

Rural and Regional Affairs and Transport Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Budget Estimates May 2009
Infrastructure, Transport, Regional Development and Local Government

Question No.: OTS 01

Division/Agency: Office of Transport Security
Topic: Air Cargo Carried on Passenger Aircraft
Hansard Page: 14 (28/05/09)

Senator Heffernan asked:

Senator HEFFERNAN—Is it correct that 80 per cent of Australia's domestic air cargo is carried on passenger aircraft?

Mr Retter—That is correct.

Senator HEFFERNAN—How much cargo—that is, in terms of tonnes or items of weight?

Mr Retter—Senator, your question was how many tonnes by weight?

Senator HEFFERNAN—Yes.

Mr Retter—I cannot give you that answer. I will have to take it on notice and check.

Senator HEFFERNAN—In terms of the loaded plane, would the freight be more than the passengers?

Mr Retter—I do not know. I will have to take that on notice.

Answer:

No statistics are produced that quantify the amount of cargo carried on domestic passenger aircraft.

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Question No.: OTS 02

Division/Agency: Office of Transport Security

Topic: Checked Baggage Screening

Hansard Page: 16 (28/05/09)

Senator Back asked:

Senator BACK—I just want to draw attention to the checked baggage screening initiative for regional domestic airports that was announced in the 2007-08 Budget. Since the introduction of that program in December 2007 how many checks have been conducted on checked luggage at those regional airports?

Mr Retter—I will have to take on notice the precise number. What I can say to you is that each of the airports that have been required to introduce checked bag screening has been visited numerous times by my staff to check that those systems are operating. Where we have found irregularities or issues that needed to be addressed they have been taken up with the operators of that equipment at each of the airports.

Senator BACK—I would appreciate those numbers and percentages.

Answer:

100% screening of checked baggage is required for all Regular Passenger Transport services using jet aircraft, and for other aircraft operating from the same apron during the jet aircraft's operational period.

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Question No.: OTS 03

Division/Agency: Office of Transport Security

Topic: Detection of Ammunition and Weapons in Checked Baggage at Cairns Airport

Hansard Pages: 16-17 (28/05/09)

Senator BACK asked:

Senator BACK—I am interested as to how you might be able to explain the incident in March of this year, when a young fellow carried a number of weapons, including a revolver and a pistol. I think he commenced his journey in Karratha and went to Perth and then on to Cairns, where I think he was detected. Can you give us some information on that particular exercise—what happened and where it might have fallen apart?

Mr Retter—The issue here is that the nature of the screening that is conducted on checked baggage is designed to detect explosives. What was being carried in that checked baggage was, as it now appears—and I understand the individual has been charged and found guilty—a number of weapons and ammunition. The fact that the individual who was on that aircraft had no access to those weapons is one of the mitigation measures which means that we are able to focus on the real threat to checked baggage from a security perspective, which is the issue of explosives. Indeed, the X-ray machines are designed to alarm when they detect potential explosive components or actual explosives. They are not designed to alarm for, nor do the regulations require that operators report when they detect—if they detect—weapons or any other contraband in those bags. Having said that, from time-to-time where they are detected those matters are brought to police attention at those airports. As I understand it, the laws that would have been broken in this particular case related to dangerous goods laws and, indeed, other laws pertaining to the movement of weapons from jurisdiction to jurisdiction.

Senator BACK—I wonder if you could tell us, then, how they were detected at Cairns. Presumably he picked up his checked bags having got off the plane and was walking out of the terminal, was he?

Mr Retter—I am not aware of the precise circumstances in terms of how he was picked up at Cairns Airport, other than perhaps he was to go on another flight somewhere from Cairns and they were actually picked up as part of the baggage screening process at that airport.

Senator BACK—I would be interested to learn if that is the case.

Answer:

The matter is subject to legal proceedings. It would be inappropriate to comment.

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Question No.: OTS 04

Division/Agency: Office of Transport Security

Topic: Checked Baggage Screening

Hansard Pages: 17 (28/05/09)

Senator Back asked:

Senator BACK—...Are you aware of how many checks under the baggage screening initiative have been undertaken in Karratha since the program started? Is that information that would be available to us?

Mr Retter—We do not collect information on the number of bags, but we can check to see whether that information is available.

Senator BACK—Thank you.

Answer:

This information is not available to the Department.

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Question No.: OTS 05

Division/Agency: Office of Transport Security

Topic: Air Cargo Security

Hansard Pages: 20 (28/05/09)

Senator Bushby asked:

Senator Bushby—I have a couple of questions about the security at Hobart airport, particularly in respect of freight. Are you able to tell me how many of the staff at the Hobart airport who deal with air freight have the proper regulated air cargo agent training?

Mr Retter—I will have to take that on notice. I do not have that information at hand.

Mr Retter—Are you talking about a lack of security in relation to air cargo?

Senator BUSHBY—Yes.

Mr Retter—I am not aware of those incidents. I would be happy to speak to you separately and get that advice and go and chase it up.

Senator BUSHBY—Thank you.....

Answer:

Air cargo is handled in Hobart by a number of Regulated Air Cargo Agents (RACAs), some of which are located at Hobart airport. Records of training maintained by the independent quality assurance service for the RACA Security Training Framework, show that 130 individuals working for RACAs in the Hobart area had undertaken RACA security training as at 26 June 2009.

