



**Australian Government**

**Immigration and Border Protection Portfolio**

**Submission to the Senate Rural and Regional Affairs and Transport References  
Committee *Inquiry into airport and aviation security***

1. The Immigration and Border Protection Portfolio make this submission in response to the invitation of the Senate Rural and Regional Affairs and Transport References Committee (Committee) Secretariat of 9 December 2014 to the Chief Executive Officer (CEO) of the Australian Customs and Border Protection Service (ACBPS).
2. The terms of reference for the *Inquiry into airport and aviation security* (Inquiry) are:
  - recent media reports on apparent breaches in airport and aviation security at Australian airports;
  - consideration of the responses to those reports from the Government, regulators, airports and other key stakeholders, and the adequacy of those responses;
  - whether there are further measures that ought to be taken to enhance airport security and the safety of the travelling public;
  - the findings of, and responses to, reports undertaken into airport security issues since 2000; and
  - any related matters.
3. The Portfolio welcomes the opportunity to make a submission to the Committee. The ACBPS would be pleased to appear before the Committee to expand upon the issues discussed in this submission and to address any additional matters or questions of interest to the Committee in the context of this Inquiry.

*The ACBPS's role and powers*

4. The ACBPS works closely with other government and international agencies, in particular the Australian Federal Police (AFP), the Department of Agriculture (Agriculture) and the Department of Immigration and Border Protection (DIBP), the Department of Infrastructure and Regional Development (Infrastructure) and the Australian Defence Force, to detect and deter the unlawful movement of goods and people across the Australian border.
5. The ACBPS derives authority from the Constitution which provides for the levying of customs duties and for laws concerning trade and commerce. The constitutional authority of the ACBPS is given legislative expression through the *Customs Act 1901* (Cth) (Customs Act), the *Customs Administration Act 1985* (Cth) and related legislation. The ACBPS is an agent for and implements elements of a range of legislation on behalf of other Commonwealth government agencies, including our portfolio agency, the DIBP with which the ACBPS will integrate to create a single Department from 1 July



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2015, establishing the Australian Border Force as the operational arm of the Department.

6. While the Customs Act provides ACBPS officers with significant powers, including limited powers of detention and arrest, in general terms the focus of these powers is on the detection of the illegal movement of goods across the border, and on assisting law enforcement partners at the border. ACBPS officers are not delegated powers of police. Rather, our powers, and particularly those associated with the interdiction of persons, are limited to particular circumstances. Whilst the ACBPS plays a role in ensuring the safety and security of Australia's eight international airports at which it has a permanent presence, and it has taken a greater law enforcement posture at the border in recent years, it is not the lead agency for aviation security.

*The ACBPS contribution to aviation security*

7. The ACBPS maintains a permanent presence at Australia's eight major international airports: Sydney, Melbourne, Brisbane, Perth, Adelaide, Cairns, Darwin and Gold Coast.
8. The ACBPS supports the whole-of-government effort to deliver a layered, integrated and preventative security framework utilising regulatory, transactional and physical security measures that safeguard passengers and aircraft against national security and other threats. As the primary border agency, we contribute to delivering aviation security through:
  - providing a visible presence and authority at the eight major international airports;
  - engaging in daily airside operations including aircraft search, baggage monitoring and containment exercises, intelligence collection, transit passenger and crew checks, and airside and perimeter patrols;
  - advanced analysis of flights, passengers and crew prior to their arrival into Australia;
  - deploying our intelligence, targeting, detection, examination and investigation capabilities to address the risks related to the movement of persons or goods of national security or other concern;
  - contributing to whole-of-government measures through referrals to other agencies and by working in partnership with industry;
  - participating with key partner agencies in aviation security forums and a range of reviews of aviation security capability led by Infrastructure;
  - working with the Joint Airport Investigations Teams (JAITs) and the Joint Airport Intelligence Groups (JAIGs) as a deployable resource, identifying potentially unlawful activity for further investigation;
  - assisting the AFP and other partner agencies as required in conducting airside inspection for criminality relating to people leaving secure areas of airports; and
  - conducting compliance checks on behalf of the Office of Transport Security (OTS), such as the wearing of ASIC passes in Customs controlled areas.

