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JOINT COMMITTEE ON FOREIGN AFFAIRS, DEFENCE AND TRADE

Wednesday, 2 April 2003

Members: Senator Ferguson (*Chair*), Mr Brereton (*Deputy Chair*), Senators Bartlett, Bishop, Bolkus, Cook, Eggleston, Chris Evans, Harradine, Hutchins, Johnston, Sandy Macdonald, O'Brien and Payne and Mr Baird, Mr Baldwin, Mr Beazley, Mr Bevis, Mr Edwards, Mr Laurie Ferguson, Mrs Gash, Mr Hawker, Mr Jull, Mr Lindsay, Mrs Moylan, Mr Nairn, Mr Price, Mr Prosser, Mr Scott, Mr Snowdon, Mr Somlyay and Mr Cameron Thompson

Senators and members in attendance: Senators Bolkus, Edwards, Eggleston, Ferguson, Hutchins, Johnston, Payne, Stott Despoja and Mr Baird, Mr Beazley, Mr Snowdon and Mr Somlyay

Terms of reference for the inquiry:

Watching brief on the war on terrorism.

WITNESSES

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Department of the Premier and Cabinet, Western Australian Government; and Member,
National Counter-Terrorism Committee..... 1

Committee met at 10.04 a.m.

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CUNEO, Mr Kevin William, Fire Services Director, Capability Development, Fire and Emergency Services Authority

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SPENCER, Mr Rodney Charles, Manager, Executive Government and Security Services, Department of the Premier and Cabinet, Western Australian Government; and Member, National Counter-Terrorism Committee

CHAIR—I declare open this public hearing of the Joint Committee on Foreign Affairs, Defence and Trade into the watching brief on the war on terrorism. Today we are going to hear from the Western Australia Police Service and other state government agencies. I would like to remind people present that the committee intends to conduct today's proceedings in public, although witnesses may at some stage wish to give evidence in private. If that is the case they may ask to do so and we will give consideration to any request for evidence to be given in private.

As I have already said to the deputy commissioner, if at any stage there are other people here who might more suitably answer a question that is being asked, then we will ask them to come to the table. I apologise that there is not room for more people at the table, but we do not normally have quite this many committee members at inquiry hearings. This inquiry has attracted a lot of interest throughout our full committee so we have had very large attendances at all our private briefings and our public hearings. It is not going to be so easy because of the room we have, but that is the best way that we can manage it today.

Although the committee does not require evidence to be given on oath I should remind you that these hearings are legal proceedings of the parliament and therefore warrant the same respect as proceedings of the House. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of the parliament. Deputy Commissioner, I now invite you to make an opening statement, and I will invite any of the others to make a brief opening statement if they want to, then we will proceed to questions.

Mr Brennan—Thank you very much. As an opening statement I would say that the Western Australia Police Service, through the auspices of our Tactical Response Group, our State Security Unit and State Protection Group, combined with our state major crime plan, provides Western Australia with what I believe is an adequate capacity to respond to most incidents of

terrorism. As we know, they are criminal acts first and foremost; the fact that they are politically motivated has them in the field of terrorist incidents. But our capacity to deal with ordinary and everyday major criminal events is tested on a frequent basis and we do well in that regard.

To handle an event the size of the 12 October incident in Bali would place great stress and demand on our agency and, might I say, on the consequence management agencies here in Western Australia. We would not pretend for one minute that we have every base covered in that regard. We like to think that we would have a ramp-up capacity by calling on the cooperation of other states and other police agencies to come and support us if necessary. That would help ease the situation for us. In relation to minor incidents, incidents of small bombs and things like that where there have not been a lot of injuries and where there is a criminal element that we would have to deal with, and that sort of incident, we feel confident in that regard. But 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.

I have discussed this with my fellow deputy commissioners in the other states who share a similar view. As you may realise, recently we had a national exercise here, which was known as Raw Horizon, designed to test a whole range of things, including our CBR capability. It was the first national exercise since the consequence part of the equation has been tacked onto a terrorist type exercise. The scenario, very briefly, was that a large car bomb was ignited in Wellington Street outside the central railway station. It was at 9 o'clock in the morning, when a lot of commuters would be moving in and out of the railway station and the transport areas bus station into Forrest Chase, which is a courtyard type of area and a pedestrian precinct. We did some modelling work on this. For a bomb blast the size of the one that was written into the exercise, we would have had 580 seriously burnt victims. There would have been another 300 or 400 people burnt, but not seriously burnt. There would have been about 300 dead. All this modelling was done on the average number of people that we know would be there on a week day, the number of people that would be occupying high-rise buildings, the number of businesses open and so on.

One of the first things that occurred in that exercise was that all landlines—telephone landlines and all telecommunications—were taken out. There was certain damage done to the mobile telephone link which caused it to be down for a couple of hours—that was able to be restored in due course. But being without communications that takes us to the first degree of chaos because, as you could imagine, you have a lot of people there who are burnt, there are people wandering around dazed and, with the telephone lines that do work, people are ringing in wanting to know where their loved ones are who were coming into the city. There was no form that we could set up an 1800 or a 1300 number that people could contact and tap in to see whether your son or daughter or wife who were on their way to work had arrived safely. It added a lot of degrees of difficulty to an equation.

Dr Virginia McLaughlin from our health department, who is on the state emergency management committee, is here, but I understand that the capacity in hospitals throughout Western Australia of our wards capable of dispensing intensive care for seriously burnt victims is about 26. I understand through inquiries around the other states that the total capacity is around 140.

CHAIR—Australia wide?

Mr Brennan—Australia wide. That was quite a shock to us. Some of that is going to have to be validated, but just the notion of that is of concern because, as you know, there was a lot of work done with seriously burnt victims from Bali and, I am led to believe, there was a bit of a struggle for health departments to cope with that. Certainly in the incident of the car bomb that was portrayed here it was a factor that we had to deal with. So, 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.

Locally, in relation to consequence management we have had some fairly significant cyclones, fires and those sorts of things. The plans that are in place for all these sorts of things do come together, and they come together well. They work not because of any legislative compulsion but mainly because of the will of the people to bring together a whole range of resources to cooperate in dealing with the aftermath of one of these events.

In relation to the crisis side of it—investigating, gathering evidence and putting down inquiry teams with the expertise—we have a great capacity to respond. But, again, we would need support, depending on the nature of the incident, to respond with the capacity that we would like. Disaster victim identification, forensic work, investigative teams that know their stuff, people who are good at bomb scene development and bomb scene technology, and all those sorts of things are very important. There is not a huge amount of expertise in Western Australia. There is a significant amount but we need to rely on other bomb techies across Australia and the assistance of other agencies. That is a fairly long-winded way of saying that we believe that we have the capacity to cope with a limited incident, but if it got to be a catastrophic incident then we would have to draw heavily on other resources across Australia.

CHAIR—Before I ask for individual questions, I will ask you to expand on one thing. We have had private briefings and witnesses before us since May last year. The people who have given us briefings have all been from either Commonwealth or federal agencies or related to the Commonwealth or federal agencies in some way or another. We have had comprehensive briefings from a wide range of agencies. This is the first time that we have come to a state to try to find out what the state's readiness and responsiveness would be, because we know that the first people to know if a terrorist attack has occurred in a state are state people, not federal or Commonwealth people. I know that there will be some follow-up on particular questions, but could you tell us briefly about the processes that you have in place to develop the interoperability of state and Commonwealth capabilities? That might lead to some further individual questions later. If you could give us a broad outline then we might know where to start.