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Question No.: OTS 06

Division/Agency: Office of Transport Security
Topic: Maritime Security Identification Cards Statistics
Hansard Pages: 22-23 (28/05/09)

Senator Back asked:

Senator BACK—I want to return to maritime security and particularly the identification cards. Some questions were asked earlier. I want to come back to the point that if the Attorney-General determined that an applicant was ineligible for a marine security identification card, the applicant can apply to the Secretary of the Department of Infrastructure to exercise their discretion to overturn that decision. What role, if any, does your office play in advising the Secretary on what might be appropriate action to take in that event?

Mr Retter—It is correct that when an individual, prima facie, has been refused an MSIC as a result of a background check invariably that is due to them having committed an offence which is a prescribed offence in accordance with the Maritime Transport and Offshore Facilities Security Act. In terms of what we consider on behalf of the Secretary as to whether or not we subsequently agree to provide a card to that individual, we look at the nature of the offence the person was convicted of; the length of the term of the imprisonment imposed upon him or her and, if she or he has served a term or part of a term, how long it is; and his or her conduct and employment history since that sentence was imposed. In the case of where a sentence has been suspended, we also look at how long the sentence was and their conduct subsequent to that period. We also canvass any other information that is provided either by the applicant in terms of the background to the issues that related to the offence and indeed their current employment.

Senator BACK—Can you tell us or perhaps take on notice, on an annual basis over the last four to five years, how many applicants may have appealed that decision to the Secretary and how many have actually successfully appealed that decision to the Secretary?

Mr Retter—There were the 39 which were approved unconditionally—that is, a delegate at the assistant secretary level made that determination.

Senator BACK—This is in the last financial year?

Mr Retter—Sorry, I will have to give you that on notice because, whilst I have some broad figures here, I am sure that they do not relate to the last financial year. They are probably since the scheme was put in place. I can give you those figures in lieu if you wish, or would you prefer—

Senator BACK—If you could give me those figures, and I also would prefer the breakdown if you can. You were saying 39 have been approved.

Answer:

Since 2006, 92 applicants have lodged an appeal with the Secretary of the Department of Infrastructure, Transport, Regional Development and Local Government.

The breakdown is as follows (by calendar year):

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2006: 10 appeals lodged, 10 approved unconditionally.

2007: 40 appeals lodged, 25 approved unconditionally, 10 approved subject to a condition, 5 refused.

2008: 23 appeals lodged, 5 approved unconditionally, 11 approved subject to a condition, 7 refused.

2009: 19 appeals lodged, 3 approved unconditionally, 6 approved subject to a condition, 5 withdrawn, 3 pending, 2 refused.

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Question No.: OTS 07

Division/Agency: Office of Transport Security

Topic: Secure Parking for Pilots and Aviation Staff

Hansard Pages: 42-43 (28/05/09)

Senator Heffernan asked:

Senator HEFFERNAN—There have been some issues raised about the security of aviation staff, pilots, when they come to Sydney airport. Some pilots have secure car parks and some pilots—

Senator Conroy—How is that relevant to Senate Estimates?

Senator HEFFERNAN—It is very much relevant to airport security. With great respect, there are often sensitive documents, swipe cards, all sorts of things in people's possession. Could you, not necessarily in the context of this, let us know the arrangements regarding secure parking for the captain of a 747 or whatever?

Mr Tongue—It is not an issue covered in the transport security programs that I am aware of that we regulate. I am happy to take it on notice.

Senator HEFFERNAN—It is an issue. There is an incident to back it up. A car was broken into in the public car park. Some airlines make provisions for security for their staff.

Mr Tongue—Most airlines make provision for security, but I will see what I can find out for you, Senator.

Answer:

Security of sensitive documents and items is the responsibility of relevant aviation industry participants. Various provisions in the Aviation Transport Security Regulations 2005 require airline operators to detail the measures for managing security in their Transport Security Program (TSP). This includes measures to ensure the security at their facilities of documents and access cards etc. Airline operators need to ensure that their employees are aware of, and comply with, these measures.

In some cases, airlines may introduce related initiatives, such as secure parking, to assist their staff and enhance general security. However, this is a local arrangement and is not a decision the Office of Transport Security is involved in.

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Question No. OTS 08

Division/Agency: Office of Transport Security

Topic: Sydney Airport Security Incident

Hansard Page/s: Written Question

Senator Heffernan asked:

1. How much money does the Government spend on airport security, and specifically how much is spent at Sydney airport since July 2008?
2. I don't want to compromise any legal investigations and I don't want to make any assertions but can you update the Committee of where the Department and the Minister is up to with improving the security at Sydney airport?
3. I understand the police is preparing a report, is this the AFP or the NSW Police.
4. I assume the Department has seen the footage of the incident, I understand the altercation lasted for 15 minutes and in view of security officers and security cameras, when will the Department be delivering its own report to the Minister. (how can 20 men enter the airport, bash a man to death and then get away in a taxi and security did not stop them?)
5. I understand until Sydney Airport was privatised, the AFP were in charge, so why is it the responsibility of the NSW State police? Can you clarify who is in charge of security at Sydney Airport? What is the role of the AFP now Sydney airport is privatised?
6. How many private security officers are employed at Sydney airport? I'd appreciate a breakdown of private security officers of all major airports at well (take this on notice).
7. What training do these private security officers have? Which Department vets them?
8. I understand that private security officers are not able to contact their federal police counterparts (AFP) directly but must radio their head office (wherever that is located?) which in turn notifies the police? What a disgrace, this is a serious, and an appalling situation.

