



**SUBMISSION TO THE
COMMONWEALTH PARLIAMENT'S
JOINT COMMITTEE OF PUBLIC ACCOUNTS AND
AUDIT
REVIEW OF AVIATION SECURITY IN AUSTRALIA**

Cairns Port Authority (CPA) is a Government owned Corporation responsible for the commercial operation of Cairns International Airport and Cairns Seaport. CPA's shareholders are the Queensland Minister for Transport and the Queensland Treasurer. This submission is made by Cairns Port Authority and does not purport to represent the views of the Queensland Government

CAVEAT

**The information provided in this submission relates to aviation security measures designed to deter or prevent the commission of unlawful acts against civil aviation. Releasing these details into the public domain, by default, identifies apparent weaknesses in the system. On this basis it is requested that this submission be treated as
SECURITY IN CONFIDENCE.**

Basis of Submission

This submission primarily addresses compliance with Commonwealth aviation security requirements by the Cairns Port Authority at Cairns International Airport. The remaining terms of reference are not addressed in detail.

It ought to be borne in mind that compliance may be passive or submissive, or at times, enforced. Airport and airline operators, who carry the burden of Australia's aviation security regime, experience greater or lesser degrees of difficulty in achieving compliance. It not only has to do with the implementation of aviation security measures on the ground (or on board aircraft), it also has to do with the relationship between the operator and the regulator, the operator and law enforcement agencies and the operator and their contractors who provide a mandated security service.

It is quite impossible to cover every aspect of compliance in this submission. The submission, therefore, addresses key aspects of compliance as they relate to aviation security and draws on specific examples to illustrate an issue or a concern.

Background

The application of aviation security to civil aviation stems from deliberations of the International Civil Aviation Organisation (ICAO) and to 'standards' determined by ICAO. In 1947 ICAO was formally established as an agency of the United Nations. Since that time the organisation has developed numerous conventions with the objective of promoting the safety of civil aviation. As a founding member Australia ratified (among others) the convention for the suppression of unlawful acts against the safety of civil aviation (known as the Montreal Convention) on 23 September 1971. On 6 August 1989 the Montreal Convention was supplemented by a protocol for the suppression of unlawful acts of violence at airports serving international civil aviation. The two principle documents that impact on the application of aviation security are Annex 17 to the Convention on International Civil Aviation adopted on 22 March 1974 and titled 'Standards and Recommended Practices – Security – Safeguarding International Civil Aviation Against Acts of Unlawful Interference' and the Security Manual for Safeguarding Civil Aviation Against Acts of Unlawful Interference (ICAO Security Manual).

It is against this background that Australia's legislative program for aviation security was developed.

Legislation

The existing legislative regime is encompassed, in the main, in the Air Navigation Act, 1920, Air Navigation Regulations, 1947 and Air Navigation (Checked Bag Screening) Regulations, 2000. They represent Australia's response to its obligations under the various ICAO conventions and protocols and it is this legislation that has the force of law and provides the Commonwealth Department of Transport and Regional Services (the Department) with their regulatory powers.

Quite apart from the entrenched provisions, this legislation delegates to the Secretary of the Department an authority to issue instruments and to implement additional security measures as the threat environment demands.

During 2001 the Department embarked a project to replace Australia's existing aviation security regulatory framework by introducing the Aviation Legislation Amendment Bill (No 2) 2001 and was progressing accompanying regulations known as Aviation Security Regulations, 2001. The events of September 11th interceded to bring about a sea change in the government's approach to aviation security. What followed, on 12 September 2001, was a raft of 17 Additional Security Measures (ASMs) for airports and airlines. And with that came a significant increase in costs, in particular, the deployment of additional Australian Protective Service (APS) officers (since off-set by the deployment of budget funded APS officers), the deployment of kerbside security officers to deter vehicles being left unattended adjacent passenger terminals and additional security officers engaged in secondary screening duties. These ASMs have been progressively and continuously refined and expanded. Presently there are 33 ASMs current; the last amendment dated 8 April 2003. ASMs are addressed later in this submission.