Mr Brennan—First of all, as you have already alluded to, police are the first responders to most incidents. If a police officer attended a CBR incident, that could be different at the moment because of our preparedness in this regard. But let us use, for example, a bomb incident where there is some suggestion that there has been a criminal act—a bomb placed in a suburban shopping centre. The first thing that would happen is that the police officer who responded would get in touch with the Police operations centre and say that a bomb has exploded in the Karrinyup shopping centre or wherever and that they require a bomb techie and investigative

team—that sort of thing. As soon as that was conveyed to the Police operations centre, as a safeguard and as a matter of good housekeeping they would contact probably me, or Inspector McRoberts at the State Security Unit, to say that there has been an incident, that it could be terrorist related and that they are putting us on notice that such an incident has occurred.

As soon as we get that call we immediately contact the Protective Security Coordination Centre in Canberra and speak to somebody there. We have a whole list of people that are available. We have fax numbers, private telephone numbers, mobile telephone numbers and a whole range of details for how we might contact them—email included. As soon as we do that, they are placed on alert. In turn, they will go through a series of advices. If it were thought to be a chain of shopping centres with which somebody may have an axe to grind or something like that they would get in touch with that chain. If it were an incident involving an oil and gas producer they would rapidly get in touch with that industry to let them know that there is an alert and that there has been an incident. So they would disperse that sort of information.

In the meantime, we would deal with the incident and get the investigators in. If there were huge fires, a building collapse or something like that we would work in conjunction with FESA, the Fire and Emergency Services Authority. I would contact Bob Mitchell to let him know what had transpired. Our Police operations centre would already have been in touch with the Fire and Emergency Services Authority operations centre to advise them that an incident had occurred and they would have units respond.

We would be there with them, of course. Their interest is in putting out the fire and saving as many lives as possible; our interest is also that but, as well, we have to have a vital interest in the collection of evidence. For example, if there were a building collapse and we were brick picking to find people that had been buried beneath the rubble or people that were injured in some other form, all that debris would be taken away to a secure area. That debris may well contain componentry of bombs, body parts or a whole lot of things that we need to access in a secure environment later. So we would take that to a predetermined area and examine it later. All the lifeline groups would be advised. If there were gas main ruptures or if there were electricity or fuel problems, all those people would be notified too. That is virtually the trigger.

CHAIR—Mr Mitchell, would you like to spend five minutes on emergency services or would you rather wait for questions? I think it might generate questions that will cover both areas.

Mr Mitchell—Perhaps to start, I should put FESA into some sort of context. The structure of emergency services in the state is reasonably unique in Australia. In 1999, the Fire and Emergency Services Authority was established. It brought together the existing Fire and Rescue Service, the State Emergency Service, the Bushfire Service and, a little later, the Volunteer Marine Rescue Service, as well as the emergency management services, which look after policy and support to the state emergency management committee. It has a wide range of primary functions in response, prevention and so on for fires, bushfires, structural fires, hazardous materials, CBR response, floods, storms and cyclones. It has 1,100 staff and about 26,000 volunteers across the state within the overall framework of the organisation between us and local government. They are in the business of responding and assisting the community when things do not go quite right. We work in partnership with the various departments, including police, health, family and children's service, and Premier's and a whole range of government

agencies. We are experienced as a state, I think, in dealing with natural and manmade disasters, cyclones and the like, and our history shows that our structure works pretty well in this state.

We understand there is a very close link between crisis and consequence management. Like other states, we operate very closely between the two. Obviously, September 11 and Bali have caused us to focus on terrorism and CBR. We have been fortunate, as the deputy commissioner has spoken about, with the nat ex just recently and with Raw Horizon which has been a significant learning exercise for us as an agency and for the state in general terms. Since 1996, we have been developing a capability to deal with the risk of CBR emergencies originating from terrorists or other sources. Plans obviously 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 and so on.

In a sense, we are reasonably prepared. 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 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.

The Commissioner of Police is chair of the State Emergency Management Committee—I am the deputy chair—which has seven members from various government agencies, including the Bureau of Meteorology. The state has in place a pretty sound structure for management of emergencies. The deputy commissioner spoke about the crisis management side, the consequent side. At the same time as the crisis management is being dealt with the State Emergency Management Committee would have established what we call a state emergency coordination group, which is made up of the key players—the police, FESA, the premiers department, health, family and children services and so on—to oversee the management of the consequent side of that crisis. That opening statement sets the scene a bit.

CHAIR—We have a fair area to cover this morning so I will invite questions now. There are many other issues that can be raised later.

Mr EDWARDS—Bruce, you went through the process of the establishment of a police forward command post, a police operations centre and then the State Crisis Centre, which has on it a number of people, including state and Commonwealth representatives. Can you tell us who those Commonwealth representatives are and who the ADF representatives are? Are they particularly designated people or does that change?

Mr Brennan—At the State Crisis Centre?

Mr EDWARDS—Yes.

Mr Brennan—The state premier or the duty minister is usually there.

Mr EDWARDS—The Minister for Police and Emergency Services?

Mr Brennan—It could be the Minister for Police and Emergency Services.

Mr EDWARDS—Who is that in Western Australia?

Mr Brennan—It is the Hon. Michelle Roberts.

Mr EDWARDS—So it is the state Minister for Police and Emergency Services?

Mr Brennan—Yes. It can also be the Premier, depending on the incident. Interestingly enough, in Raw Horizon the Premier did actually come down and devote some time, as did the Minister for Police and Emergency Services, to going through the call-out procedure for the Australian Defence Force. That always seems to be a reasonably involved process, and one can understand why.

Mr EDWARDS—At what stage does it become a national terrorist situation? Can you go through that for us?

Mr Brennan—If, for example, an incident occurred here in Western Australia—say it was on a gas pipeline—and in Queensland they had an incident and we heard that there was also some activity likely—we rely a lot on intelligence—in Bass Strait, Victoria or somewhere like that then we would start looking at declaring it a national incident. If there were an element that suggested the same people were involved, the same group, or if Intel told us that it involved one or more states then we would start looking at declaring it a national incident.

CHAIR—Who makes that decision? When do you get to the stage where it moves from being a state responsibility—where it may be a criminal offence—to one which you think is national? Who makes that decision? Is it the Commonwealth or the state?

Mr Brennan—My understanding is that the decision is made jointly by the state premiers in consultation with the commissioners of police and the Prime Minister's area. That very issue came up during Raw Horizon. To test the new national legislation involves coming together and declaring it an incident, but there are quite a few legalities there that were chewed over and tugged around during Raw Horizon. My understanding is that there has to be consultation between the states at premier level, with the Prime Minister and other groups under his control. Then there is an agreement, as I understand it, to declare it a national incident.

Mr EDWARDS—Would this process be common to every state? Would the process in Western Australia be common with every other state?

Mr Brennan—Yes, that is my understanding.

CHAIR—Following on from Graham's question, I think there is an agreement that at some stage the Prime Minister takes control. The vaguest area seems to be when that actually happens. Is one of your initial responses to let ASIO and ASIS know, for instance? Is that one of your first reactions? That might determine how international it is.

Mr Brennan—The PSCC are the first people to do that—they contact ASIO, ASIS and whoever else is necessary in that regard. As I said, it is intel driven: intel would tell us if these incidents are connected and are not just isolated to a state. If there were an incident, you would initially be uncertain as to whether it was a terrorist incident or a criminal incident. These are

the sorts of things that need to be sorted out very quickly and established one way or the other. Again, Raw Horizon showed this up: it does not hurt you to get on the phone and say: 'Look, there has been an incident. It is looking like it could be a terrorist incident.' Another thing in the advice chain is that we would let our police minister know that there had been an incident; and if we had even the slightest bit of doubt that it was terrorist related we would put her on notice that it could be, she would let the Premier know and I feel quite certain that if there were any suggestion he would need to contact the Prime Minister that would happen.

