



A•S•U

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24 March 2016

Committee Secretary
Senate Standing Committees on Rural and Regional Affairs and Transport
PO Box 6100
Parliament House
Canberra ACT 2600

By E-MAIL: rrat.sen@aph.gov.au

**Re: Senate Inquiry and report in regards to the Transport Security
Amendment (Serious or Organised Crime) Bill 2016 [Provisions]**

The Australian Services Union welcomes the opportunity to participate in the Senate Inquiry into the Transport Security Amendment (Serious or Organised Crime) Bill 2016 [Provisions].

For your consideration please find attached the following two submissions the ASU has made to past government inquiries:

- ASU Submission to *Parliamentary Joint Committee Adequacy of aviation and maritime security measures*, 6 November 2009 [2009 submission]
- ASU Submission to *Fed Govt Dept of Infrastructure & Regional Development - Inquiry into Aviation and Maritime Transport Security Education and Training in Australia*, 30 September 2014 [2014 submission]

Whilst we do not oppose the Bill in its current form we are concerned the Bill fails to address several issues and recommendations we have made in the past, namely:

- The necessity for more detailed and ongoing education and training about border security for employees to help identify suspicious behaviour [2014 submission, para 11a].
- The need for clear communication channels between management and employees to assist employees to report suspicious behaviour [2014 submission, para 11b].
- A need to review the 2 year ASIC Card renewal requirement to ascertain whether it is effective, and whether a longer time period can be safely established [2014 submission, para 26b].
- Our members have advised not all cargo is scanned by x-ray due to staff shortages, time constraints and a lack of experienced cargo handlers [2009 submission, para 27b]. For example recently at Perth Domestic freight the x-ray machine was removed and now security is limited to (very) occasional swabs.

We would be pleased if the Committee would take these issues and recommendations into consideration prior to assent of the Bill.

Yours faithfully

Linda White
ASSISTANT NATIONAL SECRETARY

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ASU Submission

Inquiry into the adequacy of aviation and maritime security measures to combat serious and organised crime

Parliamentary Joint Committee on the Australian Crime Commission

Date: 6th November 2009

Submitted by: Linda White
Assistant National Secretary

Address: ASU National Office
116 Queensberry Street
Carlton South, VIC 3053

Introduction

1. The Australian Municipal, Administrative, Clerical and Services Union (ASU) is one of Australia's largest unions, representing approximately 120,000 employees.
2. The ASU has members in every State and Territory of Australia, as well as in most regional centres. The Union has approximately equal numbers of males and females as members, although proportions vary in particular industries. In aviation around 65% of our members are female.
3. Today, the ASU's members work in a wide variety of industries and occupations. In aviation, ASU members work both in the transport of passengers and freight.
4. They work in airports in check-in and operations, in call centres, retail reservations, in maintenance, freight, catering, IT, finance and administration.
5. The ASU is the largest Australian union covering aviation industry workers . with members in the widest number of companies and activities in the industry. Our members work for Qantas, Jetstar, Virgin Blue, Regional Express, Qantaslink, Singapore Airlines, United Airlines, Emirates, Malaysia Airlines, Thai, Garuda, Cathay, Air Niugini, South African Airlines, Air France . KLM, Air New Zealand and twenty other overseas airlines. As well as contractors in the industry like Menzies Aviation Services and Toll Dnata, and Airfreight companies such as Australian Air Express.
6. Aviation security is a critical issue for the ASU, as it relates directly to the safety and working conditions of our members. For ASU members aviation security is not just about border security it is also about providing a safe working environment free from fear of violence and the threat of organised crime and terrorism.
7. It is aviation workers who work at airports day in, day out who are most at risk of exposure to and becoming victims of crime in the aviation industry. The media attention surrounding this issue has ignored the voice of these important

stakeholders. Instead they are demonised as the potential ~~trusted insiders~~ exploiting their positions of trust for criminal ends.

8. The vast majority of Australian aviation workers are trustworthy people who are dedicated to their jobs. The knowledge they possess and awareness of their workplaces is essential if we are to effectively stamp out organised crime in Australian airports.

'Trusted insiders'

ToR: (a) the methods used by serious and organised criminal groups to infiltrate Australia's airports and ports, and the extent of infiltration.

9. As in any industry and community there is the potential that an ~~insider~~ may exploit the trust of their employer or community for a criminal or antisocial purpose. In the aviation industry the consequences of such a breach can be severe, posing a threat to fellow workers, the travelling public, the broader community and Australia's border security. The concern is therefore a legitimate one.
10. However measures to stop the ~~trusted insider~~ must be balanced with civil liberties and the practicalities of employees getting on with their jobs. Security measures can go too far becoming too intrusive, lengthy, expensive and burdensome on employees, the vast majority of whom will never use their job to further a criminal purpose.

