
The Parliament of the Commonwealth of Australia

WATCHING BRIEF ON THE WAR ON TERRORISM

Joint Standing Committee on Foreign Affairs, Defence and Trade

June 2004
Canberra

© Commonwealth of Australia 2004

ISBN 0 642 78477 9



Contents

Foreword.....	vii
Membership of the Committee.....	ix
Terms of reference.....	xi
List of abbreviations.....	xiii
List of recommendations.....	xv
1 Watching Brief on the War on Terrorism.....	1
Introduction and background to the Inquiry	1
The post September 11 strategic environment.....	1
New inquiry focus post Bali bombing.....	2
2 The Commonwealth administrative framework for Counter Terrorism.....	5
The National Counter Terrorism Committee	5
The Critical Infrastructure Advisory Council.....	7
The role of the Protective Security Coordination Centre.....	7
Terrorist attack response management arrangements.....	7
The Role of Emergency Management Australia.....	8
National priority security issues post September 11 and Bali	9
Intelligence, including threat assessment.....	9
Legislative coordination and consistency across jurisdictions.....	12
Commonwealth response capabilities to assist the States and Territories.....	14
Australian Federal Police capabilities.....	15
3 Western Australia	17
Emergency Response Planning and Administration	17

State - Commonwealth cooperation in incident response	18
Anti-Terrorism Legislative Consistency between State and Commonwealth	20
Risk Management Issues	22
Intelligence and Threat Assessment	23
Consequence Management.....	24
Mass casualty response.....	24
Chemical, biological and radiological attack response capability.....	26
Effectiveness of Consequence Management.....	27
4 Northern Territory.....	29
Emergency Response Planning and Administration	29
State and Commonwealth Counter-terrorism Legislative consistency	31
Consequence Management.....	32
Mass Casualty Response capability	33
Chemical, Biological and radiological attack response capability	34
Risk Management	35
Territory specific conditions.....	35
Intelligence and Threat Assessment.....	35
Critical Infrastructure protection capability	36
Effectiveness of Consequence Management.....	37
5 Victoria	39
Emergency Response Planning and Administration	39
State and Commonwealth Counter Terrorism Legislative Consistency.....	41
Consequence Management.....	42
Response capacity	42
Infrastructure protection	43
Maritime and Aviation Security	45
Intelligence and Threat Assessment.....	46
The Role of the ADF	47
Mass casualty response capacity	48
Chemical, biological and radiological (CBR) event response capacity.....	49
Risk Management	50

6	Queensland	53
	Counter Terrorism Response Planning and Administration	53
	State and Commonwealth Counter Terrorism Legislative Consistency	56
	Consequence Management	57
	Maritime and Aviation Security	57
	Critical Infrastructure Protection.....	59
	Mass casualty response capacity	60
	Chemical, Biological and Radiological Incident response capacity	61
	Intelligence and Threat Assessment.....	62
	Preparedness.....	63
7	New South Wales	65
	Emergency Response Planning and Administration	65
	Counter Terrorism Legislative Consistency between State and Commonwealth.....	66
	Consequence Management	67
	Response capacity	67
	Mass Casualty response.....	68
	Chemical, Biological and Radiological Incident response capacity	69
	Infrastructure protection	70
	Aviation Security	70
	Intelligence and Threat Assessment.....	71
	Risk Management	72
	Communications Interoperability.....	72
8	Tasmania	75
	Emergency Response Planning and Administration	75
	Counter Terrorism Legislative Consistency between State and Commonwealth	76
	Consequence Management	78
	Response Capacity.....	78
	Mass Casualty Response.....	79
	Chemical, Biological and Radiological Incident response capacity	80
	Infrastructure protection	81
	Aviation and Maritime Security	81
	Intelligence and Threat Assessment.....	82

9	South Australia	83
	Emergency Response Planning and Administration	83
	Counter Terrorism Legislative Consistency between State and Commonwealth	84
	Consequence Management	85
	Response Capacity.....	85
	Mass Casualty Response.....	86
	Chemical, Biological and Radiological Incident response capacity	86
	Intelligence and Threat Assessment.....	87
	Infrastructure protection	88
	Maritime security.....	88
	ADF cooperation and support.....	89
10	Counter-Terrorism Response since 2002	91
	Commonwealth Counter Terrorism Co-ordination and Planning	91
	National Counter Terrorism Committee and National Counter Terrorism Plan	92
	Intelligence and Threat Assessment.....	93
	National Exercise Program	94
	International Counter-Terrorism Co-operation	95
	National Consequence Management Co-ordination.....	96
	State and Commonwealth Counter-Terrorism legislative consistency.....	97
	ADF Counter-Terrorism Response Capability.....	98
	Communications Interoperability.....	98
	Infrastructure Protection	100
	Maritime and Aviation Security	101
	Mass Casualty Response Coordination	104
	Chemical, Biological and Radiological Incident Response Coordination.....	106
	Appendix A - List of Submissions	109
	Appendix B – List of Hearings & Witnesses	111
	Appendix C – An Agreement on Australia’s National Counter-Terrorism Arrangement	117



Foreword

The 11 September 2001 terrorist attacks on the United States changed the global strategic security environment in fundamental ways. Governments throughout the world, including Australia, are responding to these threats to security.

Australia's response included a new national framework for counter-terrorism arrangements. Under the framework responsibility for national terrorist situations rests with the Commonwealth. The new arrangements were formalised in an intergovernmental agreement signed by premiers, chief ministers and the Prime Minister on 24 October 2002, in the aftermath of the Bali bombing.

As a priority the Government strengthened coordination arrangements for counter-terrorism policy and brought the coordination of policy issues under the Department of Prime Minister and Cabinet. The States and Territories were to remain responsible for first response to emergencies occurring within their jurisdictions.

On 22 May 2002 the Joint Standing Committee on Foreign Affairs Defence and Trade (JSCFADT) announced that it would conduct a Watching Brief on the War on Terrorism. The purpose of the Watching Brief was to enable Parliament to monitor, consider and report on Australia's ongoing commitment to the War on Terrorism. In the wake of the Commonwealth's new counter-terrorism policy and co-ordination arrangements the Watching Brief focussed on an examination of Australia's ability to manage the consequences of a terrorist attack with particular emphasis on the capacity of each state and territory to respond effectively.

Senator A Ferguson
Chair
June 2004



Membership of the Committee

Chair Senator A Ferguson

Deputy Chair Hon L J Brereton, MP

Members	Senator the Hon N Bolkus	Hon G J Edwards, MP
	Senator the Hon P Cook	Mr L D T Ferguson, MP
	Senator A Eggleston	Mrs J Gash, MP
	Senator C Evans	Mr D P Hawker, MP
	Senator B Harradine	Hon D F Jull, MP
	Senator S Hutchins	Mr P J Lindsay, MP
	Senator D Johnston	Hon J E Moylan, MP
	Senator J A L Macdonald	Mr G R Nairn, MP
	Senator K O'Brien	Hon L R S Price, MP
	Senator M A Payne	Hon G D Prosser, MP
	Senator N J Stott Despoja	Hon B C Scott, MP
	Hon B G Baird, MP	Hon W E Snowdon, MP
	Mr R C Baldwin, MP	Hon A M Somlyay, MP
	Hon K C Beazley, MP	Mr C P Thompson, MP
	Hon A R Bevis, MP	
	Mr A M Byrne, MP	

Committee Secretariat

Secretary	Dr Margot Kerley
Inquiry Secretary	Dr Margot Kerley
Defence Adviser	WGCDR R Scrivener, AM, CSM
Administrative Officers	Ms Emma Martin Mr Paul Jeanroy



Terms of reference

In accordance with paragraph 1 of its resolution of appointment, and without limiting its ongoing Watching Brief on the War on Terrorism, the Joint Standing Committee on Foreign Affairs, Defence and Trade resolves to inquire into and report on the preparedness of Commonwealth, State and the Territory governments and agencies to respond to and manage the consequences of a terrorist attack on Australia.



List of abbreviations

ASIO	Australian Security Intelligence Organisation
ADF	Australian Defence Force
AFP	Australian Federal Police
APS	Australian Protective Service
CBR	Chemical, biological and radiological
CBRN	Chemical, biological, radiological and nuclear
CCTC	Commonwealth Counter -Terrorism Committee
DIMIA	Department of Immigration and Multicultural and Indigenous Affairs
DOD	Department of Defence
DOTARS	Department of Transport and Regional Services
EMA	Emergency Management Australia
IRR	Incident Response Regiment
NCC	National Crisis Centre
NCTC	National Counter-Terrorism Committee
NCTP	National Counter-Terrorism Plan

NSC	National Security Committee of Cabinet
PM&C	The Department of the Prime Minister and Cabinet
PSCC	Protective Security Co-ordination Centre
PSM	Protective Security Manual
SCC	State or Territory Crisis Centre
TAG	Tactical Assault Group



List of recommendations

Recommendation 1

The Committee recommends that the Government review the rationale for emergency response equipment allocations to the States and Territories under the National Counter Terrorism Agreement, taking into account the relatively more significant requirements of the larger jurisdictions.

Recommendation 2

The Committee recommends that DOTARS should carry out a security risk assessment of Hobart airport to determine whether 24 hour surveillance capacity is required.

Recommendation 3

The Committee recommends that the National Counter Terrorism Committee ensure, by means of a National Agreement if necessary, the interoperability of communications for police and emergency services across Australia.

The Committee also recommends that EMA negotiate with the states to pursue memoranda of understanding with commercial broadcasters to provide emergency messages to the community similar to those being arranged with the ABC. The Committee urges the completion of memoranda of understanding as a matter of priority.

Recommendation 4

The National Counter Terrorism Committee should assess and report on the arrangements put in place between state and territory authorities and the private owners of critical infrastructure within each jurisdiction to ensure the adoption of best practice security principles for infrastructure protection.

Recommendation 5

The committee recommends that the Department of Transport and Regional Services (DOTARS) should review the security arrangements in place at all airports subject to its regulation on a regular basis and report on them in DOTARS annual report.

Watching Brief on the War on Terrorism

Introduction and background to the Inquiry

The post September 11 strategic environment

- 1.1 The 11 September 2001 terrorist attacks on the United States changed the global strategic security environment in fundamental ways. Governments throughout the world, including Australia, are responding to these threats to security.
- 1.2 The most significant consequence of the changed strategic environment is the real possibility of a mass terror strike either in Australia itself, or against Australian interests abroad. As noted in the Australian Strategic Policy Institute's Strategic Assessment paper for 2002 entitled 'Beyond Bali',

The second development at the global level, seen first on September 11 and reinforced on October 12, is the use by terrorist networks of mass casualty tactics...The shift in tactics reflects a difference in the political objectives of today's global networks compared to those of their predecessors...al Qaeda and its affiliates do not want negotiation, compromise or concessions...There may therefore be no constraints on the scale of violence they use.¹

- 1.3 *Advancing the National Interest*, Australia's Foreign and Trade Policy White Paper released in April 2003, describes the post September 11 and Bali security environment in the following terms:

1 Beyond Bali, ASPI's Strategic Assessment 2002, p. 8

The terrorist attacks of 11 September 2001 in the United States and 12 October 2002 in Bali have been defining events. They have changed Australia's security environment in significant ways. They starkly demonstrated that threats to Australia's security can be global as well as regional.²

And:

Terrorist attacks will continue to be in the form of 'asymmetric' responses to the military, economic and political power of the United States and other Western countries. They exploit the openness that comes from the expansion of trade, travel and communications in an increasingly integrated global economy.³

- 1.4 On 22 May 2002 the Joint Standing Committee on Foreign Affairs Defence and Trade (JSCFADT) announced that it would conduct a Watching Brief on the War on Terrorism. The purpose of the Watching Brief was to enable Parliament to monitor, consider and report on Australia's ongoing commitment to the War on Terrorism.
- 1.5 At the outset the Committee received a series of private briefings from Defence personnel, other Commonwealth officials and independent experts on the nature of Australia's commitment to the War on Terrorism, on domestic and regional risks and on causes and possible responses to emerging terrorist threats.
- 1.6 Also as part of the original Watching Brief the Committee examined Australia's military contribution to the US - led Coalition Against Terrorism and to this end obtained support from the Minister for Defence for a delegation of members to travel to the Middle East and Central Asia to meet with and express support for the Australian forces deployed in Kuwait, the Persian Gulf, Kyrgyzstan and Afghanistan. The visit took place in the period 21 July to 1 August 2002. A report entitled *Visit to Australian Forces deployed to the International Coalition against Terrorism*, was tabled in Parliament on 21 October 2002.

New inquiry focus post Bali bombing

- 1.7 While the September 11 terrorist attacks in the United States changed the strategic security environment globally, their impact was reinforced tragically for Australians by the bombings in Bali on 12 October 2002. As a result of this attack the Committee turned its attention in its Watching

2 Advancing the National Interest, Australia's Foreign and Trade Policy White Paper, p.ix

3 Advancing the National Interest, p. 17

Brief to a consideration of Australia's ability to manage the consequences of a terrorist attack.

Focus on managing the consequences of a terrorist attack

- 1.8 In the wake of the Bali bombing on 12 October 2002, in which 88 Australians were killed, severely injured survivors were airlifted to Darwin by the RAAF and later to other Australian cities, for emergency treatment. The Committee directed the focus of the Watching Brief on the War on Terrorism to considering the ability of the States and Territories to respond to the consequences of a terrorist attack.
- 1.9 The Committee held its first public hearing on 9 December 2002, to which officials from the Commonwealth agencies responsible for co-ordinating the national response to a terrorist attack on Australian territory gave evidence.
- 1.10 On 5 February 2003 the Committee resolved to expand its original Watching Brief to consider consequence management issues in the light of the Government's stated commitments to provide additional resources to the States to enable them to better respond to a terrorist attack.
- 1.11 On 26 March 2003 Defence Minister Hill handed down a reference to the Committee which 'without limiting the ongoing Watching Brief on the War on Terrorism,' asked the Committee to inquire into and report on 'the preparedness of Commonwealth, State and Territory governments and agencies to respond to and manage the consequences of a terrorist attack on Australia.' The Committee adopted the reference on the same day.
- 1.12 A series of public hearings on the capacity of the Federal and State governments to respond to a terrorist incident in Australia were held in all states and territories during the course of 2003. Their purpose was to hear from local coordinators of the National Counter Terrorism Strategy, police and emergency service agencies and health service providers on their ability to manage the consequences of an attack. The Committee began the series of hearings in Perth on 2 April 2003 and held further hearings in Darwin on 17 July, Melbourne on 15 August, Brisbane on 7 November and Sydney, Hobart and Adelaide on 18, 19, and 20 November 2003, respectively.
- 1.13 The issues which the Committee chose to focus on in the hearings were:
 - The response and management capabilities in each jurisdiction;
 - The capabilities that can be provided at short notice to supplement local resources; and

- The nature and likely effectiveness of the mechanisms in place to ensure a swift and well-coordinated response.
- 1.14 Overall, the Committee's aim was to critically examine the state of Australia's preparedness to respond to a terrorist attack – providing a measure of confidence to the community that appropriate arrangements are in place or, if they are not, making recommendations aimed at identifying any shortcomings.
- 1.15 There were sixteen Submissions received from the states and territories and the Committee acknowledges gratefully the assistance and cooperation of all jurisdictions in facilitating the conduct of this inquiry.

The Commonwealth administrative framework for Counter Terrorism

The National Counter Terrorism Committee

- 2.1 In the aftermath of the September 11 2001 terrorist attacks on the United States, the Commonwealth Government initiated a review of Australia's counter terrorism arrangements. The review, under the direction of Mr Robert Cornall, Secretary of the Attorney-General's Department, reported on 29 October 2002.
- 2.2 On 5 April 2002 the Prime Minister and heads of government from the states and territories met and determined a new national framework for counter-terrorism arrangements. Under the framework responsibility for national terrorist situations would rest with the Commonwealth. The states and territories would review existing counter terrorism legislation and refer power to the Commonwealth where necessary. The existing Standing Advisory Committee on Commonwealth State Co operation for Protection Against Violence (SACPAV) would be reconstituted as the National Counter Terrorism Committee (NCTC) with a mandate to cover prevention and consequence management issues. These new arrangements were formalised in an intergovernmental agreement signed by premiers, chief ministers and the Prime Minister on 24 October 2002, in the aftermath of the Bali bombing.
- 2.3 At the same time, the Prime Minister announced a strengthening of coordination arrangements for counter-terrorism policy to bring the coordination of policy issues under the Department of Prime Minister and Cabinet. This arrangement did not affect the operational coordination role

already performed by the Protective Security Coordination Centre within the Attorney-General's Department.