Answer:

1. The Department is not able to specify how much has been spent at Sydney Airport since July 2008, as the Government's expenditure on aviation security is for activities and programs at a national level and therefore precise amounts are not able to be attributed to individual airports.
2. Aviation security, including the issue of security at airports, continues to be an area in which the Department and the Minister aim for continuous improvements. Such improvements will be a focal point for the National Aviation Policy Statement to be released later this year.
3. Not applicable. *[Transferred to Attorney-General's portfolio for response]*
4. The Department contributed to the review of the Sydney Airport incident which was led by the Attorney-General's Department. The Department will therefore not be delivering its own report to the Minister.
5. Not applicable. *[Transferred to Attorney-General's portfolio for response]*
6. The Department does not collect data on the numbers of private security officers employed at Sydney Airport.

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7. All security personnel employed in airports are trained in accordance with the Aviation Transport Security Regulations 2005. Training is delivered to security personnel under the National Training System via registered training organisations that are regulated by state based entities.
8. Not applicable. *[Transferred to Attorney-General's portfolio for response]*

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Question No.: OTS 09

Division/Agency: Office of Transport Security

Topic: Transport Security

Hansard Page/s: Written Questions

Senator Heffernan asked:

1. Air Security Officers, colloquially known as 'sky marshals' have been providing a security presence on selected Australian domestic flights since 2001 and two years later, according to page 34 of the Australian Federal Police July 2008 edition of their quarterly magazine, "*Platypus*", on selected international flights. Is that correct?
2. They are armed and are essentially there to deal with hijackings. Is that correct?
3. I understand that in the 2008 -09 Budget, the Government allocated \$8.4 million to continue funding for the Air Security Officer program.
4. I note that in spite of this funding, and in spite of the *Aviation Legislation Amendment (2008 Measures No.1) Bill 2008* that was passed last year to clarify the powers of sky marshals to lawfully discharge firearms, there have been persistent reports that the Government is cutting this essential security initiative.
5. Is the Government committed to preserving the Air Security Officers program?
6. Does the Government accept comments reported in the media allegedly made by Human Services Minister Senator Joe Ludwig early last year (*Herald Sun* of 15/02/08) that the number of sky marshals were to be cut by one third on a number of international flights? Does the Government agree with his comments?
7. What cuts has the Government made to the Air Security Officer program? On what basis has this decision been made? Is it based on a security assessment or purely as a budgetary measure?
8. I refer to the Aviation Security Screening Review. I understand this is a review of the screening system we have in our airports. It is looking at things like national inconsistencies, passenger experience of screening, retention and training of security personal, technological changes and challenges. Is this correct?
9. I note that the Minister, in June 2008, announced the formation of an External Advisory Group to assist this review. Is this when the review started? When did it start? How many submissions have been received?
10. The Minister's media release of 4 June 2008 stated that the review will be finished in December last year. Has it been finished? Has the report been drafted? Has the Minister considered its recommendations?
11. I note that the United States proposes to introduce 100 per cent screening of cargo transported on passenger planes by 2010. Is this correct?
12. Is it correct that 80 % of Australian domestic air cargo is carried on passenger aircraft? How much cargo is that, in terms of tonnes, items of weight? Do you have any idea? How much is screened? How much air cargo carried by Australian domestic aircraft is not screened?
13. Does the Government propose to implement the same policy as the US regarding air cargo security screening by 2010?
14. How much would such a policy cost? Has the Department done any costing should such a policy occur? Who will pay for it?

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15. What sort of regulatory anomalies and national inconsistencies has the Screening Review uncovered in Australia's approach to security screening?
16. Are their jurisdictional inconsistencies that cause inefficiencies in Australia's screening processes? What are they?
17. Are their different approaches to security screening adopted by our major capital city airports, to take an example?
18. How many security staff are employed in screening operations in Australia? The current economic crisis aside, if the long-term growth in passenger numbers do average four percent a year to 2025, as stated in the Government's National Aviation Policy Green Paper, will there be a shortfall in security screening personal?
19. What is being done to meet the recruitment and training challenges in aviation security personal, so that Australia will have sufficient numbers of aviation security staff to meet this increase in projected demand?