The Aviation Legislation Amendment Bill (No 2) 2001 and Aviation Security Regulations, 2001 were abandoned and lately replaced by the Aviation Transport Security Bill, 2003 and Aviation Transport Security Regulations, 2003.

In relation to the legislation now proposed, the Department might confidently argue that the consultative process with industry was closely embraced. And while that may be true to an extent, and the consultative process has not yet been exhausted, some specific items in the draft legislation are worrying:

- a. Clause 77 allows the Secretary to appoint law enforcement officers to be aviation security inspectors. Presently aviation security inspectors are drawn from the ranks of the Department (as the regulator), and this is accepted practice. To appoint aviation security inspectors from the ranks of, for instance, the Australian Protective Service, does not sit comfortably with the Cairns Port Authority. The regulator and APS should sit separately in the industry with the APS providing a uniformed law enforcement service to the operator responsible for airport/terminal security. In providing a uniformed law enforcement service to an airport operator, APS should be responsible to the operator and should not operate as an autonomous body independent of the airport operator.
- b. Clause 125 allows regulations to establish an accumulative demerit points system that attaches to a security program and which could ultimately bring about the cancellation of that program. The clause was inserted as a response to a recommendation of the Australian National Audit Office (ANAO) report on aviation security. The recommendation reads, "that DOTARS establish administrative policies and procedures for introducing a 'pyramid of enforcement' that DOTARS can apply to organisations."¹ The initiative is flawed and does nothing to encourage a partnership of cooperation between airports, airlines and the Department. It will most certainly result in airlines and airports directing their attention to demerit points minimisation in developing security programs rather than concentrating on good security outcomes. The government already has an operating model (for non-compliance) in place with the Civil Aviation Safety Authority. That model provides for audit observations, and two grades of a requirement for corrective action (the higher level known as a 'safety alert').

¹ The Auditor-General
Audit Report No 26 2002-03
Performance Audit – Summary & Recommendations, paragraph 15

Aviation security should embrace a similar civilised process between the regulator and industry.

- c. Division 6 deals with persons in custody. Prior knowledge of an intention to transport a person in custody is as important to airport operators as it is to airlines. These circumstances are accompanied by a very real possibility of a person in custody jeopardising the safety of fellow travellers in passenger terminals as well as on board the aircraft. The new legislation needs to impose on government agencies an obligation to provide airports and airlines with sufficient detail and sufficient advanced notice (24 hours as a minimum) to ensure an appropriate risk assessment of each case can be made. The legislators should also cover Family Law cases (where, for instance, a mother and child's travel is being opposed by an aggrieved father).

Penalty provisions contained in the Bill presuppose an Orwellian regime of not only how they might be applied, but that they will be applied to the very organisations who strive to work in partnership with the regulator to bring about desired outcomes.

At this point it is probably worthwhile noting that the Department has indicated that the proposed legislation is outcomes focussed and less prescriptive. On the surface this is generally a satisfactory approach. The down side is that from time to time the industry requires prescription. Take the example of the government's initiative to introduce 100% Checked Bag Screening (CBS) by December 2004. The initiative is not in question. What the industry sought and did not get was what type and level of equipment will achieve the government's intent? As it stands the Department has asked each airport to make a submission on their proposed CBS arrangement and they will then be advised whether (on the face of it) it will satisfy the requirement. Collectively, the industry, outside of the Department, has decided to acquire multiple view tomography equipment for CBS. In these circumstances it would not be unreasonable for the Department to have been a part of the appreciation process, nor would it have been unreasonable for the Department to agree in advance that, on the information available, the equipment proposed will satisfy the requirement. As it stands, the industry can only assume that the equipment decided on will stack up. Boards of airports and airlines authorising the capital expenditure of millions of dollars might be entitled to think they should have better guarantees in place than this arrangement.

These examples are indicative of industry's concerns with the new legislation and serve to illustrate not only the imperative of consultation, but also the consideration of industry's concerns by the regulator and working through those concerns, if necessary, by legislative address.

