

Chapter 1

Introduction

Conduct of the inquiry

1.1 On 1 March 2012, the Senate referred the provisions of the Aviation Transport Security Amendment (Screening) Bill 2012 (the bill) to the Senate Rural and Regional Affairs and Transport Legislation Committee (the committee) for inquiry and report by 9 May 2012.¹ The reporting date was further extended to 18 May and then 30 May 2012.

1.2 The reason given for the referral of the bill through the Senate Selection of Bills Committee was that:

- the privacy and health issues at stake with the technology described in the bill require input from experts;
- security and counter-terrorism experts should be consulted as to whether the new screening arrangements contained in the bill would enhance security; and
- a Senate inquiry would help to provide more detail about the consultation process between the Office of the Information Commissioner and the Office of Transport Security on the screening arrangements.²

1.3 In accordance with usual practice, the committee advertised the inquiry on its website and in *The Australian*. In addition, the committee wrote to relevant organisations inviting submissions. The committee received 16 submissions (see Appendix 1).

1.4 The committee did not hold a public hearing in relation to the inquiry. It did, however, seek clarification regarding a number of issues in a series of written questions on notice to the Department of Infrastructure and Transport. A list of the questions and responses is at Appendix 2.

House of Representatives inquiry

1.5 The bill was introduced into the House of Representatives by the Minister for Infrastructure and Transport, the Hon. Anthony Albanese MP, on 16 February 2012.³

1 Commonwealth of Australia, *Journals of the Senate*, 1 March 2012, p. 2188.

2 Senate Selection of Bills Committee, *Report No. 2 of 2012*, Appendix 1.

3 Commonwealth of Australia, *House of Representatives Votes and Proceedings*, 16 February 2012, p. 1235.

1.6 The House of Representatives Selection Committee referred the bill for inquiry to the House Standing Committee on Infrastructure and Communications.⁴ The House of Representatives committee tabled its report on 9 May 2012. The report concluded that the bill be passed as it will achieve its stated purpose.⁵

Purpose of the legislation

1.7 The bill proposes amendments to the *Aviation Transport Security Act 2004* (the Act) and the *Aviation Transport Security Regulations 2005* (the Regulations) to support the introduction of body scanners at Australian international airports.

1.8 The four main amendments proposed to the Act and the Regulations will:

- allow aviation screening officers to assume that a person who presents at an aviation security screening point consents to any screening procedure, with the exception of a frisk search, unless the person expressly states their refusal to undergo a particular screening procedure;
- prescribe that a randomly selected person who refuses to undergo a screening procedure will not be granted clearance and will be unable to pass through the screening point to the departure gates;
- repeal the current provision allowing passengers to request a frisk search as an alternative to another screening procedure; and
- list the types of equipment that may be used for aviation security screening purposes, including metal detection, explosive trace detection and active millimetre wave body scanning equipment.⁶

Acknowledgement

1.9 The committee appreciates the time and effort of all those who provided written submissions to the inquiry. Their work has assisted the committee considerably in its inquiry. The committee also acknowledges the cooperation of the Department of Infrastructure and Transport for its timely responses to questions on notice.

Report structure

1.10 This report is divided into three substantive chapters. Chapter 2 outlines the background and policy context in which the legislation is proposed and Chapter 3

4 House of Representatives Selection Committee, *Report No. 44*, 16 February 2012, p. 3.

5 See House of Representatives Standing Committee on Infrastructure and Transport website, *Aviation Transport Security Amendment (Screening) Bill 2012*, www.aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=ic/aviation/report.htm (accessed 15 May 2012).

6 The Hon. Anthony Albanese, Minister for Infrastructure and Transport, Second Reading Speech, 16 February 2012, pp 3–8.

discusses the issues raised during the committee's inquiry and outlines the committee's views and conclusions and provides recommendations.