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### *Enhanced Operational Capability*

9. As previously stated the ACBPS and DIBP will become one department on 1 July 2015, with Australian Border Force (ABF) as the operational arm. To manage this change the Reform Programme was developed. The Reform Programme is focused on strengthening the Portfolio's operational agility, maximising the support we provide trade and travel and ensuring our future border systems and processes are as efficient and sophisticated as possible. These Reforms will position the Portfolio to deliver stronger border protection and foster lawful trade and travel that contributes to economic growth.
10. As part of the Reform Programme, the ACBPS is in the process of transitioning to a forward leaning posture, where enforcement is a priority. The Strategic Border Command (SBC) was established on 1 July 2014 to provide clear, prioritised direction through oversight and control of all operational activities taking place in Regional Commands and provide real time 24/7 situational awareness through the SBC Headquarters and Regional Commands. This enhanced situational awareness is intended to facilitate the redeployment of an increasingly mobile workforce in order to most effectively treat the highest risks to the border.
11. The creation of specialist units has enhanced the ACBPS's investigative capability with a particular focus on serious border crime (including drugs, precursors, firearms and tobacco), organised crime, complex trade crime and national security matters. The National Border Targeting Centre, within SBC, brings together nine (9) law enforcement, border management, intelligence and regulatory agencies to deliver a centralised, whole-of-government approach to combating border threats such as the Ebola virus, the movement of illegal substances and national security threats.
12. The ACBPS's current operational priorities are:
  - counter terrorism, with a focus on foreign fighters;
  - illicit drugs, with an emphasis on manufactured drugs;
  - illicit firearms, with an emphasis on geographic locations where they have a negative impact on the community;
  - serious and organised crime;
  - revenue evasion; and
  - tobacco smuggling where there is a serious and organised crime element.

### *Counter Terrorism*

13. On 13 August 2014, the ACBPS Chief Executive Officer (CEO) issued a directive to address the serious national security threat posed by the recent 'foreign fighter' phenomenon. The CEO directed that enforcement would be prioritised over facilitation, especially where passengers are processed.
14. Building on the reforms underway across the portfolio, the Australian Border Force (ABF), as the integrated operational arm of the new Department as of 1 July 2015, will empower officers to operate in a fast-paced, multi-disciplinary environment that achieves results quickly.



15. An early insight to this future is the standing-up of the Counter-Terrorism Unit (CTU) teams at Australia's eight major international airports. The CTU teams enhance the capability of the ACBPS to deal with both inbound and outbound national security threats. The CTU teams proactively intervene in suspicious situations or intercept suspicious persons of national security interest in Customs controlled areas. The CTU provides an increased presence and visibility at Australian international airports and increased resources to address national security threats from persons who may not have previously come to the attention of law enforcement.
16. Since their deployment on 22 August 2014, the CTU has successfully intercepted a number of people of possible national security concern. Upon examination, the CTU has found evidence of movements, or attempted movements, of large sums of cash and images and material of an extremist nature. Some cases have resulted in the imposition of infringement notices, while others are the subject of ongoing investigations.
17. The recent passage of the *Counter-Terrorism Legislation Amendments (Foreign Fighters) Act 2014* increases the ability of a number of law enforcement agencies to disrupt the travel of suspected foreign fighters and supporters. For the ACBPS, the circumstances in which officers are permitted to detain persons of interest have expanded, and include, a new power to detain a person where an officer is satisfied on reasonable grounds that the person is, or is likely to be, involved in an activity that is a threat to national security or the security of a foreign country. An officer must make such a person available to a police officer as soon as practicable to be dealt with according to law. These powers are supported by enhanced biometrics powers that authorise additional checks of travellers against immigration, security and law enforcement data holdings on arrival and departure.
18. In the context of the broader portfolio the introduction of this legislation also allows an improved ability to assess and screen travellers coming to Australia through increased funding to increase the number of Airline Liaison Officers (ALO). The ALO programme is an integral part of the Australia's layered approach to border management.
19. ALOs work with airlines, airport security groups, host governments and colleagues from other countries at key overseas airports. ALOs have a dual role of preventing the travel of improperly documented passengers and to facilitate the travel of genuine passengers. Australia's ALOs also train airlines and airport staff in passenger assessment, document examination and Australia's entry requirements.
20. The ALO programme is recognised across government as highly effective in preserving the integrity of Australia's border and as a significant deterrent to people attempting to travel to Australia through fraudulent or improper means.

#### *Airport security screening and Personal Defensive Equipment*

21. To continue meeting the Government's border protection objectives, our frontline workforce must be trained and equipped to deal with a range of new and emerging threats across several areas of operation.
22. In response, and as part of the transition to the ABF, the ACBPS sought permission to carry Personal Defensive Equipment (PDE) in airports and obtained necessary exemption from the Department of Infrastructure and Regional Development an exemption for some officers from airport security screening. The exemption came into effect on 31 December 2014.



23. All ACBPS officers issued PDE have been certified in appropriate use of force training, which may be used for defence from physical attack or to manage people who are physically non-compliant only.
24. Armed officers will have access to the same firearms other use of force trained ACBPS officers have. These other roles have been armed since 2010, and include ACBPS Investigations officers, Marine Unit officers, and Surveillance officers and other officers officiating outside airports.
25. To ensure operational effectiveness, details about the number, disposition, and location of armed teams will not be made public.

