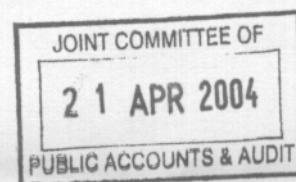


21 April 2004

Submission No. 91

Mr John Carter
Secretary, Joint Committee of Public Accounts and Audit
Parliament House
Canberra ACT 2600



Dear Mr Carter

I refer to your e-mail dated 16 April 2004 regarding incidents related to the transport by airlines of persons in custody. The incidents were reported by me to the public hearing on 2 October 2003 of the Review of Aviation Security in Australia.

I have been able to obtain the following additional details in relation to the reported incidents. Please note, however, that the amount of information that I have been able to obtain is limited by the fact that my airline source has retired from employment and does not have direct access to any relevant documentation that still may be available.

Both incidents that I reported related to transport of persons in custody on Air New Zealand. The incidents occurred a number of years ago and involved the transport of persons from Australia to New Zealand.

The first incident that I reported related to the transport of a person with a paedophile record. My airline source advises that, to the best of his recollection, this incident occurred about 8 years ago. The government agency involved in arranging the transport was the Department of Immigration and Multicultural and Indigenous Affairs. The person in custody was the subject of a supervised departure out of Sydney. The Department did not advise Air New Zealand staff of the person's criminal record. My airline source advises that en route the person was the subject of a complaint by the young female passenger whom the person was sitting beside. The airline did not complain formally in a letter to the Department, but rather made a verbal complaint about the incident to Departmental staff in Sydney.

The second incident that I reported related to the transport of a person who was in custody in Perth on a murder charge. My airline source advises that, to the best of his recollection, this incident occurred about 4 years ago. The government agency involved in arranging the transport was, again, the Department of Immigration and Multicultural and Indigenous Affairs. The person in custody was the subject of a deportation order and was travelling from Perth. The case

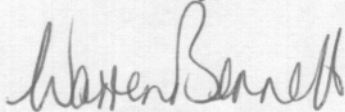
of the release of this person for transport back to New Zealand attracted some media interest in Perth and the Department, in an apparent attempt to disguise the person's identity from Air New Zealand, arranged for the person's travel to be booked via a travel agency in Canberra. Again, the airline did not complain formally in a letter to the Department, but rather made a verbal complaint about the incident to Departmental staff in Perth.

BARA does not maintain a record of airline complaints about government agencies expecting an airline to transport persons in custody without any information on the person being transported.

I would also like to advise, however, that some progress has been made recently towards resolution of the airlines' concerns. In January this year a meeting of senior airline representatives and officers (at Deputy Secretary level) of the Departments of Transport and Regional Services and Immigration and Multicultural and Indigenous Affairs produced an agreed set of protocols to be adopted by government agencies and airlines for the transport of persons in custody. These protocols provide for adequate notice to the airline of the transport of a person in custody and impose the requirement for the agency to provide the airline with all available relevant information on the person to be transported. BARA understands that the agreed protocols will form the basis of a new aviation security regulation.

I trust that the above information is of assistance to you.

Yours sincerely,



Warren Bennett

Executive Director