National Aviation Security Program (NASP)

Annex 17 sets out the following provision; "Each contracting state shall establish and implement a written national civil aviation security program to safeguard civil aviation operations against acts of unlawful interference, through regulations, practices and procedures which take into account the safety, regularity and efficiency of flights."²

² Annex 17 to the Convention on International Civil Aviation
Seventh Edition April 2002
Chapter 3, paragraph 3.1.1

Australia's program sets out practices and procedures together with responsibilities for their development and implementation. In addition, the program also incorporates six appendices:

- a. Air Navigation Act, 1920 (relevant provisions)
- b. Air Navigation Regulations (relevant provisions)
- c. Compendium of Aviation Related Instruments
- d. Airport Security Planning Guidance
- e. Aviation Security Crisis Management, and
- f. Annex 17

The program is singularly the most useful guide for the uniform development of airport and airline security programs. Those appendices that address Airport Security Planning Guidance and Aviation Security Crisis Management are particularly useful documents. The latter offers a useful guide in relation to an operator's responsibility for bomb threat assessment. It should be expanded to accommodate an assessment process in relation to chemical, biological and radiological threats (in particular, "white powder" incidents - which have the capability to close or significantly disrupt an airport if a recognised process of threat assessment is not undertaken).

A recent incident last year illustrates the point.

On 11 September 2002, a Cathay Pacific passenger, a local resident, returning from Hong Kong arrived in Cairns, cleared customs and drove his vehicle into Cairns before driving to the tablelands. On opening a bag he had travelled with, the person concerned found white powder through the bag. He rang the Australian Customs Service (ACS) from the tablelands and advised them of the situation. ACS invited the person to bring the bag back to the airport. He agreed and returned to the airport from the tableland. After subjecting the white powder to ion mobility spectrometry analysis, with a negative result (to determine whether the white powder was a banned or prohibited substance), ACS handed the bag to APS. APS advised the Cairns Port Authority's Security & Emergency Services Manager while ACS advised AFP as part of their reporting procedures. The Cairns Port Authority's assessment was that, given the circumstances and in the absence of any specific information or historical precedent within Australia, the white powder was nothing other than what it purported to be, and that was, a harmless white powder. Queensland Police were advised of the incident and of the Cairns Port Authority's assessment and were happy to let the matter rest at that. A short time later AFP contacted the Cairns Port Authority's Security & Emergency Services Manager enquiring about the incident. AFP advised that they wanted to look at the matter further. In turn AFP were advised that while the Cairns Port Authority would not impede their investigations, should they decide to escalate the incident to the extent that it may impact on operations at the airport, then the Cairns Port Authority reserved the right to be included in that process. The matter was later concluded with a Queensland Police analysis of the white powder indicating it was talcum powder.

The NASP also supported a nationally agreed procedure for call tracing (mainly in relation to telephone bomb threats) known by the codeword JETSCARE. Genuine bomb warnings have the potential to prevent significant incidents, while hoax telephone bomb or sabotage threats can cause major inconvenience and cost to the industry. The ability to successfully trace a threatening call is of considerable assistance early in the investigative process and might likely lead to an early arrest. The JETSCARE procedure was only ever partly successful and was discontinued because it was not achieving its objective (of operating successfully as a call tracing measure).

Airport and airline operators have since been left to determine measures locally in relation to tracing malicious or threatening calls. If the government believes that this issue is important to the continuing security of the aviation industry, then a national uniform procedure ought to be determined.

Disturbingly, the NASP's currency and its accompanying appendices have not been maintained and are now outdated. Despite the continuing international requirement, and the terrorist events of recent times, the NASP has not been updated since February 1999. As an aside, it was interesting to note that the ANAO observed, "The standards set under the aviation security regulations are consistent with international practice and are a sound foundation for managing aviation security. They comprise Standard Security Measures (SSMs), which are the fundamental security measures, and ASMs for use in times of heightened threat."³ The ANAO report made no mention of the NASP.

The National Counter-Terrorism Plan (NCTP) was issued in June 2003 replacing the former National Anti-Terrorist Plan. The NCTP recognises that state and territory governments and their agencies are responsible for the operational response to a terrorist situation in their jurisdiction. Commonwealth agencies provide support as appropriate. Operational responses to terrorist situations will largely replicate responses to criminal acts or disasters.⁴ The NCTP underpins cooperative response arrangements in the aviation industry as well as elsewhere. In the opinion of the Cairns Port Authority, the NASP should be treated similarly to give it the currency it deserves.