#### *Automated Border Processing*

26. Automated border processing (SmartGate) already exists in Australia's eight international airports as a means of providing efficient and effective traveller processing for eligible arriving travellers.
27. Departing travellers are still processed at a manual primary line, where the ACBPS officer's time is spent processing documents (passport, passenger card, boarding pass), interacting with the computer system to ascertain traveller status (alert, visa) and performing a face to passport identity check. There is little or no time available to perform risk assessment, conduct interviews and monitor traveller behaviour for suspicious activities. The existing business process focuses much of the officer's time on the process, rather than the traveller.
28. The Portfolio is working towards automating the departures process at Australia's eight major international airports, providing travellers with an experience which is seamless, low-touch and high-tech.
29. Automated border processing changes the dynamic of officer/traveller interaction at the border, improving both facilitation and border security outcomes: The eGate technology, replacing SmartGate, operates with facial matching algorithms, producing a higher quality match decision than a manual face to passport check and reducing the opportunity for fraudulent documentation and/or imposters to successfully process.
30. Travellers will be able to self-process, improving facilitation outcomes and meeting the demands of managing increasing traveller volumes by transferring the impost of manual activities to the traveller and automated system. ACBPS officers can focus on risk assessment, behavioural profiling and traveller interaction and intervention.
31. Automated processing is supported by Advance Passenger Processing (APP) which operates at check-in overseas, to verify the existence of a valid visa and authority to enter. In addition to providing advance reports on passengers, the APP system allows the department to issue passenger boarding directives to airlines in real time if the passenger does not have a valid Australian visa or valid Australian or New Zealand passport. In this way, Australia is able to prevent people arriving in Australia by air when they do not have an authority to travel to Australia.
32. As of 1 July 2015 existing APP requirements are expanded by amendments to the legislation for Outward APP requiring airlines to send data in relation to travellers departing (outbound) Australia (in addition to providing data for travellers arriving into Australia).



33. This outwards APP data streamlines travellers' use of eGates on departure from Australia, and also provides border security agencies with enhanced capacity to identify persons of interest who are attempting to leave Australia.

#### *Aviation and Maritime Security Identification Card Schemes*

34. The Aviation Security Identification Card (ASIC) and Maritime Security Identification Card (MSIC) schemes, which are administered by Infrastructure, were established to safeguard against unlawful interference with aviation and maritime transport and offshore facilities, primarily focusing on preventing terrorist incidents. A number of inquiries have recommended changes to enhance the ASIC/MSIC scheme.

35. Work is underway, led by Infrastructure, to strengthen the ASIC/MSIC schemes and the ACBPS is working with Infrastructure and law enforcement partners to enhance the ability of the schemes to support broader law enforcement purposes, including for national security purposes. ACBPS supports the redesigning of the schemes to address a range of criminal vulnerabilities and threats.

36. It is worth noting that ACBPS will from time-to-time conduct compliance checks on access to Customs controlled areas and the wearing of ASIC/MSIC passes.

#### *Wheeler Review*

37. The *Independent Review of Airport Security and Policing for the Government of Australia* (Wheeler Review), conducted in 2005, was commissioned by the then Howard Government to examine Australia's aviation vulnerabilities in the wake of the September 2001 terrorist attacks.

38. The ACBPS was charged with responsibility for two Government initiatives arising out of the Wheeler Review, and also was jointly responsible with the Department of Infrastructure and Regional Development for the implementation of a third initiative.

- Expanded Powers
- CCTV Capabilities
- Air Cargo Screening

#### *Expanded powers*

39. The Wheeler Review recommended that all police, AFP Protective Services and ACBPS officers deployed to an airport be given clear and unambiguous powers, including to stop, search, detain and arrest where necessary within the airport and adjacent roads and parking areas.

40. In consultation with the AFP and Infrastructure, legislative amendments were passed which provide ACBPS officers with the power to stop, search, restrain, detain and remove people and vehicles, pending arrival of a law enforcement officer. These powers came into effect on 20 August 2007.

#### *CCTV capabilities*

41. The Wheeler Review recommended that integrated closed-circuit television (CCTV) systems be expanded and improved at Australian airports, and that, with the ACBPS as the lead agency, arrangements be made to ensure CCTV standardisation, digital



upgrading, storage, and fully coordinated use by the ACBPS, police and security personnel.

