

ADF Counter Terrorism Capability

- 2.1 The Australian Defence Force (ADF) has increased its counter terrorism capability through the creation of a second tactical assault group (TAG East) and an incident response regiment (IRR) both based in Sydney. The ADF's existing TAG, which was formed prior to these, is located in Perth.
- 2.2 Defence commented that TAG East and the IRR 'have been formed to assist civil authorities to cope with major terrorist incidents, including the potential use of chemical, biological and radiological weapons.'¹ It was in response to the event of 9-11 that the Government decided to double the TAG capability.
- 2.3 This chapter examines the funding and objectives of the TAG and IRR.

Tactical Assault Group (EAST)

Funding, objectives and performance targets

- 2.4 The TAG is a special forces unit trained to conduct counter terrorism activities in a range of situations, including the recovery of hostages. The full strength permanent group will be drawn from the existing ADF. Four year funding for the TAG is shown in Table 2.1.

1 Department of Defence, *Annual Report, 2001-02*, p. 4.

Table 2.1 Four year Budget allocation for the tactical response capability

| | 2002-03 | 2003-04 | 2004-05 | 2005-06 | Total over four years |
|----------------|---------|---------|---------|---------|-----------------------|
| Expenses (\$m) | 32.6 | 37.8 | 28.8 | 33.4 | 132.6 |
| Capital (\$m) | 0.5 | 24.1 | 37.5 | 24.7 | 86.8 |
| Total (\$m) | 33.1 | 61.9 | 66.3 | 58.1 | 219.4 |

(Source: *Portfolio Budget Statements 2002-03, Defence Portfolio*, p. 20)

- 2.5 Table 2.1 shows that the ADF's counter-terrorist capability will receive \$132.6 million in expenses and \$86.8 million in capital over the next four years. During 2001-02 funding of \$23.1 million was provided to establish an interim east coast TAG.
- 2.6 The **performance targets** for the ADF's special forces as indicated in the Defence 2001-02 Annual Report are to:
- 'achieve levels of preparedness directed by CDF for military response options with a warning time of less than 12 months, and.'
 - 'achieve a level of training that maintains core skills and professional standards across all warfare areas.'²
- 2.7 The performance targets relate to the entire range of ADF special forces roles and tasks. This includes Special Forces counter-terrorist responsibilities (Black), as well as a broad range of war fighting (Green) capabilities. Counter-terrorism forms only one of the SAS Regiment and 4RAR outputs.
- 2.8 Defence reported that both performance targets were only partially achieved. In relation to TAG (East), the 4th Commando Battalion is in the process of becoming a full-time commando battalion and is responsible for establishing TAG (East).
- 2.9 The total cost over four years of enhancing the ADF's tactical response capability is \$219.4 million.
- 2.10 The TAG is trained in offensive operations in a range of environments, particularly urban, and one of the stated objectives 'is the recovery of hostages'. Terrorist action where hostages are involved is still used in an attempt to leverage terrorist demands. Recent examples include the use of hostages by Chechen terrorists and the Philippines Abu Sayaf.
- 2.11 Al-Qa'ida's terrorist activity, however, has mostly involved the use of suicide attacks and the delivery of bombs on soft and unsuspecting

² Department of Defence, *Annual Report, 2001-02*, p. 99.

targets. The Australian Strategic Policy Institute (ASPI) commented that the 'hijackings and hostage takings which were very much part of the pattern of terrorism in the 1970s have given way to attacks that aim at maximum casualties.'³ASPI concludes that, while capabilities to manage hostage situations are still important, 'our attention must shift from managing an incident once it is underway to preventing an attack before it begins, limiting the damage from an attack as much as possible'.⁴

- 2.12 The Parliamentary Library Information Research Service (IRS) raised questions about the establishment of the second TAG in view of current terrorist actions which seek to kill as many innocent people as possible rather than take hostages. The IRS stated:

...what is clear is that currently, hostage taking is less likely than suicide attacks. Responding to such threats would seem to require more emphasis on proactive intelligence work than on reactive counter-terrorist forces. It has been said that terrorism is easy to stop when found, but difficult to find. While the budget did allocate money to the intelligence services, it could be argued that the funds spent on the second TAG would be better spent on further increasing Australia's ability to identify potential terrorist threats.⁵

