Australian Services Union

Submission to the Joint Committee of Public Accounts and Audit – Review of Aviation Security in Australia

20 October 2003

1. **Background**

The Australian Municipal Administrative Clerical and Services Union (known as the Australian Services Union – ASU) has the largest union membership and coverage in the commercial aviation industry in Australia.

The ASU has members in major domestic and regional carriers, and in 33 overseas carriers who fly to Australia. ASU members also work for a range of airport passenger, ground and cargo handlers. ASU members perform a range of customer service, clerical, administrative, operational and supervisory functions in these airlines and ground handlers.

At airports, ASU members perform check-in, gate lounge and other customer service functions. There are also operational personnel responsible for the movement of aircraft on tarmacs, together with supervisory and administrative staff.

2. **Consultation with the ASU on Safety and Security**

Despite the ASU's prominence in the aviation industry there was no consultation with the ASU before the development of the Aviation Transport Security Bill 2003. There has also not been any consultation with the ASU about the regulations to the Act being developed by DOTARS.

This is despite the inclusion in the Bill of penalties for employees who fail to report aviation security incidents and the regime of security at airports which, if introduced, will impact significantly on Australia's airport workers.

Unfortunately from this union's point of view the rhetoric of consulting industry players does not include the employees or the industrial organisations who represent them. While the ASU acknowledges that other stakeholders have important contributions to make, our experience is that non management employees can and do give practical input into such issues. We support the observations of the LHMU and FAAA on the need for employee and union input. If we can find fault in DOTARS role it is in this crucial area of industry consultation.

3. <u>Role of Government in Security at Airports</u>

While the ASU understands full well the commercial constraints of the industry, the role of the Government and its departments should be to enact and administer security and safety legislation in the aviation industry which balance commercial priorities against the public non commercial interests of passengers and employee safety and security.

The Commonwealth Government should accept this role and should in our view accept responsibility for additional security costs that may result. To do otherwise will subject fundamentals like security and safety to the marketplace and commercial constraints and will not deliver the optimum outcome.

The aviation industry is a vital part of all economies worldwide. Government intervention post September 11, 2001 in this industry has been significant in a range of countries both directly in airlines and in security regulation. This intervention has come about because of the recognition of the industry's significance for a country's tourism, trade and transport not just to bolster the profitability of particular airline companies. In the Australian context, the Ansett collapse graphically demonstrated the economic multiplier effect of the airline industry on small businesses, regional economies and jobs.

Security is an integral part of the operation of an effective aviation industry. Consumer confidence plays a large part in the success or otherwise of the industry. Security influences this confidence and poor security regimes will consequently have ramifications beyond the particular airlines concerned to the regional communities, jobs and businesses that depend on a flourishing industry.

Unfortunately consumers want to pay less for travel and are unlikely to want to shoulder the burden of the costs of better security but of course want the benefits. We see the issue of security as a matter of national interest not just commercial interest and believe it should be the responsibility of the Government to provide the necessary infrastructure.

4. **Current Security System at Airports**

An analysis of the effectiveness of the current security regimes at airports must examine some of the failures of the systems at airports. The system is only as good as its most recent failure.

We support the observations of the LHMU in relation to the pay and conditions of security staff at airports. Staff who are charged with such significant responsibilities deserve to be remunerated properly. Happy, well rewarded staff will strengthen security. Conversely unhappy, poorly paid staff with limited job security and high turnover will adversely affect any systems' operation.

Similarly, how well trained staff are impacts on how a theoretical security system is delivered. We are concerned that there has not been an emphasis on training of airline and airport ground staff in security nor is there sufficient time devoted to updates on procedures and policies.

Our customer service members in airports with most airlines and ground handlers have not had any additional security training or refreshers since September 11, 2001. The emphasis has been on training pilots and flight attendants and to a lesser extent security screeners, not those at check-in or in ancillary customer service roles at airports.

For security at airports to work effectively all employees must have this training. We believe this is particularly necessary as the new Bill provides penalties for staff who fail to report aviation security incidents. As a number of other submissions to the Review have indicated, the vigilance of ground staff can avert not only incidents at airports but also incidents in the air.

As to the security at regional airports we understand the regime of classifying airports based on the assessment of relative risk of incident at these airports but are somewhat surprised at the list of airports classified in Category 4 and 5, that do not have any passenger and accompanied baggage screening equipment.

Gove Airport for instance is an airport which transits significant numbers of foreign nationals from ships yet has no screening equipment and a lower category ranking than Port Headland. This airport too has no on site security presence if any incidents do occur. Similarly the distinction between Burnie, Devonport and Launceston by category is surprising with the only differentiating factors appearing to be volume of traffic.

While costs associated with security are significant we can see no reason why the airports listed currently in Categories 1 to 5 should not have screening equipment and onsite APS presence during operating hours.

5. **Air Rage at Airports**

Air rage occurs both at airports and in flight. Air rage is disruptive passenger behaviour which can range from the failure to obey safety instructions to verbal harassment or physical assault directed at airline staff.

As the union for employees engaged in customer service at airports we are concerned at the incidence of air rage at airports. We have been campaigning for the recognition of air rage as a problem at airports since 2000 including participating in a worldwide campaign co-ordinated by the International Transport Workers Federation (ITF). The major failing of the system of security at airports is the failure to recognise that air rage by passengers is not just confined to incidents in the air.

