Australian Government

Office of the Inspector of Transport Security

SUBMISSION FROM

THE INSPECTOR OF TRANSPORT SECURITY

TO THE

SENATE RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE

INQUIRY INTO AIRPORT AND AVIATION SECURITY

JANUARY 2015

Introduction

1. On the 11th December 2013 the Inspector of Transport Security (ITS), Mr Andrew Hughes APM, was directed by the Deputy Prime Minister and Minister for Infrastructure and Regional Development to "Inquire into aviation and maritime transport security education and training in Australia".

2. The direction was given pursuant of the Inspector of Transport Security Act 2006 (the Act).

The Act

3. The Act provides a framework for the ITS to:

   a. conduct independent, constructive, 'no-blame' inquiries, and;
   b. make recommendations to government and industry which will contribute to the quality and effectiveness of transport security and offshore security in Australia.

4. The Act provides the ITS with the powers to:

   a. protect information gathered during an inquiry, and;
   b. provide immunities from prosecution for those who cooperate with his inquiries.

5. An inquiry does not

   a. apportion blame; or
   b. provide the means to determine the liability of any person; or
   c. allow any adverse inference to be drawn from the fact that a person is the subject of an inquiry into a matter.

Object of an Inquiry

6. The object of an inquiry is to improve the security of transport and security regulated offshore facilities by assessing and reviewing transport security arrangements from an independent and a collective, multi-disciplinary viewpoint.

7. Inquiries are conducted on a "no-blame" basis, that is, the information generated or supplied in the course of inquiries cannot be used as evidence in civil, criminal or disciplinary proceedings.

8. Once directed by the Minister the ITS role involves:

   a. the capacity and authority to independently analyse, review and inquire into major transport security incidents and issues;
   b. the conduct of comprehensive, independent, solutions-focussed "no blame" inquiries into transport security incidents and issues;
   c. the provision of advice to the Minister on options for improving security arrangements, and;
   d. the review and assessment of possible solutions and improvements - regardless of jurisdiction or individual agency responsibilities.

The Office of the Inspector of Transport Security (OITS)

9. The OITS has been established on an administrative basis within the Corporate Group of the Department of Infrastructure and Regional Development (DOIRD). To ensure a clear demonstration of independence and impartiality the function of the ITS and the OITS is separate from the security regulatory functions of the Office of Transport Security (OTS) and any other regulatory, investigative, assessment or planning function within DOIRD.

10. As part of the National Commission of Audit process for the rationalisation of Commonwealth agencies, boards and committees the OITS will cease on 30 June 2015. The ITS function reverts back to an original model whereby the Inspector is appointed on a retainer basis and supported by a panel of pre-qualified professional expertise.

INQUIRY INTO AVIATION AND MARITIME TRANSPORT SECURITY EDUCATION AND TRAINING IN AUSTRALIA - 15 July 2013

11. Pursuant to subsection 11(1) of the Act, the Deputy Prime Minister and Minister for Infrastructure and Regional Development directed the ITS to conduct an inquiry into aviation and maritime industry security related education and training in Australia.

Purpose of the Inquiry into Aviation and Maritime Transport Security Education and Training in Australia

12. The purpose of the inquiry into aviation and maritime transport security education and training in Australia is to assess the quality of existing security training program delivery and the actual outcomes being achieved, and identify any gaps, inconsistencies and redundancies in security training in each industry sector.

13. The Inquiry is required to identify areas of particular vulnerability or weakness, options for improving security effectiveness, and to make recommendations for strengthening system wide consistency and capabilities.

Terms of Reference

14. The Terms of Reference require the ITS to inquire into and:

   a. review and assess the current nationally recognised and accredited aviation and maritime security related training programs;
   b. review of current industry and other in-house security training programs;
   c. review of current government approved security training courses;
   d. review the standard of security training and assessment in place in each industry sector;
   e. review the training needs assessed for each industry sector including the roles, jobs, tasks that need to be learned, competencies and skills that are required, how the training is delivered and assessed, standard and competency of the instructors, and the monitoring and review of training outcomes, and;
   f. identify areas of inconsistency in education and training in the aviation and maritime industries in security related positions and tasks.

15. As part of the inquiry the ITS is required to consider the following:

a. the review and assessment of the current Australian accredited security training courses available and of relevance to security training and assessment of aviation and maritime security personnel, including those under the Australian Skills Quality Authority, the National Vocational Education and Training Regulator Act 2011 and the Australian Qualifications Framework;

b. the qualifications and skills of those involved in providing current aviation and maritime security training and their ability and competence to educate, train and assess trainees of accredited, industry, company and other security training courses and programs;

c. the integration of security training into the onsite aviation and maritime security environment and how this has supported learning and experience;

d. a review of on-the-job training, assessment and skills development for security personnel, and;

e. the benchmarking of security training arrangements nationally and internationally to determine applicable best practice of relevance to aviation and maritime security training.

Review process

16. The Inquiry has conducted meetings, site visits and fora consultations in capital city and regional airports and ports across Australia with relevant government agencies, industry representatives and peak bodies, training organisations and education professionals.

17. The Inquiry has also undertaken an international benchmarking study with United Nations peak bodies (ICAO and IMO) to determine Australia's international treaty obligations and with national government agencies and industry representatives and peak bodies in Singapore, Hong Kong, the United States of America and Canada to examine transport security education and training arrangements in place in those nations and to determine the level and standards of training and assessment methods, and to benchmark with Australia's own arrangements.

18. The Inquiry has sought expert input from legal, technical and industry professionals and has received 15 submissions from industry peak bodies, professional associations, companies, government agencies and individuals addressing issues of concern.

19. The operational consultation phase of the Inquiry is now complete. It is anticipated that the Inquiry Report will be presented to the Minister in the first half of 2015 as requested and prior to the closure of the OITS.

Reports

20. The ITS reports directly to the Minister. The ITS will, in most inquiries, prepare both a draft and final report, though the ITS does have the discretion not to prepare a draft report where, for example, there is no consultation required.

21. When the ITS is preparing a final report for the Minister's consideration and an entity or any other person is named in the draft report, the ITS must provide a draft report (or a relevant extract) to that interested party on a confidential basis, allowing the person to make comments. Comments will be taken into account and may be included in the

report. Typically entities or individuals are named as illustrations of innovative or best practise transport security.

22. A final report into a transport security matter is given to the Minister only. The Minister may decide to table the report in Parliament or publish all or a part of a report or pass it to another person and to place a security classification on all or part of the report.

Protection of peak bodies, persons and industry who have engaged with the Inquiry on the basis of strict confidentiality provided under the Act.

23. While acknowledging the application of Parliamentary Privilege to any engagement by the ITS with the Senate Rural and Regional Affairs and Transport References Committee, and the Senate's powers to call witnesses and require information to be provided, the ITS seeks the Committee's understanding and acceptance of the need to protect peak bodies, individuals and industry who have openly engaged with the Inquiry on the understanding that they are protected by the strict confidentiality provisions of the Act, the need to protect whistle-blowers as required by the Act, the need to protect airports and aviation industry from disclosure of sensitive commercial in confidence information provided to the Inquiry and national security implications around airport and aviation security issues identified by the Inspector during the Inquiry.

Yours Sincerely

Andy Hughes APM
Inspector of Transport Security