

Western Australia

Emergency Response Planning and Administration

- 3.1 In Western Australia all emergency services were brought under a single administrative framework in 1999 when the Fire and Emergency Services Authority (FESA) was established. The new agency brought together the existing Fire and Rescue Service, the State Emergency Service, the Bushfire Service and, later, the Volunteer Marine Rescue Service, as well as the emergency management services, which provide policy and support to the state emergency management committee. FESA has a wide range of primary functions to prevent, where possible, and to respond to fires, bushfires, structural fires, hazardous materials, chemical and biological incidents, floods, storms and cyclones. FESA has 1,100 staff and about 26,000 volunteers across the state organised under the local government framework.¹
- 3.2 The Commissioner of Police is chair of the State Emergency Management Committee which has seven members from various government agencies, including the Bureau of Meteorology. In the event of an incident, the State Emergency Management Committee would set up a state emergency coordination group, to be made up of the police, FESA, the Premier's Department, and other relevant departments and agencies to oversee consequence management.² The Commissioner of Police in Western Australia is the state emergency management coordinator.

1 R. J. Mitchell, CEO, WA Fire and Emergency Services Authority, Transcript, 2 April 2003, p. 4.

2 R. J. Mitchell, Transcript, 2 April 2003, p.5.

- 3.3 In response to a question from the Committee as to whether authorities in Western Australia had coordinated their terrorism response procedures, with the Commonwealth's National Counter Terrorism Plan, the Deputy Commissioner of the WA Police Service, Mr Bruce Brennan, told the Committee that Western Australia was participating in the national revision and refinement of the National Counter-Terrorist Plan Handbook, which will provide a uniform guide to the procedures and practices to be followed in case of an attack. The Handbook Working Group had distributed a revised draft of the document by 30 April 2003.³

State - Commonwealth cooperation in incident response

- 3.4 At the Perth hearing the Committee asked the WA Deputy Police Commissioner to clarify the relative efficiency of the interoperability of State and Commonwealth capability to respond to an incident within the WA jurisdiction.
- 3.5 In evidence to the Committee, Deputy Commissioner Brennan outlined in detail from the WA Police perspective the sequence of actions to be undertaken in response to a hypothetical bombing incident. The first police responders would report to the Police Operations Centre that a bomb had exploded and that they required a bomb technical and investigative team. As soon as that information was conveyed to the Police Operations Centre, they would contact himself as Deputy Commissioner, or the State Security Unit, to say that there had been an incident and that it could be terrorist related. When such a call was received they would immediately contact the Protective Security Coordination Centre (PSCC) in Canberra. The PSCC would be placed on alert and a series of protocols followed according to the National Counter Terrorism Plan.
- 3.6 Commenting on the ability of WA authorities to deal with a major terrorist type incident, Deputy Police Commissioner Brennan noted the recent participation of the State in the national terrorist incident exercise *Raw Horizon*, 'designed to test a whole range of things, including our CBR (Chemical, Biological and Radiological) capability.' The outcome of the exercise served to illustrate the fact that although the police and emergency services felt 'confident' in their ability to deal with minor incidents where 'there have not been a lot of injuries':

Anything that was a major incident that would stretch our capacity to respond to the absolute limit would cause us a lot of

confusion and there would be a lot of demand being made on all sorts of agencies.⁴

- 3.7 The Committee inquired about the nature of the feedback WA authorities received after a national counter terrorism exercises such as *Raw Horizon*. In response, officials commented on a range of issues including legislative, intelligence and operational issues which were highlighted as a result of participation in the exercise. Participating states and observers from other states were involved directly in the exercise. Deputy Commissioner Brennan also noted the presence of ‘umpires’ usually from other non participating states provided to ‘assist exercise control’ and the ‘general conduct of the exercise’. He noted that:

Each one of those umpires prepares a report. That report is assembled with other reports into a consolidated document which talks about the exercise, the lessons learnt and the recommendations arising there from. It is tabled at the National Counter-Terrorism Committee meeting which meets twice a year, or more regularly if necessary. If there are any issues that need to be picked up, activated or actioned, they are picked up. If there is anything that is absolutely critically urgent that cannot wait until the next meeting of the NCTC, then the PSCC—the Protective Security Coordination Centre—will pick up on that and they will get it sorted out of session. There is a lot of interaction and exchange of information and agreement on the way forward as a result of national exercises.⁵

