

**Rural & Regional Affairs and Transport Legislation Committee**

ANSWERS TO QUESTIONS ON NOTICE

Additional Estimates February 2012

**Infrastructure and Transport**

**Question no.:** 81

**Program:** 2.1

**Division/Agency:** (OTS) Office of Transport Security

**Topic:** Body Scanners

**Proof Hansard Page/s:** 74 (14/02/12)

**Senator Xenophon asked:**

**Senator XENOPHON:** I should declare that I am asking this for self-interest but probably also the self-interest of some of my colleagues about full-body scanners. I always dealt with the Office of Transport Security, but this relates to the health effects of it. Europe has banned airport scanners over cancer fears. They are still investigating that. As someone who I think caught 150 flights last year, like most of my colleagues, can you tell me whether there has been a health assessment and a monitoring of the EU's approach to body scanners, whereas I understand that they are saying, 'Not yet, until we are satisfied that there are not any adverse health effects'?

**Mr Mrdak:** The European position deals with some existing technology, not the technology which is being introduced into Australia, which is the millimetre wave technology and, yes, there have been health assessments done. We are happy to provide you with some details on that in relation to it.

**Senator XENOPHON:** On notice, could you provide those? I think it is an issue of some concern—

**Mr Mrdak:** Certainly.

**Answer:**

The European Union adopted legislation on 14 November 2011 to restrict body scanners to types which do not use X-ray technology. The same restrictions will apply in Australia.

The Government has consulted widely, both in Australia and internationally, since before the Strengthening Aviation Security Initiative announcement in 2010 to ensure that concerns regarding health are addressed before body scanners are introduced. This has included extensive consultation with other government agencies, including the Australian Radiation Protection and Nuclear Safety Authority (ARPANSA), the Department of Health and Ageing, the Therapeutic Goods Administration and state and territory radiation regulations. A Health and Safety Fact Sheet has been released publically by the Department following this consultation (**Attachment A**). ARPANSA has also made available a separate fact sheet which is available on their website (**Attachment B**).

The Department has also liaised with partner agencies overseas to remain informed of technology developments to ensure that the technology used in Australia is safe and follows international best practice. In determining the type of technology to be used in Australia, the Department has considered reports from international agencies including; the United States' Transportation Security Administration and Food and Drug Administration, the United Kingdom's Department for Transport and Medicines and Healthcare Products Regulatory

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Agency, the French Agency for Environmental and Occupational Health and Safety, and Health Canada.

People being scanned by the L-3 millimetre-wave body scanner are exposed to exceptionally low levels of electromagnetic energy. These levels are thousands of times lower than that of a single phone call and comparable to passive exposure from a mobile phone used several metres away. The ARPANSA Radiation Protection Standard: *Maximum Exposure Levels to Radiofrequency Fields – 3 kHz to 300 GHz* sets limits for human exposure to radiofrequency fields in the frequency range millimetre-wave body scanners operate. The exposure limits contained in this standard are based on a large body of up-to-date scientific research. Current data does not indicate the existence of adverse health effects for exposure levels below these limits. The Department has been advised that the exposure level from one body scan is many thousands of times lower than the limits set out in this standard and as such, there are no established health concerns associated with the use of this technology.

**Health and Safety Information Sheet – Attachment A**

**Airport Passenger Screening Technologies – Attachment B**

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**Question no.:** 82

**Program:** 2.1

**Division/Agency:** (OTS) Office of Transport Security

**Topic:** PJC Recommendations

**Proof Hansard Page/s:** Written

**Senator Fawcett asked:**

In relation to “Government Response to the Report of the Parliamentary Joint Committee on Law Enforcement”:

1. Recommendation 2: What improved industry guidelines have been forthcoming and what training has been provided?
2. Recommendation 14: What is the status of the review of security-relevant offences?
3. Recommendation 15: What is the status of the proposed test for *ASIC* and *MSIC* cardholder suitability and the means for cancelling cards
4. Recommendation 18: What is the status of *AusCheck* and *CrimTrac* developing a database to alert authorities of cardholder security breaches?
5. Recommendation 22: What is the status of *ASIC* and *MSIC* issuing bodies being replaced by a single, government-run, centralised issuing body?

**Answer:**

1. A national competency based training package is being developed jointly between Government and industry through processes managed by the Transport and Logistics Industry Skills Council. Competencies have been developed for a new category of Aviation Protection Officer, which will encompass three job roles:
  - passenger screener;
  - check baggage screener; and
  - control room operator.The training will be delivered by registered training organisations.
2. The Attorney-General’s Department and the Department of Infrastructure and Transport, in consultation with the Australian Crime Commission and other relevant agencies, are currently examining how effectively the current *ASIC* and *MSIC* schemes capture offences relevant to serious and organised crime. A review of the lists of security relevant offences has commenced.
3. The Attorney-General’s Department and the Department of Infrastructure and Transport, in consultation with the Australian Crime Commission and other relevant agencies, are considering options for developing a test that would allow a suitable law enforcement agency to cancel an *ASIC* or *MSIC* if it is determined that the card holder is not a fit and proper person based on compelling criminal intelligence. This will include options to appeal any such determination, and a suitable legal mechanism for cancelling such cards.
4. *AusCheck* is currently working with *CrimTrac* to explore options that could achieve the effect of continually identifying cardholders who may be convicted of a security-relevant offence, in order to reassess their eligibility to hold a card. The Government Response

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noted this recommendation from the Committee and indicated that while there would be many benefits to continual checks of a card holder's criminal record, a number of technical, privacy, legislative and funding issues would need to be resolved in order to achieve this outcome.