CHAIR—How long would you envisage these series of processes to take? How long would it take for it to be determined whether or not an incident was a terrorist attack or a criminal offence?

Mr Brennan—It depends on a lot of things. If I can just talk about this in the Raw Horizon environment, it took probably a couple of hours to really establish that there were connections with other events in other states. Usually if there has been no demand, if there has been no intelligence to say that it is a terrorist incident and it is politically motivated violence, it takes a while to establish that. One of the processes—and Mr McRoberts might like to expand on this—is that we very rapidly set up a joint intelligence group. That involves ASIO, state police and the Federal Police. These joint intelligence groups get formed very early, because it depends a lot on the intel flow as to what your next moves are. It may be worth while hearing from Mr McRoberts in that regard.

CHAIR—Do you want to comment, Mr McRoberts?

Mr McRoberts—Mr Brennan correctly points out that counterterrorism intelligence is a critical component of not only the response to but also the prevention of terrorist activities in Australia. We have a significant input into prevention by way of intelligence and our critical infrastructure protection program. With regard to the intelligence response to an incident, there are very sound protocols in place to establish a joint intelligence group adjacent to the police operations centre to provide the police operations commander with strategic intelligence upon which he or she can make decisions. The joint intelligence group is also fundamental in providing intelligence to the State Crisis Centre and to the National Crisis Centre upon which government ministers can make policy decisions on behalf of the country. We would also set up what we call a forward intelligence cell, close to the 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.

CHAIR—Thank you.

Mr BEAZLEY—I have two strands of questions. One relates to what we are talking about at this point of time—the exchange of information between the Commonwealth and the state—and the other relates to the adequacy of the facilities here in terms of a response to an actual incident like the one that you exercised. On the first one, I think we are all pretty well seized of the fact that terrorists these days are not hostage takers, which has been the basis on which we have exercised hitherto, and that the terrorist act that occurs as an incident begins and ends with you in all probability. Therefore the Commonwealth's significance, apart from being informed and trying to work out whether or not there will be related incidents elsewhere, is more prior than

post. How happy are you with your ability to obtain intelligence from the Commonwealth in a timely fashion?

There is a constant flow into the Commonwealth intelligence agencies on almost a minute-by-minute basis of knowledge of events which may occur elsewhere and which may occur here. Do you feel that you are sufficiently in the loop to be able to heighten your estimates of the likely terrorist threat? If a terrorist threat were likely to occur, are you confident of what its character, its target and the method of delivering the terrorist outrage would be? Are you completely confident that you have sufficient data flowing through to you about crises like we are currently engaged in to be certain that, if there is any information around, you will have the tools to assess it?

Mr Brennan—First of all, I would ask Mr McRoberts to answer that. I do have a view; I would not like to go public with that view, though. Mr McRoberts has a day-to-day working relationship with the intelligence agencies, both Commonwealth and State.

Mr BEAZLEY—This is absolutely critical. I suggest that we go in camera.

CHAIR—You need follow-up questions anyway.

Mr BEAZLEY—The commissioner has a view that cannot be expressed in public and we need to hear that view so we ought to go in camera.

CHAIR—Can we hear from Mr McRoberts on the public record first and then come back to the commissioner? Are you happy with that?

Mr BEAZLEY—Yes.

Mr McRoberts—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. But, like my deputy commissioner, that is about as far as I would go on the public record.

CHAIR—Would you like to request that you make some comments in camera?

Mr Brennan—If I may, yes.

CHAIR—I will have to ask everybody except the deputy commissioner to leave the room.

Mr BEAZLEY—I do not think that it is necessary to put everybody out.

CHAIR—I think it is under our rules.

Mr SNOWDON—Before we do that, can I raise a question? I have a couple of questions which relate across portfolios, which would need to be asked in private.

CHAIR—We will consider that when the time comes.

Mr SNOWDON—I would like to do it before 11 a.m. because I have to leave.

CHAIR—I will consider that. I will ask everybody to leave the room while we hear from the deputy commissioner.

Evidence was then taken in camera but later resumed in public—

[11.18 a.m.]

CHAIR—I call the committee to order. I apologise to all those witnesses who had to wait outside for so long. As often occurs with in camera evidence, one thing leads to another and it took us quite some time to complete the questions. I apologise for the inconvenience. Under normal circumstances we would take in camera evidence at the end of a hearing but in this case it was considered necessary, in light of further questions that might be asked, to take the in camera evidence when we did. So thank you very much for your forbearance.

Senator BOLKUS—Can I go to the arrangement since 2 April last year, with the Commonwealth now having primary responsibility. I would like to get an idea of what has actually changed on the ground. Has the strategy changed; have your benchmarks changed; has the networking changed?

Mr Brennan—It is very early days. The first opportunity to test that to any degree was in Raw Horizon, the national exercise. There is still a great deal of cooperation required between Commonwealth and state agencies. The legislation requires certain things to occur, and they can occur. With respect to some of the requirements of the legislation and getting those down to practical, standard operating procedures on the ground, those matters are still being sorted through to some degree. When was the agreement made between the states and the Commonwealth to declare it a national exercise? That was one of the things that were tested. It will come out in the debrief, and there may be a need to wire-brush those arrangements, not from a legislative point of view but from a practical point of view, to make sure that the intent is able to be translated from what the legislation says to the practical aspects of it on the ground. So when an incident occurs, this flow would happen automatically.

Senator BOLKUS—In essence, the changes that you are anticipating are not structural—a review of benchmarks or whatever. They are essentially operational?

Mr Brennan—Yes, that is where it is going to occur. It is going to occur in an operational sense. With these procedures there has to be a commonsense approach adopted by all the players. There is a great deal of goodwill to make it work, but there are a few functional things that need to be sorted out as we go. I believe Raw Horizon will go a great deal of the way towards doing that. There is an operational exercise to be conducted in Victoria later this year—I think it is in June. I understand there is an intent to crank that up again to a national level. So it starts in Victoria and it is one ostensibly involving the state, but thereafter it will call in some

other components and it will test the national application of the cooperation and the legislation to make sure it works.

Senator BOLKUS—It has been essentially business as usual since last April, yet you are currently focusing on those changes now?

Mr Brennan—It has not been business as usual because we are in a new environment. We are trying to pull that together as rapidly as we can to make sure that it does work. We are trying to make it work out to be business as usual, but it has not quite got there yet.

Senator BOLKUS—How pressing is it then? It has been 12 months since—

Mr Brennan—It is pressing. If an incident occurred, one would have to ensure that things do slot into place and these mechanisms occur as they are intended to occur, and that they become as familiar as the former standard operating procedures, SOPs, and the new ones will be in that vein, too.

Senator BOLKUS—But they are not reflected in the changed operating procedures in the interim.

Mr Brennan—Yes, they are.

Senator BOLKUS—They are?

Mr Brennan—Yes. I cannot go into all of them now, but if you needed a briefing on exactly what that was, I would have to take it on notice and work through them with you.

Senator BOLKUS—I do not think we will go back in camera now. With respect to assessments as to the level of concern, who makes them at the moment? Is it a federal matter or do you have input into that?

Mr Brennan—The 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.

Senator BOLKUS—Can you tell us how many levels there are and what they are? It is not secret information, is it?

Mr Brennan—No, it is not secret information. There are five levels but there are levels within the levels, if I can say so.

Mr McRoberts—In terms of the levels of terrorist alert, under the current national antiterrorist plan that we are operating under, there are three levels. There are six threat levels, level 1 being the highest and level 6 being the lowest. At the moment, with the three-level alert system, we are sitting on level 2, which is a special counterterrorism alert with heightened vigilance. Under the new national counterterrorism plan, which is expected to be signed off very shortly, there will be four levels of alert.