- 3.8 The WA Fire and Emergency Services Authority and the WA Police Service had significant experience dealing with a range of criminal incidents and natural emergencies such as fires and cyclones. However in the advent of a major incident proving beyond their capacity, officials of both organisations recognised that they would ‘have to rely very heavily on the cooperative arrangements that exist between the state and the Commonwealth to get the job done.’⁶

- 3.9 With respect to the co-operative arrangements themselves, WA officials were able to assure the Committee that such arrangements were functioning effectively:

Our relationship with the Commonwealth, particularly through Emergency Management Australia is very strong and we are well practised in natural disasters. They are great partners to this state in assisting with Commonwealth response and coordinating other

4 B Brennan, Transcript 2 April 2003, p. 2

5 B Brennan, Transcript, 2 April 2003, p. 11

6 B Brennan, Transcript, 2 April 2003, p. 3

state responses as and when required for natural disasters. I think we saw this through the Raw Horizon exercise. That same relationship was there and that same level of support clearly was available.⁷

Anti-Terrorism Legislative Consistency between State and Commonwealth

- 3.10 Consistent legislation to ensure seamless transfer of command and control between state and Commonwealth agencies in the event of a terrorist incident was an important aspect of the Agreement on Australia's National Counter Terrorism Arrangements. The Committee asked WA officials at the public hearing in Perth whether they had tested the state laws for their adequacy and authority in controlling access to the site of any terrorist incident.
- 3.11 Deputy Commissioner Brennan noted in answer to the Committee that WA law was currently being examined to determine whether increased powers to control access to sites were required although he believed that sufficient authority was already provided under common law.⁸
- 3.12 In subsequent correspondence of 11 November 2003, the WA Department of Premier and Cabinet assured the Committee that:
- WA is participating in the National Counter-Terrorism Committee's Working Group to review the effectiveness of State legislation to prosecute terrorist offences...our Criminal Code (WA) Act 1905 appears to offer comprehensive coverage.⁹
- 3.13 WA has enacted legislation to eliminate loopholes between State and Commonwealth legislation that could frustrate efforts to prosecute suspected terrorists. The *WA Terrorism (Commonwealth Powers) Act 2002* was proclaimed on 29 April 2003.
- 3.14 The WA Government also informed the Committee that it was unable to agree to the amendments proposed by the Commonwealth's Criminal Code Amendment (Terrorist Organisations) Bill 2003. Rather it agreed to support the Commonwealth on specific amendments to list specific organisations [as proscribed terrorist organisations] as required. At present, 'negotiations are continuing with the Commonwealth in relation to inclusion of consultation with States and Territories on the listing

7 R J Mitchell, Transcript, 2 April 2003, p. 5

8 B Brennan, Transcript 2 April 2003, p. 26

9 WA Department of Premier and Cabinet, 11 November 2003

process in the proposed Criminal Code Amendment (Terrorist Organisations) Bill 2003.¹⁰

- 3.15 As a result of the establishment of the Australian Crime Commission (ACC) on 1 January 2003, consequential amendments to the following WA Acts are being prepared by the WA Government in association with legislation - the ACC (WA) Bill - to replicate the Commonwealth provisions of the ACC:

Anti-Corruption Commission Act 1988

Co-operative Schemes (Administrative Actions) Act 2001

Federal Court (State Jurisdiction) Act 1999

National Crime Authority (State Provisions) Act 1985

Royal Commission (Custody of Records) Act 1992

Surveillances Devices Act 1998

Telecommunications (Interception) WA Act 1996

Witness Protection (WA) Act 1996

First Home Owner Grant Regulations 2000

National Crime Authority (State Provisions) Regulations 1989

Surveillances Devices Regulations 1991¹¹

- 3.16 With respect to the issue raised by the Committee about the authority of State police or emergency services to isolate an area containing biological or chemical hazards, the CEO of WA Fire and Emergency Services, RJ Mitchell, informed the Committee that from his perspective he believed a gap existed:

