

Aviation Safety Regulation review

My submission for this review relates to the use of ASIC cards at Regional Australian Airports

In this Communiqué I have briefed myself on the objectives and the 'Terms of reference' of the Aviation Safety Regulation review as outlined below. In doing so I have further briefed myself on the Review of Airport Security and Policing for the Government of Australia (2005) by Sir John Wheeler and the Aviation Transport Security Regulation (2005) and other aviation security documents

Objectives

The principal objectives of the review are to investigate:

- *The structures, effectiveness and processes of all agencies involved in aviation safety;*
- *The relationship and interaction of those agencies with each other, as well as with the Department of Infrastructure and Regional Development (Infrastructure);*
- *The outcomes and direction of the regulatory reform process being undertaken by the Civil Aviation Safety Authority (CASA);*
- *The suitability of Australia's aviation safety related regulations when benchmarked against comparable overseas jurisdictions; and*
- *Any other safety related matters.*

This submission to the review is to address the Aviation communities and public concerns of the effectiveness of the Aviation Security Identification Card (ASIC) and the parameters which the ASIC is delegated to operate as contained within The Aviation Transport Security Regulation 2005.

To date there have been many petitions and objections to ASIC in its current Authority. I do not have access to these previous petitions and objections however I can add that in a number of recent commercial aviation publications including,

- (1. Australian Pilot magazine Vol 66 no 6. Dec – Jan 2014 page 72
Titled "A boat is looking good" and
- (2. Australian Sport Pilot Magazine, September 2013. Vol 27 (9) letters to the editor
"Petition to remove ASIC card"

Make specific mention of the aviation communities concerns in relation to the ASIC card.

I also understand that due to potential threat of terrorism and concerns as to criminal involvement, there is a need of security measures to access Australian airports.

I may remind the review panel that there are:

11 CTFR (Counter Terrorism First-Response) airports Adelaide, Alice Springs, Brisbane, Cairns, Coolangatta, Darwin, Hobart, Melbourne, Perth and Sydney in Australia ... 28 other airports form a second group. These airports that were categorised under the aviation security provisions of Part III of the Air Navigation Act 1920 and already had airport security programs, but no CTFR, in place before the Aviation Transport Safety Act 2004 took effect on 10 March 2005, This reflects that this group of airports had a history of receiving RPT services using Jet aircraft...

The remaining 147 security –controlled airports have no additional specific requirements beyond those imposed on the group as a whole: protecting secure areas and having a Transport Security Program. So screening of either passengers or property is not compulsory at these airports (Wheeler, pp. 19-20)

Unfortunately I do not have the current numbers of airports that have a Transport Security Program or screening processes however it appears that the management of security at Australian airports is a blend of population based purposes and as far as regional airports are concerned, have none or very limited aviation regulation enforcements.

A one-size-fits-all approach to security arrangements clearly is inappropriate for Australia's airports ranging as they do from Massive International facilities employing and transporting tens of thousands of people daily to tiny airports where activity is sporadic. (Wheeler,p.56)

Extract from Department of Infrastructure and regional development web page.

“Does an ASIC give a person an automatic right to access a secure area of an airport?”

*An ASIC does **not** give a person an automatic right to access a secure area.*

Only the airport operator can give authorisation to access a secure area of the airport. The ASIC simply indicates that the holder has been background checked and that the check revealed that they are of suitable character to be in a secure area, if the airport operator authorises them to be there.”

So the above extract is telling me that pilots who fly into regional, secure and non CTFR airports even though their aircraft is parked on the air side of a secure fence, and they are authorised to fly that aircraft and have a current pilots license, that they are not entitled under current legislation and by virtue and authorisation of the ASIC card to enter and to attend to their aircraft

You have got to be kidding me. What nonsense is this?

In addition may I say that State Police do not have jurisdiction in the governance of this act, not only do they not have governance to enforce parts of this act however I do very much consider State Police would have far more pressing matters to deal with other than checking on ASIC cards at regional airports

Also outside major Australian airports such as those that exist in regional Australia, Mildura (Vic) , Port Augusta (SA), Long Reach (QLD) or wherever, The Federal Police do not have staff, to police the wearing of ASIC cards.

I am apologetic to say that the gardener, grounds men or aircraft refueler at some regional airport does not cut it, as an inspector part time or otherwise under this regulation

Extract from

***Government Response to the report of the Parlimentary Joint committee on Law Enforcement
Sept 2011***

Inquiry into the Adequacy of Aviation and Maritime Security Measures to Combat Serious and organized crime

Sec2.2 page 5. Law enforcement on airports and seaports

The committee recommends that security at major airports be undertaken by a suitably trained government security force

Not Agreed:

This matter was considered by Government in December 2009 as part of the Flight Path to the Future: National Aviation Policy White paper. This document confirmed that the current industry led and government regulated model provides an "effective, efficient and sustainable security service, not withstanding evolving threats, increased security requirements, and increases in domestic and international aviation traffic."

A more centralised model was not supported on the grounds that a government agency screening model would be overly prescriptive, more expensive and less efficient that the current arrangements.

The government continues to work with industry to improve the current system through improved industry guidance, enhanced technology and better training

Airport security

Regional airports such as Bourke (NSW), Cunnamulla (QLD) and some other places have high security fences completely surrounding the airfields. It would be unexpected that threats of terrorism or major criminal concerns would occur at these small regional airports. The high security fences at these locations are more the case for Kangaroo and other wildlife wandering onto the runways when aircraft are maneuvering.