Recommendations:

11. The ASU recommends several positive measures that could be implemented to encourage employees' awareness and reporting of organised crime in our airports.
 - a. Education and training about border security for employees working in controlled zones in airports. There is very little ongoing training and education about border security and what activity employees should be aware of that might be occurring in their workplaces. Training could help employees identify suspicious behaviour, as well as giving the sense that they are part of the picture, not the problem, in the effort to secure our borders.

- b. Opportunities to report suspicious behaviour. Clear communication channels with management and authorities increases the likelihood that suspicious behaviour will be reported. The responsibility lies with the management of airlines and airports to provide a workplace in which employees feel they can report behaviour. That this has not occurred in the past reflects a workplace culture in which employees' concerns (security and otherwise) are not listened to or responded to by management.

Aviation Security Identification Cards

ToR: (c) the effectiveness of the ASIC and MSIC schemes; including the process of issuing ASICs and MSICs, the monitoring of cards issued and the storage of, and sharing of, ASIC and MSIC information between appropriate law enforcement agencies.

12. The lengthy delays and costs of ASICs is a source of ongoing frustration and inconvenience for ASU members. This issue was covered extensively in our submissions to the Government's *Aviation Issues Paper 2008* and *Aviation Issues Green Paper 2009*.
13. Whilst we understand the need for checks to be thorough, the increasing scope of the background check is resulting in greater periods of waiting and significant cost for the employee and companies.

Cost

14. The Act requires that employees undergo a background check upon their initial application for an ASIC, and every two years thereafter.¹ The cost for an ASIC varies depending on the issuing body. The Civil Aviation Safety Authority reports the fees as of the 1st July 2007 to be \$196 for the initial security check and \$186 for renewal check every two years.² Many companies require the employees to pay the full cost of these checks.

¹ *Aviation Transport Security Regulations 2005* (Cth) s6.27AA 2 (a), s6.32 (2)

² Civil Aviation Safety Authority 'Applications and other information' (2009)

<http://www.casa.gov.au/scripts/nc.dll?WCMS:STANDARD:pc=PC_90105> at 26 October 2009

15. Any changes to the ASIC scheme considered as part of this review should bear in mind the cost impact on employees and companies who are already footing a significant bill for the cost of securing our airports.

Relevance of background checks

16. There is a concern amongst our members that the ongoing checks are not asking relevant security questions. One ASU member has worked in the same position for fifteen years yet every two years he is required to renew his ASIC. Every time he fills out the same lengthy document which asks him to same questions. The absurdity of this is reflected in one particular question. This employee emigrated from Canada many decades ago and is asked on every ASIC renewal what flight number he arrived on.
17. The ASU recognises the need for background and renewal checks however the checks need to be relevant. Questions such as what flight an employee emigrated on, asked for the seventh or eighth time, have little value in assessing the employees ongoing suitability for an ASIC or whether they are a security threat. Instead questions such as these add to the cost and time it takes AusCheck and ASIO to complete a check, putting an unnecessary burden on these agencies and diverting resources from more urgent security threats.

Number of cards issued

18. If the Government is serious about security it needs to reduce the availability and applications for ASICs.
19. The large number of cards issued inevitably results in delays at the application stage and creates risks in terms of ongoing monitoring. This could be alleviated by limiting the number of employees with access to controlled zones that requires an ASIC.
20. The significant delay which employees have to experience until they receive a permanent ASIC is a source of frustration for ASU members and poses a real security risk. Employees often have to wait six to eight weeks for their ASIC application to be processed. In the meantime they are issued with a temporary card which provides access to controlled zones with supervision by an ASIC holder. The impact of this time delay in processing is that employees can effectively work in

controlled zones for up to two months without a background check on a temporary card.

21. The ASU does not want to see this issue go the other way whereby temporary cards are removed. The temporary card system is necessary for the functioning of our airports. Attention needs to be given to the time it takes to complete the background check and gain a permanent ASIC. This time period must be reduced.
22. The simplest way of reducing ASIC applications is by reducing staff turnover. Jobs that are located within controlled zones that are low paid or casual have a high turnover as employees have little incentive to stay in their positions for a long period of time. The higher the turnover the greater the number of applications and burden on AusCheck to undertake a security check for workers that may only stay in the job for a few months.
23. The proliferation of ground handling and outsourcing in aviation has seen a greater turnover of staff than previously was the case as a result of lower rates of pay and the casualisation of jobs that were once in airlines. This has added to turnover and we say increased risks to security.
24. The number of ASIC applications could be further reduced by moving shopping outlets outside the controlled zone. The ASU believes that the proliferation of shopping outlets within international terminals diverts and distracts airports from their main purpose of transporting passengers in a secure environment.
25. These outlets are a significant employer and therefore a large source of ASIC applications. Shopping outlets are the prime example of activity currently taking place within the controlled zone that could easily take place outside that zone thus removing the need for ASICs for retail workers. Relocating them outside the controlled zone has a two-fold impact of minimising the number of people needing ASICs and removing distracting shopping activity from an area of high security.