It is clear to us that there is a significant level of air rage directed at airline employees at airports which seems to be regarded both by the airlines, the airports and DOTARS as part and parcel of the job at an airport. We say this because of the lack of focus on incidents that occur at airports which are directed at staff.

This phenomenon too appears to have been ignored by the legislators in the Aviation Transport Security Bill 2003 which prescribes a range of penalties for airline operations staff, security screeners and airports who fail to comply with regulations and also prescribes penalties for perpetrators of security breaches or air rage in an aircraft. The legislation also contemplates penalties for serious damage to airport infrastructure yet no mention is made of punishing the daily violence towards airport staff. Any penalty against the perpetrators of air rage committed at airports is ignored.

Interestingly the package of similar airport security legislation in the United States included a Federal Law preventing airport rage. The following law in United States Code Title 49 Section 46503 was passed post September 11, 2001 along with a range of other measures:

> ***"An individual who assaults an air carrier employee who has security duties within the airport, or interferes with the performance of the duties of the employee or lessens the ability of the employee to perform those duties, shall be fined, imprisoned for not more than 10 years, or***

both. If the individual used a dangerous weapon in committing the assault or interference, the individual may be imprisoned for any term of years or life imprisonment".

In Australia, perpetrators of assaults and rage towards airport ground staff can be subject to the range of separate State Criminal codes for their crimes.

The experience of our members is that passengers who abuse, threaten or physically assault airport staff are rarely prosecuted or penalised. The culture that has developed at airports is that conduct that normally in the public domain would be considered unacceptable and would be prosecuted to the full force of the law, somehow becomes acceptable at an airport.

The reasons for air rage at airports are complex but include the impact of alcohol, the failure of consumer expectations of air travel to coincide with reality and the vagaries of air travel including delays, overbooking, flight cancellations and baggage limitations. Most of these issues find customer service staff as the front line deliverers of bad news which precipitates anger and violence from passengers and their families and friends who accompany them. As security at airports is tightened air rage at airports will increase and it must be met with sanctions on offenders.

The ASU recently conducted a survey of airport staff across Australian airports about air rage and the results indicate the significant frequency of incidents ranging from anger, verbal abuse to physical assault and stalking. Rarely are offenders prosecuted. In fact in many cases they are rewarded with upgrades by airlines.

Airlines also don't co-ordinate between each other when an offender is denied boarding or penalised. This results in an offender being carried by another airline and therefore suffering no sanction. If we are serious about security, air rage at airports must be prosecuted and publicised as unacceptable and penalties must be significant and enforced. We also believe the Aviation Security Bill should make air rage at airports a Commonwealth Criminal offence, which attracts a significant penalty. Airport staff deserve a safe, secure place to work.

6. **Improvements to Airport Security**

Customer service staff also have strong views about the need to check passenger photo identification at the gate before boarding all flights including domestic flights. As highlighted in the submission of Newcastle Airport, domestic airlines really cannot say with any certainty if the

person who is named as being on their aircraft is the person they say they are. This has obvious security implications.

With the development of automatic check-in machines it is quite possible that no one will ever check a person's identity before they board a plane. Even in the USA where there are significant numbers of automatic check-in machines a passenger is subjected to an identity check before entering a security area and before boarding an aircraft.

Unattended vehicles in the front of airport terminals also present a security risk which is a source of concern. At many airports there is not constant policing of no parking zones. Tow - away vehicle threats are mostly hollow. Unfortunately there seems to be a lack of realisation that we no longer live in a world where such events can be treated as a simple parking infringement.

Similarly customer service staff have indicated airport security could be improved by:
1. more visible and frequent security presence
2. zero air rage tolerance
3. ensuring non travelling public are not in check-in areas
4. only allowing travelling passengers past security
5. more passenger control powers to APS
6. bollards at entry doors to prevent driving through doors

7. <u>Conclusions</u>

Arising from the ASU's submission we make the following conclusions:
- Consultation by DOTARS with airline industry employees and their unions about airport security and legislation effecting them should occur.
- The Commonwealth Government should accept responsibility for additional costs that are incurred because of increased security measures because of the significance of the industry to the nation's economy. Leaving fundamentals like security and safety to the marketplace and commercial constraints will not deliver the optimum outcome.
- An analysis of the effectiveness of the current security regimes at airports must examine some of the failures of those systems. The system is only as good as its most recent failure.
- Training of airline and airport ground staff is vital for effective security as the vigilance of ground staff can avert not only incidents at airports but also incidents in the air.
- Category 1 – 5 airports should all have security screening equipment and APS presence during their hours of operation.

- Air rage at airports should be recognised as a problem at airports. Passengers who abuse, threaten or physically assault airport staff are rarely prosecuted or penalised. Conduct that normally in the public domain would be considered unacceptable and would be prosecuted to the full force of the law, somehow becomes acceptable at an airport. Air rage offences at airports should be a Commonwealth Criminal offence attracting a significant penalty.
- Security at airports could be improved by requiring photo identification at the gate before boarding a plane, policing unattended vehicles at terminals, increasing the security presence, only allowing travelling passengers past security and by increasing the powers of the APS.