Senator BOLKUS—When was that level last changed?

Mr McRoberts—We have been on level 2, special CT risk, since the September 11 incidents in the United States.

Senator BOLKUS—When we move to the next set of six levels has it been flagged already at which level we are going to start?

Mr McRoberts—No. We are talking about different levels there. The special CT level is a level of alert. The six-level numerical scale is a threat level. Threat levels are normally attached to individuals, facilities or premises.

Senator PAYNE—I want to follow Senator Bolkus's questions about coordination and interaction. After an exercise like Raw Horizon, Deputy Commissioner, what is the evaluation process between your state in this case and the Commonwealth? What level of information sharing is there with other states that may not have been involved? What impact does it have? On practice and procedure you have made some acknowledgments about capacity in our discussions. What impact does it have on practice and procedure?

Mr Brennan—Let us start at the beginning. There is a debrief on the exercise, and that is done at an operational level. In any of these national exercises, if a state is not actually playing then observers come and attend the exercise as observers, and they are able to go wherever they want to go. There are also umpires provided for the exercise to assist exercise control with the flow and the general conduct of the exercise. Those umpires are generally from other states; they are interstate umpires.

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 therefrom. 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.

Senator PAYNE—So that it is a reasonably practical process. Does that take into account, for example, the health facility impacts that you were talking about in relation to an exercise like this? Does that get into the mix?

Mr Brennan—It does in some sense but, in relation to the tactical side of things, not really. The health side of things that came out of the Raw Horizon will be picked up through the consequence management people through Emergency Management Australia and through people like FESA. We have our state health rep on the State Emergency Management Committee here with us today, Dr Virginia McLaughlin, and there are issues that will be conveyed back to them if they are things that we consider need to be treated with some immediacy. The one in relation to the hospital and the seriously injured burns victims is a huge issue.

Mr BEAZLEY—I would like to follow up the burns issue. There is the capacity to handle 26 cases in the public hospital system here, and 140 cases nationwide. Clearly that is completely inadequate in relation to a Bali style event, and much less the Raw Horizon event you were talking about. Have you ‘war gamed’ that? Obviously the 26 units are related to what we know of the general Western Australian demand for being able at any one point in time to cater for the likely number of burns accidents and events here. Is it possible to store a capacity to handle, say, a couple of hundred without going to vast expense? You clearly could not put a couple of hundred beds in place—that would just be a ludicrous waste—but can we store a capacity to deal with them and, if so, how costly would that be?

Mr Brennan—I have representatives from Health here. Dr McLaughlin and one of her colleagues may be able to put that into some perspective. Regarding the figures I listed earlier—26 and up to 140, conveyed to me by the network—we may be able to get more factual information.

Dr Beresford—I am Director of Clinical Services at Royal Perth Hospital and I am also the metropolitan hospitals services director of disaster planning.

Mr BEAZLEY—I take it you heard the question. Those 26 cases, I take it, are related to a Western Australian identified need with a bit of a cushion for unexpected events, but clearly they are inadequate to deal with the sort of exercise that was conducted here.

Dr Beresford—We have planned to take up to 150. 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.

Mr BEAZLEY—There was a magnificent performance here during that time. But we are talking about an exercise in which you might have 400 or 500 badly burned persons. Do you have the capacity to handle a problem of that dimension? Do you plan to handle a problem of that dimension or have you sought assistance from the state government to enable you to handle a problem of that dimension?

Dr Beresford—When a disaster like that happens, you do not plan it! The problem is that you only test what you can actually handle, and we did not know what our capacity was. Two years ago we proposed a national burns plan to present to Emergency Management Australia and AHMAC. 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. That is the important thing we have to do.

In a disaster you will cope with anything. Australians have learnt that; America learnt that. We in fact had far more experience of burns in Royal Perth than New York did. New York, after September 11, had very few burns victims at all; they were mostly dead or had blast injuries. We have been in contact with the USA. We are also in contact with the UK. During Bali we had offers of assistance from the UK and around the world. So it would not be just a single state; we would flow that on nationally. With the new national burns plan, which is being proposed and developed at the present time, I think we will be in a better position to respond.

Mr BAIRD—Do you think the federal government should be doing more to assist your burns unit? Someone from my electorate whom I knew very well—Simone Hanley—died. I got to know the family well and they said you did a magnificent job. I just wondered whether there is more that can be done in terms of assisting you.

Dr Beresford—You should never ask a health official this!

CHAIR—It is a leading question.

Mr BEAZLEY—But feel free to dump a bucket on the table.

Dr Beresford—And I would question whether it is within the terms of reference of this committee.

CHAIR—You are probably right.

Mr BAIRD—I mean in terms of capabilities.

Dr Beresford—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. Australia cannot be seen and no one state can be seen as an island with burns. Before we used to think that 29 burns would exceed our capacity; we now think maybe 70 or 80 burns would exceed our capacity—we do not know. Bali showed us that our capacity was not 29. I think the other states are revising that. We have a lot to learn.

Drawing on resources which are available from across the whole town—as we can in this state—we have a thing called a BCP, a business continuity plan, where both the public and the private sector work together and will have a coordinated response to a disaster. That is based in Perth and is unique in Australia. Virginia can tell you about it. We do not just involve any one hospital; we involve the whole system, public and private. So our capability—and being so isolated we have to do this—can expand to meet the requirement. I would hate to try and do the

numbers which were in the Raw Horizon exercise, but it would be possible to have a damn good go whilst we are waiting for the Commonwealth to respond.

Mr BEAZLEY—Do you handle chemical and biological?

Dr Beresford—Yes, we do.

Mr BEAZLEY—How are you feeling about that?

Dr Beresford—Chemical I am not really worried about. Biological scares me silly.

CHAIR—And everybody else.

Dr Beresford—The recent exercise, if you like, with SARS is an example. Fortunately it is not a very infectious agent. The New Zealanders—I assume you will be speaking to New Zealand—did a very large exercise in 2001 called Operation Virex, where they simulated the impact of an aberrant influenza. That is well worth while looking at. It was a major exercise run by the government and Health throughout New Zealand. Do you want to comment on that, Virginia?

Dr McLaughlin—You are summarising it very well.

Dr Beresford—The concern with biological is that it starts small, is imported and then spreads, and each successive wave of outbreak puts more and more strain on the system. A chemical or bomb explosion is a once-only: you pick up the pieces, recover and move on; you have an end point. With biological, you are potentially into a control situation where it remains endemic.

Mr BEAZLEY—Did you study the anthrax issue in the US?

Dr Beresford—Yes, we did. We also had, as I am sure the police will have told you, several white powder incidents in WA. They were handled very well by the authorities. They followed on from the white powder incidents in the USA.

Mr BEAZLEY—You developed plans for quarantining areas, suburbs or certain locations, and that sort of thing?

Dr Beresford—The firies are the lead agency in that. You could ask them to comment on that.

Mr BEAZLEY—Okay. Thank you.

CHAIR—I personally have good reason to thank your health service and burns unit because my best friend had skin taken from his feet on Monday, it was sent over here on Monday night and, hopefully, they will be spraying it back onto his feet in Adelaide this afternoon. It is a marvellous advancement.

Senator STOTT DESPOJA—I want to follow on from Senator Bolkus's questions about alert and to take one step further what Senators Payne and Bolkus were saying. Once you have established that a threat or even an incident has occurred, what operations or procedures do you have in place for informing the public? How do you deal with the media in the event of either threats of an attack or an actual attack taking place? You might want to use your Raw Horizon as a case study and outline for us what happened there with the media.