Instruments Issued Under Current Legislation

The Department has had a long-standing policy of issuing instruments under current legislation in order to allow or disallow certain actions to occur which otherwise might have been allowed or disallowed. Airports, airlines and other organisations implement the provisions of instruments either on receipt or at a time nominated in the instrument. Instruments carry the same force of law as the parent legislation and like the parent legislation are usually subject to industry consultation.

Recently the Department varied an existing instrument concerned with the carriage/possession of weapons in sterile areas and on board aircraft. The instrument addressed concerns raised by the ACS that their officers be permitted to carry specified items into sterile areas and on board aircraft in the course of their duty. The following items were listed in an accompanying Security Guide – 2 as "an indicative list" of "tools of trade" for ACS and Australian Quarantine Inspection Service officers:

- a. Bolt cutters
- b. Box cutters
- c. Dog harnesses, leashes, leads and choker chains
- d. Drills and drill bits
- e. DZUS tools (a variable shaped tool used to unfasten cowlings and inspection panels)

³ The Auditor-General
Audit Report No 26 2002-03
Performance Audit – Summary & Recommendations, paragraph 10

⁴ National Counter-Terrorism Plan
June 2003 Paragraph 59

- f. Endoscope or similar inspection devices
- g. Extended claw and magnetic retrieval tools
- h. Hand held rake
- i. Inspection mirror telescopic
- j. Jemmy/crow bar
- k. Ladders
- l. Leatherman multi-purpose tool
- m. Pliers
- n. Pocket and other practical knives
- o. Scissors
- p. Screwdrivers
- q. Shifters/wrenches
- r. Skewers
- s. Spanners
- t. Spray cans containing insecticides for disinfecting aircraft, and
- u. Torches.

Aviation Security Guide – 2 also carries the following disclaimer:

DISCLAIMER – The Commonwealth has issued this notice as a guide only, recipients of the guide must make their own independent assessment of whether or not to use or apply the information to any particular circumstance. The Commonwealth accepts no liability for the use of or reliance placed upon any information provided in this guide

The Guide struck a negative chord with the Cairns Port Authority, and probably the industry generally, firstly by being far too generous in providing an extensive list of commercially available items, secondly it gave ACS an unreasonable expectation that such items would be allowed, and thirdly, the Commonwealth, as the regulator, did not want to stand by its advice should an operator pick up any or all of the advice proffered.

In the weeks before this instrument was received the Cairns Port Authority had responded to a local request from ACS seeking to allow ACS officers to carry “tools of trade” items into a sterile area. The ACS request was accommodated on the condition that the items concerned are ACS issue or agreed identified items for the purpose of allowing ACS officers to perform their duties. In the opinion of the Cairns Port Authority this was reasonable and responsible, and our concern is that the Guide was too generous and too open in listing the items it did.

In relation to this matter there was no consultation by the Department with industry before the instrument was issued. It appears to have been a convenient arrangement between two government departments which further complicated appropriate arrangements between operator’s responsible for sterile areas and ACS.

Review into Air Security Officers and Counter Terrorist First Response

Counter Terrorist First Response (CTFR) has a long and partly acrimonious history since its inception and implementation at Australia's primary airports. In 1989 the Federal Government decided to withdraw Australian Federal Police (AFP) from airports and replace the AFP presence with budget funded APS officers. The APS deployment was completed during the first six months of 1990. In the following year budget funding was withdrawn and it fell to airport operators who in turn cost recovered from the airlines.

In the years leading to 1996 the relationship between airport operators and APS was at best tenuous. About this time the industry sought a review of the APS function. An industry working group was established to develop Terms of Reference for a review. That task was completed in September 1996 and endorsed by the then Minister for Transport and Regional Development, the Honourable Mark Vale, MP in October 1996. The original working group was then tasked to undertake the review. The review was completed during the course of 1997 and forwarded to the Minister. Not surprisingly, the Minister wrote to industry in August 1998 advising that:

- CTFR would remain a part of the regulatory obligations of the airport operators;
- A greater choice of service provider would be allowed; and
- The current provision of CTFR at Townsville, Alice Springs and Hobart would be reviewed.

