page/s: Written

Senator Heffernan asked:

Aviation security:

I refer to the 2010-11 Budget that provides \$28.5 million to help the industry introduce a range of new technologies at passenger screening points, including the latest body scanners. I understand that from early 2011 body scanners will be introduced progressively at screening points servicing international departure passengers.

- 1) How is this initiative going? Do you have any updates to the Committee on this issue?
- 2) Have you developed any thoughts regarding which airports will receive these machines first?
- 3) Obviously there are major concerns regarding privacy. How is your consultation going regarding this matter?
 - a) Who has the Office of Transport Security consulted about the application of such screening devices?
- 4) Is the Dept in liaison with the office of the Privacy Commissioner?
 - a) If not, why not?
 - b) If your answer is you don't comment about other agencies, when will OTS see their report and will their comments/views be taking into consideration?
- 5) Can you now advise if you have talked to the members of the Privacy Authorities Australia forum?
- 6) Has the Australian Radiation Protection and Nuclear Safety Agency given assurance that there is no risk of excessive radiation exposure to screened passengers and to the operators of such scanning machines?
- 7) What sort of delays do you imagine will take place at international departure gates as a result of implementing full body scanners? What will be the total number of passengers scanned in one typical day in Sydney airport? How long will it take per passenger?
- 8) Can you give an absolute assurance to this committee that no inappropriate pictures of passengers, particularly celebrities, will end up on the internet? What is the basis of your confidence?
- 9) What other jurisdictions have applied this technology? How have these concerns been addressed?
- 10) Are scanners fail-safe? Will they be able to deal with binary explosives?
- 11) I understand that in the United States it is mandatory to present photo identification prior to passing a screening point at an airport. In Australia, it is possible to purchase an online ticket to travel domestically, with no checked baggage, without presenting photo identification. Is that correct?
- 12) Does that mean in Australia it is theoretically possible to swap boarding passes prior to boarding a flight? In other words, it is possible not to be sure of the identity of passengers on domestic commercial flights in Australia. Is that correct?
- 13) Does the Government propose to address this?

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Answer:

- 1) Refer to Hansard p. 83-84.
- 2) Body scanners will be implemented at Australia's eight international gateway airports in Adelaide, Brisbane, Cairns, Darwin, Gold Coast, Melbourne, Perth and Sydney. The decision on which airport will be first to implement body scanners has not yet been made.
- 3) The Department has held wide ranging consultations with various stakeholders.
- 4) Yes.
 - a) Not applicable.
 - b) The Department continues to consult with the Office of the Australian Information Commissioner (formally known as the Office of the Privacy Commissioner). The Department is developing a Privacy Impact Assessment which will be made available to privacy stakeholders and the public for comment. All comments regarding the Privacy Impact Assessment will be considered by the Department.
- 5) Implementation of body scanners has not been discussed with the members of the Privacy Authorities Australia forum.
- 6) Body scanners to be used at Australia's international airports will need to comply with all health and safety requirements of all relevant Commonwealth, state and territory regulatory authorities. The Department is working with health authorities, including the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), to ensure that regulatory requirements are met.
- 7) The Department is working closely with airports and screening authorities to ensure that body scanners are integrated efficiently into the current screening procedures such that there is minimal impact on passenger facilitation rates and the clearance time for each passenger.
- 8) There will not be revealing images of passengers.
- 9) The United States, United Kingdom, Canada, the Netherlands and the Republic of Korea are known to have installed body scanners at aviation security screening points.
- 10) Body scanners represent the optimal technology available.
- 11) Yes.
- 12) The primary purpose of airport security arrangements is the prevention of terrorism. Passengers, their checked and carried on baggage are screened for weapons, explosives and other prohibited items.
- 13) There are no plans to require identity checks as a condition to boarding a domestic air service.

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Question no.: 70

Program: 2.1

Division/Agency: (OTS) Office of Transport Security

Topic: Aviation White Paper

Proof Hansard Page/s: Written

Senator Heffernan asked:

Aviation White Paper:

I refer to the Aviation White Paper – *Flight Path to the Future* – released in December last year. Specifically, the White Paper flags a change to the mandatory passenger and baggage screening requirements. The White Paper notes that from 1 July 2010 the trigger for compulsory passenger and baggage screening for Regular Public Transport and open charter aircraft will be applied to aircraft with a Maximum Takeoff Weight of 30,000 kilograms, regardless as to whether the aircraft is jet or turbo propelled.

I further understand that according to the White Paper, the trigger for compulsory passenger and baggage screening for aircraft conducting Regular Public Transport and open charter will be lowered to those aircraft with a Maximum Takeoff Weight of 20,000 kilograms by 1 July 2014. And I further note that in Minister Albanese's press conference on 9 February 2010, it has been brought forward to 2012.