- 2.4 The role of the NCTC is to develop and maintain a new National Counter-Terrorism Plan. In addition the NCTC provides strategic and policy advice to governments, coordinates national counter-terrorism capability, facilitates the sharing of relevant intelligence information and reports to COAG on Australia's preparedness in this area.
- 2.5 The Commonwealth structure for dealing with a national terrorist situation begins with the Prime Minister and the national security committee of Cabinet (NSCC). Subject to their direction, the Commonwealth then operates through the Secretaries Committee on National Security, the secretariat within the Department of Prime Minister and Cabinet and relevant Departments and agencies depending on the nature of the incident involved.
- 2.6 At the operational level the National Counter-Terrorism Plan has a number of organisational elements. The Commonwealth Counter-Terrorism Committee coordinates core counter-terrorism agencies and their activities and meets on a monthly basis. This Committee includes Commonwealth and state and territory officers from premiers departments, chief ministers' departments and police forces. The Committee consists of representatives from key Commonwealth agencies. It is chaired by the Director of the Protective Security Coordination Centre and its role is to consider and determine threat levels.
- 2.7 Two divisions within the Attorney-General's Department have key roles to play in managing the consequences of a terrorist attack. They are the Protective Security Coordination Centre (PSCC) and Emergency Management Australia (EMA). While the immediate response to any attack would be undertaken by state and territory police and emergency services, the Commonwealth coordinates the national response through the PSCC and EMA under a number of cooperative plans and arrangements.
- 2.8 The existing administrative structure was supported in the 2002 budget with additional funding for the Attorney-General's Department of \$14.4 million over four years to enable the PSCC watch office to operate on a 24 hour basis. An additional \$17.8 million was also provided in the 2002 budget to provide additional equipment and resources for managing the consequences of a terrorist attack in each state and territory.

The Critical Infrastructure Advisory Council

- 2.9 In addition to the administrative arrangements outlined above the Commonwealth has established a Critical Infrastructure Advisory Council to put in place a framework for government and business cooperation on threats to critical infrastructure, particularly information infrastructure. The Council provides a forum for the interchange of ideas and concerns from the private sector, essential utilities and government.

The role of the Protective Security Coordination Centre

- 2.10 The Protective Security Coordination Centre (PSCC), a division of the Attorney-General's Department provides a single coordination point to respond to a terrorist situation.
- 2.11 The ministerial level National Counter-Terrorism Committee aims to ensure nationwide cooperation between all relevant Commonwealth, state and territory agencies for the prevention, response, investigation and management of the consequences of any threats or acts of terrorism in Australia. In support of the Committee's role, the PSCC coordinates Australia's response capability and has established key relationships with all the relevant Commonwealth agencies as well as all of the premiers' departments and police services and forces within the states and territories.
- 2.12 The PSCC maintains a watch office. The watch office is currently operating on a twenty-four hour basis. It ensures immediate communication between the Commonwealth and state and territory premiers and police departments. The watch office monitors domestic situations, and should an incident be identified as a terrorist situation, it facilitates communications between the relevant agencies.

Terrorist attack response management arrangements

- 2.13 If a terrorist attack were to occur in Australia, the following crisis management arrangements would be activated:
- A police forward command post would be established at the incident scene;
 - A police operations centre would be activated at police headquarters to exercise overall command;
 - The Commonwealth's PSSC Watch Centre would be activated –

- the PSSC Director would liaise with the State Police Commander to ascertain the nature of the incident and the response measures taken;
- the PSSC Director would advise Ministers and key Commonwealth agencies;
- a meeting of the Commonwealth Counter Terrorism Committee would be convened (within one hour) – a Special Incident Task Force may be established;
- Emergency Management Australia would liaise with State emergency services to determine whether additional support is required;
- the Australian Defence Force would liaise with State police to determine what, if any, support is required;
- a State crisis centre would be established to manage State government interests – it would include a ‘duty state minister’, state policy advisers, the Police Commissioner, Commonwealth representatives (including ADF representatives) and media liaison officers;
- if the incident is declared to be a ‘national terrorist situation’, the Commonwealth Government assumes responsibility for determining policy and strategies. In such a situation the Commonwealth would consult closely with affected State and Territory governments to ensure effective use of all available resources.¹

The Role of Emergency Management Australia

2.14 Renamed Emergency Management Australia (EMA) in 1993 from its original form as the Department of Defence Natural Disasters Organisation, its role is to coordinate the Commonwealth response to any disaster situation whether man made or natural. EMA has the ongoing responsibility for enhancing national emergency management arrangements and community safety. It achieves this through information awareness, training and education and direct assistance to states and territories through a state support package. EMA was allocated \$17.8 million over four years (from 2001-2) for the procurement of detection equipment, personal protective equipment, decontamination equipment and casualty care equipment to be readily available in the event of a chemical, biological or radiological incident. The equipment has been delivered. The funding will also be used to enhance training of first responders. EMA has developed partnerships with state and territory emergency management agencies including police, fire, ambulance,

1 Mr E Tyrie, Director PSSC, transcript 9 December 2002, pp. 7-8

emergency services and non-government organisations. The entire emergency management and services sector is involved in prevention, preparedness, response and recovery. The idea is for there to be an all hazards, multi-agency, whole of government response.²

National priority security issues post September 11 and Bali

- 2.15 Key issues for security enhancement in Australia identified in evidence to the Committee centred on intelligence, including threat assessment, response capability enhancement, legislative coordination across state and Commonwealth jurisdictions and critical infrastructure protection.

Intelligence, including threat assessment

- 2.16 In a speech to an Australian Defence Force Academy conference in July 2003 the Prime Minister, the Hon John Howard MP said:

It goes without saying that in the war on terror nothing is more important than intelligence. More resources into intelligence gathering and the role of intelligence in hopefully anticipating, however generic that anticipation may be, is absolutely central.³

- 2.17 In the 2002-3 Budget, the government allocated additional funding of \$46.9 million to fund the further development of technical investigative capacity in the Australian Security Intelligence Organisation (ASIO), Australian Federal Police (AFP) and National Crime Authority (NCA) to strengthen intelligence and detection in relation to terrorist threats.⁴
- 2.18 The review into Australia's counter terrorism arrangements conducted by Mr Robert Cornall, Secretary of the Attorney-General's Department, which reported to the government on 29 October 2001, recommended a number of measures to increase intelligence capability and sharing. Under the National Counter Terrorism Plan published in June 2003, ASIO has primary responsibility for conducting investigations of terrorist threats and for analysing and distributing information on threats to relevant Commonwealth agencies and to state and territory police services. ASIO

2 Mr D Templeman, Director General Emergency Management Australia, transcript, 9 December 2002, pp.9-10

3 Prime Minister Hon John Howard MP, transcript of address to the Australian Defence Force Academy's Safeguarding Australia – Frontline Issues Conference, Canberra, 31 July 2003.

4 Budget Paper No 2, 2002-3, p. 61.

also maintains a 24 hour monitoring and alert unit. In addition ASIO issues Threat Assessments in relation to specific events, facilities, sectors or individuals. The Commonwealth Counter Terrorism Committee determines the level of national counter-terrorism alert based on ASIO assessments of the threat environment. The alert level informs national preparation and planning and dictates levels of precaution and vigilance to minimise the risk.⁵

- 2.19 Australia relies upon a strong intelligence- led prevention and preparedness regime to support its counter-terrorism strategy. That strategy encompasses targeted prevention measures based on risk management principles and maintaining capabilities to manage various types of terrorist threats, attacks and their consequences.⁶ The Australian Strategic Policy Institute (ASPI), stated:

It is true that the government has put significant additional resources into counter-terrorist intelligence capabilities, including significant additional resources into ASIO. My instinct is that the scale of the threat that we now face, the complexity of the intelligence challenge and the centrality of successful intelligence in meeting that threat means that we should revisit that...ASIO needs the capacity to operate at a much lower threshold of risk management – that is, it needs the capacity and resources, in particular the people, to go out there and follow every lead as exhaustively as they can.⁷

- 2.20 During the course of the Inquiry incidents have taken place involving security breaches at airports, and a terror suspect was investigated and deported after information was received from the French Government.⁸ In view of these incidents the Committee inquired whether there may be grounds for suggesting that the level of risk management currently applied by ASIO to their investigations undergo some adjustment.
- 2.21 The Committee asked the then General Manager of National Affairs from the AFP, Mr Ben McDevitt, whether the AFP was satisfied with the quality of the information presently exchanged between police and intelligence services in South-East Asia on emerging terrorist threats. In Mr McDevitt's view Australian authorities could currently expect 'a reasonable picture
-

5 National Counter-terrorism Plan, National Counter Terrorism Committee, June 2003, paras. 14, 17, and 18 p. 26.

6 National Counter-terrorism Plan, National Counter-Terrorism Committee, June 2003, para. 12, p. 26.

7 Mr H White, transcript, 9 December 2002, p. 30.

8 For example, investigations concerning former Qantas baggage handler Bilal Khazal and French terror suspect Willie Virgile Brigitte.

and we would get warning of and intelligence on particular groups or individuals who might be conspiring or planning to carry out some sort of terrorist or other criminal activity in the region.⁹

2.22 On 17 October 2003 the Attorney-General, Hon Philip Ruddock MP, announced the creation of a National Threat Assessment Centre within ASIO. The Centre is to operate 24 hours a day seven days a week to issue assessments of threats to Australia and its interests abroad. The government announced expenditure of over \$50 million over the next five years on the Centre to provide an integrated, whole of government approach to threat assessments. The demand for such assessments has grown since the year 2000 from approximately 600 to 1800 per year.¹⁰ The Attorney explained that ‘intelligence is the key to applying your resources in the most effective way and [because] you can’t have enough people managing every situation that is possible...you have to be able to make judgements as to what level of risk exists.’¹¹

2.23 The establishment of the National Threat Assessment Centre would appear to address the ASPI’s concern that ‘the characteristic of terrorism as an intelligence challenge is that it does draw in a very wide range of collection methodologies and other kinds of disciplines’ and that although:

I think that we have quite effective arrangements in place to allow ASIO and other agencies to draw on one another’s expertise in a sort of coordinated way...it does seem to me that it is possible to go beyond coordination to a single integrated, nationally directed counter-terrorist campaign – particularly one which reliably identifies the gaps in what we know, which is the hardest thing to do.¹²

2.24 The Terrorism Assessment Centre should achieve the above outcome if an attempt is in fact made to move ‘beyond coordination’ as the Attorney claims it will:

It will bring together for the first time a number of agencies in a single centre to provide a comprehensive, whole-of-government briefing. In addition to the ASIO organisation, it will include the Australian Federal Police, the Australian Secret Intelligence Service ASIS, the Defence Intelligence Organisation (DIO) as well

9 Mr B McDevitt, transcript, 9 December 2002, p.35

10 Attorney-General Hon Phillip Ruddock MP, press conference transcript, 17 October 2003, 12.53pm, pp5-7.

11 Attorney-General Hon Phillip Ruddock MP, press conference transcript, 17 October 2003, p.9.

12 Mr H White, transcript, 9 December 2002, p. 30.

as the departments of Foreign Affairs and Trade, the Department of Transport and Regional Development and the Office of National Assessments.¹³

Legislative coordination and consistency across jurisdictions

2.25 The Department of Prime Minister and Cabinet told the Committee in evidence on 9 December 2002, that there were inconsistencies in the legislation of every State and Territory covering the issues surrounding the response to a possible terrorist incident. The Department noted for example that while some jurisdictions were:

reasonably well advanced in legislation relating to effectively quarantining a place or suburb, with powers to stop people leaving if they may be contaminated or to stop people from entering to avoid them from being contaminated...I do not think that there is a uniform set of national laws relating to this in each state and territory.¹⁴

2.26 On 5 April 2002 the Prime Minister and the leaders of the States and Territories met and determined a new National Framework for Counter – Terrorism Arrangements. It was agreed that under that framework:

Responsibility for ‘national terrorist situations’ would rest with the Commonwealth:

- (a) The states and territories agreed to review the legislation and refer power to the Commonwealth where necessary;
- (b) The communication of intelligence between the states and the Commonwealth would continue to be improved; and
- (c) SACPAV would be reconstituted as the National Counter-Terrorism Committee, with a mandate to cover prevention and consequence management issues.

These new arrangements were formalised in ‘An Agreement on Australia’s National Counter-Terrorism Arrangements’ signed by the premiers, the chief ministers and the Prime Minister on 24 October 2002.¹⁵

2.27 Under the terms of the Agreement signed on 24 October 2002, the Commonwealth, States and Territories agreed to make the necessary legislative changes in their jurisdictions to ensure that terrorists can be

13 Attorney-General Hon Phillip Ruddock MP, press conference transcript 17 October 2003, p.5.

14 Mr A Metcalfe, Transcript, 9 December 2002, p.22.

15 Mr A. Metcalfe, transcript, 9 December 2002, p. 3.

prosecuted effectively under relevant criminal law.¹⁶ Relevant Commonwealth legislation enacted since the Agreement includes the:

- Security Legislation Amendment (Terrorism) Act 2002
- Suppression of Financing of Terrorism Act 2002
- Criminal Code Amendment (Suppression of Terrorist Bombings) Act 2002
- Criminal Code Amendment (Terrorism) Act 2002
- Criminal Code Amendment (Terrorist Organisations) Act 2002
- Border Security Legislation Amendment Act 2002
- Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Act 2003.

2.28 Broadly, the Commonwealth anti-terror legislation listed above covers the issues of the financing of terrorist activities, the creation of criminal offences relating to international bombing incidents, and the broadening of the scope for the issuing of telecommunications interception warrants. ASIO's powers to detain suspects have been specifically strengthened as have its information gathering powers. Certain organisations have also been listed as terrorist organisations under the Criminal Code Amendment Act enabling association with them or providing assistance to them to be prosecuted as a criminal offence.

2.29 As part of the scope of the original 5 April 2002 Commonwealth, States and Territories Agreement on Terrorism and Multi-Jurisdictional Crime, the leaders of all jurisdictions also agreed to reform relevant laws relating to money laundering, to legislate for a national set of powers for cross border investigations covering controlled operations and assumed identities legislation, electronic surveillance devices and witness anonymity with legislation to be settled within 12 months. Also as a priority jurisdictions agreed to work to ensure the elimination of existing administrative and legal barriers in pursuit of criminals operating in more than one jurisdiction.¹⁷

2.30 When the Committee held its first public hearing on 9 December 2002, the Department of Prime Minister and Cabinet noted that the state and territories were actively examining arrangements to put the Agreement

¹⁶ *An Agreement on Australia's National Counter-Terrorism Arrangements*, 24 October 2002, para. 2.5

¹⁷ *Commonwealth and States and Territories Agreement on Terrorism and Multi-Jurisdictional Crime*, 5 April 2002, paras. 14, 15, 20.

into effect.¹⁸ Since this evidence was published, action taken in the various state and territory jurisdictions to amend or introduce complementary legislation in fulfilment of the Agreement is discussed in this Report in the Chapters dealing with specific States and Territories below.

Commonwealth response capabilities to assist the States and Territories

Tactical Assault Group (East)

- 2.31 In the 2002-3 Budget the Australian Government committed considerable resources (\$219.4 million over four years) to raise a second Tactical Assault Group (TAG) force to match the already existing Special Air Services Regiment based in Perth and available to assist the civil authorities to deal with a terrorist incident.
- 2.32 Tactical Assault Group East will be in addition to the already existing Incident Response Regiment already in existence as the 4th Battalion Royal Australian Regiment (Commando) at Holsworthy Barracks in Sydney. The Regiment has additional personnel support from the Royal Australian Navy. The Tactical Assault Groups are trained to be able to conduct offensive recovery operations beyond the range and scope of other Australian Defence Force units, including recapturing structures, freeing hostages and supporting high-risk search teams.
- 2.33 The Incident Response Regiment (IRR) is able to respond to chemical, biological, radiological, nuclear or explosive incidents, both domestically and in support of Australian forces deployed overseas in a high-risk environment. The federal 2002-3 budget included \$121 million over four years to make the Incident Response Regiment a permanent ADF capability. The regiment is defensive and protective by design and has no offensive capability. Its personnel are able to conduct high-risk searches with detection equipment and dogs. It is able to disarm and dispose of a device. It can decontaminate and treat victims and exposed areas, and it can analyse the hazardous materials discovered on sites.¹⁹
- 2.34 In its *Review of the Defence Annual Report 2001-2* this Committee noted the 19 December 2002 announcement by the Prime Minister that the TAG East initiative would 'deliver an additional 310 highly trained combat personnel along with associated support personnel to supplement
-

18 Mr A Metcalfe, transcript, 9 December 2002, p.22.

19 Major General Gillespie, transcript 9 December 2002, pp.11,12.

Australia's existing Special Forces,' and that the new 300 personnel would come from existing units with new recruits to fill the gaps thus created.²⁰

- 2.35 As the Committee concluded in its Review of the Defence Annual Report above, the ADF has yet to deliver the expected outcomes made in the Prime Minister's announcement and to meet the considerable personnel challenges involved in doing so. In answer to a question from the Committee about the possibility that the creation of a TAG East would be an unnecessarily costly duplication of the existing tactical response capacity represented by the WA Regiment, Major-General Gillespie noted that the changed nature of the terrorist threat with which Australia was now confronted meant that there was now a real possibility of simultaneous multi-jurisdictional attacks. In that case there was no redundancy in existing capability and the second TAG has 'created an ability to respond quickly across jurisdictions with two capabilities.'²¹

Australian Federal Police capabilities

- 2.36 The AFP has significant resources to conduct proactive intelligence-led investigations of terrorist activity through a network of overseas liaison officers. It has considerable expertise in investigating transnational criminal activity which may be terrorist related such as drug-trafficking, people-smuggling, money laundering and electronic fraud. To support this work the AFP has established a Transnational Crime Coordination Centre within AFP Headquarters which will maximise intelligence sharing between operational teams engaged on individual investigations. The AFP told the Committee that it was also seeking to enhance the co-operative relationship already existing with ASIO and the border security agencies, and the Departments of Immigration and Customs. The AFP noted with respect to intelligence sharing, that:

The AFP and ASIO are working together to develop the best ways forward to operate under the new legislation. We are also in the process of establishing joint counter-terrorism teams in the state capitals, with support and participation from the local police jurisdictions.²²

- 2.37 The AFP told the Committee that the legislative changes brought in by the government in 2002 were important in bringing a range of activities

20 Hon John Howard MP, Prime Minister, Media Release, *Expansion of Special Forces Counter Terrorist Capability and New Special Operations Command*, 19 December 2002.

