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Inquiry into Aviation and airport security

**Rural and Regional Affairs and Transport
Reference Committee**

Submission by the Australian Federal Police

January 2015

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The Australian Federal Police (AFP) welcomes the opportunity to provide a submission to the Rural and Regional Affairs and Transport Reference Committee regarding the Senate Inquiry into *Aviation and airport security*.

This submission seeks to address the following aspects of the inquiry's terms of reference:

- (a) recent media reports on apparent breaches in airport and aviation security at Australian airports;
- (b) consideration of the responses to those reports from the Government, regulators, airports and other key stakeholders, and the adequacy of those responses;
- (c) whether there are further measures that ought to be taken to enhance airport security and the safety of the travelling public;
- (d) the findings of, and responses to, reports undertaken into airport security issues since 2000; and
- (e) any related matters.

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Introduction

AFP Aviation Role

The AFP Aviation function prevents and responds to crime at nine of Australia's major airports (Adelaide, Brisbane, Cairns, Canberra, Darwin, Gold Coast, Melbourne, Perth and Sydney) by providing AFP sworn police to perform the following functions:

- counter-terrorist first response (CTFR);
- investigations;
- intelligence ;
- community policing;
- canine search capability;
- Air Security Officer (ASO) Program;
- Bomb Appraisal Officers (BAOs); and
- Airport Watch.

The Aviation policing function is led by an Airport Police Commander (APC) located at each of the airports. The APC is responsible for the coordination, command and control of aviation security and policing activities at each major airport. AFP Aviation members gather intelligence, conduct criminal investigations into aviation-specific crime, maintain a highly visible patrolling presence, respond to community policing incidents, and conduct incident preparedness exercises at all major airports.

Joint Airport Investigation Teams (JAIT) provide a specific investigations capacity with teams located at five major airports (Adelaide, Brisbane, Melbourne, Perth and Sydney). The mission of the JAIT is to proactively target serious and organised crime, focussing on trusted insiders (airstream employees), who exploit, or aim to exploit, infrastructure and security vulnerabilities at the nine airports, and through the broader airstream.

Joint Airport Intelligence Groups (JAIG) combine resources from the AFP Intelligence function, state and territory police, Australian Customs and Border Protection Service (ACBPS) and other government departments. On an as-required basis, it provides intelligence that informs tactical and operational Aviation decision- making.

Air Security Officers (ASOs) provide an intelligence-led policing capability on selected domestic and international flights to safeguard Australian registered aircraft, their passengers and crew. They provide an in-flight response and resolution capability. The ASO mandate is to contain or resolve high-risk incidents aboard aircraft and to take measures to prevent acts of violence on-board aircraft and in the aviation environment. ASOs also contribute to the AFP aviation capability at Australian airports by way of observation, reporting and response.

The AFP National Canine Program provide a highly mobile and effective search capability across the major airports, AFP national operations (investigations and protection), and ACT Policing. In the aviation environment the program's purpose is to detect, deter and mitigate threats. In relation to

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canine operations at domestic terminals, the AFP canine capability can be restricted in its ability to deploy where State/Territory legislation limits the use of canines in a public place.

For example, at the Sydney Airport domestic terminal, canine operations can be undertaken in the train station under the terminal as it is defined as a transport hub under the New South Wales legislation, however the airport terminals are not. The anomaly has arisen as the terminal was not considered a responsibility of the NSW Police Service when the legislation was drafted.

Issue:

- The AFP experiences issues at Sydney Airport in respect to canine enabled search operations due to the NSW legislative requirement for the declaration of 'public areas' within areas such as the domestic terminals.
- The AFP suggests:
 - the ability to undertake full canine search capability in all zones of the domestic airport terminals nationally,
 - the definition of a recognised law enforcement officer (NSW) is extended to include AFP canine handlers and canines.
- This issue was identified and discussed in the Australian National Audit Office report titled *Policing at Australian international airports* in the AFP's role in Aviation.

Bomb Appraisal Officers BAOs help protect people and critical infrastructure through bomb threat mitigation, deterrence strategies, operational planning, search of vulnerable areas and appraisal of unattended or suspicious objects. When unattended or suspicious objects are found, BAOs conduct a bomb threat appreciation and technical analysis to determine whether the object contains explosives or an improvised explosive device.

Airport Watch is the AFP's aviation community crime prevention strategy. Its goal is to encourage people working or conducting business at airports to identify and report suspicious behaviour to the AFP, and it operates at all major airports.