Answers:

- 1-7 Not applicable. *[Transferred to Attorney-General's portfolio for response]*
8. Yes.
9. No. January 2008. 354.
10. Yes. Yes. The recommendations will be considered in the development of the National Aviation Policy Statement.
11. Yes. By August 2010.
12. No statistics are produced that quantify the amount of cargo carried on domestic passenger aircraft.
13. The question of further enhancements to existing air cargo security requirements will be addressed in the Australian Government's National Aviation Policy Statement which is to be finalised later this year.
14. See answer to Q13.
15. The findings of the Screening Review are currently being considered in the development of the Government's National Aviation Policy Statement.
16. A range of people, process and technology issues affect Australia's approach to aviation security screening.
17. Passengers may have slightly different experiences in the screening process at different airports, however the security outcome is consistent, as the Australian Government mandates the security outcome through legislation.
18. There are approximately 3,600 security staff employed at Australia's screening operations. The Government does not anticipate that there will be a shortfall in long term provision of security personnel.
19. As stated in the Aviation Green Paper, the Government has reviewed aviation security training requirements, as well as related workforce attraction and retention issues, and is currently considering implementation options for the National Aviation Security Training Program (NASTP). The NASTP covers screening officers as well as other airport workers with a security role. This work has contributed towards the broad Government skilling initiative "Skilling Australia for the future" where aviation screening has been identified as a Productivity Places Program priority.

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Question No.: OTS 10

Division/Agency: Office of Transport Security

Topic: Maritime Security Identification Card

Hansard Page/s: Written Question

Senator Nash asked:

I refer to media reports over the last few months raising concerns about links between bikie gangs and Australia's ports, what is the Department's response to these concerns in light of the risk they pose to Australian maritime and aviation security?

Answer:

The Department is working with industry and other government agencies to minimise risks to Australian maritime and aviation security.

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Question No.: OTS 11

Division/Agency: Office of Transport Security
Topic: Maritime Security Identification Cards
Hansard Page/s: Written Question

Senator Nash asked:

What scope (if any) does the legislation provide for deeming applicants with known links to bkie gangs as ineligible for an MSIC and therefore preclude them from our maritime security zones?

Answer:

Maritime Security Identification Card (MSIC) applicants who have been convicted of a maritime-security-relevant offence and sentenced to imprisonment are not eligible for a MSIC.

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Question No.: OTS 12

Division/Agency: Office of Transport Security
Topic: Maritime Security Identification Cards
Hansard Page/s: Written Question

Senator Nash asked:

So applicants with known links to bkie gangs would not be precluded from obtaining an MSIC?

Answer:

Refer to OTS 11 response.

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Question No.: OTS 13

Division/Agency: Office of Transport Security
Topic: Maritime Security Identification Cards
Hansard Page/s: Written Question

Senator Nash asked:

What scope does the Department have for advising Issuing Bodies of the suitability of applicants for MSICs that whilst not having an adverse criminal record, would not meet community expectations of those eligible to our sensitive maritime security zones?

Answer:

There are no provisions in the Maritime Transport and Offshore Facilities Security Regulation 2003 for the Department to provide Issuing Bodies with information outside the scope of the MSIC scheme.

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Question No.: OTS 14

Division/Agency: Office of Transport Security
Topic: Maritime Security Identification Cards
Hansard Page/s: Written Question

Senator Nash asked:

I understand that if AusCheck within the Attorney General's Department deems an applicant as ineligible for an MSIC, they may apply to the Secretary of the Department of Infrastructure to exercise their discretion to overturn this decision. What role does the Office of Transport Security play in advising the Secretary on what action is appropriate?

Answer:

This question has been answered in the Budget Estimates Hearing on Thursday 28 May 2009 on page 22 of the Hansard. The relevant extract follows:

Senator BACK—I want to return to maritime security and particularly the identification cards. Some questions were asked earlier. I want to come back to the point that if the Attorney-General determined that an applicant was ineligible for a marine security identification card the applicant can apply to the Secretary of the Department of Infrastructure to exercise their discretion to overturn that decision. What role, if any, does your office play in advising the Secretary on what might be appropriate action to take in that event?

Mr Retter—It is correct that when an individual, *prima facie*, has been refused a Maritime Security Identification Card (MSIC) as a result of a background check invariably that is due to them having committed an offence which is a prescribed offence in accordance with the *Maritime Transport and Offshore Facilities Security Act*. In terms of what we consider on behalf of the Secretary as to whether or not we subsequently agree to provide a card to that individual, we look at the nature of the offence the person was convicted of; the length of the term of the imprisonment imposed upon him or her and, if she or he has served a term or part of a term, how long it is; and his or her conduct and employment history since that sentence was imposed. In the case of where a sentence has been suspended, we also look at how long the sentence was and their conduct subsequent to that period. We also canvass any other information that is provided either by the applicant in terms of the background to the issues that related to the offence and indeed their current employment.

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Question No.: OTS 15

Division/Agency: Office of Transport Security
Topic: Maritime Security Identification Cards
Hansard Page/s: Written Question

Senator Nash asked:

Can you give a breakdown by year of how many applicants have appealed their decision to the Secretary of the Department?

Answer:

Refer to OTS 06.

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Question No.: OTS 16

Division/Agency: Office of Transport Security
Topic: Maritime Security Identification Cards
Hansard Page/s: Written Question

Senator Nash asked:

Can you give a breakdown by year of how many applicants have successfully appealed their decision to the Secretary of the Department?

Answer:

Refer to OTS 06.

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Question No.: OTS 17

Division/Agency: Office of Transport Security
Topic: Maritime Security Identification Cards
Hansard Pages: Written Question

Senator Nash asked:

I understand that MSIC are required to be worn at all times whilst in the relevant maritime security zone. Is this correct?

Answer:

Yes.