- 2.13 The rationale for TAG (East) is to ensure that, with the heightened security environment, the east coast of Australia would come under the umbrella of a TAG and be within reasonable response times. The Defence Minister, Senator the Hon Robert Hill, stated that the 'raising of a second TAG to complement the existing group based in Western Australia ensures that we have the capability to respond to simultaneous and geographically separate terrorist incidents.'⁶

- 2.14 Defence explained the call-out procedures that would apply for the use of the TAG:

...there are several ways in which call-out can be effected. Any of the jurisdictions, the various states, may apply to the Commonwealth requesting support, in which case the Commonwealth will contemplate that and may comply and

3 Australian Strategic Policy Institute, *Beyond Bali, ASPI's Strategic Assessment 2002*, November 2002, p. 8.

4 Australian Strategic Policy Institute, *Beyond Bali, ASPI's Strategic Assessment 2002*, p. 16.

5 Department of the Parliamentary Library, Information and Research Services, *Implications, Budget 2002-03*, June 2002, p. 46.

6 Senator the Hon Robert Hill, *Media Release, New Counter-terrorist units strengthen Australia's defences*, 5 September 2002.

call-out of the Defence Force. Secondly, the Commonwealth may act in its own interest where it may call out the Defence Force to protect its own interest. They are the two broad areas. There are several other permutations relating to territories and states. The two major situations are whether a state requests of the Commonwealth for call-out or whether the Commonwealth acts on its own behalf.

Under the Defence Act there is a series of steps that must be gone through, which you are probably aware of, requiring the Governor-General in Council, finally, to sign off and authorise the calling out of the Defence Force. When that is done, the TAG is then deployed forward to an incident site and engagement with the local police forces that are deployed at the incident site begins.⁷

- 2.15 ASPI suggested that, for legal reasons, it may be preferable in the future to shift the counter-terrorism capabilities from the ADF to Federal and State police forces. ASPI stated:

In the longer term the primary counter-terrorism response capability might best be moved from the ADF to Federal and State police forces, which will almost always be able to get to a terrorist scene more quickly than the ADF, and are on a surer legal footing to undertake such operations. NSW and Vic have made important starts to further developing their own counter-terrorist and response capabilities. But this approach needs to be mirrored across all States and Territories. This would then free up ADF Special Forces to focus on their overseas missions.⁸

- 2.16 Part IIIAAA of the *Defence Act 1903* deals with the Utilisation of Defence Forces to protect Commonwealth interests, and States and self-governing Territories, against domestic violence. Section 51I discusses the recapture of premises and the freeing of hostages. Defence stated:

Part IIIAAA provides that a designated incident may be identified and rated such that there is a need for a call-out of the Defence Force to assist the civil authority to resolve that incident. That call-out process goes through the steps I have mentioned: either it is state initiated to the Commonwealth—that is, the state asks the Commonwealth—or the Commonwealth initiates in its own interest. The Governor-General in Council then signs off, saying the call-out is authorised. It will be for a specific area, and this is

7 Major General Duncan Lewis, Commander Special Operations *Transcript*, p. 8.

8 Australian Strategic Policy Institute, *Beyond Bali, ASPI's Strategic Assessment 2002*, p. 17.

where the changes emerged in part IIIAAA. It was quite specific in terms of the geographic area; there has to be a designated area. An example might be that within the precincts of Parliament House there is an incident. In the past it was nonspecific and there would just be a general call-out for the ADF to the ACT, for example. Now we have to actually specify where this incident is taking place and the area within which the ADF can act in support of the civil authority. There are certain powers that are given to the ADF within that designated area. They relate to the powers of arrest and the powers of search, and it is quite complicated with regard to who can do what and under what circumstances.⁹

2.17 The use and operation of the TAG will involve coordination of Commonwealth and state responsibilities. In April 2002 an agreement between the Commonwealth, States and Territories determined that the Commonwealth is to have responsibility for 'national terrorist situations'. This means that all Commonwealth, State and Territory counter terrorism resources will be coordinated at a national level.