If we are looking at something that affects a local area in Western Australia, we have provision under the **Health Act 1911**, section 15, which gives the Executive Director of Public Health power to quarantine or confine people to a certain area. I am not sure in this instance that we have sufficient legal capacity in this state to do all those things we are talking about. We are the only state in Australia that does not have emergency management legislation to protect the practitioners within it. It might be okay to use the **Health Act** once you have defined it as a health issue, but in the meantime there are a lot of people responding to incidents. I am pleased to say that the state is moving towards establishing emergency management legislation that provides exactly what

10 WA Department of Premier and Cabinet, 11 November 2003.

11 WA Department of Premier and Cabinet, 11 November 2003

you are talking about on the broader scene, but we do not yet have it.¹²

Risk Management Issues

3.17 Identified areas of risk in the capacity of WA authorities to respond to and to manage the consequences of a terrorist incident centred on the unique physical characteristics of the State with respect to the remoteness of its population centres from the rest of the country, and the vast distances between such centres within the State itself. With respect to the issue of heavy engineering equipment being available in emergency situations for example, WA officials were able to assure the Committee that such resources were:

detailed as part of the Local Emergency Management Committee (LEMC) structure arrangements. The plans detail the resources available during an emergency, not for just a terrorist initiated event. Additionally, each Police Station maintains a resource list as part of their responsibilities. The Police resource list is audited each year.

It is intended that as the Urban Search and Rescue (USAR) capability of the state is further developed, resource lists of heavy lift and other equipment will be developed for particular areas of the state as part of the hazard management authorities responsibilities.¹³

3.18 The Committee inquired about the ability of the WA Police Tactical Response Group (TRG) to deal with a serious incident in a remote area of the State. Deputy Police Commissioner Brennan indicated that for a chemical or biological incident there would be an emergency cordon placed around the scene maintained by local forces before the TRG arrived. However not all local police forces have yet been supplied with appropriate chemical or biological suits or equipment although it had been ordered. In response to a question from the Committee about transport of the TRG to a remote area to deal with an emergency, Mr Brennan noted:

That is one of the tyrannies of distance. You live in this state, so you will know exactly what I am talking about. If we had an incident at Esperance, another at Kununurra and one at Warakurna or Giles, we would be hard pressed. The Police Air

12 R J Mitchell, Transcript, 2 April 2003, p. 27

13 Fire & Emergency Services Authority of Western Australia, Submission No 6

Wing does not have the capacity to get a lot of people on the ground rapidly. We could get two aircraft, our own local aircraft; we could probably get 10 on the ground with limited equipment. For our piston engine aircraft, it would take at least four hours to get to Karratha.¹⁴

- 3.19 Without access to a jet aircraft at all times it is doubtful at present whether the travel times required to put a substantial police presence into a remote incident scene in WA can be reduced.

Intelligence and Threat Assessment

- 3.20 The WA Government was able to assure the Committee that intelligence sharing arrangements with the Commonwealth under the terms of the National Counter Terrorism Agreement were working effectively. Inspector John McRoberts, Officer in Charge of the State Security Unit of the Western Australia Police Service provided the Committee with an account of the implementation of intelligence sharing within the response process:

The arrangement that we have in this state to exchange intelligence is one of what we hope is cooperation, particularly with the Australian Security Intelligence Organisation. At the operational level, we meet on a regular basis in what we call tripartite meetings and we share information between the Western Australia Police Service, the Australian Federal Police and ASIO. As part of the response to a terrorist incident, ASIO, the AFP and other agencies would be invited to take up a post in the joint intelligence group at both the Police operations centre and the forward intelligence cell. We rely very heavily on the information that is provided to us by ASIO and I believe that we provide a significant amount of benefit to them with the intelligence that we share with them.¹⁵

