

Senate Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Transport and Regional Services

Department of Transport and Regional Services

Consideration of Additional Budget Estimates February 2005

Question No.: ROTS 01

Topic: Aviation Security Identity Cards and Licence Check

Hansard Page: p. 79 (Monday, 14/2/05)

Output: Office of Transport Security

Senator Allison asked:

[In response to Mr Turner confirming that there are powers for revocation of the Aviation Security Identification Card and the Aviation Security Status for a pilot's licence.] And, as I understand it, there is an appeal process as part of that? Does the pilot get stood down during the appeal? What are the arrangements?

Answer:

The *Aviation Transport Security Act 2005*, at s.74G(1), allows for the Secretary of DOTARS to determine that a person has an 'adverse aviation security status.'

The effect of such a determination is the revocation of a pilot licence and/or an ASIC.

The Act also allows, at 126(f), for a person to seek an AAT review of a decision by the Secretary.

If the Secretary determines that a person has an adverse aviation security status, CASA is obliged to suspend or cancel the person's licence as soon as practicable after the determination is made — see s.74(3)(b).

If a person's licence is suspended or cancelled, he or she will commit an offence by performing activities otherwise permitted by that licence while it is suspended or cancelled. There is no express provision which automatically stays the operation of the Secretary's decision if the licence holder exercises his or her right to seek AAT review of the Secretary's decision.

However, where application for review of a decision has been made to the AAT, the AAT has a general power under s 41(2) of the *AAT Act 1975* to 'stay or otherwise affect the operation or implementation of the decision to which the relevant proceeding relates'.

Thus, if the Secretary determines that a person has an adverse aviation security status, he or she may seek review of that decision in the AAT and at the same time seek an immediately operative order under s 41(2) staying the operation of the Secretary's decision - which would mean that CASA would not suspend or cancel the licence, or if it had done so, that suspension/cancellation would also be stayed by an order under s.41(2).

If the basis for the Secretary's determination is that the person has an adverse security assessment from ASIO, the person would need to seek concurrent review of that decision by ASIO in accordance with the special provisions for such review in the *ASIO Act 1979* and the *AAT Act 1975*.

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Question No.: ROTS 02

Topic: Voyage Permits

Hansard Page: p. 88 (Monday, 14/2/05)

Output: Office of Transport Security

Senator Bishop asked:

Can you tell me how many single and continuous voyage permits were issued in each six-month period over the past three years? And, for the previous financial years?

Answer:

SVPs 2002 to 2004

6 Month Period	No of Permits
to June 2002	320
to December 2002	379
to June 2003	358
to December 2003	388
to June 2004	337
to December 2004	366

CVPs 2002 to 2004

6 Month Period	No of Permits
to June 2002	38
to December 2002	49
to June 2003	52
to December 2003	77
to June 2004	62
to December 2004	85

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Question No.: ROTS 03

Topic: Voyage Permits

Hansard Page: p. 89 (Monday, 14/2/05)

Output: Office of Transport Security

Senator Bishop asked:

Do you retain records of the cargo carried by the vessels issued with those permits?

Can you take that on notice and provide that information going to the breakdown of the cargo carried by the vessels issued with the permits?

Answer:

Yes, we retain records of the cargo carried by the vessels issued with Single Voyage Permits. However, it is recorded in broader statistical terms, broken down as follows: Petroleum Products, Liquefied Gas, Other Bulk Liquids, Dry Bulk and General Cargo.

SVPs January 2004 – June 2004

Cargo Category	No of Permits
Petroleum products	46
Liquefied gas	38
Other bulk liquids	5
Dry bulk	119
General cargo	129
Total	337

SVPs June 2004 – December 2004

Cargo Category	No of Permits
Petroleum products	64
Liquefied gas	30
Other bulk liquids	14
Dry bulk	133
General cargo	119
Total	360

SVPs July 2003 – December 2003

Cargo Category	No of Permits
Petroleum products	60
Liquefied gas	37
Other bulk liquids	21
Dry bulk	107
General cargo	163
Total	388

SVPs January 2003 – June 2003

Cargo Category	No of permits
Petroleum products	41
Liquefied gas	29
Other bulk liquids	20
Dry bulk	10
General cargo	163
Total	263

SVPs July 2002 – December 2002

Cargo Category	No of Permits
Petroleum products	44
Liquefied gas	46
Other bulk liquids	28
Dry bulk	118
General cargo	145
Total	381

SVPs January 2002 – June 2002

Cargo Category	No of Permits
Petroleum products	42
Liquefied gas	30
Other bulk liquids	11
Dry bulk	109
General cargo	128
Total	320

CVPs 2002 to 2004*

6 Month Period	No of Permits
to June 2002	38
to December 2002	49
to June 2003	52
to December 2003	77
to June 2004	62
to December 2004	85

- * The Department does not publish a breakdown by cargo category for CVPs. The great majority of CVPs are issued for general cargo ships. Statistics on CVP cargo-by-cargo type might reveal information which is confidential to the operators of vessels other than general cargo ships.

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Question No.: ROTS 04

Topic: Emirates Airline Security Breach

Hansard Page: p. 98 (Monday, 14/2/05)

Output: Office of Transport Security

Senator Bishop asked:

Where was its first scheduled port of call?

Answer:

The Emirates (EK421) flight of 23 July 2004 was from Perth to Dubai.