21 Major General Gillespie, transcript 9 December 2002, p. 26.

22 Mr B McDevitt, AFP, transcript, 9 December 2002, p. 13.

associated with terrorist activity 'more clearly within the ambit of criminal investigations and prosecutions.' These activities include:

Recruiting, training, planning, funding and equipping for terrorist acts. The passage of this legislation communicates an expectation from the government that those involved in terrorism will be brought to account...and acknowledges the clear benefits of identifying and prosecuting such people before they have a chance to act on their schemes.²³

- 2.38 The experience gained by the AFP in the aftermath of the Bali bombing demonstrated the full range of its investigative and forensic capability. The subsequent apprehension and conviction of the terrorists by the Indonesian National Police also demonstrated the effectiveness of the co-operation between them and the AFP. The AFP commented in evidence to the Committee that the levels of co-operation achieved in the Bali investigation were 'not something that was achieved in seven days; it was something that was achieved over several years of building on those sorts of relationships'.²⁴
- 2.39 The international co-operation shown after the Bali bombing was reinforced by enhancements to the AFP's existing networks of overseas liaison officers and at the inter-governmental level with a series of in principle agreements between the AFP and heads of law enforcement agencies in Malaysia, Thailand and Singapore for the establishment of memoranda of understanding to enable joint investigations and exchange of information on transnational crime issues.²⁵ With an enhanced intelligence gathering and intelligence sharing capacity and with legislative backing for proactive action against known and proscribed terrorist organisations, the AFP should be better placed to prevent terrorist acts in the future.

23 Mr B McDevitt, AFP, transcript, 9 December 2002, p.13.

24 Mr B McDevitt, AFP, transcript, 9 December 2002, p. 13.

25 Mr B McDevitt, AFP, transcript, 9 December 2002, p.13.

Western Australia

Emergency Response Planning and Administration

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

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

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

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

State - Commonwealth cooperation in incident response

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

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

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

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

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

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

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

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

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

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

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

Anti-Terrorism Legislative Consistency between State and Commonwealth

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

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

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

9 WA Department of Premier and Cabinet, 11 November 2003

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

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

Anti-Corruption Commission Act 1988

Co-operative Schemes (Administrative Actions) Act 2001

Federal Court (State Jurisdiction) Act 1999

National Crime Authority (State Provisions) Act 1985

Royal Commission (Custody of Records) Act 1992

Surveillances Devices Act 1998

Telecommunications (Interception) WA Act 1996

Witness Protection (WA) Act 1996

First Home Owner Grant Regulations 2000

National Crime Authority (State Provisions) Regulations 1989

Surveillances Devices Regulations 1991¹¹

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

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

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

11 WA Department of Premier and Cabinet, 11 November 2003

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

Risk Management Issues

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

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

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

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

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

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

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

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

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

Intelligence and Threat Assessment

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

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

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

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

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

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

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

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

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

Consequence Management

Mass casualty response

- 3.24 In the aftermath of the Bali tragedy the states and territories were able to provide detailed evidence to the Committee on the mechanics of their
-

16 J Mc Roberts, Transcript, 2 April 2003, p.7

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

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

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

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

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

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

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

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

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

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

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

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

Chemical, biological and radiological attack response capability

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

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

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

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

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

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

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

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

Effectiveness of Consequence Management

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

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

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

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

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

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

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

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

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

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

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

Northern Territory

Emergency Response Planning and Administration

- 4.1 The Northern Territory Government in its Submission to the Committee highlighted the formation of a Counter Terrorism Security Coordination Unit to coordinate all aspects of the Territory's Counter Terrorism policy and response effort. The unit acts as the first contact between the Chief Minister's Department and the Northern Territory Police on all matters related to terrorism and security.¹
- 4.2 During the Hearing, the Northern Territory Police commented that the experience of Cyclone Tracey in 1974 had enabled the Territory to introduce some administrative structures which are only just being implemented by other states. The Northern Territory Police stated:
- the Northern Territory has been acutely aware of the need for integrated consequence management response. In fact, that event was the genesis of the triservice arrangement we have today. The police, fire and emergency services operate as an entity under a single umbrella managed by the Commissioner of Police, as the CEO.²
- 4.3 The Northern Territory Police told the Committee that the Northern Territory Counter Terrorism Response Unit was comprehensive in its resourcing and scope:

1 Submission No 8, Northern Territory Government

2 B Wernham, Transcript, 17 July 2003, p. 30

Again, in keeping with the sorts of needs in the Northern Territory, it not only provides a counter-terrorism response and a response to an urban siege situation but it also has a search and rescue component, a dive component, bomb technicians, and so on.³

4.4 The Police also noted that the physical infrastructure was arranged to reflect this with communications for police, fire, emergency services and the ambulance service managed within a single facility at police headquarters. The emergency operations centre adjacent to this communications centre can be configured to manage multiple events.⁴

4.5 In answer to the Committee's request to provide an outline of the response sequence to be followed in the event of a major terrorist incident the Counter Terrorism Coordination Unit told the Committee that:

The initial response would be that provided by the Northern Territory police in a crisis situation. An assessment would be made quickly as to the nature and scale of the event and whether or not it was terrorist related. If it was such that it could be handled within the confines of our own resources, it would be done without the request to other jurisdictions and the Commonwealth for assistance...Even where it is declared as a national terrorist situation the Northern Territory would still have prime responsibility for the resolution of that incident.⁵

4.6 With respect to the mechanics of first response, the Northern Territory Chief Fire Officer told the Committee that in the event of a hypothetical bomb blast in the centre of Darwin, for example, the fire service would be the initial responder. The Counter Disaster Council would be called in only when the police forward command decided that further resources were necessary:

That would mean that we would then activate the Counter Disaster Council to look at bringing in our resources from the rest of the Territory.⁶

4.7 Counter disaster arrangements in the Northern Territory are headed by the Commissioner of Police as the Territory Counter Disaster Controller. The counter disaster structure overlays the existing police command and control structure so that, as needed, regional commanders and local

3 B Wernham, Transcript, 17 July 2003, p. 47

4 B Wernham, Transcript, 17 July 2003, p. 31

5 M A Stevens, Transcript, 17 July 2003, p. 35

6 D Pepper, Transcript, 17 July 2003, p. 35

officers in charge step aside from their police role and assume responsibility as regional and local counter disaster controllers.⁷

State and Commonwealth Counter-terrorism Legislative consistency

4.8 The Northern Territory Government, in its Submission, outlined the program put in place to implement the terms of the National Counter Terrorism Agreement. The Northern Territory Government agreed that the Commonwealth should enact appropriate legislation enabling it to deal with instances of terrorism in the Territory where appropriate. In addition, the Northern Territory *Terrorism (Emergency Powers) Act 2003* commenced on 2 July 2003 and provides for the exercise of special powers by police to deal with or minimise the impact of any actual or imminent acts of terrorism. These powers may be utilised under an ‘authorisation’ granted by the Commissioner and will, in the interest of public health and safety, allow police to, without warrant, secure and search a relevant target area, vehicle or person for the purpose of locating and seizing evidence. Terrorism provisions contained in the existing Northern Territory *Criminal Code Act* are currently being reviewed to strengthen the jurisdiction’s ability to deal with terrorism. The Submission noted that:

Although this legislation does not contain all those powers that Police consider necessary, it will be subject to ongoing review and possible amendment in line with other Commonwealth/State/Territory legislative arrangements.⁸

4.9 When asked by the Committee to elaborate on the nature of the perceived deficiencies Deputy Commissioner Wernham argued that it was ‘important that police have the ability to at least question individuals engaged in that sort of activity [potential terrorism] and to carry out some sort of checking process’.⁹

4.10 In subsequent correspondence to the Committee on 18 November 2003 the Northern Territory Government confirmed that the legislative requirements of the National Counter Terrorism Agreement had been met. The Committee was told that work was continuing in regard to other counter terrorism related legislative issues including:

- Money laundering issues

7 B Wernham, Transcript, 17 July 2003, p. 31

8 Northern Territory Government, Submission No 8

9 B Wernham, Transcript, 17 July 2003, p. 42

- Maritime security legislation
 - Amendment of the Northern Territory's DNA laws to enhance the ability to share profiles between jurisdictions¹⁰
- 4.11 National investigative powers including controlled operations and surveillance would continue to be developed under the Standing Committee of Attorney's General Joint Working Group process.

Consequence Management

- 4.12 The Committee inquired about the structures and procedures in place in the Northern Territory to manage the consequences of a serious terrorist incident. In a Submission to the Inquiry the Northern Territory Emergency Service outlined the provisions of the Northern Territory *Disasters Act 1982* which established the Counter Disaster Organisation and sets out its responsibilities including all aspects of disaster preparedness, response and recovery. The organisational framework includes a hierarchy of plans dealing with conditions at the overall Territory, regional and local levels, and with the following functional groups including; medical, public health, utilities, engineering, transport, cyclone shelter, survey and rescue, welfare, communications, food and media.¹¹
- 4.13 The Northern Territory Police emphasised to the Committee the effect of emergency events which have focussed Territory authorities on consequence management issues:
- Emergency response arrangements in the Northern Territory not only are firmly in place but are also well tested by real time events. Apart from cyclones, these have included massive flooding which required the evacuation of entire communities, the reception and management of refugees from East Timor and the recent medical reception and management of the Bali bombing victims in October last year.¹²
- 4.14 The Territory's capacity to manage the consequences of a terrorist attack is primarily affected by the need to maintain service and response coverage over a large geographic area and by a lack of specialist services as Deputy Commissioner Wernham explained to the Committee:

10 Correspondence, Northern Territory Chief Minister's Department, 18 November 2003.

11 Submission No 9, Northern Territory Emergency Service.

12 B Wernham, Transcript, 17 July 2003, p. 31

As a small jurisdiction, the Northern Territory does not have the ability to create and maintain large specialised units within either the triservice or government generally. As a consequence, managers at all levels wear a number of hats and preparedness is...part of our core business.¹³

- 4.15 On the other hand it is clear that a major incident in the Territory would require specialist assistance from interstate sources:

Notwithstanding the ability to manage an initial response to a major terrorist incident...we would as part of this response be considering requests to other jurisdictions and the Commonwealth for assistance to manage both the counter terrorism response and the counter disaster response... It is fair to say that incidents requiring disaster victim identification or specialised urban search and rescue will need an integrated Bali-like response in terms of the specially trained individuals and specialised equipment necessary. Even in large jurisdictions these resources are located in major centres.¹⁴

Mass Casualty Response capability

- 4.16 In evidence to the Committee, the Medical Superintendent of the Royal Darwin Hospital Dr L Notaras emphasised the importance of the integrated nature of any effective response to a major mass casualty event:

if Bali showed one thing it showed the need for a whole of service response, not just an individual response.¹⁵

- 4.17 Dr Notaras told the Committee that the Royal Darwin Hospital operated as one of a network of regional hospitals and health facilities offering a range of specialist and support services:

The hospital approach is closely integrated with the other Top End hospitals...We operate pretty well as an integrated network working closely together.¹⁶

- 4.18 As well as a Territory medical response network, the Northern Territory hospitals 'form part of the national burns network and the national disaster response network...we are all part of that integrated model'.¹⁷

13 B Wernham, Transcript, 17 July 2003, p. 31

14 B Wernham, Transcript, 17 July 2003, p. 31

15 L Notaras, Transcript, 17 July 2003, p. 32

16 L Notaras, Transcript, 17 July 2003, p. 32

17 L Notaras, Transcript, 17 July 2003, p.31

4.19 In practical terms the Northern Territory integrated model is dependant on the provision of adequate transport support. In the case of a major event this would require:

in conjunction with others, the C-130s from the RAAF, and we would be using our own aero retrieval service. We have five aircraft in the Top End, and we use the Royal Australian Flying Doctor Service in Central Australia.

4.20 Dr Notaras noted that the Northern Territory medical services were able to deal in the first instance with a diverse range of emergencies:

...we do have facilities for chemical, biological and radiological responses as well as mass casualty presentation; disaster victim identification facilities, which is important; and mortuary facilities that can cope with a whole range of challenges.¹⁸

4.21 In answer to a question from the Committee about the scale of incident within the Northern Territory's capacity to manage, Dr Notaras said that the nominal capacity of 4 burns beds was immediately upscaled in response to the Bali incident to 55.¹⁹

Chemical, Biological and radiological attack response capability

4.22 With respect to chemical, biological or radiological incident response capacity, the Northern Territory authorities commented that adequate equipment was available, enhanced by the additional nationally interchangeable equipment (chemical and biological suits) being made available under the National Agreement:

All of the nine permanent stations in the Territory have chemical suits. There are four chemical suits in each of those, and the staff are trained to use them. Under the Territory legislation we have hazardous chemical responsibility for hazardous chemical loads. Because of that, we are trained in that form of response. CBR enhances the initial response we have for hazardous chemicals. I suppose in the Northern Territory we are gained by the sense that we have the emergency response squadron of the military here. I am sure the committee knows the one in Sydney. They have a detachment of that response squadron here. It has full CBR and fire capabilities.²⁰

18 L Notaras, Transcript, 17 July 2003, p. 33

19 L Notaras, Transcript, 17 July 2003, p. 51

20 D Pepper, Transcript, 17 July 2003, p 54

- 4.23 In a Submission to the Committee, the Northern Territory Fire and Rescue Service noted that the Commonwealth had allocated \$1.7 million to build a CBR consequence management capacity in the Northern Territory. The delivery of the equipment followed on the signing of a memorandum of understanding with the Commonwealth in 2003.
- 4.24 The Northern Territory Government has set up a working group to develop CBR response capability for consequence management which consists of the Northern Territory police, fire and rescue service, emergency service, Northern Territory health, and St John's Ambulance. The Northern Territory is also represented on the National CBR Working Group together with representatives from the ADF, ASIO and Emergency Management Australia.²¹

Risk Management

Territory specific conditions

- 4.25 In evidence the Northern Territory Police summarised a variety of Territory specific conditions which influence the risk profile for a terrorist threat:

The key word when considering virtually any response in this territory is 'remoteness'. As you know the Territory terrain varies from a coastal and island Top End, off which sits significant oil and gas infrastructure; to a semi-arid and desert centre, housing an important joint Australian-US defence facility. With the advent of the railway, the Territory moves closer to its potential as a South-East Asian hub. Amongst other things, Darwin had become noted for the frequency of visits by United States and other allied warships.²²

- 4.26 The existence of such conditions was fully taken into account in Territory response planning in association with the Commonwealth under the provisions of the National Counter Terrorism Plan and including ADF resources immediately available in the Territory.

Intelligence and Threat Assessment

- 4.27 Terrorism threat assessment in the Northern Territory, as elsewhere, was dependent on the provision of adequate intelligence:

21 Northern Territory Fire and Emergency Services, Submission No 11

22 B Wernham, Transcript 17 July 2003, p. 30

Our strategy... is about preparedness and relying on the business and infrastructure community feeding information back to us...[we] would rely on our intelligence sources - which would include ASIO, our joint intelligence team with the Federal Police - and our ability to read our part of the world...There are a lot of informal networks that exist in remote areas, particularly through the Aboriginal communities, and we have our local Aboriginal community police officers working in those places and dealing with all those small outlying outstations and things like that along the coastline.²³

- 4.28 In response to the Committee raising the issue of intelligence sharing with the Commonwealth, Northern Territory officials said that the flow of intelligence between Territory, States and ASIO had improved greatly since the establishment of joint state and territory intelligence teams which 'add to our ability to read and analyse intelligence so that we are better able to get to an early warning situation'.²⁴ However as Deputy Commissioner Wernham pointed out:

The challenge for us and for them is to work together to localise and value-add the information so that it means something to the Northern Territory... There will always be ways and means of judging information and weighting it for relative risk factors. It is an imprecise science. All I can say is that it is less than perfect. It is getting better and agencies like ASIO are certainly scrambling and trying extremely hard to better localise the information they provide.²⁵

- 4.29 This situation is common to all jurisdictions and has been addressed to a certain extent by the Counter Terrorism Handbook which sets out criteria defining the precise scale of what constitutes a national terrorist situation. The problem remains one of refining and making as usable as possible existing procedural tools.