5. The Department of Infrastructure is currently undertaking a Functional Review that will consider the security and financial costs and benefits of a number of possible models for delivering the ASIC and MSIC schemes. One of the models being considered as part of this review is a single government run issuing body for all ASIC and MSIC applications. It is anticipated that this review will be completed this year.

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**Question no.:** 83

**Program:** 2.1

**Division/Agency:** (OTS) Office of Transport Security

**Topic:** Body Scanners

**Proof Hansard Page/s:** Written

**Senator Heffernan asked:**

1. In the last Senate Estimates hearing from October. At that time you said that you were working through the results of the trials in Sydney and Melbourne. Can you give me a summary of the findings?
2. At the last estimates hearings a false positive rate of between 20-40% was identified which you advised varied on a weekly and daily basis. Can you provide any more information on that?
3. Can you give a figure of the percentage of false positives experienced during the trial?
4. When you say that the results varied on a weekly and daily basis, what are the factors that contribute to this variance?
5. At the last estimates you advised that you were going through the data to determine if there was a correlation between sweating and false positives. What were the results there? Would hot weather and sweat lead the machine to go off?
6. Can you give me an idea of how many of these machines will be available at each of our international airports?
7. At the last estimates you were in discussions with the manufacturer about delivery of the new machines. Can you tell me how many have been ordered or hasn't this happened yet?
8. I understand this is a \$28 million package. How many body scanners have been or are expected to be ordered using these funds?
9. What is the expectation of the proportion of passengers that will be screened by the new body scanners once they have all been rolled out?

**Answer:**

1. The Department has released a report of the Optimal Technologies Proof of Concept Trial. The report is available at the Infrastructure website at the following link:  
[http://www.travelsecure.infrastructure.gov.au/international/faq/faq\\_body\\_scanner.aspx](http://www.travelsecure.infrastructure.gov.au/international/faq/faq_body_scanner.aspx)
2. Refer to the Infrastructure website. Link provided at Question 1.
3. Refer to the Infrastructure website. Link provided at Question 1.
4. The trial tested different processes, which contributed to the variance. The demographic of the travellers and the time of day (peak vs non-peak times) also led to different results on a day-to-day basis.
5. Data collected during the trial does not suggest that sweat significantly impacted on alarm rates.
6. Body scanners will be introduced at every second international security screening lane at 8 international gateway airports.
7. Orders for approximately 30 body scanners are likely to be placed in the next month.

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8. The optimal technologies program was allocated \$28.5 million. Of this amount, approximately \$7 million will be allocated for 30 body scanners.
9. There is no target percentage of passengers to be screened by this technology.

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**Question no.:** 84

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**Division/Agency:** (OTS) Office of Transport Security

**Topic:** Maritime Identity Checks

**Proof Hansard Page/s:** Written

**Senator Heffernan asked:**

The SMH (1 Jan 2012) reported a number of concerning security flaws in the cargo freight industry.

1. Please outline why the Agency believes that container packagers should not be subject to regulatory background checks.
2. What was the risk/reward analysis of this decision?
3. Please outline the strategy and risk/reward analysis of the Agency to only inspect less than 1% of exported shipping containers.

**Answer:**

1. Recommendation 17 of Parliamentary Joint Committee on Law Enforcement's report on their inquiry into the adequacy of aviation and maritime security measures to address serious and organised crime stated:

*The committee recommends the expansion of the coverage of the ASIC and MSIC schemes to capture a greater part of the overall supply chain, including some or all of the following:*

- *staff at cargo unpacking and stuff-unstuff facilities;*
- *transport workers involved in the transmission of cargo between ports, airports and other parts of the logistical chain;*
- *customs brokers that do not access port facilities; and*
- *human resource staff and management at companies with employees that currently must hold ASICs or MSICs.*

The Government response noted recommendation 17 from the Committee.

The Department of Infrastructure and Transport is currently assessing whether there would be any security benefit to expanding the categories of people required to hold ASIC/MSICs.

2. See answer to Question 1.
3. This is a matter for the Australian Customs and Border Protection Service.

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**Question no.:** 85

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**Division/Agency:** (OTS) Office of Transport Security

**Topic:** Aviation Incident

**Proof Hansard Page/s:** Written

**Senator Heffernan asked:**

In the first week of December 2011 Qantas found that wires had been cut to the in-flight entertainment system on a Boeing 767. The police were called.

1. Has there been an inquiry into this incident? If not, why? If so, what were the results?
2. What members of the airport or airline staff have access to that particular section of the plane?
3. What security systems are in place to thwart this type of incident?
4. Has ATSB investigated the potential to place CCTV cameras in and around planes? If not why not?

**Answer:**

1. Yes. The AFP conducted an inquiry into this incident.
2. This is a decision of the airlines and airport operators.
3. Airport and airline operators are required to address security risks through their Transport Security Programs.
4. This is not a matter for the ATSB. There is no ATSB investigation.