BASQ (Behavioural Assessment and Security Questioning) Capability

The BASQ process is the observation of passengers, usually within a queuing area or assessment point. AFP members identify suspicious behaviour, or a combination of suspicious behaviours, that reach a predetermined threshold.

The next stage is to engage the passenger in a conversation which is based on cognitive questioning techniques. These techniques assist in establishing the plausibility of the passenger's explanation of the suspicious behaviours.

More than 550 AFP members within the Aviation Portfolio have trained in the use of BASQ techniques.

(a) Recent media reports on apparent breaches in airport and aviation security at Australian airports:

Recent media reports on apparent breaches in airport and aviation security at Australian airports included the following reports:

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26 September 2014:

The AFP and Northern Territory police members responded to an unattended item at Darwin International Airport. The item was assessed by an AFP Bomb Appraisal Officer and it was determined that the item posed no threat, and there were no national security concerns with this incident. The owner of the item was identified and arrangements were made for the collection of the item.

8 July 2014:

The AFP responded to an incident at Brisbane Airport. A 37-year-old woman breached the airport perimeter fence in a vehicle and was taken to hospital shortly thereafter. The driver was charged with endangering the safety of Brisbane Airport, and taking a vehicle airside of a security controlled airport.

26 June 2014:

The AFP responded to a call that ammunition had been found on the aircraft boarding staircase at Alice Springs Airport. AFP members and canine units conducted a search of the aircraft upon arrival at Sydney Airport, with nothing adverse found. No offender was identified and no further action was required by the AFP.

21 April 2014:

AFP Darwin Operations received a report of the theft of camera equipment from baggage on a flight from Darwin to Melbourne. The AFP arrested a 33-year-old man, and charged him with entry to a secure area for a non-lawful purpose.

26 March 2014:

Gang affiliated persons arrested for importing marijuana from Victoria and transporting via passengers travelling from Melbourne International Airport to Brisbane International Airport.

23 February 2014:

The AFP responded to a report of a breach of the sterile area of Melbourne International Terminal. The secure departure area was evacuated and all persons were screened prior to re-entering the departure gates. The AFP assisted in evacuating the terminal to ensure the safety and wellbeing of all passengers.

26 January 2014:

The AFP responded to an incident at Hobart International Airport where a suspicious package was located in the short stay car park. Initial testing showed the substance to be innocuous. In accordance with normal procedures, the AFP referred the matter to the Tasmania Fire Service and Tasmania Police.

(b) consideration of the responses to those reports from the Government, regulators, airports and other key stakeholders, and the adequacy of those responses:

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OTS has advised the AFP they consider the aviation security system (the layered approach outlined above) is robust, but no matter what system is in place, there will always be people who try to breach the system.

(c) whether there are further measures that ought to be taken to enhance airport security and the safety of the travelling public:

The policing environment at designated airports (that is Adelaide, Brisbane, Cairns, Canberra, Darwin, Gold Coast, Melbourne, Perth and Sydney, where the AFP are responsible for crime prevention and response) is a complex one due to the need for AFP members to be conversant with both Commonwealth legislation and the State or Territory legislation within which the member is based.

AFP officers at designated airports can use and apply either Commonwealth or the relevant State and Territory legislation and powers. The key difference between the Commonwealth and State and Territory legislative regimes is that there are no 'community policing' powers (such as the power to move people on) in Commonwealth legislation.

Designated airports are Commonwealth places for the purpose of the *Commonwealth Places (Application of Laws) Act 1970 (the COPAL Act)*. The COPAL Act applies the law of the State (but not a Territory) within which the Commonwealth place is located – this is referred to as applied state law. AFP officers at Adelaide, Brisbane, Gold Coast, Melbourne, Perth and Sydney airports operate under the applied law of the relevant state and are therefore able to exercise powers and investigate offences. The AFP only exercises powers contained wholly within state legislation.

Practical challenges faced by the AFP at designated airports

Section 376.2 of the *Criminal Code Act 1995* provides an offence for a person who uses false identity information to travel on a flight departing from a constitutional airport. However, AFP officers have no authority to request or demand the production of identification material to allow detection of this offence at the time, rather the offence can only be detected by police after the event, or aside to the commission of another offence.