Mr Brennan—Yes. With any of these, we set up a media liaison unit. That unit has set protocols to follow, particularly in relation to keeping the public informed as much as we are able to. There are certain balances and you have to be aware of the fear factor. To unnecessarily raise the fear factor is a consideration that is always looked at. Keeping the public informed is necessary. You heard me talk about a public advice line. We have the capacity for that in Western Australia. If the telephone lines were not taken out, you could set up a 1800 number which would be a public advice line. You can have up to 200 or 300 lines on call at the one time. There would be recorded messages and people could switch to real people if they needed to or go to certain other destinations within the recorded messages to be better informed. With a chaotic event like that in the central business district, there are a whole range of things to consider: there would be concerned parents and loved ones ringing in wanting information; there would be people wandering around dazed that would need to be recorded and registered; there would be people that were evacuated and sent somewhere; there would be the injured that are taken to hospital; there would be those that had lost their lives that we would still be working on with disaster victim identification, DVI; there would be a whole series of mobile mortuary facilities where we could place the dead until they were able to be identified; and the injured would go onto a register.

Our media liaison people would work with the Red Cross and other agencies to ensure that the public were kept advised and informed. It might be that people who were going to travel into the city by train or by bus needed to be diverted and told, 'Don't go to work, don't go here, don't go there because it would not be safe.' There are a whole range of issues that we have brainstormed. There is a media policy process that is enshrined in the national counterterrorism plan.

Senator HUTCHINS—Do the media know the plan? Particularly, say, in regard to Raw Horizon, did they know what their role was in major catastrophes? Do they apply some form of censorship? Do you discuss that with them?

Mr Brennan—No, they do not necessarily but each one of the police agencies has a media liaison person. Our fire and emergency services authority have a media liaison person. Through the media liaison person, we would arrange to get together. They actually engage the media and tell them as much as they are able to. They let them know when the next releases will occur. You can imagine that if there were an event of the magnitude that I have just spoken about, there would be international phone calls coming in, there would be people wanting to know a whole range of information, and within 24 hours there would probably be a huge convergence of media.

Senator HUTCHINS—Other than your media liaison officers, say, with Raw Horizon, were the local news, television stations, radio stations and journals brought in and were they part of the workshop or the planning?

Mr Brennan—Yes, they were, but exercises do not necessarily take on a huge importance for them. If there is other breaking news—as you are only too well aware—they go there. We had people whom we called pseudomedia who were playing out interviewing me, as the state police commander. Another person played the Premier. I think Mr Rod Spencer had that honour at one stage. The pseudomedia interviewed us but there were some real media people there.

Senator STOTT DESPOJA—They were factored into the exercise?

Mr Brennan—Yes, they were factored in because they are such an integral part of the overall process. The media have the ability to make things happen.

Senator HUTCHINS—They could create a panic, I suppose.

Mr Brennan—Yes, they can be of great assistance but they can also be of some considerable annoyance from time to time. We treat them as an ally in these sorts of instances where they can actually help us with our public information program—the dissemination of information and actually passing messages through to certain people. One of the things that came up during the process of this exercise was that somebody wandering around the wall of Victoria Dam said, ‘What are all the police and soldiers doing up here?’ So they rang the mayor and said, ‘What are all the police and soldiers doing up at Victoria Dam?’ and of course the ‘terrorists’ had already said, ‘If there is any suggestion that the police are involved in this matter, we will detonate a device within the structure of the dam wall,’ which would have caused huge problems. So we called in the media and said, ‘We are seeking your assistance here. For these reasons we cannot afford this information to go public. Could you embargo it? Can you hang on to it until things ease?’ We called in notionally the media chiefs of staff and received great cooperation.

Senator STOTT DESPOJA—Going back a step, Senator Bolkus also asked you about the alert system. He mentioned the six levels and the various levels among those. Obviously there has been some debate about this in Australia when we look, for example, at the US system. They have code orange and red alerts which are presumably for public edification as much as anything else. They are sending a message to the public as to what level of alert they are on, whereas we get the impression here, whether it is state or federal that the alert serves more as an indication for the services. Do you think it would be appropriate to publicise alerts more widely or to even refashion the system of alerts so that people have a sense of either security or increased knowledge? Unfortunately, I think that would probably lead to an increased fear in some cases. Do you or the police department have a view on that?

Mr Brennan—With cyclones, for example, there are levels of alert which give the public some indication of where they are at. They go from the bottom of the scale—yellow—right through to red when things look like they are going to happen. The public certainly need to be informed but there is a balance, I believe, between creating fear and mayhem in the community, as opposed to having the authorities that have recognised that there has been an increased level of alert. You cannot just have people going about their business with blind faith—they are entitled to know. Seeking and striking the balance between the right to know and creating panic is an interesting question.

In the paper that is going to be signed off shortly by all the jurisdictions, the National Counter-Terrorist Plan, they speak about terrorism alert levels. ‘Low’ means that there is no information to suggest a terrorist attack in Australia. That does not mean to say that there is not going to be one; it is just that there is no information to suggest that. ‘Medium’ means that there is a medium risk of a terrorist attack in Australia. That is based on information that is received through the intelligence networks overseas and locally. ‘High’ means that there is a high risk of terrorist attack in Australia—again it comes from the intel sources—and ‘extreme’ means that a terrorist attack is imminent or has already occurred. They are the levels that are to be embodied in our National Counter-Terrorism Plan. I do not know that I can expand too much more on that for you. You have quite rightly identified the very fine line between being alert and switched on to what may be issues and then being terror stricken, because these people thrive on that sort of reaction from the public.

Senator STOTT DESPOJA—But you would argue we have the balance right—to use your terminology—in Australia?

Mr Brennan—Yes, I think so; I have that belief.

Mr BAIRD—Going back to the general question of coordination, do you think it would be more appropriate if there were clear guidelines: in the case of a terrorist attack, these are the steps that will clearly be followed; these are the agencies which must be contacted and coordinated with; these are all the steps that must be followed. It seems from talking to you that it is by word of mouth: I phone this person or I phone the other person and there will be an input. Is there a need for greater clarity on specifically what happens, and for that to automatically kick in?

Mr Brennan—The National Counter-Terrorism Plan that was last reviewed in 1996 is quite a thick document. This document, which is largely a policy document, it is probably one-tenth of the size of the previous document. There were a lot of process things in the previous document and a lot of people just want to know what the overarching policy is and what drives it. We are currently working on what is called the *National Counter-Terrorist Plan Handbook*, which will have all those procedures and practices that are enshrined within the various documents. So they just do not operate on the basis that someone thinks it is a good idea to contact the PSCC or to ring the ASIO representative and so on; they are all enshrined in this new handbook. It has been completely refurbished. It is being reworked as we speak; it is probably well short of becoming a final document because everybody is going to have a contribution to make to it. But rather than just have this in the one document, there will be two. The handbook will set out all the standard operating procedures: who to contact; what is the next step; and all the organisational diagrams, the ‘wiring’ diagrams, as to who goes where and what the flow is in the process. If I have led you to believe that it is something that just happens by good fortune then I am sorry that I have done that, because there is going to be something that is documented, that is written expressly.

Mr BAIRD—Calling in the Tactical Assault Group: is that also spelt out in your directions?

Mr Brennan—Yes, it is. There are certain circumstances where they will be called forward. They will be called forward to create an inner cordon, which has certain responsibilities, but before they are allowed to be activated something of some consequence needs to have occurred.

They may see an opportunity to resolve an incident. As Mr Beazley said earlier, it used to always be about the taking of hostages and then the storming of a stronghold, releasing the hostages and taking the terrorists captive. Now, because CBR has been introduced, it is a new ball game, if I can use that terminology.