Critical Infrastructure protection capability

- 4.30 Critical infrastructure in the Northern Territory is related to those facilities mentioned under Territory Specific Conditions above. In evidence to the Committee the Northern Territory Chief Minister's Department noted that they were engaged in a cooperative exercise with the Commonwealth Attorney-General's Department to identify critical infrastructure within

23 B Wernham, Transcript, 17 July 2003, pp. 40-41

24 B Wernham, Transcript, 17 July 2003, p. 41

25 B Wernham, Transcript, 17 July 2003, p. 41

the Territory and that so far 50 candidate facilities had been nominated. The facilities were defined as those:

facilities and establishments which, if they were destroyed or became unavailable, would impact severely on our economic wellbeing or on our social wellbeing for a protracted time.²⁶

- 4.31 The nominated facilities include Territory, Commonwealth and private sector facilities and under national protocols the protection of such facilities is jointly the responsibility of the Territory and the Commonwealth.

Effectiveness of Consequence Management

- 4.32 As a summary assessment of the present effectiveness of the Northern Territory's terrorism response and consequence management capability, the Northern Territory Police told the Committee that:

The unique nature of the Northern Territory offers positives and negatives in terms of both governance and counter disaster and counter-terrorism response. Perhaps as a consequence of its small number—the Territory's population is 197,000—the Northern Territory community consists of a number of close-knit, formal and informal networks involving both the government and the private sector. This situation lends itself particularly well to consequence management...In summary, the Territory state of preparedness is adequate within the inevitable constraints that arise from a small jurisdiction managing a large geographic location.²⁷

26 C G Wrangle, Transcript, 17 July 2003, p. 43

27 B Wernham, Transcript, 17 July 2003, p. 30

Victoria

Emergency Response Planning and Administration

- 5.1 The details of the Victorian Government's terrorism response planning and administration were outlined in the State Government's Submission to the Committee. The Victorian Government claimed that it had well developed emergency management arrangements based on the 'all hazards, all agencies' approach that incorporates counter terrorism planning and arrangements into wider emergency management arrangements.
- 5.2 A review of whole of government response arrangements after the Longford gas plant explosion in September 1998 resulted in the establishment of a Central Government Response Committee composed of senior departmental officials as a permanent fixture of the State's infrastructure for responding to major incidents.
- 5.3 This initiative had been enhanced since the September 11 attacks by the establishment of a new counter terrorism coordination unit in the Victoria police, by the provision of additional specialist equipment for fire and emergency services and the police special operations group, and by the establishment of a State Crisis Centre (with secure communications capability). In addition, a Security and Emergencies Unit was established within the Department of Premier and Cabinet to coordinate a response

between State Government agencies and to liaise with other states and the Commonwealth.¹

- 5.4 In his opening remarks to the Committee at the hearing in Melbourne on 15 August 2003, the Secretary of the Victorian Department of Premier and Cabinet, Mr T Moran, said:

Department of Premier and Cabinet has assumed the role of the lead agency for Victoria's policy coordination with the Commonwealth, including participation in the National Counter Terrorism Committee and its Executive, and participation in the Leaders' Summit and in the negotiation of the Inter-Governmental Agreement signed in October 2002...In the event of a terrorist attack, Victoria's emergency management arrangements provide that the Department of Premier and Cabinet would provide strategic coordination and manage the State Crisis Centre.²

- 5.5 In terms of the mechanics of a response to an incident the Victoria Police had the primary role. Mr Bruce Esplin, Victorian Emergency Services Commissioner, told the Committee:

There are two connection points in our relationship with the Commonwealth—one through the counterterrorism arrangements, the other through the emergency management arrangements—but in both cases Victoria Police is the coordinating point.³

- 5.6 Deputy Police Commissioner Bill Kelly outlined the administrative and planning arrangements under which the Victoria Police coordinate their counter terrorism incident response:

Victoria Police has conducted a thorough examination of existing operating procedures and protocols, with a priority focus on intelligence and prevention strategies, threat assessment and incident control to ensure an effective response capability and capacity. All counter-terrorism incidents will be run within the emergency management framework under the Emergency Management Act for Victoria based on prevention, response and consequence management.⁴

1 State of Victoria, Submission No 13, pp. 4-5.

2 T Moran, Transcript, 15 August 2003, p. 64.

3 B Esplin, Transcript, 15 August 2003, p. 68.

4 W Kelly, Transcript, 15 August 2003, p. 59.

State and Commonwealth Counter Terrorism Legislative Consistency

5.7 The Victorian Government's Submission detailed the legislative measures put in place in response to the National Agreement to ensure consistency in Australia's anti terrorism laws. In Victoria the *Terrorism (Community Protection) Act 2003* provides new powers to Victoria Police and new obligations to assist in preventing and responding to potential terrorist acts, including obligations on the owners and operators of critical infrastructure. *The Terrorism (Commonwealth Powers) Act 2003* refers special powers to the Commonwealth to give effect to the Federal Government's legislative powers to strengthen Australia's position against terrorism. The *Crimes (Property Damage and Computer Offences) Act 2003* includes new offences of sabotage and threatening sabotage and the *Australian Crime Commission (State Provisions) Act 2003* to allow the operation of the Australian Crime Commission within Victoria.⁵

5.8 Deputy Commissioner Kelly provided the Committee with an assessment of the efficacy of the new anti terrorism legislative framework in Victoria:

What I can say about the state legislation is that it has considerably enhanced our capacity in counter-terrorism capability and prevention. The key piece is to make sure that the various state legislations that have been passed since September 11 and Bali, along with the Commonwealth legislations, are both seamless and complementary, so that there are not any issues of investigating criminal elements of a terrorist act or just criminal elements here that might be overridden by other pieces of legislation.⁶

5.9 As well as providing for seamless coverage between State and Commonwealth jurisdictions, the new legislation provides a necessary enhancement of police powers to investigate and prevent terrorist activity as Commissioner Kelly pointed out to the Committee:

The legislation gives us a greater capacity than we had before. We have very good capacity in terms of criminal legislation in Victoria anyway, particularly in terms of warrants and other technical aspects of policing, but this enhances our capacity on the prevention and intelligence side. As I said earlier on, our focus is heavily on prevention and intelligence, in terms of counter terrorism. These powers—aside from the power to detain

5 State of Victoria, Submission No 13, p.3

6 W Kelly, Transcript, 15 August 2003, p.74.

contaminated people—certainly support very heavily the capacity of prevention and intelligence gathering to prevent a catastrophe in Victoria.⁷

- 5.10 On 1 December 2003, the Victorian Department of Premier and Cabinet informed the Committee that Victoria had acted to fulfil the terms of the Intergovernmental Agreement in reviewing all of the relevant State legislation giving effect to counter-terrorism arrangements.

Consequence Management

Response capacity

- 5.11 In reply to the Committee's inquiry about the State of Victoria's capacity to respond immediately to a terrorist attack, Deputy Police Commissioner Kelly noted that the response by Victoria Police had been tested over the past 20 years by a series of major emergencies and natural disasters:

The command, control and coordination functions and roles are regularly tested in an all-agency, all hazards approach under the Emergency Management Act framework and requirements. One of those requirements is an accountable and reportable performance measure in all local and senior level police managers' plans.⁸

- 5.12 The Committee was told that the management arrangements put in place in Victoria relied on high level committees coordinating input from the relevant Departments and agencies on the ground. It was argued that monolithic 'command and control' arrangements 'probably will not work' and that:

A more networked management arrangement which takes advantage of existing agencies and so forth at both levels of government, where relationships between them are well established and trialled through various exercises...our experience is that that works reasonably well.⁹

7 W Kelly, Transcript 15 August 2003, p. 75

8 W Kelly, Transcript, 15 August 2003, p. 60

9 T Moran, Transcript, 15 August 2003, p.67

- 5.13 In answer to a question from the Committee, Deputy Police Commissioner Kelly detailed the sequence of events which would be set in train in immediate response to a terrorist incident (a hypothetical explosion at a gas plant) in the State:

The operational forward command post for the police that would be set up at such a site, along with the command posts of the other emergency services, would be informing us of the circumstances there, and we would be making value judgements on whether it was a local criminal act or had more sinister connections...If it turned [out to be] a terrorist act the procedure, in terms of the investigation and management of coordination, probably would not change. However the spectrum of people involved at the national level would change.¹⁰

- 5.14 At this point the response arrangements would follow those under the National Counter Terrorism Plan:

our joint intelligence groups would be working with the Commonwealth agencies, both in the forward command post and at the police operations centre.¹¹

Infrastructure protection

- 5.15 The Victorian Government's Submission detailed the role of the Department of Infrastructure as being responsible for Victoria's road and rail transport services and infrastructure, the ports and marine sectors, for developing and implementing information and communication technology policy, providing strategic advice on energy policy and managing the delivery of large scale development and construction projects for the Victorian Government. The Department of Infrastructure is currently completing a security risk assessment of the energy sector and a strategic risk assessment for the transport sector including road, maritime, and public transport. It has established a security and emergency management unit with dedicated resources to coordinate security and emergency management across the department.¹²
- 5.16 Under the terms of the National Counter Terrorism Agreement, Victoria has identified and developed a database of more than 600 items of critical infrastructure. The Victoria Police told the Committee that Victoria was

10 W Kelly, Transcript, 15 August 2003, p. 65

11 W Kelly, Transcript, 15 August 2003, p. 66

12 State of Victoria, Submission No 13, p. 11.

following a risk management strategy with reference to infrastructure protection planning:

The counter-terrorism unit has been working with owners and operators of critical infrastructure, including all energy installations and transport systems, to ensure that they are aware of their responsibility to provide adequate security and undertake risk management planning. The new *Terrorism (Community Protection) Act* provides that the operators of essential services must prepare risk management plans to identify and mitigate the risk of terrorist acts, which is an augmentation of the long-term emergency management plans that have been in place for many years. Under the legislation, Victoria Police will supervise exercises by those installations intended to test their risk management plans.

- 5.17 The Victorian Government has developed a coordinated approach to the protection of critical infrastructure which allows for the fact that public utilities are often privately owned and managed. The Victorian Emergency Services Commissioner noted that two reviews of infrastructure protection planning had been undertaken since the Longford gas plant explosion in 1998 and a policy of risk management and cooperative planning involving the private sector, put in place:

I think the thrust of our activities is about recognising that this is risk management, disaster recovery planning and business continuity planning...By taking that approach we are able to engage with the private sector in a very complete way. It is an appropriate way for them to do their risk management. It is about sharing intelligence and sharing systems of understanding. But we were a long way down the track when some of this work was started on a national basis.¹³

- 5.18 The Victorian Government's Submission to the Committee noted that following the Security Alert of 19 November 2002, Secretaries of Victorian State Government Departments were required to undertake a review of the infrastructure, events and locations within their portfolios and to implement a program of prevention strategies to minimise the opportunity for terrorist related incidents involving critical infrastructure.¹⁴

13 B Esplin, Transcript, 15 August 2003, p.76

14 State of Victoria, Submission No 13, p. 3

Maritime and Aviation Security

- 5.19 In response to the Committee's inquiry about the preparedness of the Victorian authorities to meet a terrorism threat to maritime or aviation security, the Victoria Police pointed out that the

counter-terrorism coordination unit's brief is to coordinate activities to ensure the best possible maritime and aviation security within Victoria. We have a very close relationship with the APS and the Federal Police at Tullamarine airport. We also have a police station there.¹⁵

- 5.20 Victoria Police have been working actively with the Federal Police to coordinate arrangements for security at Tullamarine and at regional airports since September 11. Their priorities have been:

To re-establish and reinforce the current protocols in terms of air services, aircraft in flight and notification. We have been working in support of the Australian Protective Service and the Federal Police to supply intelligence and investigative support in terms of the controlling agencies because of the difference between state and federal responsibility at the airport. We are also working, through the counter-terrorism coordination unit, on the two reviews that are currently taking place in terms of aviation security, and we are working very closely with the Department of Transport and Regional Services because they are one of our key partners on the National Counter-Terrorism Committee. That is looking at the security of regional airports and also our major airports here. So we believe that we are making very good progress with that.¹⁶

- 5.21 Victoria Police assured the Committee that there was clear understanding of the relative roles of Victorian and Australian Protective Service officers in the provision of airport security and that the relationship had already been tested by recent incidents and was working effectively. Victoria Police stated:

The issues that we have been working through with APS in the airport since APS took over the role of airport security are through the counterterrorism coordination unit in terms of training awareness from both sides—from the APS side and from our side—to make sure that our members understand their complete

15 W Kelly, Transcript, 15 August 2003, p. 73

16 W Kelly, Transcript, 15 August 2003, p. 73

role and APS officers understand their role. It is support in a common cause. It is about personal security for people at airports and the extrication of offenders who might disrupt that. So we have arrangements with APS to support them in their role and we are currently going further on the enhancement of that.¹⁷

- 5.22 Victoria Police cited as examples the recent incidents involving passengers on Qantas and Virgin flights where first responders from the Victoria Police were at the scene within five minutes.¹⁸

Intelligence and Threat Assessment

- 5.23 In response to the Committee's inquiry about the Victorian authorities' access to and efficient utilisation of intelligence information, the Victoria Police provided an account of existing arrangements:

In the intelligence field, Victoria Police has refocused its intelligence and its preventative strategy. The Security Intelligence Group, known as SIG, focuses on the prevention of terrorist threats or acts through the analysis and provision of timely and accurate intelligence. It is the primary conduit of threat advice from the Commonwealth and of security liaison with other states and agencies.¹⁹

- 5.24 Additional surveillance and communication equipment had been provided to enhance the Victoria Police's intelligence and risk analysis capacity which would help with the timely detection of terrorist activity. Increased funding had also allowed for the employment of 12 additional intelligence officers and technical support staff.²⁰

- 5.25 With respect to the sharing of information between State and Commonwealth authorities, including intelligence, in the event of a terrorist incident, this had recently been tested in Victoria by the *New Dawn* exercise where senior Commonwealth agency representatives were involved with State Crisis Centre meetings. The Secretary of the Department of Premier and Cabinet commented in evidence to the Committee that:

Ultimately, though, these arrangements in a crisis depend upon established relationships and an openness in communication. This

17 W Kelly Transcript, 15 August 2003, p. 74

18 W Kelly, Transcript, 15 August 2003, p. 74.

19 W Kelly, Transcript, 15 August 2003, p. 59.

20 W Kelly, Transcript, 15 August 2003, p. 59.

can always vary over time...but I think that our reading of it would be that relationships across government boundaries are more numerous, more professional, better based and more informative than perhaps they were previously.²¹

The Role of the ADF

- 5.26 The Committee inquired about the extent of cooperation in an emergency management situation between the Victoria Police and the Australian Defence Forces. Police Commissioner Kelly commented that the Victorian Special Operations Group would be capable of handling most siege or hostage situations likely to occur within the State. If a terrorist incident were beyond the capacity of the State's resources the protocols set out in the National Counter Terrorism Plan would be followed. These protocols provide for the deployment of the ADF Tactical Assault Group (TAG) East:

There is a protocol of the police forward command post then engaging with the ADF if they are to be deployed. That is handled at a national level, and the request would go up through the State Crisis Centre to the national level. If and when the approval was given, the TAG commander would consult with the forward commander. There is then some documentation that is processed and an official handover is done to the ADF. When the incident has been completed, there is a hand-back. So there is a process there that is well tried and tested.²²

- 5.27 Relations between State emergency management authorities and the ADF were subject to regular exercises. The Victoria Police pointed out:

The SAC-PAV exercises on a number of occasions have included the ADF and I would imagine that will continue. The more recent one that we did with New Dawn, which was a multiple incident exercise, clearly included ADF, as did quite a number of the exercises that the state forces played a role in preceding the Olympic Games.²³

21 T Moran, Transcript, 15 August 2003, p. 65

22 W Kelly, Transcript, 15 August 2003, p. 86.

23 W Kelly, Transcript, 15 August 2003, p. 86

Mass casualty response capacity

5.28 The Victorian Government's Submission to the Committee's Inquiry detailed the capacity of the State to respond to a mass casualty incident. The Department of Human Services has specific responsibilities in the consequence management of terrorist incidents within Victoria's emergency response and community recovery arrangements. These are:

Mass casualty management through the role of the Chief Medical Coordinator, Area Medical Coordinators, ambulance services, medical and health services and hospitals identified in the State Medical Emergency Response Plan.

Incident control responsibilities for biological (infectious disease) and radiation incidents, and food and water contamination and other environmental and public health events through the role of the Chief Health Officer within the Public Health Emergency Response Plan.