- 1) So by 1 July 2012 all aircraft with a Maximum Takeoff Weight of 20,000kg will require compulsory passenger and baggage screening. Is that correct?
- 2) I refer to the Government's new so-called *Strengthening Aviation Security* initiative. This \$200 million package includes \$32 million to bring forward screening at a number of additional regional airports that are currently served by larger passenger turbo-prop aircraft. I further understand that this commitment has been confirmed in the 2010-11 Budget. I also note that the White Paper states, on page 141 that the Government will work closely with industry to ensure an effective transition to these new requirements. Does this \$32 million fund apply to these transition arrangements?
- 3) What will be the upfront construction cost to upgrade regional airports that do not have the required screening facilities that are being serviced by the Dash 8 400 series?
- 4) What will be the upfront construction cost to upgrade the listed regional airports that are serviced by the Dash 8 series 200 and 300 aircraft, to be able to operate the Dash 8 400 series?
- 5) What will be the additional annual security running costs upon the regional airports that do not have the required screening facilities that are being serviced by the Dash 8 400 series?
- 6) Should the regional airports that are currently serviced by the Dash 8 series 200 and 300 be upgraded to operate the Dash 8 400 series, what would be the additional security running costs?
- 7) I assume, in order to be compliant with the new security requirements, the total capital and additional annual running cost upon affected regional airports will be in the league of \$100 million. Is that your understanding?

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- 8) What do you think is the correct figure?
- 9) The \$32 million falls rather short doesn't it?
- 10) Where will the balance come from – i.e. the \$68 million?
- 11) What do you think is the shortfall?
- 12) Which regional airports will receive the benefit of this \$32 million to pay for screening measures?
- 13) Will the Government promise to provide assistance to the long-suffering regional aviation commuter so they are not slugged by additional fare increases?

Answer:

- 1) No, only regular public transport and open charter services operating aircraft with a Maximum Takeoff Weight of 20,000kg will require passenger and baggage screening from 1 July 2012.
- 2) Yes.
- 3) The cost will vary from airport to airport depending on the existing facilities and screening equipment available.
- 4) The cost will vary from airport to airport depending on the existing facilities and screening equipment available.
- 5) This will depend on the airport and their security screening requirements.
- 6) Security running costs will vary from airport to airport.
- 7) No.
- 8) The total capital and additional annual running cost upon affected regional airports can only be determined on a case by case basis and will vary for each airport.
- 9) No.
- 10) The \$32 million in administered funding covers all affected airports as at 9 February 2010.
- 11) Nil.
- 12) Regional airports receiving regular public transport and open charter services using aircraft with a maximum take-off weight greater than 20,000kg may be eligible for funding.
- 13) The Government has provided \$132.9 million to assist industry with costs associated with aviation security.

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Question no.: 71

Program: 2.1

Division/Agency: (OTS) Office of Transport Security

Topic: Maritime Security Identification Cards

Proof Hansard Page/s: Written

Senator Nash asked:

- 1) Can the agency please report on enhancements that were made to the Maritime Security Identification Card (MSIC) in December 2010?
- 2) Why were the MSIC obligations enhanced?
- 3) Was this done in response to specific threats or risks?
- 4) Why were the MSIC amendments not made in early 2010?
- 5) Is any consideration being given to further strengthening the MSIC arrangements?

Answer:

- 1) The key enhancements to the MSIC Scheme that came into effect on 1 December 2010 were:
 - background checks of MSIC applicants are now conducted every two years with cards being valid for up to four years (previously MSICs were valid for five years with a requirement of one background check within this validity period);
 - a new offence to prosecute MSIC holders who fail to advise their MSIC issuing body or AusCheck if they have been convicted of a disqualifying offence or convicted for a maritime security relevant offence and sentenced to imprisonment for the offence, has been created;
 - a new offence to prosecute MSIC issuing bodies that fail to suspend an MSIC at the direction of the Secretary of the Department, or fail to cancel the card if the person is convicted of a disqualifying offence or convicted of any other maritime security relevant offence and sentenced to imprisonment for the offence, has been created; and
 - the Secretary may now suspend an MSIC under certain circumstances if a holder is convicted of a maritime security relevant offence and has not yet been sentenced for the offence.
- 2) These changes were in response to a review of MSIC eligibility criteria completed in late 2009.
- 3) No.
- 4) A phased approach to the MSIC enhancements was requested by industry to allow sufficient time to make necessary enhancements to their IT systems and application processes. The additional time was also required to inform MSIC holders of their new responsibility to report maritime security relevant offences.
- 5) At this stage no additional enhancements are being considered.