CHAIR—Do you work with them or do they take over the operation? Do you work alongside them?

Mr Brennan—We are talking about the police Tactical Response Group at this stage.

CHAIR—I thought you were talking about the ADF group.

Mr Brennan—If we are talking about the military, there are strict protocols in place before we can engage them and call them forward.

CHAIR—If you call the ADF's Tactical Assault Group forward, do you hand the situation over to them or do you work alongside them?

Mr Brennan—They are called forward in a terrorist incident where the local police believe that they do not have the capacity to resolve that incident for the safety of all concerned. If that position is reached it is discussed between the police tactical commander and the ADF forward commander, and if an agreement is reached between them they convey it back. It is a decision that usually goes to the State Crisis Centre for consideration at a policy level. It is at that level that agreement is reached. We would say to our Premier that this is beyond our capacity. He might ask, 'Why is it beyond your capacity? You have X number of well-trained, well-equipped police officers.' He would want to ask, 'Why can't you resolve this incident without having to rely on the ADF?' Then we would have to explain why we felt that it was beyond our capacity. It could be for any number of reasons. If he were convinced then he would sign a document, which would then have to go to Canberra to be signed by the Governor-General.

CHAIR—Aren't there legal constraints on the use of the Tactical Assault Group?

Mr Brennan—Yes, there are. There are quite a number of legal constraints as to when they can be called out and when they are allowed to be activated. If there were a terrorist situation and there were hostages in place and we knew that—it was confirmed—and then for whatever reason those terrorists started to kill those hostages and we could see that there was going to be great loss of life, we could not sit around and say, 'We are waiting for a piece of paper to be signed.'

CHAIR—But are we assuming that all the terrorists are foreign nationals and do not include Australians? Isn't it one of the legal constraints that the ADF cannot apprehend Australian citizens?

Mr Brennan—It is, and that is why there need to be signed protocols that take those things into account. We cannot call up the ADF to use force in a situation that has not been authorised as a result of the requisitioning process.

Mr BAIRD—Are the protocols clear enough?

Mr Brennan—Yes, they are.

CHAIR—The reason that I asked whether you work with them is that if there happened to be Australian nationals involved in a terrorist activity, which is quite possible, they would not have the power to apprehend Australian nationals, but you would.

Mr Brennan—That is true, but we can pass that power across to them. We can hand over the scene to the ADF. It does not matter whether or not the terrorists are Australian nationals, as I understand it. The reason is that if they are killing people and it is beyond our capacity to resolve that successfully and the ADF can, they have the capacity, provided it has been signed off by the Governor-General. If it comes through the state it would have to come through the executive council.

Mr EDWARDS—Our understanding is that the police commander would retain responsibility for the incident. The ADF would only ever act in support of the police, and any military involvement would occur under military control.

Mr Brennan—That is right.

Mr EDWARDS—So the police will retain control of the incident.

Mr Brennan—They retain control of the incident up until the point that it is handed across to the military. The military take command of it, they resolve it and they hand it back to the police on an agreed set of protocols. They walk through with the military commander, they walk through with the police investigators, who will be representing the coroner, and then after certain procedures have been satisfied it is handed back to the special command.

CHAIR—I was unaware that you were able to hand over to the ADF the role of apprehending an Australian citizen. I remember questioning the defence forces previously about whether or not they could be used, for instance, in Customs roles and they said, 'No. We are unable to apprehend Australian citizens.' I did not know that that was something that could be handed over to them.

Mr Brennan—That is why the protocols are in place. There is no guarantee that all terrorists are going to be foreign nationals. They could quite likely be a group of Australian citizens that have become—

CHAIR—Naturalised?

Mr Brennan—naturalised, or indeed they might be besotted with whatever cause it might be.

Mr BAIRD—In relation to a terrorist attack or perceived terrorist attack, who coordinates all the state support activities? Is it the emergency services or is it the police who bring together all the resources of the state?

Mr Brennan—The Commissioner of Police in Western Australia is the state emergency management coordinator. His function is to assist the responding bodies. It could be FESA if it were a fire; we do not know about fighting fires; the fireies know about that. We would assist

them wherever we can. They might say, ‘We need traffic control here; we need evacuation of people there; there are other things we need.’ We would say to the fire chief, ‘What do you require of us?’ and it is our role as police to coordinate whatever resources they need to respond to a particular thing. If it is a building collapse, again, FESA have that responsibility. Again, we would support them and coordinate any other things that they would want in order to assist them to resolve the situation.

Mr EDWARDS—With respect to whether the firies are supportive of the cooperative nature of the protocols that are in place, do you have full capacity to accept responsibility for those areas for which you have responsibility? Are those liaisons strong enough to enable you to be informed and to do the sort of work that you need to do? Can you see any shortfalls in the protocols and in the sharing arrangements as they exist?

Mr Cuneo—Perhaps I could answer the question by referring to a couple of different areas. Firstly, we work very closely with the police in relation to receiving threat assessments. In fact, Acting Superintendent McRoberts’s area has direct contact with me. So we receive threat assessments and are informed of changes in our threat assessments. We are also in the process of developing a joint threat assessment group. We have written to the police commissioner and that is in the process of being developed now. So from an intelligence point of view we are comfortable with the processes that are actually in place.

The difficulty with a CBR terrorist initiated event is that, if it is a large bomb that may involve a chemical, biological or radiological substance, it is pretty clear that it will be a large bomb and it will involve some sort of criminal activity. The difficulty with a terrorist initiated CBR event is that if it is a chemical there is usually going to be no sign that there is a chemical. You are going to have casualties and it is going to unfold. Biological substance incidents are a bit different because they will evolve over a number of days. Radiological incidents are probably the same in that you will not know unless you have detectors on the scene. So there is this very close requirement to have cooperation between the law enforcement agencies and the consequence management agencies, particularly when it is a covert type of operation. We have been working very closely with the police for a number of years to get those links so that it is quite transparent that, when we are dealing with a CBR agent, we need to use our police people to say, ‘We think it’s a terrorist initiated event; therefore certain aspects will take place there.’

I think it would be fair to say that we have some distance to go. We are certainly working very closely with the police service. But there is this uncertainty when we do not know the type of incident we are dealing with, and there will always be that aspect in those very first initiating minutes, where we have to ask, ‘Is it a terrorist initiated event or is it just a normal hazardous materials event?’ From FESA’s point of view, we do want to continue to work towards that, and we are continuing to work towards cooperating to a greater extent in trying to get our procedures so that they are quite transparent and seamless. Certainly if you have casualties occurring very quickly, as would occur in a chemical incident, some very quick decisions need to be made and the procedure in moving from one area to another has to be quite seamless.

Senator JOHNSTON—Deputy Commissioner, I want to talk about resources. We have heard this morning that we have the capability—and I am not sure that I accept that we do—to look after 300-plus injured people in an event such as Raw Horizon. Are you satisfied that our capability in that regard is adequate?

Mr Brennan—In relation to looking after casualties and the injured?

Senator JOHNSTON—Yes. I am saying that in the environment we have with health at the moment it takes 20 minutes for an ambulance to travel a kilometre. Let us be realistic about this. Is this a realistic assessment?

Mr Brennan—I have a view. I am assured by our health people that they are able to respond to a certain level. We have already heard today from Dr Beresford that, from experiences learned from Bali, their capacity goes beyond 29. With the casualties that were modelled with the bomb explosion outside the central railway station, there were up to 580 seriously burnt victims, another 300 or 400 badly injured, and others who were less badly injured. Any hospital that was asked to respond to that situation, I am sure, would feel the drain on its resources.

Senator JOHNSTON—What is the contingency plan? What do we do?