Specialist community recovery services including psychological first aid, support to victims of trauma, community information and redevelopment programs, health surveillance and public health programs – through the role of the State Recovery Coordinator within the State Emergency Recovery Plan.²⁴

5.29 In evidence to the Committee Victorian officials provided details of the operation of the emergency management arrangements relating to mass casualty incidents:

The medical aspects of mass casualty incidents are managed through a partnership arrangement with the Chief Medical Coordinator and ambulance services. Integrated central and site communication and response systems provide a response model for the triage of casualties, first aid, overseeing contamination of casualties and coordination of transfers to hospitals. Victorian hospitals also provide additional on-site capacity through the deployment of trained disaster teams resourced with specially designed mobile kits.²⁵

24 State of Victoria, Submission No 13, p. 10.

25 B Joyce, Transcript, 15 August 2003, p. 62.

- 5.30 With respect to high volume casualty requirements as a result of a terrorist incident, Victorian authorities were confident that capacity could be expanded rapidly to the extent of 300 beds in the short term and 1,500 state wide within 24 hours:

Victoria's hospitals have no built-in redundancy for casualties. A contingency planning system is used to establish capacity. Hospital capacity for casualties is managed through a combination of burns beds, critical care beds and multi-day and same-day beds... Additional hospital, nursing and medical specialist personnel are accessed via health services and the medical community outside the hospitals directly associated with the casualties. We are very confident that we have a surge capacity in terms of providing the capacity for the treatment of casualties.²⁶

Chemical, biological and radiological (CBR) event response capacity

- 5.31 In response to a request from the Committee the Victorian Chief Health Officer, Dr R Hall outlined the process of response to a CBR event in Victoria:

Essentially, we see a two-phase process where, if there were an incident that required decontamination on the scene, the fire service would have the primary responsibility for conducting that decontamination on the scene. We also have systems within our hospitals to ensure appropriate decontamination of people as they arrive. It may well be that some people will self-present to hospitals, where we can arrange to have decontamination of those people as they present.²⁷

- 5.32 Dr Hall told the Committee about recent developments in Victoria with respect to enhancing the State's capacity to respond to CBR events:

We have embarked on a process of increasing the capability in the ambulance service with regard to personal protective equipment. Also, we are increasing the capability of hospital emergency departments to deal with chemical, biological and radiation incidents. We have detection equipment, which can be deployed at the scene of an incident to examine the nature of radiation and the kind of response that would be required to deal with it. We also have equipment to deal with that issue in hospital emergency

26 B Joyce, Transcript, 15 August 2003, p. 62

27 R Hall, Transcript, 15 August 2003, p. 80.

departments, again to guide the response to radiation issues. With regard to the pharmaceutical stockpile, we are developing our pharmaceutical stocks to respond to issues such as the anthrax issue that came up in the United States and the white powder incidents that we had in Australia. We are working with the national arrangements to refine exactly the kinds of drugs needed. That process is ongoing. That is for both antibiotics for biological agents and drugs for chemical agents.²⁸

- 5.33 In addition to the resources detailed above the Victoria Police listed a first response capacity including '80 tactical suits and 10 fully encapsulated gas suits. Further suits will be supplied through the national counter-terrorism arrangements under the Emergency Management Australia framework.'²⁹

Risk Management

- 5.34 Key aspects of Victoria's approach to the risk management of counter terrorism capacity in the State are scenario based planning, an 'all hazards all agencies' approach to service provision and planning and participation in exercise and training programs.
- 5.35 The Victorian Emergency Services Commissioner, Mr B Esplin elaborated on the first of these concepts:

We would call it looking over the horizon. In Victoria we are trying to use a process of scenario based planning... the sort of process that enables us to shape, based ultimately on risk assessment, just what the scenarios are that we will need to respond to. We need to think outside the square and think over the horizon of the sorts of risk environments that might confront us.³⁰

28 R Hall, Transcript, 15 August 2003, p. 79

29 W Kelly, Transcript, 5 August 2003, p. 60

30 B Esplin, Transcript, 15 August 2003, p. 83

- 5.36 The Secretary of the Victorian Premiers' Department also drew the Committee's attention to the 'more substantial and more frequent exercises' engaged in by the police and emergency services in the State as an important aspect of its risk management response.

Queensland

Counter Terrorism Response Planning and Administration

- 6.1 In its Submission to the Committee's inquiry, the Queensland Government maintained that it had adopted a proactive stance in developing the State's counter terrorism capability and had cooperated fully with the national program of enhancement under the National Counter Terrorism Agreement.
- 6.2 The Queensland Government tested its response capacity by means of Exercise Fast Ball, held in Brisbane from 29 September to 3 October 2003. The Exercise encompassed a series of integrated deployment exercises and training exercises and involved Commonwealth, State and local government agencies.
- 6.3 In February 2003 the Queensland Government established the Security Planning and Coordination Unit within the Department of Premier and Cabinet and the Counter Terrorism Coordination Unit within the Queensland Police Service. The role of the two units is to provide whole of government coordination of security and counter terrorism related matters, to implement counter terrorism projects on critical infrastructure and government agency preparedness, to support counter terrorism training exercises and to liaise with the Commonwealth, other states and local government and the private sector on counter terrorism issues.¹
- 6.4 An overview of the Queensland Government's strategic policy on counter terrorism was provided to the Committee by the Director General of the

1 Government of Queensland, Submission No 14, pp. 4-5

Queensland Department of Premier and Cabinet who drew attention to four particular focus areas:

Integral to Queensland's strategy are four counter-terrorism projects. These projects are critical infrastructure, government agency preparedness, mass gatherings infrastructure and hazardous materials projects. It is worth noting that, while the critical infrastructure work is part of the national agenda, the other three projects represent a proactive stance by the Queensland Government.²

- 6.5 The Department of Premier and Cabinet drew attention to the fact that the Queensland approach to counter terrorism centred on cooperation at the multi agency level and between all levels of government:

Through these projects the Department of the Premier and Cabinet and the Queensland Police Service, in conjunction with other relevant state government agencies—in particular, the Department of Emergency Services—have engaged multiple stakeholders, including local government and the private sector.³

- 6.6 The involvement of local government in particular has been progressed by local government membership of the steering committee for the State's critical infrastructure protection project.⁴

- 6.7 The Director of the Queensland Department of Emergency Services, provided the Committee with a summary of the planning and administrative structure for emergency services response:

In Queensland the Department of Emergency Services provides coordinated and integrated fire, ambulance, counter-disaster and rescue services, covering all phases of emergency and disaster management. Over the past three years Queensland has reviewed its arrangements and put in place a range of measures to enable it to effectively manage the consequences of a large-scale emergency, including responses to chemical, biological, radiological, incendiary or explosive—CBRIE—incidents.⁵

- 6.8 The Queensland Police Commissioner told the Committee that the Queensland Police Service (QPS) had maintained a sound capacity to prevent, respond to and recover from a terrorist incident under the new National Counter Terrorism Committee organisational structure. In policy terms the Queensland Police Service 'subscribes to the all hazards
-

2 L Keliher, Transcript, 7 November 2003, p. 91

3 L Keliher, Transcript, 7 November 2003, p. 91

4 L Keliher, Transcript, 7 November 2003, p. 91

5 M J Kinnane, Transcript, 7 November 2003, p. 94

approach to emergency management' and its capabilities are being continually tested and subject to a process of continuous improvement.⁶

6.9 The Commissioner also noted the coordinated role played by the Queensland police in the State's counter terrorism strategy:

The Counter Terrorism Coordination Unit has been implemented to manage Queensland Police support and involvement with joint projects; in particular with the Department of the Premier and Cabinet's Security Planning and Coordination Unit...Interoperability is a key aspect of the QPS approach to counter terrorism. For example, QPS officers have been seconded to the Australian Federal Police joint counter-terrorism team. Arrangements with other agencies for specific categories of incident have been agreed and documented in plans such as the multi agency response to a CBR incident plan.⁷

6.10 Queensland's Chief Health Officer provided the Committee with an overview of the plans and administrative arrangements for responding to a health or medical emergency in Queensland:

Queensland's emergency health system is advised by a joint interdepartmental committee, called the Queensland Emergency Medical System Advisory Committee, QEMSAC. This committee reports to the director-general and the ministers for both the Department of Health and the Department of Emergency Services. The scope of the committee's activities is to achieve a whole-of-government approach to emergency health care. Queensland's emergency health plan is a sub-plan of the state's disaster plan and in turn of course there are sub-plans for various elements of the health, including mental health, public health et cetera. Queensland takes an all-hazards and all-agency approach to emergency health care built on existing resources and everyday practice. Our health response to a terrorism incident would thus be based on this all-hazards approach, although taking into consideration security aspects.⁸

6.11 As in other states, Queensland's counter terrorism administrative machinery is based around principles of high level communication and administrative coordination across all levels of government and involving the private sector where required.

6 R Atkinson, Transcript, 7 November 2003, p. 93.

7 R Atkinson, Transcript, 7 November 2003, p. 93.

8 G J Fitzgerald, Transcript, 7 November 2003, p. 96.

State and Commonwealth Counter Terrorism Legislative Consistency

- 6.12 The Queensland Government's Submission to the Committee noted that the State had undertaken a whole-of-government review of the robustness of the state's legislation relating to preventing, detecting, responding to, investigating and recovering from possible terrorist threats and incidents. The most pressing legislative matters have been addressed with other less pressing outcomes of the review still to be formally considered.⁹
- 6.13 The Submission noted that amending legislation to strengthen Queensland's counter terrorism laws in response to the terms of the National Counter Terrorism Agreement was introduced into the Queensland Parliament on 29 October 2003. The Disaster Management Bill 2003 provides a modern, integrated framework for the structures, functions and powers supporting the disaster management system in Queensland. The Bill encompasses a comprehensive approach to disaster management through disaster mitigation, prevention, preparedness, response and recovery. Under the Bill, disaster situations could involve terrorist incidents.
- 6.14 *The Chemical, Biological and Radiological Emergency Powers Amendment Act 2003* provides a detailed legal regime to ensure that police and other emergency responders have adequate powers to respond to the most severe acts of terrorism involving CBR substances. The Act provides a power to detain and treat people against their will, decontaminate affected persons, and prevent the spread of a CBR substance. It also provides a power to direct people to stay or leave the incident area.
- 6.15 *The Terrorism (Commonwealth Powers) Act 2002* refers State constitutional power to the Australian Government to support fully the new Australian Government terrorism offences. The Act commenced on 28 March 2003.
- 6.16 The Australian Crime Commission (Queensland) Bill 2003 provides, as do its counterparts in the other states, for the operation of the Australian Crime Commission in Queensland. It was introduced into the Queensland Parliament on 7 October 2003.¹⁰
- 6.17 From a Queensland police perspective, *The Public Safety Preservation Act 1986* provides police powers for managing emergency situations. However this had been amended to take account of CBR incidents:

Whilst the existing powers were considered appropriate for managing most anticipated conventional terrorist incidents, the

9 Government of Queensland, Submission No 14

10 Government of Queensland Submission No 14, p. 7.

Act has been amended to create a new category of emergency for CBR incidents. The wide-ranging powers required by police and emergency service responders to manage a CBR incident created by the amendments are tempered by stringent safeguards and a very high level of authority being required to activate the special powers. The State Counter-Disaster Organisation Act 1975 has recently been reviewed and provides a legislative framework for the management of the consequences of a terrorist act.¹¹

Consequence Management

- 6.18 An overview of the State of Queensland's arrangements for managing the consequences of a terrorist attack was provided to the Committee by the Director General of the Department of Emergency Services:

At the end of 2001, a \$13.2 million, state-of-the-art training facility was opened at White Island here in Brisbane. The construction of an urban search and rescue facility at the training academy was finalised in August 2002. This academy enables the Queensland Fire and Rescue Service to provide its officers with world-class training using state-of-the-art facilities...In summary, Queensland's arrangements are based on a coordinated multi-service and multi agency approach to all phases of emergency management, as well as an all-hazards approach. This allows strong links to exist between the states' crisis management and consequence management arrangements.¹²

- 6.19 The Queensland Police Commissioner summed up the views of the Queensland police with respect to counter terrorism consequence management to the Committee noting that 'whilst acknowledging that the state has sound counter-terrorism arrangements, it is essential that complacency be avoided at all costs and that there be a mindset of continuous improvement...we will strive to further develop our prevention, response and consequence management arrangements in that context.'¹³

Maritime and Aviation Security

- 6.20 In response to questions from the Committee about the capacity of Queensland's police and emergency services to deal with the

11 M Atkinson, Transcript, 7 November 2003, pp. 92-3

12 M Kinnane, Transcript, 7 November 2003, p. 96.

13 R Atkinson, Transcript, 7 November 2003, p. 94.

consequences of a terrorist attack at airports or port facilities in the State, the Police Commissioner said:

In my view there is, and there is excellent cooperation between the airline companies, the civil aviation authorities and the management of airports. There is very good capacity to quickly identify the information needed to be of assistance.¹⁴

6.21 The Queensland Government's Submission noted that the Commonwealth was responsible for determining appropriate levels of security at airports. The Queensland Government was actively engaged in consultations with the Commonwealth on specific airport security issues including cost implications through the Secretaries' Committee on National Security review of the aviation security framework.¹⁵

6.22 In answer to a question from the Committee about how effective State and Commonwealth cooperation had been in upgrading the security arrangements at the State's airports, the Police Commissioner replied:

In Queensland we have three major international airports—Cairns, Brisbane and on the Gold Coast—let alone all the other airports that exist throughout this state. I think it has been satisfactory. The ultimate test would be an incident, and none of us wants that to occur. One of our key focuses is on prevention rather than having to respond to an incident. I believe there is a very good level of cooperation between the federal agencies, the state agencies and the private sector such as the Brisbane Airport Corporation.¹⁶

6.23 With particular reference to maritime security the Queensland Government's Submission noted the scale of port operations in the State with 13,000 seagoing vessel movements and 200 million tons of cargo:

Queensland Transport and the state's eight port authorities are working closely with the Australian Government Department of Transport and Regional Services in the implementation of the International Ship and Port Facility Security Code through the proposed Maritime Transport Security Act 2003.¹⁷

6.24 The Submission commented that although the Government had 'some concerns' with aspects of the proposed security framework they were being worked through and there was a 'strong willingness to have the system operational by 1 July 2004.'¹⁸

14 R Atkinson, Transcript, 7 November 2003, p. 109.

15 Government of Queensland, Submission No 14, pp. 11-12.

16 R Atkinson, Transcript, 7 November 2003, p. 109.

17 Government of Queensland, Submission No 14, p. 11

18 Government of Queensland, Submission No 14, p. 11.

- 6.25 The Director, Ports Planning, of the Queensland Department of Transport told the Committee that ‘the Queensland port network is working with the Commonwealth and with the Queensland Department of Transport to be well positioned to have [the new national security standard] in place before July next year.’ He also made note of the operation of the x ray container screen program by Customs: ‘An X ray facility was established at the port of Brisbane in the last six to nine months, which is now being used for both counter terrorism and other aspects of detecting illegal imports.¹⁹ As well as x ray screening the new security code will require screening of cruise ship passengers and ship visitors.