The first point made by the Minister was expected. The second point amounted to a Clayton's choice because it was obvious before the review was undertaken that state police were not interested in tendering for the provision of CTFR. By and large the last point was the only review recommendation picked up by the Minister. The Minister's response to industry was silent on the issue of funding.

It is probably fair to say that the Government's determination in respect of this review fuelled disquiet within the industry. And one of the contributing factors was that the working group, per se, did not have the opportunity to brief the Minister on the results of the review.

A copy of the review (covered by the Minister's determination) is enclosed as **Annex A** to this submission.

Against this background (and indeed the background of September 11th) another review was inevitable. It was about October 2002 that industry was advised that the Attorney General's Department was to conduct a further review of the CTFR function (which was also to include the Air Security Officer Program). The review was to be undertaken by Mr Rex Stevenson, AO, a former Director-General of the Australian Secret Intelligence Service and Mr Jim Allen, APM, a former Deputy Commissioner of the Australian Federal Police, and was to be finalised by December 2002.

It has to be said that Mr Stevenson and Mr Allen consulted extensively and afforded industry stakeholders every opportunity to put their case. The review was completed within the required timeframe and, apparently, forwarded to the Attorney General's office. Despite requests for progress reports or updates by the industry, nothing remotely resembling any sort of constructive feedback was (could be) passed to the industry by the Department.

From an industry perspective it was disappointing not to be advised of the review's recommendations. This suggests there was something to hide and the absence of any accompanying explanation, gave rise to industry suspicion and scepticism. The aviation security industry invested a great deal of time and effort in putting their respective submissions to Mr Stephenson and Mr Allen. That contribution ought to have been rewarded, at the very least, by the release to industry of the draft recommendations, followed by an abridged version of the review when the decision was taken to corral the parent document.

It wasn't until five months later that industry received a letter (carrying the classification 'Security in Confidence') signed jointly by the Hon John Anderson MP and Senator the Hon Chris Ellison addressing the CTFR aspects of the Review. The Ministers came to the conclusion "that current CTFR arrangements need to be remodelled to become more preventative, pro-active and intelligence focussed" and that "our intention is to change from a role based on deterrence patrolling and providing a first response to one that is preventative, pro-active and intelligence focussed". The Ministers went on to say that "it would seem appropriate for consultations on the new model to be done through the Industry Consultative Committee mechanism that meets quarterly under the chairmanship of the Department of Transport and Regional Services" and "the Government believes that the changes to Australia's CTFR arrangements should result in no additional cost burden for airport operators who are currently providing CTFR funding. For its part, the Government intends to maintain the overall level of funding it provides for CTFR".

On 3 June 2003 the Cairns Port Authority responded to the Ministers letter indicating a willingness to participate in the consultative process and making the following points:

- The existing APS role of 'deterrence', together with the role of 'prevention', are perhaps the two most important functions of CTFR. Proven practice indicates continuous patrols by uniformed APS officers effectively deliver these functions. To discard either of these existing functions in a remodelled arrangement would seriously undermine the industry's ability to deliver proven and effective security on the ground.
- The aviation industry is sensitive and responsive to any criminal influence that may disrupt or dislocate any part of the industry's spectrum of operations; and
- There is a willingness to contribute and a wealth of operational security experience in our industry embedded in organisations that together make-up the industry. The industry earnestly wants to operate in partnership with government on these issues. To do otherwise serves to fuel industry resentment and suspicion, and a consequence can be that industry confidence in the regulator is unnecessarily eroded.

The Ministerial correspondence mentioned and the Cairns Port Authority's response can be tabled should the Committee so request.

To date the consultative process is still in a developmental stage. From an operators point of view the APS effort on each airport must be flexible and responsible to the airport operator. That should not detract from any command function the AFP necessarily will want to put in place to ensure control measures are satisfactory to that organisation.

