

Rural Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Supplementary Estimates October 2010

Infrastructure and Transport

Question No.: OTS 01

Division/Agency: Office of Transport Security

Topic: Offences in relation to Identity Cards

Hansard Page/s: 93 (21/10/10)

Senator Heffernan asked:

Senator HEFFERNAN—For individual card holders or otherwise, what penalties apply for an infringement of the regulations?

Mr Dreezer—There is a range of regulations which provide offences. I would have to take on notice that range of offences and provide you with the penalties.

Senator HEFFERNAN—You could take that on notice, yes.

Mr Retter—Can I correct the record. Earlier you were raising questions relating to whether individuals under 18 years of age could get a card. Contrary to the statements made earlier, we have just checked the facts and under certain circumstances there are ways under 18s can get a card. So I apologise for misleading you there.

Senator HEFFERNAN—I am coming to it.

Mr Retter—And because this is quite a complex area within the regulations, what I would like to do is to—

Senator HEFFERNAN—I have the same bit of paper here. I was about to hit you over the head with it.

Mr Retter—correct the record and, if you are agreeable, under written notice provide you with a detailed description of the circumstances.

Answer:

- 1) The penalty provisions are detailed in the regulations which are available on the website.
- 2) The Maritime Transport and Offshore Facilities Security Regulations 2003 permit the issue of a Maritime Security Identification Card (MSIC) to a person under 18 years without the minor having undergone a background check. There are legal and operational impediments to conducting background checking for people under 18 years, including inconsistencies amongst State and Territory jurisdictions on the availability of criminal history information for background checking of minors and different approaches to parental consent requirements. Details of all MSICs issued to people under 18 years are recorded on the AusCheck database and these MSICs must expire no later than six months after the holder's 18th birthday. A person must undergo a background check after they turn 18 years in order to renew their MSIC.

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Question No.: OTS 02

Division/Agency: Office of Transport Security

Topic: Screening of people who clean aircraft

Hansard Page/s: 132 (21/10/10)

Senator Macdonald asked:

Senator IAN MACDONALD—Again, I think Senator Heffernan went through some of this with CASA, but I am not sure whether it is also in your area: a question on why cleaners are not screened when they clean planes, yet pilots are screened. Is that your area?

Mr Dolan—No.

Mr Mrdak—That is again with myself and the department.

Senator IAN MACDONALD—Is that right, that cleaners are not screened or do not have those—

Mr Mrdak—I do not think it is as clear-cut as that. I do not think that is correct, but let me take it on notice. I think we had better check the actual details on that.

Answer:

Cleaners are screened when they clean aircraft at major airports. Cleaners accessing the aircraft using the aerobridge pass through the sterile area screening point. Cleaners accessing the aircraft through an enhanced inspection area gate are subject to a comprehensive airside inspection regime.

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Question No.: OTS 03

Division/Agency: Office of Transport Security

Topic: Body Scanning Technology

Hansard Page/s: Written Question

Senator Heffernan asked:

Scanning machines to be installed in major airports.

- 1) Since the program has begun, what research or action has the Government and the OTS taken in regards to the health concerns relating to these scanning machines?
- 2) Are there any health conditions that would restrict the use of these machines on a passenger?
- 3) Would children be subjected to these scanners?
- 4) On 26 Oct 2010, Dr Bendall, Victoria's Deputy Privacy Commissioner states that these machines:
 - "They give the illusion of safety without actually making us safer". Assuming this is true, how is this factor taken in to consideration when choosing which machine will be selected by the OTS?
 - "The devices cannot detect low-density materials hidden under clothing such as liquid, powder or thin plastics. Nor can they detect materials of any density hidden in body cavities." If this is the case, what other measures are being taken to adequately check for these threats?
- 5) Given the disputed effectiveness and possible health risk associated these machines, what other factors are the OTS considering when deciding which machine to install?
- 6) How closely has the OTS monitored any developments or issues regarding the use of these scanners in the United States and the Britain?
- 7) What measures would be in place to protect the privacy of people subjected to body scanning?
- 8) As the OTS has outsourced consultation to the federal Privacy Commissioner's Office, will this allow stakeholder's concerned with privacy the same opportunity to have their concerns adequately addressed?