42. In response to this recommendation, the ACBPS was funded to establish the Airports National Monitoring and Analysis Centre (ANMAC) in November 2007. The ANMAC is a 24/7 CCTV Control Room designed to assist with monitoring, support and post-incident analysis of passenger processing operations at specified airports. The ANMAC's aim is to complement the existing monitoring functions of the airport control rooms at respective airports in the event of airport control rooms being evacuated or disabled and to provide enhanced CCTV post-incident analysis capabilities for internal and external clients.
43. The creation of the ANMAC increased CCTV capacity by over 200 cameras, with a particular focus on covering identified 'black spots'. The ACBPS has approximately 1,700 CCTV cameras at the eight major international airports. Currently ANMAC has access to CCTV networks at Melbourne, Sydney, Brisbane, Darwin, Gold Coast and Cairns International Airports. ANMAC does not have access to CCTV networks at Perth and Adelaide International Airports.
44. The majority of cameras are located in ACBPS controlled areas in the airside environment. There are also cameras in some airports in areas such as public car parks and arrivals halls to assist ACBPS operations.
45. Implementation of the Wheeler Review recommendation also resulted in the allocation of additional staffing resources to Customs control rooms at the eight major international airports.
46. CCTV continues to provide a valuable tool to enhance operational effectiveness and is deployed into the layered aviation security model. The ACBPS uses the CCTV network to:
  - detect unlawful activity that represents a threat to the Australian border;
  - allow ACBPS and its partner agencies to respond to illegal activities in the monitored area;
  - provide information so that the risk associated with different areas can be evaluated; and
  - collect evidentiary material to assist in the prosecution of border offences.
47. The provision of data to other agencies for border protection and law enforcement purposes is subject to the permissible use and information security and privacy controls and accountabilities.

#### *Air cargo screening*

48. The recommendation of the Wheeler Review, that ACBPS and Infrastructure had joint responsibility for, was that the screening of cargo be expanded and include mandatory screening of all cargo on passenger aircraft where passengers' checked baggage is screened.



49. The requirement for mandatory screening of air cargo transported on passenger aircraft is now contained within the ATSA and ATS Regulations. The administration of this legislation is the responsibility of Infrastructure.
50. In September 2005, ACBPS and Infrastructure were funded to implement a range of measures to further enhance the security of air cargo. Full implementation of the export air cargo security programme was completed in November 2008.
51. The programme provides a multi-disciplinary capability for screening export air cargo using a number of different technologies and detection methods, including explosives trace detection equipment, mobile X-ray units, and explosives detector dogs.
52. The ACBPS has provided training to air cargo terminal operators in the use of explosive trace detection equipment. Intervention resources are deployed to respond to all targeted high-risk consignments, to undertake campaign activity in areas of potential or emerging risk and to deliver coverage across the broader export air cargo environment. Together with the deployment of mobile X-ray vans and additional Firearms and Explosives Detector Dog teams, air cargo screening is subject to the same high standard as that which applies to passengers and their baggage.

#### *Joint Airport Investigation Teams and Joint Airport Intelligence Groups*

53. The establishment of the Unified Policing Model, and subsequent Joint Airport Investigation Teams (JAITS) and the Joint Airport Intelligence Groups (JAIGs), was a further outcome of the Wheeler Review. The Wheeler Review called upon all agencies with a responsibility for aviation security to work cooperatively to identify and address a range of dynamic criminal and security threats.
54. The JAITS comprise ACBPS officers as well as AFP and state police, and are established at five designated airports – Sydney, Brisbane, Melbourne, Perth and Adelaide – to undertake intelligence-led investigations into serious and organised crime.
55. The ACBPS is a full-time member of the JAIGs, along with the AFP and state police. The Australian Crime Commission, Agriculture, DIBP, Infrastructure, and the Australian Security Intelligence Organisation are all part-time members.
56. The work of the JAITS and JAIGs has led to a number of investigations resulting in the prosecution of significant criminals and identification of threats that may have otherwise impacted upon the security of airports and the safety of air travellers.

#### *Information and intelligence sharing*

57. The ACBPS maintains a liaison officer network. Officers within this network engage and meet regularly with liaison officers from other Commonwealth, state and territory law enforcement and regulatory agencies to facilitate the timely exchange of information and intelligence on issues of mutual interest and responsibility.
58. Information and intelligence exchange covers issues relevant to airport and aviation security, national security, other serious and organised criminal activity as well as other forms of unlawful activity more broadly. The liaison officer network is fundamental to sharing information and intelligence between agencies with the responsibility for managing risks to aviation and airport security and other serious and organised



criminal activity. Strong results have been achieved as a direct result of cross agency communication and interaction through this network.

59. The sharing of information and intelligence is achieved at the federal, state and territory level through the Australian Crime Commission's Australian Criminal Intelligence Database (ACID) which allows Commonwealth, state and territory law enforcement and regulatory agencies to share criminal information and intelligence in a timely manner. As an outcome of the Wheeler Review, it was recommended that ACID be the primary information and intelligence sharing platform for those agencies with responsibilities for airport security.

60. The ACBPS regularly uploads information reports to the ACID system to share with relevant partner agencies to address security risks and potential criminality not only at airports and ports but also across the wider Australian community as well.

ACBPS looks forward to seeing the outcomes of the inquiry, and working further with key stakeholders to enhance airport and aviation security.

Yours sincerely



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