Division of Responsibilities AFP/State Police

Until the events of September 11th, the division of responsibility between AFP and the Queensland Police Service was generally understood by agencies with a responsibility for unlawful interference with aviation at Cairns International Airport. The arrangement was underpinned by the provisions of the then National Anti-Terrorist Plan and the National Aviation Security Program and was further detailed in the Airport Security Program. Since the AFP withdrew its presence from Cairns Airport they were not (are not) listed as an enforcement agency in the Airport Security Program.

Since that time major anti-terrorist legislative reform has swept through federal parliament breathing new life into the responsibilities of AFP (including the re-incorporation of APS into the AFP organisation), and generally leaving in its wake an aviation industry confused about the division of responsibility between law enforcement agencies. While the pace of legislative reform was expected, and generally well received by a post September 11 Australia – the aviation industry was left with a raft of ASMs that left airport and airline security programs outdated – not to mention the National Aviation Security Program and, for that matter, the National Anti - Terrorist Plan. AFP become noticeably more interested in aviation incidents, APS became less responsive to airport operators and Queensland Police remained under the understanding (and correctly in the opinion of the Cairns Port Authority) that their incident resolution responsibility was unchanged.

A recent incident highlights this concern.

On Tuesday 10 June 2003 an incident occurred on a Virgin Blue Sydney to Cairns flight (DJ385). Air Security Officers (ASOs) were travelling on the aircraft at the time. About 20 minutes into the flight a passenger was observed with a knife (commonly known as a box-cutter). Cabin crew were advised and approached the passenger who surrendered the knife. The passenger made no threats to the aircraft. For all intents and purposes Virgin Blue apparently considered (once the knife had been surrendered) there was no threat to the aircraft and the aircraft continued to Cairns arriving about 1335 hours. APS met the aircraft in Cairns and in conjunction with the ASOs detained the passenger concerned and advised AFP. AFP responded and questioned the passenger who they then arrested and charged. Queensland Police were not advised of the incident and nor was the Cairns Port Authority.

The point of this example is that if, for any reason, the incident had escalated, Queensland Police are best equipped to contain an escalating incident, while the Cairns Port Authority, as an airport operator, has a responsibility to ensure a correct response and, if necessary, establish an Emergency Coordination Centre which is equipped to provide logistic support and technical advice to the Police Forward Commander. On this occasion the local APS station manager later advised the Cairns Port Authority that the incident was an AFP matter. The remaining point of concern is that media interest in these and similar incidents is omnipresent. Had media made an enquiry at the time, the Cairns Port Authority would have had to have said “no comment”, knowing full well we had no idea what was occurring on our airport.

Additional Security Measures

Additional Security Measures (ASMs) were originally developed by the Department to allow a graduated response dependent on a perceived threat. They were developed in the form of a menu and structured so as to be applicable at any categorised airport and remain embedded in airport security programs.

The events of September 11th neither cancelled nor suspended this compendium of ASMs, however, a raft of new measures was released on 12 September 2001 and remain (as amended) in effect.

The raft of ASMs released after September 11th were implemented by industry immediately, however, there was a noticeable concern within the industry that the ASMs were released so that government was seen to be doing something in response to a terrorist incident rather than a more considered response in relation to a perceived threat arising out of credible and perhaps specific intelligence information.

To the government's credit, industry was advised by letter from the Department dated 20 March 2003, that further ASMs would be introduced only with an increase in the threat level or in response to specific threats to Australian aviation. Be that as it may, the industry remains cautious about introducing further ASMs only in relation to an increase in the level of threat. Any move based on this premise ought to be accompanied by intelligence information supporting an increase in the threat level.

Intelligence Updates/Briefings

The industry generally suffers from a paucity of intelligence briefings (to keep abreast of from where particular threats to aviation might be developing). In past years the Cairns Port Authority used to receive regular ASIO threat assessment updates (the last being received on 7 November 2001). Intelligence updates were useful for a number of reasons, not least in providing the Airport Security Committee with current intelligence advice that kept security committee members focussed on the importance of maintaining good security practice.