Answer:

- 1) The Department of Infrastructure and Transport has, and continues, to liaise with the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) about body scanners that utilise backscatter X-ray.
- 2) Yes. Passengers who have physical disabilities that prevent them from being able to hold the required pose for a specified period of time will not be able to use the body scanners.
- 3) The Government has not yet made any decisions about the use of body scanners on children.
- 4) Body scanners can detect a wide range of threats and will be used in combination with a range of technologies.

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- 5) The Government will ensure all body scanners meet technical standards, satisfy Commonwealth and state radiation licensing requirements and address the privacy of persons using the body scanners.
- 6) The Department of Infrastructure and Transport monitors closely developments in aviation security technology in other countries.
- 7) The Government will consider a range of measures designed to protect the privacy of people using body scanners. This will include consideration of the image seen by screening staff and rules relating to the viewing and storage of images.
- 8) Yes.

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Question No.: OTS 04

Division/Agency: Office of Transport Security

Topic: Maritime Security Identification Cards (MSICs)

Hansard Page/s: Written Question

Senator Heffernan asked:

In a recent report on Four Corners (ABC, 30/08/2010), the Maritime Security Identification Card (MSIC) was highlighted as a key problem of port security at several ports in Australia.

- 1) On what basis are issuing bodies selected or approved to issue MSIC? – Are there regulations they are required to adhere to? How is their compliance monitored?
- 2) How many applicants have previous criminal convictions other than drink driving offences? – How many of these applicants are accepted?
- 3) Is the MSIC freely transferable? .i.e. can the card be used interstate if an employee with clearance moves to another state?
- 4) What is the average time it takes for the entire vetting process to be completed? – Is there a backlog?
- 5) What government agencies are involved in the vetting clearance process? How long does it take for government agencies to complete their assessment of individuals?
- 6) Why do people under the age of 18 not require vetting when applying for and MSIC?
- 7) How does the process differ between Australian Citizens and non Australians? – How much more stringent is the vetting process for non-Australians?
- 8) How much extra time per-unit will the vetting process take with these new enhancements?
- 9) What will be the increased cost per-unit of an MSIC once the recommendations are implemented? – What is the current cost?
- 10) What is the current rejection rate of MSIC applicants? How will this change under the new changes?
- 11) Will current pass holders who fall in to the rejection criteria as a result of the new requirements be given special consideration?
- 12) When is the first opportunity an employee without an MSIC able to be in contact with containers?
- 13) Is the OTS concerned with recent allegations that imply some current pass holders have links to criminal organisations that may use the ports to import illicit substances into Australia?
- 14) For individuals (cardholders or otherwise) what penalties does OTS impose for an infringement of the regulations?
- 15) Aside from MSIC – how is OTS enhancing security and reducing the risk of illegal activity? – How effective are these measures?

Answer:

- 1) Refer to Hansard – Rural Affairs and Transport, 88
- 2) Refer to Hansard – Rural Affairs and Transport, 91
- 3) Refer to Hansard – Rural Affairs and Transport, 89

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- 4) Refer to Hansard – Rural Affairs and Transport, 89
- 5) Refer to Hansard – Rural Affairs and Transport, 89
- 6) Refer to Hansard – Rural Affairs and Transport, 90
- 7) Refer to Hansard – Rural Affairs and Transport, 91
- 8) Refer to Hansard – Rural Affairs and Transport, 91
- 9) Refer to Hansard – Rural Affairs and Transport, 91
- 10) Refer to Hansard – Rural Affairs and Transport, 91
- 11) Refer to Hansard – Rural Affairs and Transport, 92
- 12) Refer to Hansard – Rural Affairs and Transport, 92
- 13) Refer to Hansard – Rural Affairs and Transport, 92
- 14) Refer to OTS QON01, question one.
- 15) As the security transport regulator, OTS assesses and approves maritime security plans for port operators, port facility operators, ship operators, port service providers and offshore oil and gas operators

The following matters are outlined in maritime security plans:

- a) Measures to prevent unauthorised access to maritime security zones and security regulated ships;
- b) Procedures for responding to security threats or breaches of security, including procedures for maintaining critical operations;
- c) Procedures for responding to any security directions given by the Secretary; and
- d) A number of other measures relating to drills and exercises.

The maritime security regulatory framework is a mechanism that has established an effective preventive security regime for the maritime sector that also meets Australia's obligations under the International Maritime Organisation's international ship and port facility security code.