Critical Infrastructure Protection

- 6.26 A list of critical infrastructure in the State of Queensland was prepared in late 2002 in which infrastructure was identified across 10 industry sectors. Information sessions were held for the owners and operators of critical infrastructure during June and July 2003 outlining their roles and responsibilities under the *Commonwealth Principles for a Counter Terrorism Strategy for Critical Infrastructure Protection*. Criteria for the selection of sites were the potential economic and social impacts to Queensland, the impact of redundancy and the level on interdependency with other essential sites or services.
- 6.27 The Queensland Government Submission noted that a counter terrorism risk framework had been developed to enable Queensland Government Departments to integrate terrorism related risks with their existing risk management arrangements. These cover issues such as; information security, general security, on-site emergency management, information disaster recovery and business continuity. In August 2003 the counter terrorism risk framework was incorporated into the performance agreements of all Directors-General. Departments were required to implement the framework by 29 February 2004.²⁰
- 6.28 In response to an issue raised by the Committee about the capacity to counter threats against technological infrastructure the Police Commissioner told the Committee that:

Under the auspices of the Australian Federal Police and with the support of the jurisdictions, the Australian High Tech Crime Centre has been established. It is based in Canberra and all jurisdictions are contributing to that. Certainly my understanding

19 P J Quirk, Transcript, 7 November 2003, p. 123

20 Government of Queensland Submission No 14, pp. 8-9.

is that there is again good cooperation between the federal agencies more broadly and the state agencies in terms of national information technology infrastructure protection.²¹

Mass casualty response capacity

6.29 The Queensland Government's Submission noted the configuration of medical resources available for use in emergencies. Queensland Health is a single state wide service divided into three zones, each based on a tertiary teaching hospital, and further into 39 districts. There are over 215 public hospitals and 55 private hospitals in Queensland with a total of about 16,000 beds of which 10,000 are in public hospitals. These hospitals have 270 intensive care beds, 20 specialty burns beds and over 300 isolation beds. Major hospitals throughout Queensland have a limited number of CBR protective suits. While most hospitals have capacity to decontaminate a small number of patients, two major hospitals in Brisbane have CBR decontamination equipment suitable for larger scale incidents.²²

6.30 The Chief Health Officer told the Committee that medical and hospital resources throughout Queensland had been effectively networked to provide a state wide emergency and consequence management response:

The cornerstone of Queensland Health's emergency health arrangements is of course the emergency departments of our major metropolitan and provincial hospitals. In addition, these hospitals supply medical outreach services, known as the medivac program, whereby medical and, at times, nursing staff may respond to pre-hospital incidents in support of the ambulance service and manage the transfer and retrieval of critically ill patients from smaller institutions. These outreach services can be provided from up to 70 hospitals around the state. A network of senior doctors, known as clinical coordinators, supervises the medivac and retrieval service.²³

6.31 Transport to specialist facilities from remote areas of the State is facilitated by 'a large fleet of aeromedically configured aircraft available to support major health incidents. This includes 10 fixed-wing aircraft which are operated by the Royal Flying Doctor Service and 12 helicopters which are operated by both government and community providers that are configured for the treatment and transport of patients'. The Chief Health Officer told the Committee that the arrangements had been recently tested by the State's response to the Bali bombings when Queensland agencies

21 R Atkinson, Transcript, 7 November 2003, p. 113.

22 Government of Queensland Submission No 14, p. 16.

23 G J Fitzgerald, Transcript, 7 November 2003, p. 97.

liaised with the Commonwealth 'to ensure the seamless provision of medical care to those affected'. In his opinion:

The capacity of the Queensland health system to cope with any major incident obviously depends on the location and extent of the incident and the number and severity of casualties. Whilst we have considerable capacity across the state, generally it is largely committed. The capacity will be and may be extended in any major incident by a range of strategies, including the cessation of non-elective surgery...the support of private facilities, the utilisation of other accommodation and, of course, the use of interstate assistance as required.²⁴

Chemical, Biological and Radiological Incident response capacity

6.32 In Queensland a CBR Steering Committee established in 2000 for enhanced multi-service collaboration and cooperation between agencies responsible for responding to CBR incidents, with representation from the Department of the Premier and Cabinet, the Queensland Police Service, Queensland Health, the Department of Primary Industries and the Department of Emergency Services.²⁵

6.33 The Director General of the Queensland Department of Emergency Services told the Committee that with respect to the coordinated management of a response to a CBR incident:

Effective working relationships have been established with all major agencies. The CBR steering committee also ensures that close links are maintained between the national counter-terrorism plan and the disaster management system in Queensland.²⁶

6.34 He also indicated that the physical resources available to Queensland Emergency Services to deal with CBR incidents were being imminently upgraded:

To facilitate improved coordination in our ability to respond to CBRIE [Chemical, Biological, Radiological, Incendiary and Explosive] incidents, a special operations unit was established earlier this year within the Queensland Fire and Rescue Service and the department. The special operations unit includes the hazardous materials—hazmat—and safety equipment unit, the technical rescue unit, response vehicles and the state supplies of equipment for urban search and rescue, CBR and hazmat. This

24 G J Fitzgerald, Transcript, 7 November 2003, p. 97.

25 Government of Queensland, Submission No 14, p. 13

26 M J Kinnane, Transcript, 7 November 2003, p. 95.

unit is to be located in a special operations facility representing all the emergency services and is to be constructed in Brisbane in 2004.²⁷

- 6.35 With respect to the issue of Commonwealth additional resourcing of CBR response equipment under the National Counter Terrorism Agreement, the Queensland Police Commissioner suggested to the Committee that the rationale for allocating such equipment be adjusted:

the current model for equipment is based on an equity model. All the policing jurisdictions receive the same amount [of] equipment. For example, with ammunition, a smaller jurisdiction receives the same amount of ammunition as New South Wales. We think that should be reconsidered and the equipment allocated, to some extent, on the basis of the size of the jurisdiction.²⁸

Recommendation 1

The Committee recommends that the Government review the rationale for emergency response equipment allocations to the States and Territories under the National Counter Terrorism Agreement, taking into account the relatively more significant requirements of the larger jurisdictions.

Intelligence and Threat Assessment

- 6.36 The Committee asked the Queensland Police to comment on the effectiveness of the current intelligence sharing and threat assessment arrangements between the State and the Commonwealth. The police Commissioner told the Committee:

the proof of this will only be known in the fullness of time. We have a daily liaison here with the Australian Federal Police and with ASIO. The cooperation between the state and federal authorities is excellent. That was underpinned in terms of the training and preparation that went into the Commonwealth Heads of Government Meeting, and it has continued. So I am very comfortable with the arrangements. Having said that, information comes from a variety of sources and what is critical is our processes to ensure that the information is progressed—in other

27 M J Kinnane, Transcript, 7 November 2003, p. 95.

28 R Atkinson, Transcript, 7 November 2003, pp. 127-8.

words, passed to the right people—and is correctly analysed and acted on. They are the fundamental things in terms of intelligence gathering.²⁹

- 6.37 The view that there were clear and effective communications with respect to terrorism threat assessment matters between State and Commonwealth Governments was supported by the Department of Premier and Cabinet:

We work within the national counter-terrorism framework. We have our two Queensland government representatives on the National Counter-Terrorism Committee... We have established communication protocols between us and the PSCC and, through that arrangement, through the Queensland Police, with ASIO and so on. Working from there, we have a high-level working group with a key person representing each Queensland government agency. They then have key contacts in the industry sectors that their portfolio relates to. So we have communication coming through from our industry partners. They know to whom to feed any information that they are aware of—either to the Queensland government or through the local police. There is a number of ways it can be captured.³⁰

- 6.38 On the issue of analysis of available intelligence, the Queensland police Commissioner told the Committee that it was subject to a risk management process and to a process of evaluation. Intelligence sharing was facilitated by 'daily liaison here between the three key agencies – the Queensland Police, ASIO and the AFP.'³¹

Preparedness

- 6.39 The Queensland Police told the Committee by way of summary:

enhancement of the QPS counter-terrorism capability is a process of continuous improvement given impetus by recent world and regional events such as the Bali incident. The service demonstrated its capacity to plan for protection from terrorism for major events during the 2000 Olympic torch relay and preliminary events, and the Commonwealth Heads of Government Meeting held at Coolumberrin in Queensland. Preparations for the Commonwealth Heads of Government Meeting were interrupted, and later postponed, by the September 11 attacks, and the QPS, together with other agencies, subsequently provided security for the largest

29 R Atkinson, Transcript, 7 November 2003, p. 109.

30 C M Taylor, Transcript, 7 November 2003, p. 110.

31 R Atkinson, Transcript, 7 November 2003, p. 111.

meeting of its type in the new security environment within a very compressed time frame.³²

- 6.40 The Queensland Government Submission stated that the Government was 'satisfied that significant measures are in place in response to the current threat of terrorism. Vigilance and continual improvement will drive this capability into the future'.

New South Wales

Emergency Response Planning and Administration

- 7.1 The key policy concepts behind emergency response planning in the State of NSW are set out in the manual *Emergency Management Arrangements for NSW*, issued in September 2003. The governing principles are:
- An all hazards approach where a single set of management arrangements apply to all incidents
 - An all agency approach where all relevant state, local government and non government organisations are involved in emergency management
 - A comprehensive approach where all aspects of an incident are included – prevention, preparation, response and recovery.¹
- 7.2 In evidence to the Committee the Deputy Director-General of the NSW Premier's Department told the Committee that in the last 12 months the Government had established a Cabinet standing committee on counter terrorism chaired by the Premier. 'The purpose of that committee is to oversee, further develop and augment the arrangements and capabilities at the state level to deal with a terrorist incident or the threat of a terrorist incident.'²
- 7.3 At the administrative level is the Chief Executive's Counter-Terrorism Coordinating Group, chaired by the Director-General of the Premier's Department. Both the Cabinet Committee and the Chief Executive's Group

1 The Emergency Management Arrangements for NSW, State Emergency Management Committee, p. 5.

2 B O'Reilly, Transcript, 18 November 2003, p. 130.

ensure that there are clear and direct lines of communication in place between the State Government and the operational agencies concerned with responding to an incident. The Premier's Department stated:

The police have the responsibility for operational matters, with other agencies contributing to policy formulation and direction on an as required basis. The focal points for the response to an incident are the State Crisis Centre, which has direct links to the Commonwealth, and the Police Operations Centre. Other assistance is also available through the state emergency operations centre, which is the Centre for the Coordinated Response of Emergency Management.³

- 7.4 The planning and response capacity of the NSW authorities had been tested by recent events. The Premier's Department told the Committee that the government remained committed to cooperation with the Commonwealth to maintain the quality of its capability:

Over the years, New South Wales has faced many emergencies. It has also planned and hosted the Olympic Games. New South Wales is a willing partner in the national counter-terrorism arrangements and has also taken significant steps to strengthen the overall capabilities of all of its organisations that might be expected to have some role in an incident or the threat of an incident.⁴

Counter Terrorism Legislative Consistency between State and Commonwealth

- 7.5 The NSW jurisdiction's counter terrorism legislation has recently been made compatible with that of the Commonwealth under the terms of the National Counter Terrorism Agreement. The Committee was informed at its Sydney hearing by the Deputy Director-General of the NSW Cabinet Office that the referral of powers to the Commonwealth had been enacted, as also had amendments to the *State Emergency and Rescue Management Act 1989*. The NSW government had also enacted the *Terrorism (Police Powers) Act 2002* in December 2002.⁵
- 7.6 *The Terrorism (Police Powers) Act 2002* provides for a person to be held for decontamination so that they do not present a threat to other members of

3 B O'Reilly, Transcript, 18 November 2003, p. 130.

4 B O'Reilly, Transcript, 18 November 2003, p. 130.

5 J L Schmidt, Transcript, 18 November 2003, p. 150

the community and for the controlling authority (generally the police) to establish control over a site by preventing entry to or from it.⁶

7.7 Together with the legislative amendments noted above, legislative basis for counter terrorist and emergency management in NSW resides in *The State Emergency and Rescue Management Act 1989* (SERM Act). The Act sets out the responsibilities of the Minister, the establishment of relevant emergency management committees, the production of disaster plans and arrangements for controlling operations.

7.8 Under the SERM Act the Minister is responsible for:

- Ensuring that adequate measures are taken by government agencies to prevent, prepare for, respond to and assist recovery from emergencies;
- Coordinating the activities of government agencies in taking those measures; and
- Arranging for the preparation and review from time to time of the State Disaster Plan

7.9 Under the SERM Act the State Emergency Management Committee comprising a representative of the Minister, the State Emergency Operations Controller and representatives of the State Emergency Services Organisations including the Police, is responsible for emergency planning and management.⁷

Consequence Management

Response capacity

7.10 The capacity to respond to a terrorist incident in NSW has been developed from the recent experience of the State in hosting the Olympic Games in 2000. The NSW Deputy Police Commissioner told the Committee that since the Olympics the approach to counter terrorism had changed with the advent of the September 11 type attack. As a result of this and of the Bali bombing the NSW police conducted two major reviews of their counter terrorism capabilities. A Counter Terrorism Coordination Command was created. More recently, in September 2003:

6 A P Scipione and BW Howard, Transcript, 18 November 2003, p. 152.

7 The Emergency Management Arrangements for NSW, pp. 8-9

We now have the State Protection Group tactical operations teams...The number of staff allocated to the Counter Terrorism Coordination Command is approaching 400...The other thing we have acknowledged...is to work with the whole of government...we have worked to engage each and every agency.⁸

Mass Casualty response

- 7.11 The capacity of the NSW health and emergency authorities to respond effectively to a terrorist incident producing mass casualties was outlined at the Committee's Sydney hearing by the CEO of the NSW Ambulance Service. He emphasised the comprehensiveness of the planning and operational delivery:

We have a standing New South Wales health plan and a standing New South Wales ambulance plan that integrate a whole-of-health response for any major disaster producing mass casualties—from the pre-hospital care response and acute hospital treatment to public health issues which inevitably flow from major events, particularly if a contaminant is involved, and also mental health services required at the time and for any community disaster. These responses have become more detailed, as has our response preparedness.⁹

- 7.12 The NSW Ambulance Service explained to the Committee that planning, specialist equipment, resources and training had been rationalized into a central state unit:

All this work has been pulled together by a centralised counter-disaster unit which integrates New South Wales Health and ambulance service planning, training, preparedness and doctrinal development for managing and preparing for major events. This is a permanent unit now housed within the ambulance service. It coordinates all of the equipment, technical analysis and training activities.¹⁰

- 7.13 As in the other states, the ability of the hospital system to deal in a flexible manner with a surge in demand for specialist services is a feature which has been recently tested:

As to the question of burns, it is important to note that there is substantial capacity across the New South Wales and national

8 A P Scipione, Transcript, 18 November 2003, p. 139

9 G J Rochford, Transcript, 18 November 2003, p.150.

10 G J Rochford, Transcript, 18 November 2003, p. 151.

health system to flex and respond to any type of casualty that requires specialised treatment. The capability can be expanded at very short notice...The ability of the health system to flex is an important part of our response to any of these sorts of events. The specific capability for burns is available in the number of currently dedicated beds that provide routine care to burns victims across the nation and the ability to designate additional beds in hospitals and to bring on extra staff with skills and expertise in the treatment of long-term burns victims should the number exceed those routine capabilities that are already resident in the system.¹¹

Chemical, Biological and Radiological Incident response capacity

- 7.14 With respect to the particular challenges represented by a chemical, biological or radiological attack, the NSW Ambulance Service stated that the capacity to deal with such incidents had already been integrated with the 'all hazards' planning and response:

We have a range of initial response capabilities that will follow a disaster. In particular, we have invested significantly in our ability to respond to a disaster involving a contaminant of any kind—chemical, biological or radiological. Substantial personal protective equipment has been purchased and a vehicle has also been purchased to allow the treatment of contaminated patients without necessarily moving them to the hospital environment and disabling a hospital through subsequent contamination.¹²

- 7.15 Training initiatives have allowed emergency responders to familiarise themselves with the use of the equipment as part of a strategy of continuous improvement:

Those capabilities have involved a substantial training program that allows ambulance officers, nurses and medical first respondents to train together in the use of that equipment in response to a major event and in the exercise of disaster plans. Those joint training exercises have also overlapped to other emergency services, with special casualty access team paramedics with special access skills also being trained in far greater numbers.¹³

11 G J Rochford, Transcript, 18 November 2003, p.151.

12 G J Rochford, Transcript, 18 November 2003, p. 151.

13 G J Rochford, Transcript, 18 November 2003, p. 151.

- 7.16 The NSW Deputy Police Commissioner referred the Committee to the specialist equipment recently purchased to enable police and emergency services to respond more effectively to CBR incidents:

It has allowed us to purchase a joint aviation asset, which was a significant step forward, in order to transfer and transport urban search and rescue teams, hazards material people or bomb disposal experts from police. We have been able to procure that and it is about to be commissioned in the very near future. We have also been able to have purpose built an armoured vehicle that will allow us to move into contaminated or dangerous situations with a view to resolving them. They have even been used operationally in recent times.¹⁴

- 7.17 The purchases are part of a:

five year \$17.3 million plan for increased health capacity to respond, which includes 700 personal protective equipment suits, respirators and special decontamination facilities at hospitals across NSW [as well as] the upgrading of two laboratories to provide improved diagnostic facilities.¹⁵

Infrastructure protection

- 7.18 NSW is currently participating in the National Counter Terrorism Committee's program for the inventory management of the State's critical infrastructure sites 'identifying them, looking at interdependencies, looking at vulnerabilities'.¹⁶ The process began in NSW in October 2002 and is being oversighted by the Critical Infrastructure Protection Branch in the Commonwealth Attorney-General's Department. The program covers all industry sectors including utilities, energy and transport, 'all of which are being managed positively and in a relatively standard way throughout the states and territories. Risk assessments, business continuity plans and emergency planning have been looked at, security is being upgraded.'¹⁷

Aviation Security

- 7.19 The Committee raised with the Committee the issue of aviation security in NSW as part of the critical infrastructure protection strategy. The Director General of the NSW Premier's Department told the Committee that there
-

14 A P Scipione, Transcript, 18 November 2003, p. 147.

15 B O'Reilly, Transcript, 18 November 2003, p. 147.

16 B W Howard, Transcript, 18 November 2003, p. 155.

17 B W Howard, Transcript, 18 November 2003, p. 155.

were four security designated airports in the State out of a total of over 30 and that the choice of those four did not appear to be based on clear risk management principles:

Federal legislation has the responsibility for security at the airports. The fundamental issue is that, firstly, if we were to put in all the security in the world we could not guarantee 100 per cent safety. Secondly, is the cost of that security to be borne by the Commonwealth or is it to be borne by the operator? If it were to be borne by the operator, a number of regional airports would shut down; there is no doubt about that. So, in relation to the whole issue of risk assessment for airports, we are saying that the best way would be to have a risk assessment developed for airports. It may be at category levels, depending on the throughput of passengers and that sort of thing and where the landing or destination is...At the moment it is a bit of a scatter gun approach.¹⁸

7.20 NSW had recently discussed this issue with the Commonwealth:

We recently attended a hearing organised by the Commonwealth, and we gave evidence about why we believe there needs to be better risk assessment associated with non-regulated airports. We have given evidence on that, as have the private operators and councils.¹⁹

7.21 The Commonwealth informed the Committee at its hearing on 8 March 2004 that DOTARS was undertaking a comprehensive risk assessment program for regional airport security which should be completed by mid 2004.