This is not to say that the industry is looking for classified intelligence material (although major stakeholders maintain a nucleus of senior management with a federal government security clearance). Unclassified or Restricted material is particularly suited to this requirement. Importantly, the flow needs to be maintained on a regular basis and as a minimum the advice should include an overview of the global situation, an overview of immediate or likely future threats to international aviation and an overview of the domestic situation, particularly as it might affect airlines and airports. And just as important, advice that reflects no change from the previous week or month is useful because the advice is then current.

As it presently stands industry has to rely on its own resources, or the resources of state police, or media resources, to put together an intelligence summary for boards of directors (as required), senior management or security committee members.

It is important that government keep industry informed on a regular basis.

Retention of Industry Competence

It seems that within the higher echelon of management, particularly within the Department and APS, the depth of industry experience became noticeably shallow, particularly after the events of September 11th. Aviation Security Branch, as it was then, seemed to be progressively drained of its accumulated expertise at the expense of the formation of a new Transportation Security Division within the Department. Similarly, with the re-incorporation of APS into the AFP organisation, industry experience also dissipated.

Maintaining a base of knowledge and experience, so that issues peculiar to the industry are understood in detail, particularly in the climate we find ourselves in, is as important as it is critical.

The Australian industry probably rates very well along side the same industry globally. Government and industry need to ensure that that continuing and uncompromising improvement is a long-term aviation security objective. For its part, industry has managed to retain a base of knowledge and experience. Regulators and law enforcement agencies, in particular APS, must engage in a similar practice to ensure a satisfactory balance of industry competence is maintained.

Summary of Incidents

For the information of the Committee, a summary of incidents at Cairns International Airport during the last 12 months is enclosed as **Annex B**.

Recommendations

1. That the importance of partnership between government and industry be recognised, in particular, the continuing process of consultation.
2. That industry's concerns with draft legislation be progressed on a partnership footing to achieve outcomes that meet government's expectations.
3. That the National Aviation Security Program be updated and released as a matter of priority.
4. That arrangements for CTFR proposed by Ministers Anderson and Ellison be progressed in partnership with industry and:
 - That outside of the AFP/APS command relationship, APS located on airports be responsible to the airport operator, and
 - That uniform patrols be the basis of a re-arranged CTFR function.
5. That government recognise the importance of achieving a cooperative arrangement between the four principle agencies directly responsible for aviation security, those being the Department, the industry, AFP/APS and state police.
6. That arrangements be put in place to provide for a regular flow of intelligence information to industry.

Conclusion

The quest for impenetrable and secure barriers against unlawful interference that affords the aviation industry optimum protection, without sacrificing a seamless and efficient passenger facilitation process, is unlikely to be achieved without an enduring mutual trust between government and major stakeholders.

And in the opinion of the Cairns Port Authority, partnership and consultation are two non-negotiable principles for that level of trust to be established and maintained. In this respect it is noted that the Memorandum of Understanding signed jointly on 29 April 2003 by DOTARS and AFP mentioned that both agencies “have vital roles to play in partnership with industry and State and Territory police.”⁵

The Cairns Port Authority is responsible for the management and operation of an international seaport (second biggest cruise liner port outside of Sydney) as well as an international airport. We therefore have an enduring interest not only in aviation security, its application and compliance, but also in the developing maritime security framework and how it will be applied and how a similar level of compliance might be achieved.

Cairns and its environs represent a world-class travel destination. The airport and seaport together are the most significant gateways through which travellers come to and leave this region. Without wanting to detract in any way from the counter-terrorist initiatives of the last few years, government and industry must work together to target the criminal and the terrorist while affording bona fide travellers a reasonably uninterrupted and safe and secure passage. Some recent incidents suggest that bona fide travellers have incurred severe and considerable consequences as a result of a thoughtless and/or stupid remark. The law enforcement agencies that support this industry must be sufficiently professional to know how to deal with a criminal, on the one hand, and a disruptive passenger on the other. We should be guarded about looking to make an example of the indiscretions of otherwise genuine travellers.

⁵ A Memorandum of Understanding between the Department of Transport and Regional Services and the Australian Federal Police, encompassing the Australian Protective Service, to establish their respective roles in aviation security. Covering letter, paragraph 1