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Federal Member for La Trobe**

**Submission to the Development of a National  
Aviation Policy Statement**

**Department of Infrastructure, Transport, Regional  
Development and Local Government**

**June 2008**

## **Overview**

*Towards a National Aviation Policy Statement* is an issues paper released on 10 April 2008 by the Hon. Anthony Albanese MP, Minister for Infrastructure, Transport, Regional Development and Local Government.

The intent of the Issues Paper is to provide greater planning and investment for the aviation industry, as well as address the wider community and environmental impacts associated with air transport and airport development.<sup>1</sup>

The Issues Paper details a range of issues and challenges the aviation industry is currently facing. Questions are raised in areas of policy development priority, to stimulate discussion between Government and key stakeholders, and to develop a policy statement that will provide the planning framework for the future of Australia's aviation industry.

The Government has called for submissions from persons with an interest in the future of Australia's aviation industry. The basis of my interest in aviation policy is my background in counter-terrorism. Prior to my election in 2004 as the Federal Member for La Trobe, I worked for the Victoria Police for 17 years.

In 2003-2004, I worked in the Victoria Police Counter-Terrorism Coordination Unit. In this capacity, I was seconded and promoted to the rank of Senior-Sergeant, assigned to the Research, Policy and Governance Team, where I wrote papers on behalf of the force on issues including the banning of ammonium nitrate fertiliser, more stringent controls on flying school applicants, and stronger powers for police when dealing with terrorist suspects.

Since my election, I have taken a strong interest in Australia's counter-terrorism framework. To that end, I am Deputy Chair of the Parliamentary Joint Committee on the Australian Crime Commission.

## **Executive Summary**

The two areas of policy development that my submission focuses on relate to the Aviation Security Identification Card (ASIC) and its distribution, in particular:

1. Improving the robustness of background checks, particularly for overseas applicants
2. Eligibility criteria for the ASIC

With 90,000 ASIC holders requiring unsupervised access to secure areas of Australia's airports,<sup>2</sup> it is imperative that the Australian Government ensure that applicants for the ASIC are subject to comprehensive background checks, cross-referenced with police databases and licensing authorities. Recent changes to the strength and scope of background checks have improved the integrity of the regime; however, there are still weaknesses in the system that need to be addressed.

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<sup>1</sup> Albanese, A. *Towards a National Aviation Policy Statement*, Foreword, 10 April 2008

<sup>2</sup> *ibid*, p. 29

## **Challenges Raised by Issues Paper**

### **1. Improving the robustness of background checks, particularly for overseas applicants**

Current eligibility criteria for the ASIC prohibits issue to persons found to have an adverse criminal record, persons who have failed a security assessment conducted by the Australian Security and Intelligence Organisation (ASIO), or persons found to be an unlawful non-citizen. These checks are conducted by three separate Government agencies, these being the Australian Federal Police (AFP), ASIO, and the Department of Immigration and Citizenship (DIAC).

The case of Bilal Khazal demonstrates the weaknesses that exist in determining suitability to hold an ASIC. Applicants are not cross-referenced against ongoing international investigations, meaning that persons convicted of a crime overseas, which would render them ineligible for an ASIC, are not always identified by AusCheck.

Bilal Khazal was a Qantas baggage handler who was convicted in absentia and sentenced to 15 years prison for providing money to a terrorist organisation by a Lebanese military tribunal in 2003.<sup>3</sup> He was being closely monitored by the CIA and ASIO prior to his arrest in 2004 for collecting or creating documents likely to incite or facilitate terrorist activities, and is currently awaiting trial for his alleged crimes.<sup>4</sup> Despite being the subject of ASIO surveillance and investigation for more than 10 years prior to his arrest, he was successful in obtaining an ASIC to work unsupervised in the most restricted areas of Sydney's international airport.<sup>5</sup>

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<sup>3</sup> <http://www.smh.com.au/news/Global-Terrorism/Khazal-bailed-in-Sydney-jailed-in-Lebanon/2005/02/24/1109180027068.html> - Sydney Morning Herald article "Khazal Bailed in Sydney, Jailed in Lebanon", published 24 February 2005, accessed 16 June 2008.

<sup>4</sup> <http://www.smh.com.au/articles/2004/06/03/1086203564071.html> - The Age article "The Baggage of Bilal Khazal", published 4 June 2004, accessed 16 June 2008.

<sup>5</sup> *ibid*

## 2. Strengthening eligibility for the ASIC

Weaknesses also exist in that the background checks conducted by AusCheck do not consider other information that could be relevant to the applicant's suitability for an ASIC, such as whether the applicant holds an ammonium nitrate licence, or whether they have undertaken any courses or training that could indicate a security risk.

As exhaustive licensing information is not linked between states and territories, it is not possible to conduct a comprehensive background check on all applicants for an ASIC, increasing the possibility that applicants who may pose a security risk are granted an ASIC.

Additionally, ASIC holders are not recorded on the nationwide police database, CrimTrac, meaning that persons who obtain an ASIC, and then apply for an ammonium nitrate, firearms or explosives licence are not identified when undergoing background checks for these licences. Furthermore, ASIC holders who later become involved in criminal activity, such as drug trafficking or terrorism, are not immediately identified by investigators as possessing the ASIC, which can hamper efforts to halt criminal activity and apprehend suspects.

The case of a Sydney drug syndicate that paid Qantas baggage handlers more than \$300,000 to traffic cocaine into Australia emphasises how important it is that information about holders of an ASIC be placed a centralised nationwide database. Information that arose from the investigation into cocaine smuggling implicated a Qantas baggage handler, who was later dismissed for his involvement in the operation.<sup>6</sup>

In circumstances where a holder may become unsuitable for continued possession of an ASIC, such as in the instance of a mental illness that affects the individual's self-awareness and capacity to differentiate between right and wrong, there is no way for the authorities to know whether the individual is in possession of an ASIC card. As the onus for return of an ASIC is on the individual,<sup>7</sup> rather than on the issuing authority, and information about possession of the ASIC is not included on nationwide databases, it increases the risk that unsuitable persons holding an ASIC will go undetected.

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<sup>6</sup> <http://www.qantas.com.au/regions/dyn/au/publicaffairs/details?ArticleID=2005/may05/Q3269> - Qantas media release, issued 18 May 2005, accessed 16 June 2008.

<sup>7</sup> <http://www.infrastructure.gov.au/transport/security/aviation/factsheet/fact13.aspx> - Aviation Security Identification Cards fact sheet, last updated 28 February 2008, accessed 16 June 2008.

## **Recommendations**

1. That background checks of applicants are cross-referenced with international criminal databases, and with international criminal investigation, security, and intelligence organisations.
2. That the information considered to determine the suitability of ASIC applicants be broadened to include licenses possessed by the applicant for hazardous or dangerous materials, such as ammonium nitrate, or certain categories of firearms, and history of mental illnesses that may deem a person a national security risk.
3. That possession of an ASIC and/or Maritime Security Identification Cards (MSIC) be included in additional datasets to the Minimum Nationwide Person Profile on the CrimTrac database; in addition to information about possession of explosives licences and ammonium nitrate licences, to enable more comprehensive background checking by Commonwealth, State and Territory authorities.