



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**HOUSE OF REPRESENTATIVES**

**BILLS**

**Aviation Transport Security  
Amendment (Screening) Bill 2012**

**Second Reading**

**SPEECH**

**Wednesday, 23 May 2012**

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

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## SPEECH

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**Questioner**  
**Speaker** Hayes, Chris, MP

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**Mr HAYES** (Fowler) (12:53): Looking around the chamber, I see that there may be at least one or two members who, like me, recall being able to go to an airport for a domestic flight and buy a ticket over the counter and that and there was no need for identification, no screening and no bag X-ray and that you could simply walk on board the plane provided you had a seat allocation. It was a little bit more difficult on an international flight—you needed a passport, at least. In those days we did not even know about digitised imaging on passports. I hasten to say that I certainly do not include you among the one or two members I mentioned, Madam Deputy Speaker Grierson.

**Mr Chester:** What a charmer!

**Mr HAYES:** I take the interjection! 9-11 changed our world a heck of a lot. It was a serious wake-up call about community safety. No government is going to be accused of being soft on terrorism on its watch; no government is going to wilfully create a window of opportunity for organised crime or terrorists. Since 9-11 things have never been the same, and they will never be the same. This is a tragedy. We all think we grew up in great times but things will never be as they were in the past—and, because of 9-11, they never will be the same. We will always be vigilant about the terrorist threat and we will always ensure that our law enforcement agencies have the necessary tools, technology and support to combat the terrorist threat on behalf of our community.

Technologically, too, things will never be the same again. We have seen great advances in technology over the last few years. I am laughed at when I go to a maths class at a school these days and talk about how I was taught to use a slide rule and that we used log tables.

**Mr Chester:** Geoff used to use an abacus!

**Mr HAYES:** The member opposite is saying that the member for Bass used to use an abacus. He probably did use one in Geelong—but they are advancing too, I notice! The massive improvements in technology been great for the community. We all benefit from it—our productivity and economic advancement depend on it—but there are others who also benefit from advances in technology. Serious and organised crime has made a business out of it. We hear about people's identities being stolen, which we did not know about in the past. More importantly, we are seeing that people will exploit every window of opportunity they can to commit a crime or to terrorise—or to demonstrate that they have the capability to terrorise—our community.

We need to have equipment such as full body scanners to be able to combat these acts. This bill aims to ensure that the technology we give to the agencies which are charged with protecting our community is sufficient for them to do their job. I know that many think that what we propose to do with this bill is a serious violation of basic human rights and a gross invasion of privacy. People who say that are right: it is. Many things we do in this place very much limit the rights of members of our community but, hopefully, we do these things for very good reasons and for good purpose. When we do such things, we must balance them with the overall good of the community. I say this passes that overall for-good test, particularly when you think back to 2009—not all that long ago—when we heard of the Americans arresting the 'underpants bomber'. He had the idea that he could defeat the scanning technology by strapping an incendiary device to his underwear. Obviously a lot of advanced chemistry was involved and a whole host of other things went into planning, but this bloke's whole concept was to defeat the current technology of body scanning. He was successful in getting on board the aircraft, which flew from Amsterdam to Detroit. Fortunately, he was not so successful in properly detonating his device and the plane landed unharmed. Thankfully, he was taken into custody. He was certainly not repentant for his sins against the community. He made it very clear what he intended to do—to destroy the aircraft and everyone on board. That is a classic example of how those that wish to terrorise our community use advances in technology to defeat whatever technologies we have in place to combat these efforts. The world will never be the same in terms of the issue of terrorism, so we can never take our foot off the throat of those who would purport to harm our community.

About 2½ years ago, the Parliamentary Joint Committee on Law Enforcement—of which, I note, Madam Deputy Speaker Grierson, you are also a valued member—inquired into the security of ports and airports. You will recall that, during one of our inspections, we visited the airport in South Australia. Whilst it was not necessarily germane to what we were looking at at that time, they discussed the prospect of full-body scanners. At that stage the notion of what full-body scanners might do ranged from a full naked X-ray of a person through to what you could see under a person's underwear. A whole host of things were canvassed with the committee. But the advances that have been made in this technology mean that, with the scan, the figure is graphically shown as a stick figure. So it would not discriminate between the member for Lyons, being the fit and able person he is, and me, being a little bit more sedentary—the same stick figure would show for both of us. That at least gives me a little hope for the future! If something unusual was detected on the body, that would light up. If there was something on the hip, the scan would not show up as a firearm or a knife—that location would just be identified and lit up and security officers could then address that.

It is not invasive in terms of having naked pictures of people stored. In fact, this bill will ensure that the machinery, the technology, that is used has no capability of storing or transmitting any material or image. Therefore it is solely a piece of technology that will allow airport security to make the judgment as to whether to detain somebody for further examination on the basis of what is indicated on the image of the stick figure concerned. So, in terms of the argument about civil rights, I think all sides of the House can be assured that we have the balance right. We have arrived at a piece of technology that does not intrude on people's privacy; it is just able to scan the body to detect unusual objects associated with it.

The amendments contained in the bill will support the country adopting, if it is successful, the body scanner which is now being trialled both in Sydney and Melbourne. As I understand it, some 23,000 people have gone through that trial. By the way, they had one scanner here in Parliament House and a number of members participated in that trial, as well as, I understand, a couple of journalists. So people are now confident about the image issue, but I think that, more importantly, they see this as essential to ensure that Australian travellers are afforded the highest level of protection against aviation terrorism. It actually brings Australia in line with countries such as the United States, Canada, the United Kingdom and the Netherlands, just to name some.

I know from my discussions with international law enforcement agencies that these technologies are now being widely looked at as being necessary to protect not only the citizenry of countries but people moving in and about their states. This will not be exclusive to the advanced countries I have just mentioned; it is something that will become more affordable for a wide range of countries. It will be implemented not simply because it is becoming synonymous with modern aviation but to protect the safety of the community. The bill will also ensure that technologies such as body scanners will be able to advance in the future. It will ensure that we will be able to upgrade, to acquire further image-processing technologies that may be seen in the future as essential to combat terrorism or those who would attempt to defeat the system.

The intention of this bill, apart from ensuring that we will have technology to protect the community, is to be ongoing, to ensure that we stay vigilant—that we do not say: 'This is the be-all and end-all. We've got to have it and that's it.' It does at least acknowledge that at the moment this is the best technology available. Down the track, the issue is going to have to be revisited, depending on how technology develops and if this system is likely to be defeated.

The bill is consistent with all elements of human rights. It provides a greater measure to strengthen Australia's aviation security. I think that the limitations, where it could be seen to limit an individual's freedom or to offend issues of privacy, are well outweighed by the intention of this bill—that is, to protect the community.

I support the bill and commend it to the House.