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Question No.: OTS 18

Division/Agency: Office of Transport Security
Topic: Maritime Security Identification Cards
Hansard Page/s: Written Question

Senator Nash asked:

I understand that MSIC holders are checked at the entrance to the maritime security zone to ensure they are legitimately allowed to be unaccompanied on the port or other zone. Is this correct?

Answer:

Yes.

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Question No.: OTS 19

Division/Agency: Office of Transport Security
Topic: Maritime Security Identification Cards
Hansard Page/s: Written Question

Senator Nash asked:

Who undertakes these checks?

Answer:

This question has been answered in the Budget Estimates Hearing on Thursday 28 May 2009 on page 23 of the Hansard. The relevant extract follows:

Senator BACK—And who undertakes the checks?

Mr Retter—The industry are responsible for access into their secure zones and the industry are responsible for the conduct of those access arrangements. Invariably, they employ private security guards or their own employees who are security staff to undertake those checks as part of the normal process of ensuring their ports are free of people who do not have a clear operational need to be there. That is done obviously for occupational health and safety reasons, criminality reasons as well as security reasons.

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Question No.: OTS 20

Division/Agency: Office of Transport Security
Topic: Maritime Security Identification Cards
Hansard Page/s: Written Question

Senator Nash asked:

Who is responsible for ensuring that MSICs are displayed whilst on the wharf?

Answer:

This question has been answered in the Budget Estimates Hearing on Thursday 28 May 2009 on page 23 of the Hansard. The relevant extract follows:

Senator BACK—Presumably, then, the same people—the security guards who are either employees or contractors from industry—would be responsible to ensure that the cards are displayed at all times.

Mr Retter—It is an offence, as you stated previously, if somebody is not wearing a card. It would be an obligation of the staff who are employed in that area to wear the card. Indeed, if management or security staff become aware that they were not wearing the card, there is an obligation on them to report the same as an offence. Equally, my staff when they conduct compliance activities at the ports check to see that MSICs (Maritime Security Identification Cards) are being worn.

It is the responsibility of all individuals within the Maritime Security zone to ensure MSICs are being displayed.

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Question No.: OTS 21

Division/Agency: Office of Transport Security

Topic: Displaying Maritime Security Identification Cards in Maritime Security Zones

Hansard Page/s: Written Question

Senator Nash asked:

Are spot checks undertaken to ensure that all people in the maritime security zone have Maritime Security Identification Cards displayed?

Answer:

Yes.

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Question No.: OTS 22

Division/Agency: Office of Transport Security

Topic: Maritime Security Identification Card Spot Checks

Hansard Page/s: Written Question

Senator Nash asked:

How many spot checks have been undertaken in the past 12 months?

Answer:

In the 2008-2009 year, OTS undertook over 200 Maritime Security Identification Card spot-check inspections.

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Question No.: OTS 23

Division/Agency: Office of Transport Security

Topic: Displaying Maritime Security Identification Cards in Maritime Security Zones

Hansard Page/s: Written Question

Senator Nash asked:

How many Office of Transport Security employees are based in maritime security zones?

Answer:

None.

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Question No.: OTS 24

Division/Agency: Office of Transport Security

Topic: Displaying Maritime Security Identification Cards in Maritime Security Zones

Hansard Page/s: Written Question

Senator Nash asked:

Can the Department provide a breakdown of the number of staff per maritime security zone?

Answer:

Refer to OTS 23.

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Question No.: OTS 25

Division/Agency: Office of Transport Security
Topic: Maritime Security Identification Cards
Hansard Page/s: Written Question

Senator Nash asked:

Are MSIC holders obliged to let their Issuing Body know if they have been convicted of a maritime security-related offence?

Answer:

No.

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Question No.: OTS 26

Division/Agency: Office of Transport Security
Topic: Aviation Security Identification Cards
Hansard Page/s: Written Question

Senator Nash asked:

Are Aviation Security Identification Card (ASIC) holders obliged to let their Issuing Body know if they have been convicted of an aviation security-relevant offence?

Answer:

Yes.

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Question No.: OTS 27

Division/Agency: Office of Transport Security
Topic: Maritime Security Identification Cards
Hansard Page/s: Written Question

Senator Nash asked:

Is this difference a legislative requirement or a differing interpretation of the Acts?

Answer:

There are differences in the legislative requirements between the Aviation Security Identification Card and Maritime Security Identification Card schemes.

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Question No.: OTS 28

Division/Agency: Office of Transport Security
Topic: Maritime Security Identification Cards
Hansard Page/s: Written Question

Senator Nash asked:

So, essentially a more open and rigorous process is implemented in aviation security zones when compared to our maritime security zones which cover Australia's ports as well as on and offshore oil and gas facilities?

Answer:

This question has been answered in the Senate Estimates Hearing on Thursday 28 May 2009 on page 24 of the *Hansard*. The relevant extract follows:

Senator BACK—So there is a difference then between a port and an airport security arrangement in terms of aviation security offences as opposed to a maritime security offence?