For example: In May 2014, a male travelled from Adelaide to Darwin on a domestic flight. At Darwin Airport, AFP was conducting a canine operation in relation to drugs. A male who disembarked the flight was stopped by the AFP officers as a result of a positive indication from a canine. While being spoken to, it became obvious to the officers that the male was under the influence of an unknown drug. The male produced a boarding pass used for travel on that flight.

The officers then informed him he was going to be searched, and he voluntarily produced a South Australian drivers licence in a different name to that on the boarding pass, and two bags containing methamphetamine. A further search at the AFP office located two additional bags on his body containing a substantial amount of MDMA.

During further conversations with the male, he stated that he was travelling under the false name as he was subject to arrest warrants in South Australia.

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Issue:

- The male travelled under the false name to avoid detection by police.
- The passenger manifest for that flight was not accurate in relation to the passengers' identities. In the event of an incident such as a crash, investigations would not have been able to reconcile the manifest for subsequent victim identification.
- The AFP considers an effective preventative measure would be to enable a form of identification to be produced with a boarding pass, prior to any person boarding a flight.
- As a further preventative measure, the AFP suggests a power to request name and address of suspicious individuals identified, using BASQ methodology, within the airstream.

In relation to potential vulnerabilities around the use of Maritime Security Identification Card (MSIC) and Aviation Security Identification Card (ASIC), OTS oversees the ASIC and MSIC schemes.

On 11 September 2014, the AFP provided the Attorney General's Department (AGD) a consolidated report regarding the identified vulnerabilities in relation to the ASIC and MSIC schemes.

The AFP understands OTS is undertaking a number of ASIC and MSIC improvement projects addressing potential vulnerabilities. These projects include strengthening eligibility criteria and card issuing processes, as well as reviewing the scope of the ASIC scheme.

The AFP continues to assist AGD.

Further to that detailed in the introduction of this submission, the AFP works in close partnership with other Commonwealth and State agencies, and airport operators in providing a layered approach to security and law enforcement. This approach delivers a comprehensive and robust aviation security system. As the primary law enforcement provider at Australia's nine major airports, the AFP responds to detections made by screening authorities, as well as providing intelligence through the AFP Joint Airport Intelligence Groups.

(d) the findings of, and responses to, reports undertaken into airport security issues since 2000:

In 2005, the Australian Government commissioned the Rt Hon, Sir John Wheeler to undertake an Independent Review of Airport Security and Policing for the Government of Australia (Wheeler Review). There were a number of recommendations include the introduction of the Unified Policing Model (UPM). This model comprised AFP Protective Services Officers (PSO) undertaking CTFR, and Airport Uniformed Police (AUP) consisting of state and territory police officers, on leave without pay or seconded to the AFP, performing community policing roles.

<http://ict-industry-reports.com/2005/09/30/2005-airport-security-policing-review-wheeler-sept-2005/>

In January 2009, the Commonwealth Government commissioned Mr Roger Beale AO to conduct a Federal Audit of Police Capabilities in Australia. Mr Beale's report titled, 'New Realities: National Policing in the 21st Century' (Beale Report), which was delivered to the Government in June 2009, examined and provided recommendations in relation to the Commonwealth's law enforcement arrangements, including the AFP's capabilities to provide for current and future demands. The

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principle recommendation in the Beale Report for the AFP Aviation function was to transition the existing UPM to an 'All-In' AFP model across the major airports.

The review recommended that the Australian government create a new model of policing for Australia's major airports. The review recommended that all roles performed by state and territory police and AFP PSOs at airports be amalgamated to create a wholly AFP sworn workforce with a clear and unified police presence and response capability.

<http://www.ag.gov.au/Publications/Pages/FederalAuditofPoliceCapabilities.aspx>

The Australian National Audit Office (ANAO) completed a performance audit of the AFP titled 'Policing at Australian International Airports', which was tabled on 13 March 2014.

The outcomes of the audit were very positive and it contained only one recommendation, which related to the content, duration and frequency of local legislative training procedures. The AFP is working with its state and territory police jurisdictional counterparts to address the recommendation. The audit report highlighted that:

- the Aviation function consistently met and exceeded the targets for its key performance indicators.
- the Aviation function has developed and maintains effective stakeholder relationships.
- there was an improvement in the number of complaints finalised within their timeliness benchmarks.
- there was a significant reduction in the number of complaints against AFP officers at airports since the introduction of the 'All In' AFP model.

http://anao.gov.au/~media/Files/Audit%20Reports/2013%202014/Audit%20Report%2023/AuditReport_2013-2014_23.pdf