



## **AusCheck Bill 2006 Second Reading 8 February 2007**

**Ms GRIERSON** (Newcastle) (11.13 am)—The AusCheck Bill 2006 provides a framework for a centralised background checking service by the Attorney-General's Department and to coordinate criminal and security assessment for aviation security identity card and maritime security identity card applicants. It also provides the authority for the department to maintain a database of applicants and cardholders, collect, use and disclose information and recover costs for conducting background checks.

Labor supports having a central vetting agency, believing that it has the capacity to improve efficiency, particularly the response time should they be needed in any security alerts or upgrades. We hope—and we would insist—that it would actually improve privacy for those people submitting themselves to background checks.

We do have some concerns, however, about some clauses in this legislation. That is why, with my Labor colleagues, I support the amendment to refer the bill to a Senate inquiry. In particular, we would like to see changed the section which leaves the definition of a background check open to amendment by regulation. We would perhaps suggest that there would have to be very good reasons to change that. Similarly, the section which allows the scope of the AusCheck scheme to be expanded beyond ASICs and MSICs by regulation should, we think, be changed.

As with many of the security related matters which are increasingly coming before us in this place, the challenge is to get this rather delicate balance right between security, making sure that our travelling public are safe, and making sure that people's individual rights and civil liberties are maintained as much as is possible. We would be concerned that moving all of these powers into the Attorney-General's Department could lead, if there is wriggle room in legislation, to a Big Brother attitude. With all that information centralised in one place, in a security culture which certainly becomes quite emotional and, at times, highly politicised, we would have to make sure that the right checks and balances existed—and they should be in this legislation.

The establishment of AusCheck follows a recommendation of the Wheeler Airport Security and Policing Review that the background checking for ASICs be tightened, centralised in the Attorney-General's Department and harmonised with maritime cards as well. As deputy chair of the Joint Committee of Public Accounts and Audit, which completed its own thorough review of airport security last year, I am pleased to see some action from the government, which we think has been dragging its heels on aviation and port security for too long. In fact, the committee reported back in June 2004 on problems with airport security in Australia but resolved to revisit the subject after mounting community concern over travelling safety became very apparent. Some people will recall that that concern came to a head with the notorious camel suit incident at Sydney airport, where a baggage handler rode around on a cargo trolley wearing a dress-up suit he had pulled out of someone's luggage. Committee members and the public were rightly concerned about aspects of the Schapelle Corby case and the allegations of organised drug-smuggling among some staff at Sydney airport. So there are many reasons to make sure that aviation security is well controlled, well maintained and informed by events and by the industry as well.

The Committee that Sydney Airport, in particular, be the subject of regular unannounced security audits. I look forward to the Government's response on this.

During the committee's second review of airport security, I kept a file of publicly reported incidents of security breaches at our airports. Sadly, that file now—and I keep it current—has almost 100 incidents listed. There would be many more, I imagine, that are never reported publicly. So I think it is important that we say that security for the travelling public must be paramount.

The latest incident recorded was at Sydney airport. An unidentified object was found in a bag. It was believed to be a weapon, and it caused a security scare and evacuation. These are major disruptions. In October last year a Pakistani national was arrested for holding fake passports and was believed to work as a security guard at Melbourne airport. There is no doubt that you have to know who works at airports and around our ports. You have to know that they have been thoroughly background checked and that their employment is appropriate for maintaining safety and security.

I think we have all seen over the years that the staff involved are making more of an effort to use ASICs, especially in regional airports. I can remember seeing staff jump off planes and not bother to put their ASIC on because they were in a regional airport. I never see that now, fortunately. ASICs are required if a person needs to work in a secure area, on the tarmac area in particular, either on the air side or land side of a security controlled airport that has regular public transport services. That is a lot of airports in Australia.

Under the current system, issuing bodies are individually responsible for background checking, issuing the ASICs and reclaiming expired ASICs. A hundred and eighty-eight registered airports and airlines currently issue ASICs. That is a lot of issuing bodies. The committee found, in submissions from the industry and from people who had received ASICs, that there were varying outcomes from and processes within the issuing bodies themselves. It was alleged in submissions that it was easier to get an ASIC with some issuers than it was with others, and that assessments did not always match security risk. It was alleged that if you went to the right issuer you could get an ASIC. We were concerned about that. While I am pleased that this legislation is tidying up the background checking process, there are still a number of recommendations by the JCPAA committee that relate to ASICs which I would have liked to have seen in this legislation.