Mr Retter—At present, there are differences between the ASIC and the MSIC regimes. That is a reflection of the different nature of operations of the two sectors and the time difference between the two acts and regulations coming into effect. As I alluded to before, we have just completed an ASIC review and we are doing a MSIC review. One of the intended outcomes of that review is, where possible, to look to align the two regimes and to correct anomalies such that whatever the appropriate reaction might be—so if we agree that it is a good thing for somebody who is convicted of an offence to report it—would apply in both regimes. This is a subject that is under review right now. I think we have had something in the order of 40-odd submissions from industry on the MSIC review and we will consider those throughout this year. The intention is that we will finalise the MSIC review outcomes towards the end of the year.

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Question No.: OTS 29

Division/Agency: Office of Transport Security
Topic: **Baggage Screening at Regional Airports**
Hansard Page/s: Written Question

Senator Nash asked:

I refer to the Checked Baggage Screening initiative for regional domestic airports announced in the 2007-2008 Budget, since the introduction of this programme on 1 December 2007 how many checks have been conducted (both numerically and by percentage of checked luggage)?

Answer:

Refer to OTS 02.

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Question No.: OTS 30

Division/Agency: Office of Transport Security

Topic: Checked Baggage Screening

Hansard Page/s: Written Question

Senator Nash asked:

How many regional airports are covered by this programme? (Both numerically and by percentage of regional airports)?

Answer:

A total of 29 Airports received some level of assistance under the checked baggage screening initiative.

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Question No.: OTS 31

Division/Agency: Office of Transport Security

Topic: Checked Baggage Screening

Hansard Page/s: Written Question

Senator Nash asked:

Can the Department explain how in March 2009, a boy was able to carry a number of weapons including a revolver and pistol on a flight from Karratha to Perth and then on to Cairns before being detected in Queensland?

Answer:

The matter is subject to legal proceedings. It would be inappropriate to comment.

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Question No.: OTS 32

Division/Agency: Office of Transport Security

Topic: Checked Baggage Screening

Hansard Page/s: Written Question

Senator Nash asked:

How many checks under the checked baggage screening initiative have been undertaken at Karratha airport since 1 December 2007?

Answer:

Refer to OTS 04 response.

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Question No.: OTS 33

Division/Agency: Office of Transport Security

Topic: Checked Baggage Screening

Hansard Page/s: Written Question

Senator Nash asked:

How many OTS employees or sub-contractors are on hand to undertake these checks at Karratha airport?

Answer:

QANTAS as the screening authority for Karratha airport, employs the staff who undertake checked baggage and passenger screening at Karratha airport.

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Question Nos.: OTS 34

Division/Agency: Office of Transport Security

Topic: Screening at Airports

Hansard Page/s: Written Questions

Senator Nash asked:

I understand that the Office of Transport Security is responsible for overseeing the conduct of passenger screening at international airports prior to boarding. Is that correct?

Answer:

The Office of Transport Security administers the Act and Regulations. Screening authorities are responsible for all elements of the screening process undertaken in accordance with the legislation.

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Question No.: OTS 35

Division/Agency: Office of Transport Security

Topic: Liquids, Aerosols and Gels Aviation Security Measures

Hansard Page/s: Written Question

Senator Nash asked:

As part of this system, passenger's cabin baggage is X-rayed and liquids, aerosols and gels over the specified size are identified and removed and they pass through a metal detector. Is that correct?

Answer:

All cabin baggage is screened by the X-ray equipment at the liquids, aerosols and gels (LAGs) screening points at international airports. LAG items identified as a result of the X-ray screening may only pass through the screening point if they are in containers of 100ml or less and are carried in a resealable plastic bag. All other LAGs are required to be surrendered at the screening point.

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Question Nos.: OTS 36

Division/Agency: Office of Transport Security

Topic: Screening at Airports

Hansard Page/s: Written Questions

Senator Nash asked:

Have any events occurred in the last 12 months that have prevented screening of passengers from taking place?

Answer:

The Department of Infrastructure, Transport, Regional Development and Local Government is not aware of any incidents that prevented the screening of passengers at those airports where the screening is required.

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Question Nos.: OTS 37

Division/Agency: Office of Transport Security

Topic: Screening at Airports

Hansard Page/s: Written Questions

Senator Nash asked:

Were any of these faults as a result of equipment or user error?

Answer:

Refer to OTS 36.

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Question Nos.: OTS 38

Division/Agency: Office of Transport Security

Topic: Screening at Airports

Hansard Page/s: Written Questions

Senator Nash asked:

Have any events occurred in the last 12 months that have resulted in passengers being re-screened after they have entered the departures lounge?

Answer:

The Department was advised of 25 instances in which passengers were suspected of entering a sterile area un-screened.

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Question Nos.: OTS 39

Division/Agency: Office of Transport Security

Topic: Screening at Airports

Hansard Page/s: Written Questions

Senator Nash asked:

How many passengers were affected?

Answer:

The Department does not require industry participants to report this information.

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Question Nos.: OTS 40

Division/Agency: Office of Transport Security

Topic: Screening at Airports

Hansard Page/s: Written Questions

Senator Nash asked:

Were any of these faults as a result of equipment or user error? If so, give details.

Answer:

Re-screening events normally arise from shortcomings in the operation of human factors – notably the skill and judgment of security screening staff.