Intelligence and Threat Assessment

7.22 Intelligence and threat assessment, including threats to critical infrastructure such as airports is the single most important element in the risk management strategy adopted by all States and Territories. The Deputy Police Commissioner told the Committee that within the NSW Counter Terrorism Coordination Command there is 'a dedicated analytical and intelligence group, which is responsible for looking at national and international trends...it gets access through...ASIO and through the Australian Federal Police to restricted information.'²⁰

18 B O'Reilly, Transcript, 18 November 2003, p.136.

19 B O'Reilly, Transcript, 18 November 2003, p. 133.

20 A P Scipione, Transcript, 18 November 2003, p.138

- 7.23 In general terms, in the Deputy Commissioner's opinion, 'there is nothing to suggest to me that, at any time, the Commonwealth authorities have withheld from New South Wales police that information that we should and would reasonably expect to get.'²¹

Risk Management

Communications Interoperability

- 7.24 In addition to the risk management issue raised in the previous section with regard to airport security, an important matter raised with the Committee at its Sydney hearing was that of communications interoperability. The Deputy Director General of the NSW Premier's Department described the issue in the following terms:

Over time, as states have worked independently, one state may have entered into arrangements for a type X communication; another state may have a type B. If something were to happen, and if there is to be a national approach to an issue of terrorism, agencies would be working cross borders, and we have got to make sure that the communications are linked and people can talk to each other quickly and easily. NCTC has recognised that as a major project.²²

- 7.25 Within the NSW itself the issue of communications interoperability is being dealt with through the Australian Police Ministers Council which is attempting to secure a nationally compatible radio communications system to replace the 64 channel radio frequency block traditionally used for police organisations. The Deputy Police Commissioner told the Committee that 'the NSW Police chaired the first meeting of all states and territories as recently as last week to work through a work plan in terms of providing advice both to the National Counter Terrorism committee and to the Australian Police Ministers.'²³
- 7.26 In response to a question from the Committee, the Assistant Commissioner of the NSW Fire Brigade pointed out that the NSW Fire

21 A P Scipione, Transcript, 18 November 2003, p. 146.

22 B O'Reilly, Transcript, 18 November 2003, p. 133.

23 A P Scipione, Transcript, 18 November 2003, p. 133.

Brigade and the Rural Fire Service suffer similar communications equipment incompatibility:

To get around the compatibility issues, we have, cooperating in the same frequency bands, dedicated frequencies at command level to work across organisations. But we do not have that ability to work across organisations outside the state borders.²⁴

- 7.27 The Committee was told that communications interoperability was a major issue currently facing the states and territories and was one being addressed as a priority by the National Counter Terrorism Committee which had called on all states and territories to set up working groups to identify communications arrangements required to guarantee compatibility nationally.²⁵

24 J B Anderson, Transcript, 18 November 2003, p. 134.

25 B O'Reilly, Transcript, 18 November 2003, p. 135.

Tasmania

Emergency Response Planning and Administration

- 8.1 At the Hobart hearing on 19 November 2003, the Committee was reminded by the Tasmanian Police Commissioner that some of Australia's most significant disasters had occurred there including the collapse of the Tasman Bridge, the Port Arthur massacre and the 1967 bushfires.¹ In addition the Committee was mindful of the fact that Tasmania's unique island status had significant implications for its terrorist response capacity.
- 8.2 Current Tasmanian administrative arrangements for counter terrorism are based, like those in the other states, on the terms of the Inter governmental Agreement on Australia's Counter Terrorism Arrangements and on the National Counter-Terrorism Plan. Since the implementation of the Agreement and the Plan, the Tasmanian Government has set up a Ministerial Security Committee chaired by the Premier. The State Security Advisory Group reports to the Ministerial Security Committee and provides policy advice from the range of executive Departments concerned with law and order, emergency services and public health.²
- 8.3 In evidence to the Committee, the Tasmanian Police Commissioner explained the role of the State Security Unit within the Police Department:

The Tasmanian government has created a unit of 18 new positions to support the whole-of government response to counter-terrorism. The State Security Unit is located within my

1 R McCreadie, Transcript, 19 November 2003, p. 160.

2 Tasmanian Government Submission No 15, pp. 2-3.

department, the Department of Police and Public Safety, to ensure that the whole-of-government policy development of emergency responses to the recovery arrangements are truly aligned. The SSU has a budget of \$3.7 million a year and the SSU provides a focal point for activities related to counter-terrorism. Its tasks are listed in our written submission and they include, but are clearly not limited to, providing policy advice and support to the Ministerial Security Committee, the state advisory group and Tasmanian representatives to the NCTC, coordinating critical infrastructure protection activities, coordinating the procurement and maintenance of counter-terrorist equipment, liaising with state and Australian government agencies and the private sector in relation to CT issues, and also managing the Tasmania Police Special Capabilities Group and ensuring coordination and the cooperation of capabilities and the arrangements with other emergency services.³

- 8.4 As in other states the policy principles underlying Tasmania's administrative framework response to the threat of terrorism are a 'whole of government' approach to crisis management and recovery and an 'all hazards approach', seeking alignment between the new counter terrorism arrangements and the existing emergency management arrangements dealing with natural disasters.⁴
- 8.5 The State Disaster Committee established under the *Emergency Services Act 1976* to develop and monitor the implementation of emergency management policy is currently being reviewed to provide for a consistent whole of government policy approach to the prevention and management of both natural disasters and acts of terrorism.⁵

Counter Terrorism Legislative Consistency between State and Commonwealth

- 8.6 In evidence to the Committee the Tasmanian Government noted the progress already made towards fulfilling the terms of the National Counter-Terrorism Agreement to ensure legislative consistency in counter terrorism legislation between the State and the Commonwealth:

3 R. McCreddie, Transcript, 19 November 2003, p.162.

4 Tasmanian Government Submission No 15, p. 2.

5 Tasmanian Government Submission No 15, p. 5.

The government referred powers relating to terrorist acts and terrorist organisations to the Commonwealth in 2002. Some of the legislative matters the government is addressing are described again in the written submission but they include the review of legislation relating to hazardous materials and materials that, although not dangerous in their own right, might be of use to terrorists; the review of the Freedom of Information Act 1991 in relation to documents dealing with national security, defence and international relations; and a review of the Emergency Services Act 1976, to ensure that the emergency management and counter-terrorism arrangements are complementary. This review will also examine our existing powers to detain persons who may have been exposed to CBR material for decontamination and examination...Other matters include a review of the powers in relation to security and exclusion zones and other areas including stop-and-search and mandatory planning and a review of the legislation amendments occurring in all other jurisdictions.⁶

8.7 In its Submission to the Committee the Government of Tasmania listed the following legislation enacted or amended in response to the terms of the National Agreement:

- *Terrorism (Commonwealth Powers) Act 2002* – which refers certain matters relating to terrorist acts to the Commonwealth including offences related to terrorist acts and the proscription of listed terrorist organizations.
- Amendment of the *Emergency Services Act 1976* to enable the detention of persons for the purposes of decontamination.
- Further amendments to the *Emergency Services Act 1976* to provide for use of special powers during a terrorist incident.
- Amendments to the *Freedom of Information Act 1991* to exempt documents relating to national security, defence or international relations.⁷

8.8 As in the other States, a legislative working group has been established to review State legislation and to liaise with Commonwealth agencies regarding national legislation that affects Tasmania's counter terrorism arrangements and capabilities. The working group is currently reviewing the *Tasmanian Dangerous Goods Act 1998* in relation to the reporting, security, storage, sale and handling of hazardous materials. The working

6 R. McReadie, Transcript, 19 November 2003, p.162.

7 Tasmanian Government Submission No 15, p. 6.

group will also examine the regulation of materials that, although not hazardous in their own right, may be used by terrorists.⁸

Consequence Management

Response Capacity

8.9 The Tasmanian Government told the Committee that it had concentrated its efforts upon enhancing the following areas of the State's counter-terrorism capability:

- Chemical, biological, radiological threats
- Bomb threats and
- Mass casualty events.⁹

8.10 The Tasmanian Police Commissioner acknowledged to the Committee that September 11 and the Bali bombing had caused authorities in Tasmania, in common with other jurisdictions, to 're-examine assumptions about the nature and immediacy of the terrorist threat' resulting in a review of counter-terrorism arrangements:

Both reviews identified gaps in our existing arrangements and capabilities for dealing with terrorism. Building on our cooperative emergency management model, the Tasmanian government decided to incorporate the new counter-terrorism capabilities and arrangements into the existing emergency management arrangements.¹⁰

8.11 As a result of the reforms to the administrative framework of counter-terrorism response and of the additional assistance available under the terms of the National Agreement, the Police Commissioner was able to tell the Committee that Tasmania had 'significantly enhanced its counter-terrorist arrangements and capabilities particularly in the area of critical infrastructure protection, CBR incidents, mass casualties, bombing and CT training and equipment.' The police Commissioner stated that he could:

Confidently advise that we are in a position to report to the Committee that Tasmania continues to meet all its commitments

8 Tasmanian Government Submission No 15, p. 7.

9 Tasmanian Government Submission No 15, p. 10.

10 R. McCreadie, Transcript, 19 November 2003, p. 161.

under the IGA and the National Counter-Terrorism Plan and has addressed the shortcomings identified in reviews of its counter-terrorism capabilities.¹¹

Mass Casualty Response

8.12 In its Submission to the Committee's Inquiry the Government of Tasmania noted the establishment of a mass casualties working group to develop detailed plans in relation to the management of mass casualty events. Responsibility for their management lies with the Department of Health and Human Services.

8.13 The Submission noted that existing ability to cope with mass casualties in Tasmania was limited both in absolute terms and in terms of current levels of hospital occupancy and day to day requirements. In this case:

It is anticipated that interstate support would be sought in the event of a major health emergency with mass casualties. This would take the form of requesting medical staff to supplement Tasmanian resources and through transferring some patients to interstate hospitals. This would be coordinated through the Australian Health Disaster Management Policy Committee framework.¹²

8.14 A more detailed account of the situation with regard to existing resources was provided at the Committee's hearing by the Deputy Secretary of Tasmanian Health and Director of the Hospital and Ambulance Service:

Basically, just to give you a picture of Tasmania, in the three regions we have three large public hospitals with the main tertiary referral centre being in Hobart. There are also tertiary facilities at the Launceston General Hospital and we have another hospital in Burnie. Those are the main public hospitals. We also have a smaller capability in the north-west at the Mersey Hospital. The specialists work across both the public and the private sector, so many of our doctors would be working in both areas... The ambulance service is part of the Department of Health and Human Services, so we have very good links between the service and the public hospitals. Each of the public hospitals has strong plans around what we would call a 'code brown', which is when we have external incidents. That would cover mass casualties. The

11 R. McCreadie, Transcript, 19 November 2003, p.163.

12 Tasmanian Government Submission No 15, p.11.

ambulance service, similarly, has a mass casualty plan to deal with such situations.¹³

- 8.15 Although Tasmania could not cope on its own with more than 20 serious burns cases (with more than 50 per cent burns) there were developed plans for interstate transfers of victims.¹⁴

Chemical, Biological and Radiological Incident response capacity

- 8.16 Tasmania has developed a whole-of-Government CBR Incident Response Plan which establishes cooperative procedures between agencies for a timely and effective response to CBR incidents. Personal protection and detection equipment for dealing with CBR threats has been purchased for use by both police and emergency services personnel. Standard operating procedures have been developed for when the Alert Level is raised to High or Extreme. These procedures describe the responsibilities of each agency in relation to CBR incidents. A CBR task force has been established for first response to CBR incidents.¹⁵
- 8.17 In evidence to the Committee at the Hobart hearing the Director of Public Health at the Department of Health and Human Services, pointed out a current weakness in area of pathogen identification capacity.¹⁶ However the Tasmanian Government's Submission pointed out that this deficiency was being addressed in that the CBR Response Planning Group had identified a need for a capability to perform urgent analysis of suspected biological agents in Tasmania. The upgrade of the Mt Pleasant laboratories to Physical Containment level 3 standard was expected to be completed by the end of November 2003.¹⁷
- 8.18 With respect to the provision of safety equipment, the Deputy Chief Fire Officer told the Committee that 'prior to the Commonwealth support we had more than 80 gas suits. We now have 280, from high-level rubberised, totally encapsulated and so on'.¹⁸
- 8.19 With respect to the provision of antibiotics, and the expected range of prophylactics to respond to biological or chemical incidents, Tasmanian authorities told the Committee that stocks were believed to be adequate.¹⁹

13 A Brand, Transcript, 19 November 2003, p. 181.

14 A Brand, Transcript, 19 November 2003, p. 182.

15 Tasmanian Government Submission No 15, p. 10.

16 R Taylor, Transcript, 19 November 2003, p. 183.

17 Tasmanian Government Submission No 15, p. 10.

18 P Alexander Transcript, 19 November 2003, p. 184.

19 A Brand, R Taylor, Transcript, 19 November 2003, pp. 185-6.

Infrastructure protection

- 8.20 In relation to critical infrastructure protection, the Tasmanian Government's Submission noted that consistent with the National Counter-Terrorism Committee's Critical Infrastructure Protection Principles, the Government had contacted all owners/operators of major infrastructure in Tasmania. The Government had identified 140 sites as of critical importance and required them to develop risk assessment plans. The State Security Unit has begun desk and field audits of security at these sites. Audits are also being conducted in relation to more than 135 State Government buildings and facilities.
- 8.21 The Director of the State Security Unit is a member of the national Critical Infrastructure Advisory Council, and Tasmania will be represented on all of the industry advisory groups – transport, health, energy, food, communications, banking and finance water and emergency services that form the Trusted Information Sharing Network.²⁰

Aviation and Maritime Security

- 8.22 Evidence from the Tasmanian Government agreed with that presented by Queensland, Victoria and NSW in putting the view that there was incomplete security for regional airports in the state. These views have been reinforced in a submission to the Department of Prime Minister and Cabinet which is co-ordinating a reassessment of the policy settings related to aviation security on behalf of the Secretaries Committee on National Security.²¹
- 8.23 The Tasmanian Police Commissioner also noted at the Committee's Hobart hearing that there appeared to be an issue with the lack of security checking of air freight flown in to Hobart on a daily basis.²² The Commissioner told the Committee that in his view 24 hour surveillance at Hobart airport was the most desired position.²³ The Committee is of the view that the provision of surveillance at Hobart airport should be subject to a full security risk assessment at the earliest opportunity.

20 Tasmanian Government Submission No 15, p.8.

21 Tasmanian Government Submission No 15, p. 9.

22 R. McCreadie, Transcript 19 November 2003, p. 167

23 R McCreadie, Transcript 19 November 2003, p. 167

Recommendation 2

The Committee recommends that DOTARS should carry out a security risk assessment of Hobart airport to determine whether 24 hour surveillance capacity is required.

- 8.24 The Tasmanian Government Submission also noted the fact that significant investment in port facilities will have to be made to meet the requirements of the International Ship and Port Facility Security Code. The Tasmanian Government is liaising with the Commonwealth in relation to Maritime Transport Security legislation and with the Commonwealth Department of Transport and Regional Services (DOTARS) to facilitate the introduction of appropriate security measures.²⁴

Intelligence and Threat Assessment

- 8.25 In evidence to the Committee the Police Commissioner noted that an area of particular focus for the Tasmanian Government had been shared intelligence with the Commonwealth. Tasmania Police have moved to establish a joint task force for intelligence sharing with the Australian Federal Police. He also told the Committee that:

ASIO has made consistent efforts to considerably improve communications with Tasmania Police. Nevertheless, Tasmania remains the only state without a permanent ASIO office.²⁵

- 8.26 The Committee remains concerned that in spite of a greatly increased appropriation for ASIO over the past three years, Tasmania remains the only state without a permanent ASIO office.