- 3.21 Mr McRoberts told the Committee that the existing protocols for the provision of strategic intelligence in response to a terrorist incident were 'very sound'. They provided for the establishment of a joint intelligence group adjacent to the policy operations centre to provide the police operations commander with strategic intelligence upon which to base decisions. In addition the WA Police response planned for the establishment of 'what we call a forward intelligence cell, close to the

14 B Brennan, Transcript, 2 April 2003, p. 23

15 J McRoberts, Transcript, 2 April 2003, p.8

police forward command post at the incident site, so that we could provide the police forward commander with tactical intelligence that he or she might use in an attempt to successfully resolve the incident.¹⁶

- 3.22 The fundamental role of the threat assessments obtained from ASIO for the allocation of resources in state terrorism response planning was acknowledged in evidence to the Committee. Deputy Commissioner Brennan noted that:

Threat assessments are obtained from ASIO. They are issued on a frequent basis. They are conveyed to our state security unit. If there is a change in the threat assessment or the level of alert, the first thing that Mr McRoberts does is to notify me. I advise the commissioner and other people within the emergency family. The Minister for Police and Emergency Services is also advised. If you change the level of alert, it can mean a greater commitment of resources and assets. Generally it is a ramping-up of things like no entry into premises without photo identification, going through a metal detecting device, and access to certain floors only. It could involve posting static guards or a total perimeter lockdown, a cordon.¹⁷

- 3.23 It was made clear to the Committee that from planning, resource allocation, and strategic response perspectives, WA police and emergency authorities relied very heavily on the information sharing that takes place between the WA police, the AFP and ASIO and which is conducted at the operational level.¹⁸ It is evident that the degree of interaction between state and commonwealth agencies is extensive and subject to ongoing refinement and development. At present it is evident that the intelligence driven planning and response protocols are undergoing testing by the national program of exercises of which 'Raw Horizon' was cited as an example.¹⁹

Consequence Management

Mass casualty response

- 3.24 In the aftermath of the Bali tragedy the states and territories were able to provide detailed evidence to the Committee on the mechanics of their
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16 J Mc Roberts, Transcript, 2 April 2003, p.7

17 B Brennan, Transcript, 2 April 2003, p. 10

18 J McRoberts, Transcript, 2 April 2003, p. 8

19 B Brennan, Transcript, 2 April 2003, p. 6

response to a terrorist incident involving mass casualties in the light of recent actual experience.

- 3.25 WA officials told the Committee that mass casualty situations in Metropolitan Perth are managed through the Metropolitan Perth Area wide Business Continuity Plan (BCP). The plan encompasses 21 health facilities including both private and public hospitals. It also includes 15 expert advisers who would be called upon to provide assistance, such as engineering, transport and biological expertise. In the event of a mass casualty situation the expert adviser for the external disaster response would be contacted. This person would then organise the required medical teams to attend the scene from the tertiary hospitals. Again, with the experience of the Bali bombing in mind, the Committee inquired particularly into the readiness of the WA medical authorities to deal with a large number of burns victims in the immediate aftermath of a terrorist incident. Dr Beresford, Director of Clinical Services at Royal Perth Hospital told the Committee:

We have planned to take up to 150 [burns victims]. We have the capability to do so. Prior to Bali, we had nine severe burns patients. We took 32 in the space of 48 hours, and we also took another 11 over the next two weeks. We were capable of coping with that. I had made initial provision for 12 ICU beds and up to 70 beds for the severest burns cases at that time. We have sufficient other goods and services and, by centralising the treatment of burns on one site, we were able to draw on expertise from around the town. We were able to complete all definitive surgery within four to five days of starting. Of the 32 victims, three unfortunately died from associated injuries and infection. Of the rest, there is only one remaining under hospital care at the moment. Most of the others returned to Germany, elsewhere in Australia or the UK within a period of 10 days.²⁰

- 3.26 In the light of this recent experience it is clear that WA was able to respond effectively. It is clear that WA, despite its isolation from Eastern Australian centres was in fact extremely well prepared. As Dr Beresford pointed out in evidence to the Committee:

In relation to capabilities, we are the only training facility in Australia which trains burns surgeons and there is a need for a national training program. This is being addressed at a national level: the national burns plan will address not only the response

but also the preparation, the training, the credentialing and the equipping of burns units around Australia.²¹