2.18 In particular, the agreement provides that 'the Commonwealth will consult and seek the agreement of affected States and Territories before a national terrorist situation is declared and states and territories agree not to withhold unreasonably such agreement.'¹⁰ Defence explained the liaison that would occur with a State Police force in the event of the need for a counter-terrorist response:

Where a site is designated to be a counter-terrorist incident, the police will nominate a police forward commander. That police officer is the authority for that area and he remains the authority throughout, whether the Defence Force is acting within the area or not. The police officer is in charge. At some point the police officer may come to the view that the incident has deteriorated to such a point that, with his civil resources, he can no longer resolve the incident and will call on the Defence commander present, who is the commanding officer of the TAG, to resolve the incident.

If that is done in a deliberate and time allowing way, then approval for that employment of the Defence Force will be sought through the minister to government. If, however, time does not allow—if there is a cataclysmic collapse of the situation—then the Military Commander (Forward), in conjunction with the police commander, can launch the Defence Force in an assault on his

9 Major General Duncan Lewis, Commander Special Operations *Transcript*, p. 11.

10 Attorney-General, *National Move to Combat Terror*, News Release, 7 April 2002.

own call, but he needs to satisfy a number of legal requirements, obviously, before that is done.¹¹

- 2.19 The establishment of TAG (East) in the time required is an organisational challenge from the perspective of recruitment, training, rotation, equipment and logistics. The ISR suggests that the establishment of TAG (East) from existing special forces 'will result in a significant training liability, and will reduce the effectiveness of both 4RAR and the SAS in the short term.'¹² Defence stated:

As we look at Army, we quite often think of it in terms of a pyramid. If you are building towards the top, you had better make sure that the bottom is strong enough and solid enough to support what you are going to put at the top. We have asked Special Operations Command to grow in the order of 700. It is not only the Special Operations Command that has to grow; Army needs to be able to experience what that might mean for us. I have some concerns about other parts of the Army, in particular our enabling force—that is, the force that trains us, sustains us, and provides us with our logistics. They are working very hard. I think there are some real issues that we need to consider in the longer term about our ability to sustain both the types of tasks and the numbers of people that we are being asked to put into these specialist areas.¹³

- 2.20 In the short term, two companies of 4RAR will be trained in counter terrorist methods to allow them to rotate through TAG (East). Therefore, it is suggested that 'the capability of 4RAR in its traditional role will be reduced.'¹⁴ The IRS suggests that the raising of TAG (East) and its implications for 4RAR reflect broader aspects of Defence recruitment and training. The IRS stated :

...The training time for special forces soldiers does not allow for fast replacement. Special forces cannot simply be backfilled from other units. Given the limited progress achieved between 1997 and 1999 in forming 4RAR as a commando battalion, past experience indicates that the small size of Australia's regular army could make it difficult to find enough personnel with the right aptitude and qualities needed for special forces work. More broadly, although ADF recruitment is improving, it is currently below ideal

11 Major General Duncan Lewis, *Transcript*, p. 8.

12 Department of the Parliamentary Library, Information and Research Services, *Implications, Budget 2002-03*, June 2002, p. 45.

13 Lt General Peter Leahy, Chief of Army, *Transcript*, p. 17.

14 Department of the Parliamentary Library, Information and Research Services, *Implications, Budget 2002-03*, June 2002, p. 45.

levels, and the 100 to 200 new positions will put more strain on the ADF's ability to meet recruitment targets.¹⁵

- 2.21 On 19 December 2002 a further expansion of the special forces was announced by the Prime Minister. The initiative 'will deliver an additional 310 highly trained combat personnel along with associated support personnel to supplement Australia's existing Special Forces.'¹⁶ An additional commando company will be raised together with a Special Forces Combat Service Support Team. In helping to fulfil the proposal, the Government has requested the CDF to develop a separate proposal 'for the greater involvement of ADF Reserves in the response to domestic terrorist threats or incidents.'¹⁷
- 2.22 The Defence Minister indicated that the new 300 personnel will come from within existing units and new recruits will fill the gaps made by the departure of the 300 personnel. The Defence Minister stated:
- They normally get taken out of the ADF. In fact, I think all special forces graduate from within the ADF, and it's demonstrated they have the particular skills and attributes that's necessary for special forces.¹⁸
- 2.23 There are reports, however, that the SAS will recruit civilians for the first time.¹⁹ The Assistant Defence Minister, the Hon Danna Vale, MP is reported to have said that the 'Army is considering direct recruiting to Special Operations Command to reduce the impact on units outside Special Operations.'²⁰
- 2.24 The new Special Operations Command will comprise a joint Headquarters, the Special Air Services Regiment, 4th Battalion the Royal Australian Regiment (Commando), Tactical Assault Groups (West) and (East), 1 Commando Regiment and the Incident Response Regiment. Major General Duncan Lewis will head the new organisation. Defence stated:

15 Department of the Parliamentary Library, Information and Research Services, *Implications, Budget 2002-03*, June 2002, p. 46.