Our committee heard in November 2005 that there had been 384 lost or stolen cards. That was a major concern. We were of the view that some centralising of the management of ASICs could help reduce the number of lost or stolen cards. It was an unacceptably high number and certainly unacceptable as a benchmark for any government department. We recommended, therefore, that AusCheck should issue the cards, take responsibility for their return and also be required to provide an annual report to parliament on the number of non-returned ASICs. Labor, though, is concerned that centralising the issuing as well as the background checks in the Attorney-General's Department could become a breach of people's privacy and an opportunity for data-matching and data-sharing that is not necessary or warranted and which could infringe people's privacy. It was very strongly stated in the committee's aviation security report that these sorts of decisions should be taken in consultation with industry and with advocacy groups for the travelling public.

The committee also recommended that decisions relating to background checks made by AusCheck be subject to appeal. We are talking about people's livelihood, and it would be unacceptable if they were barred from gaining an ASIC or an MSIC unfairly. We do think there should be an appeal process. Our recommendation was that it should be through the Administrative Appeals Tribunal. It is unclear whether this will apply to any expansion of AusCheck's role made under regulations, but I think it should. That is one reason why I think that aspect should actually be referred to and reviewed by a Senate inquiry.

We also recommended that AusCheck should be required to monitor, and report annually to the Attorney-General on, the adequacy of the completion of background checks for Aviation Security Identification Card applications by ASIO, the Australian Federal Police and the department of immigration and multicultural affairs. We want expediency. We want to know that all those agencies are doing their job properly. We do not want to think that any of those departments or those very important security, police and immigration agencies use information incorrectly or misuse that opportunity to do the

correct background checks. We do think that should be reported on annually in terms of the adequacy of those checks. If they are dragging the chain and not doing their job, we do think the government should know about it.

We have also been concerned about the expiration and termination of cards for cardholders working in aviation. We recommended that an annual report to the parliament should be made on the number of non-returned identity cards. Our concern was that there were already so many cards out there unaccounted for that the parliament deserves to know every year whether we are achieving better outcomes. So we were very firm in our belief that this is an important area that has to be monitored, and I hope this legislation under review by the Senate inquiry will make sure that we do achieve some of those best-case outcomes.

Newcastle is my electorate and I am particularly aware and conscious of what any aviation security legislation means to my area. The screening of baggage at regional airports was quite an issue in our report. We also asked DOTARS to report in three months time—that is, at the start of March—on whether further regional airports need mandatory baggage screening. This is one of the most controversial areas in aviation security. Air travel through Newcastle airport has grown by 400 per cent in just the last few years. So there is certainly no time to delay in improving airport security. Interestingly industry is moving ahead but so is research. I note that Newcastle University researchers are developing drug and explosives screening techniques using chemical sensors. A leading international toxicologist is employed there and funded with Australian Research Council grants. I am pleased to see that happening.

MSICs were required from 1 January this year. Talking about the security of ports has been continuing for some time. I congratulate the port of Newcastle on the very expedient and successful implementation of its port security plan. I know that has been used in the industry to guide the other port security plan developments. We are a very busy port and we are very conscious that we do need to know who is in our port. Sometimes we think that there needs to be greater understanding of the movement of people from ships in ports as well as people who work in those environments.

This week I spoke to a maritime union official from the International Transport Workers' Federation regarding an incident on board a Greek owned ship in Newcastle. ITF was denied any entry onto that ship. That is very unusual, as a matter of fact I do not know of it happening in our port before. I think it is important that the unions, who are working in those environments every day, being some of the people who first tip-off any security risks, are given good access to our ports. I am told that, after publicity, the ITF official was allowed entry. I also note that the MUA has raised concerns about ports, like ours with ammonium nitrate passing through it, having flags of convenience ships crewed by foreign workers who have not had to have MSIC screening.

I also think it is very important that we do not go too far. I know that in Townsville recently there were people locked up on their ships who could not get out because there was no-one to security clear them to leave their ship, leave the port and go into town. So, yes, it is very important that we tighten up on MSICs, identity checks and the return and management of cards—we have to make sure that our ports operate safely. But we also have to be sensible and think about the welfare of crews and port users.

I think the Howard government can do a lot more on aviation and port security. I am mindful of the fact that the Wheeler report was done some time ago, and it still has many outstanding provisions. One recommendation that the Joint Committee of Public Accounts and Audits did not make—not for the lack of me suggesting it—was that a department of homeland security be established. I still think that this is such a complex area that a dedicated government department is absolutely needed. This government has had long enough to deal with all aspects of transport security. This bill does move in the right selection, but it seems to me that the wheels are turning too slowly.