Recommendations:

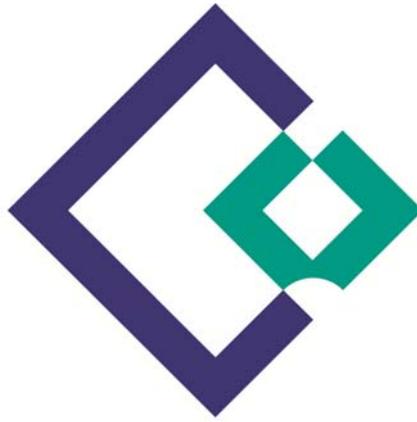
26. There are several ways in which the ASIC renewal process could be made more efficient to reduce costs for companies and employees without compromising airport security.
 - a. Require employees to report if they receive a criminal conviction after their ASIC has been issued and between renewal periods. This would increase security as authorities would have up to date information about the criminal activity of employees. This would be an improvement on the current situation where a potential two year information lag exists between checks.
 - b. Review the two year renewal requirement to ascertain whether it is effective and if the questions asked are appropriate for assessing security risk.
 - c. One alternative option would be to replace the renewal process with random checks. The Department should undertake a feasibility study involving stakeholders, particularly employees working in the industry. The advantages of random checks could be that, combined with appropriate penalties for non-reporting, this would ensure employees supply up to date information about any criminal convictions. It could also reduce the cost and burden on employees and companies having to go through the cumbersome 2 year renewal process.
 - d. Limit the availability of ASICs. One way of achieving this is to reduce staff turnover by encouraging companies to employ permanent staff with wages and conditions that encourage long term employment.
 - e. As part of any rationalisation of ASIC numbers we should consider what type of companies have access to controlled zones. Factors such as turnover, casualisation and whether they outsource labour should be considered when making such an assessment. Companies with ongoing and secure employment conditions should be favoured as they reduce the burden of applications on AusCheck.
 - f. Relocate shopping and duty free outlets outside the controlled zone.

Other aviation security issues that the committee should consider:

27. The ASU's concerns about security are well documented in previous submissions. Our members have identified clear vulnerabilities in airport and border security that urgently need addressing.
- a. In an effort to cut labour costs airlines have increasingly been replacing staff with electronic check in machines which allow passengers to simply enter a reservation or frequent flyer number and receive their boarding pass. They are not required to show identification and need have no contact with a Customer Service Agent. This removes an important layer of security where Customer Service Agents at check in assess the demeanour of the passenger and most critically check their identity.
 - b. A 2008 survey conducted by the ASU and reported in our submission to the *Aviation Issues Paper 2008* revealed staff shortages, time constraints and a lack of experienced cargo handlers mean that not all cargo is scanned by X- Ray. This is a serious gap in our security regime that allows illegal materials to go undetected through airports and onto flights. This represents a threat to passengers as this cargo is often loaded onto flights carrying passengers.
 - c. A further concern has emerged since our last submission. Passengers arriving in Australia are not required to have their baggage screened at Customs in international arrivals. Provided that the passenger has nothing to declare they can go through an express lane that bypasses any scrutiny from Customs or Quarantine. Times have changed, and the honesty approach to border security is no longer appropriate. The rigour with which security checks are applied to employees equally needs to be applied to the travelling public.

Conclusion

28. Aviation employees stand to lose the most when security breaches occur. It is the front line staff that can lose their lives or livelihoods when security measures fail. Employees and unions are important allies in the effort to secure our airports. It is those on the ground who on a daily basis see the real efficacy of our border security arrangements.



A•S•U
Australian Services Union

ASU Submission

Inquiry into Aviation and Maritime Transport Security Education and Training in Australia

Australian Government Department
of Infrastructure and Regional Development

Date: 30 September 2014

Submitted by: Linda White
Assistant National Secretary

Address: ASU National Office
116 Queensberry Street
Carlton South, VIC 3053

Introduction

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7. It is aviation workers who work at airports day in and day out who are most at risk of exposure to and becoming victims of crime in the aviation industry. The media attention surrounding this issue has ignored the voice of these important stakeholders. Instead they are demonised as the potential 'trusted insiders' exploiting their positions of trust for criminal ends.

8. The vast majority of Australian aviation workers are trustworthy people who are dedicated to their jobs. The knowledge they possess and awareness of their workplaces is essential if we are to effectively stamp out organised crime in Australian airports.
9. As in any industry and community there is the potential that an 'insider' may exploit the trust of their employer or community for a criminal or antisocial purpose. In the aviation industry the consequences of such a breach can be severe, posing a threat to fellow workers, the travelling public, the broader community and Australia's border security. The concern is therefore a legitimate one.
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Recommendations:

11. The ASU recommends several positive measures that could be implemented to encourage employees' awareness and reporting of organised crime in our airports.
 - a. Education and training about border security for employees working in controlled zones in airports. The ASU believes education and training should be more detailed and ongoing and focus on border security and what activity employees should be aware of that might be occurring in their workplaces. Training could help employees identify suspicious behaviour, as well as giving the sense that they are part of the picture, not the problem, in the effort to secure our borders.
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