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Question No.: OTS 41

Division/Agency: Office of Transport Security

Topic: Liquids, Aerosols and Gels Aviation Security Measures

Hansard Page/s: Written Questions

Senator Nash asked:

What happens with the liquids, aerosols and gels that are confiscated from passengers prior to departure?

Answer:

In accordance with the Aviation Transport Security Regulations 2005 (the Regulations) liquids, aerosols and gels (LAGs) are not confiscated, they are surrendered by passengers. Under Regulation 4.22J, screening authorities are required to put in place procedures for the handling and destruction of LAGs products surrendered as a result of screening.

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Question No.: OTS 42

Division/Agency: Office of Transport Security

Topic: Liquids, Aerosols and Gels Aviation Security Measures

Hansard Page/s: Written Questions

Senator Nash asked:

Specifically, how are they disposed of?

Answer:

The Office of Transport Security (OTS) does not specify the method of destruction. This is determined by screening authorities.

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Question No.: OTS 43

Division/Agency: Office of Transport Security

Topic: Liquids, Aerosols and Gels Aviation Security Measures

Hansard Page/s: Written Questions

Senator Nash asked:

Where are they disposed of?

Answers:

The location of destruction and the safe disposal of the items are covered by the commercial arrangements in place between the screening authorities and the service providers contracted to destroy the goods.

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Question No.: OTS 44

Division/Agency: Office of Transport Security

Topic: Liquids, Aerosols and Gels Aviation Security Measures

Hansard Page/s: Written Questions

Senator Nash asked:

Who is responsible for ensuring that they are disposed of in a safe way?

Answer:

Refer to answer to OTS 43.

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Question Nos.: OTS 45

Division/Agency: Office of Transport Security

Topic: Screening at Airports

Hansard Page/s: Written Questions

Senator Nash asked:

In relation to explosives screening at airports, who is responsible for ensuring that these are undertaken in accordance with the legislation?

Answer:

The screening authority is responsible for ensuring that all elements of the screening process are undertaken in accordance with the legislation, including screening for explosives.

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Question Nos.: OTS 46

Division/Agency: Office of Transport Security

Topic: Screening at Airports

Hansard Page/s: Written Questions

Senator Nash asked:

How many random checks have been undertaken in the last 12 months?

Answer:

The Department does not collect statistics on the number of passengers subject to these checks.

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Question Nos.: OTS 47

Division/Agency: Office of Transport Security

Topic: Screening at Airports

Hansard Page/s: Written Questions

Senator Nash asked:

What percentage of passengers are randomly checked?

Answer:

The Department does not collect statistics on the percentage of passengers subject to these checks.

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Question Nos.: OTS 48

Division/Agency: Office of Transport Security

Topic: Screening at Airports

Hansard Page/s: Written Questions

Senator Nash asked:

Under what legislative authority do the security guards that undertake these checks pat passengers down at the airport?

Answer:

Division 5 of the *Aviation Transport Security Act 2004* provides the legislative authority under which Screening Officers undertake 'pat down' searches.

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Question No.: OTS 49

Division/Agency: Office of Transport Security

Topic: Maritime Compliance Activities

Hansard Page/s: Written Question

Senator Nash asked:

I understand that in 2007-2008 the Office of Transport Security (OTS) conducted 1,740 compliance activities in the maritime industry. Can you describe what these compliance activities entail?

Answer:

Compliance activities undertaken by OTS in 2007-08 included:

- audits and inspections of the operations of maritime industry participants (port/facility and ship operators) to ensure compliance with the approved security plans;
- inspections at passenger terminals to ensure that passengers, baggage and cargo are screened;
- inspections to ensure that the integrity of security regulated ports, particularly maritime security zones, is maintained; and
- inspections of targeted foreign-regulated vessels entering Australian waters to ensure that they are compliant with the requirements of the International Ship and Port Security Code 2003.

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Question No.: OTS 50

Division/Agency: Office of Transport Security

Topic: Maritime Security Zones

Hansard Page/s: Written Question

Senator Nash asked:

Can you advise in which maritime security zone these compliance activities took place?

Answer:

Records of compliance activities do not provide a break up of specific maritime security zones.

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Question No.: OTS 51

Division/Agency: Office of Transport Security

Topic: Number of Compliance Activities Conducted

Hansard Page/s: Written Question

Senator Nash asked:

How many maritime compliance activities have been conducted so far in the 2008-2009 financial year?

Answer:

For the period 1 July 2008 to 31 May 2009, the Office of Transport Security has completed 880 maritime compliance activities.

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Question No.: OTS 52

Division/Agency: Office of Transport Security
Topic: Monitoring Foreign Regulated Vessels
Hansard Page/s: Written Question

Senator Nash asked:

I understand that the Office of Transport Security (OTS) is responsible for monitoring all visits by foreign vessels. Is this correct?

Answer:

All foreign-regulated vessels entering Australian waters are required to provide pre-arrival information to the Australian Customs and Border Security Service (Customs). OTS monitors the Customs INTERCEPT database which records details of all vessel and crew movements and records ship security information, but OTS does not have border security responsibilities.

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Question No.: OTS 53

Division/Agency: Office of Transport Security
Topic: Monitoring Foreign Regulated Vessels
Hansard Page/s: Written Question

Senator Nash asked:

What processes does the Office of Transport Security (OTS) undertake to 'monitor' these vessels?