- 3.27 When asked by the Committee how WA could cope with a major casualty disaster with 400 or 500 victims Dr Beresford noted that:

Two years ago we proposed a National Burns Plan to present to Emergency Management Australia and ARMAC. That has now been developed and will be finished by October. It sees us pulling on reserves from around Australasia—that is, Australia and New Zealand—to respond in support of any one state.²²

- 3.28 The Committee was satisfied that with respect to WA recent experience has shown that the State has sufficient specialist burns resources to respond efficiently in a smaller scale mass casualty situation and is co-operatively developing protocols to respond effectively with other states in the event of a large scale disaster.

Chemical, biological and radiological attack response capability

- 3.29 With respect to chemical, biological and radiological incidents the Committee was told that the WA government has since 1996 been developing a capability to deal with the risk of CBR emergencies originating from terrorists or other sources. Plans became more firm leading up to the Olympics, and following September 11 and Bali, plans have now been brought to fruition through the state CBR plans.²³

- 3.30 With respect to the provision of resources to deal with chemical and biological incidents WA officials were able to give a detailed account of what was available. Because a chemical or biological incident is very closely aligned to a hazardous materials incident, the state is very well prepared as far as protective clothing is concerned. In answer to a question from the Committee about the numbers and distribution of chemical suits in WA, Mr Kevin Cuneo, of the Fire and Emergency Services Authority noted that:

Every fire vehicle that we have in the urban environment—I am stressing the urban environment, which is about 125 urban brigades in the state—has a capability for protective clothing to be worn to deal with biological incidents and, to a lesser degree, what

21 Dr W Beresford, Transcript, 2 April 2003, p.13

22 Dr W Beresford, Transcript, 2 April 2003, p.13

23 Mr R J Mitchell, CEO WA Fire and Emergency Services Authority, Transcript, 2 April 2003, p. 5

we call the warm zone of a chemical. There are 16 sites in the state that are able to have what we call an A class capacity, which will apply if we go to a hot zone to deal with a chemical.²⁴

- 3.31 While Fire and Emergency Services personnel were adequately equipped, police and tactical response police were (as at April 2003) awaiting appropriate equipment to be provided under the Commonwealth Agreement.

Effectiveness of Consequence Management

- 3.32 Overall, WA police and emergency services officials were able to assure the Committee that the state was:

reasonably prepared. Our relationship with the Commonwealth, particularly through Emergency Management Australia is very strong and we are well practised in natural disasters'.²⁵

- 3.33 On the other hand an absolutely catastrophic incident on a very major scale (such as occurred on September 11) would clearly require Australia wide coordinated assistance as WA officials were quick to point out:

Anything that was a major incident that would stretch our capacity to respond to the absolute limit would cause us a lot of confusion and there would be a lot of demand being made on all sorts of agencies. I do not think there is an agency in Western Australia that could ramp up to a sufficient level quickly to deal with an absolutely catastrophic incident.²⁶

- 3.34 This level of preparedness should prove sufficient if the cooperative arrangements that are in place nation wide operate efficiently. As Mr Brennan told the Committee:

despite all the assurances that I might like to give you that we have got it all tacked down at the edges and we can cope, there is always the event, the incident, that will occur that will be beyond our capacity and we will have to rely very heavily on the cooperative arrangements that exist between the state and the Commonwealth to get the job done.²⁷

24 Mr K W Cuneo, WA Fire and Emergency Services Authority, Transcript 2 April 2003, p.22

25 Mr R J Mitchell, Transcript, 2 April 2003, p. 5

26 B Brennan, Transcript, 2 April 2003, p. 2

27 B Brennan, Transcript, 2 April 2003, p. 3

- 3.35 Evidence presented to the Committee by WA authorities pointed to the fact that a continuous nationally supported system of training and feedback such as that provided by the 'Raw Horizons' exercise was crucial to maintaining adequate levels of interoperability and national coordination of resources to ensure that responses to a terrorist incident of whatever dimensions was effective in the most remote states.