16 Prime Minister, *Media Release*, Expansion of Special Forces Counter Terrorist Capability and New Special Operations Command, 19 December 2002.

17 Prime Minister, *Media Release*, Expansion of Special Forces Counter Terrorist Capability and New Special Operations Command, 19 December 2002.

18 Interview with the Defence Minister, the Hon Senator Robert Hill with Virginia Trioli (ABC Radio, 3LO), 19 December 2002.

19 *Sunday Telegraph*, 1 June 2003, p. 2.

20 *Sunday Telegraph*, 1 June 2003, p. 2.

The main elements of the command are that it will be equivalent to the other environmental commands—that is, we have Air Command, Maritime Command and Land Command. We now have Special Operations Command, known as SOCCOM.²¹

Incident response regiment (IRR)

Funding, objectives and performance targets

2.25 The establishment of a permanent Incident Response Regiment (IRR) in the ADF is designed to strengthen Australia's preparedness and consequence management of chemical, biological, radiological, nuclear and explosive (CBRNE) incidents. The 2002-03 PBS states:

The IRR will complement existing Commonwealth, State and Territory capabilities funded through Defence 2000 White Paper and interim arrangements put in place to cover events of national significance, such as the recent Commonwealth Heads of Government Meeting.²²

2.26 The IRR will be staffed by about 300 personnel. The IRR comprises:

- a headquarters element based at Holsworthy Barracks which commands the unit and provides advice on chemical, biological, radiological, nuclear or explosive threats;
- a scientific and technical organisation supported by the Defence Science and Technological Organisation that is capable of conducting analysis and providing advice on CBR agents and materials;
- a CBR squadron capable of rendering safe CBR devices, conducting decontamination and treatment of casualties and providing advice on CBR agents and materials; and
- an emergency response squadron which consists of three emergency response troops.²³

2.27 As part of the 2002-03 budget, the Government allocated \$121 million over four years to fund the IRR. The funding over this period is shown in Table 2.2.

21 Lt General Peter Leahy, Chief of Army, *Transcript*, p. 6.

22 Portfolio Budget Statement, 2002-03, Defence Portfolio, p. 21.

23 Senator the Hon Robert Hill, *Media Release*, 'New Counter-terrorist units strengthen Australia's defences,' 5 September 2002.

Table 2.2 Funding for the Incident Response Capability

| | 2002-03 | 2003-04 | 2004-05 | 2005-06 | Total over four years |
|----------------|---------|---------|---------|---------|-----------------------|
| Expenses (\$m) | 18.0 | 21.0 | 22.0 | 24.0 | 85.0 |
| Capital (\$m) | 0.5 | 11.2 | 17.4 | 6.9 | 36.0 |
| Total (\$m) | 18.5 | 32.2 | 39.4 | 30.9 | 121.0 |

(Source: *Portfolio Budget Statements 2002-03, Defence Portfolio*, p. 21)

2.28 The IRR is regarded as an essential capability and good value for money. The capability was initially developed as part of heightened security and response capabilities developed for the Sydney 2000 Olympic Games and the Commonwealth Heads of Government Meeting. Defence stated:

The Incident Response Regiment has a range of capabilities, generally structured around chemical, biological, radiological and nuclear. Those capabilities are for counter-terrorist but also for conventional operations. We see that the IRR will be able to perform both of those functions. Indeed, they are supporting Operation Bastille at the moment, a conventional operation to assist our troops.²⁴

2.29 The areas of concern or where reassurance is required relates to the ADF's challenge of recruiting and training an adequate number of people to ensure the IRR is fully operational in the specified timeframe. Defence stated:

Currently the total number in the IRR is 245. That is against a target of 309 to be achieved by December 2005. The recruitment targets I cannot tell you. I will have to get back to you on that. Concerning the lower numbers of the capability, obviously, we are not able to achieve the mature state. I think what we are able to achieve now is a very credible capability within the IRR.²⁵

2.30 A further issue relates to the management of the IRR, its relationship with Emergency Management Australia, and the coordination of its functions with state jurisdictions. The Minister commented that the IRR will be called out only in extreme cases where police and emergency services do not have the capability to deal with CBRNE.²⁶

24 Lt General Peter Leahy, Chief of Army, *Transcript*, p. 14.

25 Lt General Peter Leahy, Chief of Army, *Transcript*, p. 14.

26 Senator the Hon Robert Hill, *Media Release*, 'New Counter-terrorist units strengthen Australia's defences,' 5 September 2002.

Conclusions

- 2.31 The raising of Tactical Assault Group (East), following the events of 9-11, effectively doubled Australia's counter terrorism capability. At a four year cost of \$219.4 million, the establishment of TAG (East) ensures that Australia has the capability to respond to simultaneous and geographically separate terrorist incidents.
- 2.32 Some questions have been raised about the validity of establishing TAG (East) when terrorist activity such as that deployed by Al-Qa'ida involves suicide attacks and the delivery of bombs on soft and unsuspecting targets. It would be unwise to categorise potential terrorist activity too narrowly for several reasons. For example, one of the most recent large scale terrorist incidents involved a siege-hostage situation at the Moscow Theatre. Second, the raising of a second TAG sends out a clear message and has a potential deterrent effect against certain terrorist activity, albeit the level of deterrence is not known.
- 2.33 A further question mark raised about the TAG is whether, in the long term, this capability is best performed by State Police Forces. The Australian Strategic Policy Institute (ASPI) commented that, 'for legal reasons, it may be preferable in the future to shift the counter-terrorism capabilities from the ADF to Federal and State Police forces. The States are making progress in this regard. Both Victoria and New South Wales, for example, have made advances with their Tactical Response Groups.
- 2.34 The long-term objectives and role of TAG (East) need to be clearly established and enunciated. The Government should investigate claims of possible duplication between the TAG and State Police Forces and clearly set out the long term role of the TAG, its working relationship with State Police Forces and the types of action that the TAG will perform that State Police Forces will not.
- 2.35 The Incident Response Regiment (IRR) is regarded as an essential capability. The total cost of the IRR over four years is \$121.0 million. Through the IRR, the Australian public is provided with a range of capabilities structured against chemical, biological, radiological and nuclear attacks. It is essential that Defence meet its personnel targets for the IRR, and, at the same time, does not degrade broader elements of the ADF from which personnel for the IRR will be sourced. Defence advised that, at February 2003, the total number of IRR was 245 against a target of 309 to be achieved by December 2005.
- 2.36 The reach and extent of services provided by the IRR, however, should be clarified in view of possible duplicate capabilities in this area by State

Governments. The Commonwealth Government, therefore, should consult with State Governments about their capacity to provide response capabilities to chemical, biological, radiological, nuclear and explosive incidents. Following this consultation, the Commonwealth Government should clearly set out its future role for the IRR.

- 2.37 A third issue that the Commonwealth Government should clarify is whether it is satisfied that funding to the enhanced TAG capability and the IRR has achieved an adequate balance between the two.
- 2.38 A further personnel issue of interest to the Committee is the reported proposal that Special Operations Command will seek to recruit civilians rather than take recruits solely from the wider ADF. The Committee will monitor and seek briefings from Defence on this proposal and on performance in achieving targeted personnel numbers for the IRR.

Recommendation 1

- 2.39 **The Committee recommends that the Government investigate claims of possible duplication between the Tactical Assault Group (TAG) and State Police Forces and clearly set out the long term role of the TAG, its working relationship with State Police Forces and the types of action that the TAG will perform that State Police Forces will not.**

Second, the Commonwealth Government should consult with State Governments about their capacity to provide response capabilities to chemical, biological, radiological, nuclear and explosive incidents. Following this consultation, the Commonwealth Government should clearly set out its future role for the Incident Response Regiment (IRR).

Third, the Commonwealth Government should clarify whether it is satisfied that funding for the enhanced TAG capability and the IRR has achieved an adequate balance between the two.