A number of other regional airports have only a token security fence. One only has to walk a short distance and hop over a plain wire livestock fence to gain access to the airfield.

Now what is odd/incredible is that a number of the larger regional airports have the electronic walk through screening processes but just a short distance away the high security fence stops and the plain wire livestock fence completes the encirclement of the airfield. A sign on the perimeter fence stating the obvious certainly is an unacceptable approach to airport security

In addition, it is appreciated that Australian trained operational pilots both in General Aviation and Recreational Aviation have the necessary knowledge concerning aviation legislation

It is obvious the ASIC card at regional airports is "Make the government feel good policy about airport security" and is far from achieving its designed purposes.

Please be advised there are many airfields in Australia both maintained privately and or by the local government that are not controlled as a secure airport. These airfields cover every corner of this country. So consider the following. An accredited pilot takes off from one of these airfields and then lands at a secure airport without an ASIC on his person. This person is in breach of the relevant section under the Aviation Transport Security Regulation. In this case it is my submission that this regulation is making criminals out of good people

Consider the following analogy: There are bicycle helmet laws in the State of New South Wales, What this means

Is that a young person not wearing a bicycle helmet when riding his bicycle is in breach of that legislation and penalties may be imposed and the young person gets a police reference number. In reality, all these bicycle helmet laws do is make young people fear state police. This is another law that has unintended consequences and should be reviewed

Just as the Aviation Transport Security Regulation is having unintended consequences on the Aviation community. This aviation regulation needs to be reviewed

It is the knowledge of this author that many pilots are now just doing away with renewing their ASIC cards. The conversations with these good folk again reflect their concerns of the high costs of the ASIC cards and the very short duration of validity of the cards, notwithstanding that ASIC cards actual effectiveness and value

These figures are not available to me. But your office would be in a position to acquire the figures of pilots who have elected to not renew their ASIC cards but still hold current pilot's licenses and permits.

In addition, perhaps your office may acquire figures and information on the number of Pilots and aircrews who have had their ASIC cards removed by some conviction of Terrorism or Criminal Activity. These figures would be of interest in the context of the Aviation Transport security regulation. And what percentage of those who relate to offences in regional airports

What I am saying is that the ASIC card is a substantial burden to Pilots/Aircrews in Regional Australia and I concur with those petitions and objections that have been previously raised as to the ASIC cards usefulness and governance

Consider the following Cost comparisons to other security type cards

In comparison to other forms of security checks the ASIC card appears to be overly expensive for its short effective duration

In comparison an ASIC card which has an expiry date of 2 years at a cost of about \$200.00 (depending on what agency supplies the ASIC card)

NSW Working with children check costing \$80.00 and has a duration of 5 years

NSW Police criminal history check costs \$52.00

National Names Date of birth and fingerprint check nil expiry date costs \$175.00

Extract from :Aviation Transport Security Regulations 2005

AVIATION TRANSPORT SECURITY REGULATIONS 2005 - REG 6.32

ASICs--period of issue and expiry

- (1) Unless earlier cancelled, an ASIC expires at the end of the last day of the month specified on it as its month of expiry.
- (2) Subject to subregulations (3) and (4), the expiry must not be later than **2 years** after the last day of the month in which the background check, undertaken when the person applied for the ASIC, was completed.

Note: For the meaning of **background check**, see regulation 6.01.

- (3) In the case of an ASIC issued to a person under 18 in reliance on subregulation 6.28(3), the expiry must not be later than 6 months after the person's 18th birthday.
- (4) If an ASIC is issued to a person who has a qualified criminal record, the expiry must not be later than 12 months after the last day of the month in which the background check, undertaken when the person applied for the ASIC, was completed.

Note: For the meaning of **background check**, see regulation 6.01.

- (5) If an ASIC is cancelled under paragraph 6.43(2)(ba) or (d) and the cancellation is set aside (however described) by the Secretary or the Administrative Appeals Tribunal, the ASIC expires on the earlier of:
 - (a) the date it would have expired if it had not been cancelled; or
 - (b) if a condition imposed under regulation 6.43D sets an earlier expiry date--that date.

Recommendations one or more of the following

- 1) Remove the need for ASIC cards for Pilots and Aircrew from regional/rural/non CTFR airports
- 2) Current pilots licenses/permits should be sufficient to enter airside of regional airports to access private planes
- 3) Upgrade Pilots licenses/permits with security endorsements
- 4) Increase the duration of the ASIC cards for Pilots and aircrew from **2 years to 5 years**
- 5) Amendments be made to Section 6.32 of the Aviation Transport Security Regulation to reflect this change
- 6) Lower the cost of ASIC cards to come into line with other criminal History checks.


Owen Bray

Pilot and traveler

5.1.2014

References

Aviation Transport Security Regulation 2005

Wheeler J. Review of Airport security and policing for the Government of Australia (2005)

Government response to the report of The Parliamentary Joint Committee on Law enforcement;

Inquiry into the Adequacy of Aviation and Maritime Security Measures to combat serious and organised crime (Sept 2011)

Department of Infrastructure and regional development web page titled
"Aviation Security Identification Cards (ASICs)"

Sport Pilot magazine Vol 27 (9) Letters to the editor "Petition to remove ASIC card."
Head office PO Box 1265 Fyshwick ACT 2609 web: www.raa.asn.au

Australian Pilot magazine Vol 66 No. 6 Dec – Jan 2014 page 22 titled "A boat is looking Good."
Head office AOPA PO Box 26 Georges Hall, NSW. 2198 web: www.aopa.com.au