Mr Brennan—I would have to ask Dr Beresford what he has in mind. There are contingency plans—I know that—but how they ramp up is a matter for him.

Senator JOHNSTON—What about the transportation of them? Let us say we can access them from inside the railway station. How are we going to move them?

Mr Brennan—Again, that is a question for him. It is an issue for health personnel and they need to expand on that for you. But there are things in place to do that. It is not going to be without difficulty.

Senator JOHNSTON—Let us come back to the engineering. Let us say that that cantilever facility that hangs over the station prevents access to these casualties. What lifting gear—cranes and other engineering equipment—is available in Western Australia to deal with that? What consultants are available on call for us to determine the viability of the entry of our people to get these victims out?

Mr Brennan—It is a good point and, again, FESA—the Fire and Emergency Services Authority—are the people who look after building collapses and those sorts of things. They are able to provide you with advice on that. But they are all good and valid points you make.

Senator JOHNSTON—What lifting gear have we got? Have we made an assessment of the assets available?

Mr Cuneo—The Fire and Emergency Services Authority is the responsible agency for urban search and rescue, which is the area you are talking about. We are developing a capability. We do not have a capability at the moment, but we are developing it, and we are actually in the process of being probably—

Senator JOHNSTON—What sort of capability—100 or 200 tonnes capacity? What are we talking about?

Mr Cuneo—You are talking about lifting capacity; I am talking about searching capacity. I cannot answer that because we do not have lists of cranes that we would be able to call upon.

We are developing a search capability of two teams, which is pretty common in Australia. As I said, we are in the very early stages of doing that.

Senator JOHNSTON—How many biological and chemical suits have we got, and how many trained personnel are available at Perth?

Mr Cuneo—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. 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 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.

Senator JOHNSTON—Are these private sites?

Mr Cuneo—These are fire brigade sites.

Senator JOHNSTON—There are 16 fire brigade sites with maximum capacity?

Mr Cuneo—Maximum capacity, yes.

Senator JOHNSTON—That is 16 men?

Mr Cuneo—No; 16 times four suits.

Senator JOHNSTON—What about regional Western Australia?

Mr Cuneo—That includes regional Western Australia, but the biggest capacity is in central Perth.

Senator JOHNSTON—How many trained personnel have we got? One for each of those suits?

Mr Cuneo—Yes. Every firefighter in the urban environment is trained to deal with hazardous materials, so we are talking about roughly 2,000 people.

Senator JOHNSTON—Two thousand trained people located predominantly in Perth?

Mr Cuneo—No; there would be about 860 in Perth, and around 2,000 in the rest of Western Australia.

Senator JOHNSTON—How do we propose to get TRG to Karratha?

Mr Brennan—It would have to be by chartered aircraft.

Senator JOHNSTON—What if there is none available?

Mr Brennan—If there is none available we have a procedure laid down so that the local police have the ability to provide a cordon. They have sufficient weapons and so on to provide a cordon for an event. We could not provide that cordon in a CBR incident at this time because our suits have not been delivered at this stage. If we thought that had to happen, it would be a matter of making some arrangements with either FESA and/or the military by way of the Pilbara regiment.

Senator JOHNSTON—Are you saying that tactical response and local police do not have chemical and biological suits?

Mr Brennan—Not yet. We have a number that are due to hit the deck very shortly, but along with those we must have respirators, face masks and various other equipment.

Mr EDWARDS—Where are they coming from?

Mr Brennan—They are coming from Britain. It is very hard to get them because there is a huge lead time following September 11.

CHAIR—There would be a bit of a demand, I would say.

Mr Brennan—A huge demand, and a lot of the demand is coming through the military at the moment. That is why we ordered some independently of the National Counter-Terrorism Committee. There are also a lot being ordered through them because they have the capacity to buy nationally, which is a more attractive order and there are economies of scale and those sorts of matters. To answer your question regarding Karratha, if we were to go there now we could hold out a terrorist incident that did not involve chemical-biological until we got the TRG there. 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 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.

Senator JOHNSTON—Let us say we have a terrorist event on the gas train at Burrup and we need a dozen TRG people there. Would we charter a jet aircraft?

Mr Brennan—Yes, we would look to charter either a turbo prop or a jet, but there are limitations, as you would realise, on the sorts of munitions and various other associated equipment—charter aircraft will not take them.

Mr EDWARDS—It is a bit like the ADF having to charter vessels to get troops to East Timor—the same sort of principle?

Mr Brennan—The same sort of principle, yes.

Senator JOHNSTON—In New South Wales they have a dedicated cell of anti-terrorist police that are a separate department under a chief superintendent.

Mr Brennan—They have now.

Senator JOHNSTON—Why aren't we doing the same?

Mr Brennan—If we are able to build the capacity with the equipment that we are seeking to obtain—as I said, the submission is before our government at this time—we have sufficient on the ground, we believe, to respond to the sorts of incidents that you could expect. Any incident would test the capacity of our TRG. They are a very effective and efficient group, but if something goes beyond 24 hours, it becomes quite a logistical exercise to keep those people trained, ready and alert to the moment to deal with that. No, we have not formed a specialist group. We are discussing the structure that we have in place through the state protection services group. We are looking at restructuring. Rebadging and getting a few more people in does not necessarily change your capacity.

Senator JOHNSTON—How do you feel about an audit of state preparedness for non-state asymmetrical activity—our capability and readiness? Who should do it?

Mr Brennan—I would welcome one. As to who should do it, it should be somebody with the capacity, the knowledge and the background to understand the issues and the practicalities involved.

Senator JOHNSTON—Former ADF personnel?

Mr Brennan—ADF personnel know about the tactical and fighting side of it, but the investigative and evidentiary side is not really something for ADF personnel—they are locked into their specialist area. To look at the investigative side you might have to invite somebody from Scotland Yard or the FBI. You want people on the ground with good practical knowledge, not knowledge based totally on theory.

CHAIR—Senator Johnston raised a number of issues about events that may happen in remote parts of Western Australia. When you are—for want of a better word—prioritising your responses and your readiness to respond, do you take into account that what you might see as a high risk or high probability occurrence might be 10 times more likely to occur in a highly populated area like Perth than in a sparsely populated area? You cannot do everything at once—for example, your chemical suits might not have arrived because everybody around the world wants them all at once. Have you some sort of prioritisation of how you would respond and where you are putting your current resources so that you can make the best out of what you already have, not what you hope to have in the future?

Mr Brennan—Yes, we do. We have a state with a population of near enough to 1.9 million, it is 2.5 million square kilometres in area and there are 12,500 kilometres of coastline. It is a big territory to police. To have all those options covered you have to be driven by certain givens. One is the intelligence flow and the information that is coming to you that would give rise to you shifting your assets. We have 1.3 million people living in the metropolitan area or in the south-west corner of the state, by and large. The rest of them—near enough to 600,000—live throughout the regions. That is a great spread of people.

With regard to the likelihood in other parts of the state, we monitor that and we have the capacity to move around. We have the state divided into three major regions: the metropolitan region, the north-east region and the southern region. They, in turn, are divided into districts. There are 14 districts with a superintendent in charge of each of them. Our crime investigative area and some of the other areas are divided into divisions, but it is all about having management control and the correct spans being in place. The superintendent at Karratha has in place a plan and it does not just involve the police; it involves what we call their local emergency management committee. Apart from the police having plans to deal with terrorist type incidents, there are other incidents they cater for, particularly in the north-west of the state—cyclones, flooding and things like that—on a day-to-day basis. So they are fairly well practised. They are probably even better drilled, to some extent, than we are in the metropolitan area. But in answer to your question as to whether we prioritise, yes, we do, on the basis of the likelihood of that threat manifesting itself.