Answer:

OTS obtains pre-arrival information under the Maritime Transport and Offshore Facilities Security Regulations 2003 from the Master of the ship. OTS identifies the previous and expected ports of call, confirms that the ship has a valid International Ship Security Certificate (ISSC), and identifies whether a ship has operated at a different security level to that at which it normally operates.

Where appropriate, the ship is required to enter into a Declaration of Security with the Australian port(s) the ship will be visiting.

OTS also undertakes any appropriate inspections or compliance activity relating to the ship's ISSC or its preventive security status.

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Question No.: OTS 54

Division/Agency: Office of Transport Security

Topic: Percentage of Ships Entering Australian Waters which are Monitored

Hansard Page/s: Written Question

Senator Nash asked:

I understand that the OTS conducted 1,149 targeted inspections of foreign-flagged ships based on security compliance checks conducted on 12,084 foreign-regulated ships seeking entry into Australian waters in 2007-2008.

What percentage of ships entering into Australian waters does the 12,084 represent?

Answer:

The figure of 12,084 foreign flagged ships seeking entry into Australian waters in 2007-08, as outlined in the Department's annual report, refers to the number of voyages undertaken to Australia rather than the actual number of ships undertaking these journeys.

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Question No.: OTS 55

Division/Agency: Office of Transport Security

Topic: Number of Non-compliant Vessels

Hansard Page/s: Written Question

Senator Nash asked:

Of the 1,149 targeted inspections, on how many occasions was further action required? And, why?

Answer:

In 2007-08, eight security regulated vessels were issued with deficiency notices for the following reasons:

- access onto the vessel was not adequately controlled; or
- original Continuous Synopsis Record (i.e. record of ownership) not available; or
- access to on-board restricted areas was not appropriately controlled; or
- security drills were not undertaken in accordance with the provisions of the International Ship and Port Security Code; or
- International Ship Security Certificate details were not correct.

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Question No.: OTS 56

Division/Agency: Office of Transport Security

Topic: Thermal Imaging Scanners at Airports to Scan for Swine Flu

Hansard Page/s: Written Question

Senator Heffernan asked:

AQIS installed thermal imaging scanners at Airports to scan for swine flu from incoming passengers:

1. How many scanners have been purchased or did we have these in stock?
2. How much are these scanners?
3. Which departmental budget is picking-up the tab for the scanners, is it DAFF (AQIS), DITRSLG, Sydney airport?
4. How accurate are these scanners?
5. I understand a QANTAS cleaner was threatened with sacking for refusing to go on-board a plane carrying a passenger with possible swine flu (see Media release dated 1 May 2009) – please elaborate.

Answer:

1–4 Not applicable. *[Transferred to Department of Health and Ageing for response]*

5. Refer to AAA 17.

[AAA 17 – Attachment A]

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Question No.: OTS 57

Division/Agency: Office of Transport Security

Topic: Sydney Airport Security Incident – Sunday 22 March 2009

Hansard Pages: Written Question

Senator Heffernan asked:

1. On Sunday 22 March 2009, a man was publicly bashed to death at Sydney airport in front of horrified passengers and airport staff. At no time did security intervene to stop this even from happening, what is the Office of Transport Security doing to ensure that this does not happen again?
2. The public murder on Sunday 22 March made a mockery of our Airport's security. How many Federal Police and airport security guards were on hand at Sydney's domestic airport at the time of the bashing death? Was this number in line with appropriate regulations – if so, will numbers of security be increased to avoid a repeat of this? If not – why was there a shortfall?
3. How many Australian Federal Police (AFP), are required to patrol Sydney's domestic and international terminals at any one time? How many airport security guards, combined with Federal police are on duty at any particular time? In light of this killing, do you think this is enough?
4. Which types of weapons are typically carried by airport security guards and which types of weapons are carried by Federal Police? Are the current weapons adequate?
5. In light of the failure at Sydney airport in March, do you believe that if there was a co-ordinated terrorist attack at one of our major airports, that current security arrangements would be able to deal with this problem?
6. Current airport security arrangements are clearly inadequate if a group of bikies can be allowed to bash a man to death in the middle of a terminal. Will the Government commit to more Federal Police at Airports with more resources to meet this threat?

Answer:

1. The Department of Infrastructure, Transport, Regional Development and Local Government contributed to the review of the Sydney airport incident on 22 March 2009, which was led by the Attorney-General's Department. Based on the report of that review, the Department is satisfied that existing aviation security procedures and processes were followed. The Department has also reviewed the incident to consider improvements to the preventive aviation security regime, as it does with all reported incidents.

2-6 Not applicable. *[Transferred to Attorney-General's portfolio for response]*

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Question No.: OTS 58

Division/Agency: Office of Transport Security

Topic: National Aviation Green Paper

Hansard Page/s: Written Questions

Senator Heffernan asked:

The Aviation Green Paper flags that the Government is considering a central screening authority to run screening operations in Australia's airports.

1. What are the views on such an approach by stakeholders in the aviation sector?
2. What would be its cost?
3. Would it be funded by further levies on industry?

Answer:

- 1-3 There are a range of industry views on the structure, costs and funding methods on security screening at airports.