CHAIR—Okay. I want to try and finish by 12.30. Senator Bolkus and Kim Beazley have further questions.

Senator BOLKUS—You told us how equipped you are in terms of the threat you know about. What I would like to get to is what level of intelligence, analysis and information you actually have. Terrorism is a changing phenomenon; it poses new challenges. We live in a region which you might expect to be quite irritated, particularly given the way the war is and is not going in Iraq. To what extent, and how, do you keep up to date with changing trends in terrorism? I am talking not just about you but about critical people in your organisation. You mentioned one seminar, but I just wonder to what extent that needs to be supplemented.

Mr Brennan—Again, that is an interesting point. I will ask Inspector McRoberts to detail that for you because that is essentially what he is about. I have to have a working knowledge, and we do have interaction at deputy and commissioner level. But you are talking about formal structures that occur regardless of anything and that are in place on a day-to-day basis.

Senator BOLKUS—To keep the information and intelligence flow going.

Mr Brennan—Yes.

Mr McRoberts—ASIO is essentially the intelligence service in Australia for communicating intelligence relating to counterterrorism issues. We have communication with them via the Australian Secure Network, which is a highly classified computer network, to be able to share that information. The information can be communicated to us via the Asnet or, in the event of an incident occurring whereby the state or territory jurisdiction is required to be informed immediately, the PSCC Watch Office is able to summon a member of my staff 24 hours a day either to pass on the information or to respond back to our office to access material off the Asnet.

Senator BOLKUS—I was more concerned about the earlier analogy regarding Dennis Richardson being able to point to the points but not being able, in a way that an academic or an analyst might be able, to piece the whole picture together. How do you get to piece it together as the picture is evolving and there are new challenges in terms of new directions of terrorism? Is that solely on ASIO as well?

Mr McRoberts—It is, but we have a very effective range of partnerships within our local community. We have officers within my unit who liaise with representatives of ethnic groups, to listen to their concerns, to address any issues that may potentially be of concern to the law enforcement agencies, particularly the intelligence community in Australia. So it is a two-way flow of information between what they have as their sources and what we have by way of our investigations.

Senator BOLKUS—You do not get nationally or internationally recognised analysts and academics to run training programs for some of your senior staff?

Mr McRoberts—No.

Mr BEAZLEY—I raised a question at another committee meeting and the Prime Minister's department has suggested that I should ask you. I refer to the state of the legal system here in relation to a capacity to quarantine for a biological, chemical or radiological event. Have you tested the state laws here for the sufficiency and authority that they give you to keep people out of an area, including people who may well be related to those within an area, and to ensure that if people have to be kept within an area you are actually capable of doing it and are able to enforce it physically if necessary?

Mr Brennan—Can I answer your question in two parts. The answer to the first part is that the declaring of an area as a crime scene is not provided for in specific legislation but there is a belief that there is a capacity in common law that provides us with the capacity to declare an area a crime scene, and anybody that enters that area or leaves the area without direction could commit an offence. I believe it is based on common law. I am having our legal services research that at the moment, because I believe it ought to be enshrined in legislation. There are others who believe equally strongly that it should not. They hold the view that you do not legislate for everything, and it is probably a view that I can share. But in relation to declaring it a crime scene, putting the tape around it and so on, we are fairly comfortable with the fact that we can keep people out and, if necessary, keep people in—if they can provide evidence and accounts and all those sorts of things. With respect to an area that has been affected by some biological type of thing, I am not familiar with what our quarantine regulations and rules may provide in that regard. We have someone here who might be familiar with that area.

Dr McLaughlin—There are two aspects to what you have asked. Firstly, if we look at quarantine on a large scale that affects Australia in total, the Chief Medical Officer of the Commonwealth is the Chief Quarantine Officer and he would have jurisdiction to close ports and so on. 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.

Mr BEAZLEY—So if a crop-duster has come off Jandakot Airport and has sprayed Nedlands, you are completely certain that you can place a barrier around the suburb, instruct anyone within the suburb that they may not leave and forbid anyone to go into the suburb, and have the capacity to enforce that?

Dr McLaughlin—Again, there are components to that question. Firstly, if a plane is flying with crop dust and there is a wind blowing, that area has to be well defined and that would have

to draw on people with the relevant expertise. Certainly, in conjunction and collaboration with our police colleagues—and obviously in terms of an accident we support each other with the different areas of technical expertise—there would be modality from the legal aspect as well as, hopefully, from the physical aspect to cover an issue such as that. Maybe Bruce might like to talk about PC COPS and other modalities that you can use to warn people.

Mr Brennan—PC COPS is an acronym for a police computerised public advice line. This device, which was established in Western Australia, has the capacity to draw on a number of phone lines and dial to an area within a particular postcode—it might be 6023. Everybody within the 6023 postcode will be contacted if they are on the phone by PC COPS which gives a recorded message. It might tell them to stay indoors until they receive another call, to go and assemble on such and such an oval, not to go near a particular place or to look out for a particular individual or individuals driving a Hummer painted up with a disruptive pattern heading along the north-west coastal highway or something.

We have used it. We use it with lost children. We use it when we have bushfires. We use it for particular classes of offence. If we have burglars operating in a particular area or there is a sex offender operating in an area, we use it. It has a great capacity. The capacity is probably 600 calls per hour—it might even be twice that per hour. You could not knock on that many doors—

Mr BEAZLEY—Are you prepared to sell this to a political party for a small consideration?

CHAIR—You can put in a tender.

Mr Brennan—In the current climate, with a certain commission we have sitting the moment, I think not.

Mr BEAZLEY—I would just like to get the scenario all painted out. This would be the horror thing with an attack, which no doubt the Americans think is highly likely anyway within their borders, but not necessarily so much here. With regard to the capacity to isolate an area, you have the legal authority to prevent people from exiting that area, if you have the enforcement capacity to uphold the legal authority, and there is nothing that needs to change in the law on any of that—

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

Mr BEAZLEY—You say that we are the only state that does not.

Mr Mitchell—We are the only state.

Mr BEAZLEY—When did the other states put their emergency legislation in place?

Mr Mitchell—A few years ago. We have always operated on an administrative arrangement in this state, since a cabinet decision in 1985. It has worked well, but there is sufficient evidence to suggest that it legally requires some backbone to it.

Mr BEAZLEY—The other states would have set this legislation up prior to September 11?

Mr Mitchell—Yes.

CHAIR—I think it is time we drew to a close. We have had a fair session. On behalf of the committee, thank you very much for your contributions today. It is an issue that the committee wanted to come out and hear about from the states concerning their ability to manage and respond. We are very pleased with what we have heard. The only doubt that has ever been in our minds has been how closely the federal government and state governments are cooperating, and who takes over when and where. It has always been a bit of a grey area to us, and every bit of information that we can get helps us to make a judgment on that as part of our inquiry.

Thank you all for your attendance today. If there are any matters for which we might need additional information—I know there were two or three issues that were not raised today because of time—the secretary might write to you and I wonder whether you could take those questions on notice and provide us with some responses to some of those issues, a couple of which are quite important to our inquiry. The secretary will send you a transcript of your evidence, to which you can make the necessary corrections to errors of transcription. You cannot change the substance but you can change errors of transcription.

CHAIR—Could I have a resolution that we receive as submission No. 1 the response from the Department of the Prime Minister and Cabinet? That is so moved by Senator Payne and seconded by Mr Beazley. There being no objection, that is carried.

Resolved (on motion by **Senator Johnston**, seconded by **Senator Bolkus**):

That this committee authorises publication of the proof transcript of the evidence given before it at public hearing this day.

Committee adjourned at 12.32 p.m.