24 Tasmanian Government Submission No 15, p. 9.

25 R McCreadie, Transcript, 19 November 2003, p. 162

South Australia

Emergency Response Planning and Administration

- 9.1 In evidence to the Committee, South Australian officials described the State as an 'enthusiastic participant' in the Intergovernmental Agreement on Counterterrorism and noted that the Government had re-structured its emergency planning and response framework along the lines adopted in the other states. The Director of Security and Emergency Management from the South Australian Department of the Premier and Cabinet told the Committee:

Our government has established the Security and Emergency Management Office as a coordinating point in the Department of the Premier and Cabinet. We draw this to your attention because we believe that we have it particularly right in this state, in that the office is a coordinating point both for security and counter-terrorism matters and for emergency management matters. We believe these two are inextricably linked: a terrorist event is, after all, a major emergency and we will have to deal with it in the way that we deal with our systems and plans for all major emergencies.¹

- 9.2 Within the South Australian Police Force a Special Incident Task Force was formed after the September 11 terrorist attacks with the function of monitoring South Australian vulnerability to terrorism and to coordinate activities within the state between emergency services and other key stakeholders. A State Protective Security Branch within the South Australia Police liaises closely with the Security and Emergency

1 S. M. Carman, Transcript, 20 November 2003, p.192.

Management Office in the Department of the Premier and Cabinet and provides regular counter-terrorism and state disaster briefings at senior executive and ministerial levels. The branch maintains a working relationship with key relevant Commonwealth agencies.²

- 9.3 In South Australia, the State emergency services, including country and metropolitan fire and emergency services, have recently been restructured into the South Australian Fire and Emergency Services Commission:

Currently there is a task force managing the commission implementation process. The state's emergency service organisation's operational human resources consist of approximately 800 full time uniformed staff, 250 part-time uniformed staff and 22,000 volunteers. This group will provide the majority of the consequence management response for CBR related incidents within South Australia.³

- 9.4 The Committee was told by the Commander of the South Australian Metropolitan Fire Service, that in operational terms, the existing agency structure was an effective one in ensuring appropriate inter agency cooperation :

The state has a good record of cooperation and teamwork between all the ESOs, SAPOL, the ambulance services and other support agencies. This cooperation has been exercised on multiple occasions over the last few years and has resulted in the modification and enhancement of agencies' operating procedures. South Australia has provided a multiagency task force support for interstate bushfires in recent years, which has practised and developed further the state ESOs capacity to work as a coordinated team. This cooperation and coordination is the basis for the state emergency service organisations CBR response.⁴

Counter Terrorism Legislative Consistency between State and Commonwealth

- 9.5 The South Australian Government is participating in the national review of relevant legislation to ensure a uniform response to the terrorist threat. In particular, South Australia is reviewing its State Disaster Act and

2 J R White, Transcript, 20 November 2003, p. 193.

3 R L Sedunary, Transcript, 20 November 2003, p.194.

4 R L Sedunary, Transcript, 20 November 2003, p. 194.

expects the legislation to be introduced in the South Australian Parliament by the end of 2003. The Government is also examining other possible legislation in the area of policing powers and critical infrastructure. The Department of Premier and Cabinet stated:

We are cooperating with the Commonwealth in various reviews of legislation. The committee would have been told of legislation reviews being driven by SCAG—the Standing Committee of Attorneys-General—in the areas of money laundering, covert surveillance, cross-border activity and the like. The South Australian government has also supported an effective process for the proscribing of terrorist organisations. Our Premier has most recently supported the banning of Hamas and LET as terrorist organisations. The Premier has advised the Prime Minister that he is willing to work with him in developing a national approach to the banning of terrorist organisations, independently of the United Nations.⁵

Consequence Management

Response Capacity

9.6 In South Australia, as in the other states, there has been a concerted attempt to fulfil the terms of the Intergovernmental Agreement on Counter-terrorism. However the Department of Premier and Cabinet recognised that the demographic and resource base of the State limits its capacity to respond:

One of the challenges of working in this area has been that all governments have had to improve their capability and understandings quite dramatically and rapidly over a short period of time. We have observed a large number of officials attending conferences, courses and so on overseas, and we believe that these are important opportunities for learning. However, we point out that, in the smaller states and territories, these opportunities are rather limited and South Australia would be interested in working with the Commonwealth government in a better sharing of the learning out of those occasions. We would see an opportunity for the Commonwealth government to contribute to such learning by

5 S M Carman, Transcript, 20 November 2003, p. 190.

the smaller states and territories, since our options are somewhat limited.⁶

- 9.7 From a police operational perspective, the Deputy Commissioner of the South Australian Police told the Committee that additional resources had been committed to the establishment of the joint terrorism committee with the Australian Federal Police to conduct counter terrorism investigations. He commented that 'we have an excellent working relationship in that area'. He also noted that the police had undertaken an upgrade of counter terrorism equipment including weaponry, armour protection, communications and technical support.⁷

Mass Casualty Response

- 9.8 The response of South Australian medical and hospital authorities to the Bali bombing incident provided recent experience on which to base an evaluation of the State's capacity in this area. The Executive Director of Clinical Systems, South Australian Department of Human Services, told the Committee:

We were able...to have burns teams and intensive care teams in Darwin prior to the arrival of the acutely ill patients that were transferred by Hercules from Bali...We were relieved about 36 hours later by the influx of other specialists from other states, but we learnt after that that we must have capacity to transfer expert staff to remote areas...and we need to have very good communications systems across health and medical services within Australia.⁸

- 9.9 Existing resources in South Australia to cope with mass casualties include 70 intensive care unit beds across metropolitan Adelaide and a centralised 10 bed specialist burns unit. Beyond this there is an identified need for a national burns plan 'as we developed it with respect to Bali' and patients would need to be transferred to other specialist units in Melbourne or Sydney.⁹

Chemical, Biological and Radiological Incident response capacity

- 9.10 The capacity of South Australian emergency authorities to respond to a chemical, biological or radiological incident was addressed at the
-

6 S M Carman, Transcript, 20 November 2003, p. 192.

7 J R White, Transcript, 20 November 2003, p. 194.

8 B J Kearney, Transcript, 20 November 2003, p.195.

9 B J Kearney, Transcript, 20 November 2003, p. 203.

Adelaide hearing by the Commander of the South Australian Metropolitan Fire Service who noted that South Australia had a specific CBR Committee with a direct reporting link to the State Disaster Committee:

The state CBR Committee provides for a whole of state strategy and the arrangements are built on existing emergency management plans, capabilities and arrangements. The focus of the committee is on planning, preparedness, response and recovery principles. Representation on the committee is provided from both fire services, the emergency service, SAPOL, ambulance services, department of health, hospitals, primary industries, SA Water, and other agencies provide input as required.¹⁰

- 9.11 The Fire Service Commander also noted that resources had been recently supplemented by the Commonwealth under the National Anti-terrorism Agreement with respect to both training provided by Emergency Management Australia and equipment purchases. He told the Committee that a specialist CBR unit had been set up within the metropolitan fire service to provide specialist training to all operational staff and to enhance and maintain interoperability between the agencies.¹¹
- 9.12 The health and emergency services in South Australia have undergone a major exercise to test their capacity to respond to a CBR incident. The Director of the South Australian Department of Human Services told the Committee that one result was an awareness of a need to install decontamination facilities in hospitals and to establish a hospital 'lockdown' plan to apply nationally. He said that it was 'agreed at the National Health and Medical Disaster Management and Policy Committee – which is a sub-committee of the National Counter-Terrorism Committee – to address those issues, to develop standards'.¹²

Intelligence and Threat Assessment

- 9.13 The Deputy Police Commissioner told the Committee that the guidelines for the sharing of intelligence with the Commonwealth under the National Counter-Terrorism Plan and related Handbook provided the standards and structures for response to a terrorist incident. Joint intelligence was an important element in the structure. From a police operational perspective, the Deputy Commissioner assured the Committee that:

10 R L Sedunary, Transcript, 20 November 2003, pp. 194-5.

11 R L Sedunary, Transcript, 20 November 2003, p. 195.

12 B J Kearney, Transcript, 20 November 2003, p. 196.

We share information on a regular basis with our counterparts in the other states and territories and the Commonwealth, and in this state we pride ourselves on the excellent cooperation that we have amongst our own agencies and with the federal authorities in Customs, the Federal Police and the local office of ASIO.¹³

Infrastructure protection

- 9.14 In common with other states and territories South Australia has reviewed its critical infrastructure. 'That review has reported to our cabinet and we are currently implementing the review. We have undertaken a review of our government buildings security and that too is being implemented at the moment. Of course much critical infrastructure is controlled by the private sector owners and operators and they are involved in planning and response protocols under the National Counter-Terrorism Agreement'.
- 9.15 With respect to energy and communications infrastructure, these networks have been, as in other states, integrated within the emergency planning networks. Power generation and communications resources are also currently being reviewed as part of South Australia's general infrastructure review mentioned above.¹⁴
- 9.16 On the issue of transport container security, the Department of Transport and Urban Planning told the Committee that South Australia is engaged in consultations at the national level (as part of a national strategy) through the Australian Transport Council on the identification of measures to improve freight security. The South Australian Government 'is currently awaiting ASIO's land transport sectoral threat assessment in order to address any identified threats in the freight and security area.'¹⁵

Maritime security

- 9.17 In evidence to the Committee, the Department of Transport and Urban Planning noted that the private sector operator of the State's ports, Flinders Ports, had conducted risk assessments which were to be approved by DOTARS.

In the area of maritime security, as alluded to in the opening statement in relation to our critical infrastructure, South Australian ports are controlled by the private sector. South Australia has

13 J R White, Transcript, 20 November 2003, p.199.

14 S M Carman, Transcript, 20 November 2003, p. 204.

15 B E Hemming, Transcript, 20 November 2003, p. 197

seven commercial ports which, whilst previously run as state government enterprises, were in 2001 leased for 99 years to a private company Flinders Ports Ltd. Other private ports are at Ardrossan, Port Stanvac, Port Bonython and Whyalla, and the government has port operating agreements with the new owners of the seven previously state-run ports and Ardrossan.¹⁶

- 9.18 After approval by DOTARS, port security plans based on the risk assessments would be formulated in accordance with the requirements of uniform Commonwealth legislation. At present, emergency response preparedness at South Australian ports is similar to arrangements in place in other transport sectors in the State where port operators as a requirement of their operating agreements are to have in place emergency response plans for any threat that may occur including terrorism.¹⁷
- 9.19 At the Adelaide hearing the South Australian Department of Transport and Urban Planning told the Committee that it was currently awaiting ASIO threat assessments in order to address any identified threats in the freight and container security area. The Department also noted that the port of Adelaide was acquiring x-ray scan equipment for freight containers.
- 9.20 At the Committee's final public hearing on 8 March 2004, DOTARS told the Committee that maritime risk assessments were still continuing:
- We are working with ASIO on a broad maritime threat assessment. We have provided some material to ports in the nature of what we call a risk context statement, to allow them to undertake their planning. We have provided extensive guidance material to enable them to undertake a risk assessment of the port.¹⁸
- 9.21 DOTARS expected to have its port security assessments and plans completed by 1 July 2004.¹⁹

ADF cooperation and support

- 9.22 With respect to the issue of support from the Australian Defence Force in the event of a terrorist incident that went beyond the capacity of the South Australian police and emergency services to respond, the Committee asked at the Adelaide hearing whether SA would call for assistance from

16 B E Hemming, Transcript, 20 November 2003, p. 197.

17 B E Hemming, Transcript, 20 November 2003, p. 197.

18 A K Tongue, Transcript, 8 March 2004, p. 245.

19 A K Tongue, Transcript, 8 March 2004, p. 245

the WA based Tactical Assault Group (TAG West) or the Holsworthy based TAG East. The Deputy Commissioner told the Committee that requests for ADF assistance would still be made centrally and the deployment decision would be made by the ADF.²⁰

9.23 In the Police Commissioner's view there was an 'excellent liaison and cooperation with the ADF' and it was a 'plus' that there are now two teams 'because if one is not available at least there is backup support.'²¹ Additional ADF capacity has also been a factor in joint training exercises:

We factor it in when we exercise nationally and statewide, because there is the capacity for the ADF to move forward so that they can have some precautionary positioning even before we call upon their services...now that there are two resources to draw upon it is more comforting for us than it was before.²²

20 J R White, Transcript, 20 November 2004, p. 214.

21 J R White, Transcript, 20 November 2004, p. 214.

22 J R White, Transcript, 20 November 2004, p.214.

Counter-Terrorism Response since 2002

Commonwealth Counter Terrorism Co-ordination and Planning

- 10.1 During the eighteen months since the Committee last heard from the Commonwealth agencies concerned with counter-terrorism, on 9 December 2002, there have been significant developments in counter-terrorism policy and administration.
- 10.2 The Intergovernmental Agreement on Counter-Terrorism was signed by the Commonwealth and all States and Territories in October 2002 and as a result the National Counter-Terrorism Committee was established. The National Security Division in the Department of the Prime Minister and Cabinet was created in July 2003 'to foster coordination and a stronger whole-of-government policy focus for national security issues.'¹
- 10.3 The following Chapter details the arrangements which have been put in place by the Commonwealth in counter-terrorism strategic policy and response coordination with the states and territories. The chapter headings reflect those issues reviewed by the Committee in each of the hearings held in the states and territories together with issues where the Commonwealth has a leading policy and coordination role.
- 10.4 Issues where the Commonwealth has a leading policy and coordination role include:

1 A E F Metcalfe, Transcript, 8 March 2004, p. 220.

- National Counterterrorism Committee and Plan
 - Intelligence and Threat Assessment
 - National Exercise Program
 - International Counterterrorism Cooperation
 - National Consequence Management Coordination
 - State and Commonwealth legislative consistency
 - ADF Counterterrorism Response Capability
 - Communications Interoperability
- 10.5 Issues where both the states and Commonwealth have responsibility include:
- Infrastructure Protection
 - Maritime and Aviation Security
 - Mass Casualty Response Coordination
 - Chemical, Biological and Radiological Incident Response Coordination
 - ⇒ Terrorist Threats to Agriculture
 - ⇒ Remote Area Incident Response

National Counter Terrorism Committee and National Counter Terrorism Plan

- 10.6 The Committee noted the establishment of the National Counter Terrorism Committee which oversees arrangements between the Commonwealth and the States on counterterrorism policy. The Committee was assured that there had been effective cooperation between jurisdictions during the past year as well as recognition that counter terrorism arrangements have improved at the national level 'because arrangements are flexible and developed in a highly consultative way.'² The National Counter-Terrorism Committee met on six occasions during 2003.
- 10.7 The centrepiece of the Commonwealth strategy is the National Counter-Terrorism Plan issued in June 2003 which was developed with respect to the post September 11 and Bali bombing security environment. The plan, supported by a more detailed and classified handbook, incorporates provision for:

2 A E F Metcalfe, Transcript, 8 March 2004, p. 218.

- declaration of a national terrorist situation;
 - enhanced arrangements for sharing intelligence and information between jurisdictions;
 - enhanced arrangements for prevention [of terrorism];
 - a new section on consequence management issues which was missing from the predecessor plan; and
 - a four-level counter-terrorism alert system which allows for a more nuanced response at the higher levels of alert.³
- 10.8 The declaration of a national terrorist situation allows for policy coordination and control to move to the Commonwealth in certain well defined situations. It relies on strong cooperative and consultative relationships among all jurisdictions and their agencies.⁴

Intelligence and Threat Assessment

- 10.9 The National Threat Assessment Centre within the Attorney-General's Department has been staffed from ASIO. The Threat Assessment Centre will draw on the information gathering expertise of the whole range of intelligence gathering agencies including the AFP, ASIS the Defence Intelligence Organisation, DFAT, DOTARS and ONA. The Department of Prime Minister and Cabinet told the Committee that:
- The objective is to have the best possible threat information and forewarnings of possible terrorist attacks both within Australia and against Australians or Australian interests overseas.⁵
- 10.10 The Centre is operating on a 24 hour seven days a week basis. Regular threat assessments are provided to the states and territories. By utilising a diverse range of sources for intelligence assessments it is hoped to improve on the quality of analyses produced by separate intelligence organisations.
- 10.11 Other initiatives undertaken during the past twelve months include the National Security Hotline established in December 2002 which the Committee was told had received 28,000 calls, letters and emails and of which about 15,000 have provided information about suspicious activity. In addition the AFP has formed joint counter-terrorism strike

3 A E F Metcalfe, Transcript, 8 March 2004, pp 218 – 219.

4 A E F Metcalfe, Transcript, 8 March 2004, p. 218.

5 A E F Metcalfe, Transcript, 8 March 2004, p.222.

teams with state and territory police forces.⁶ With respect to the issue of ensuring a high level of co-operation between jurisdictions as well as efficient administrative co-ordination, PM & C assured the Committee that:

there is no complacency on these [anti-terrorism] issues...the arrangements that we have in place are constantly under review to ensure that they remain appropriate to the threat environment. We work closely and collaboratively without state and territory counterparts to ensure that they are aware of the arrangements and that they are working within their own systems...we seek to engender an environment where we constantly ask: are the existing arrangements adequate? Are existing measures necessary? Can we reasonably do more?⁷

- 10.12 After examining evidence from the Commonwealth as well as from the states and territories as to Australia's preparedness to respond to a terrorist attack, the Committee remains of the view that even the most vigilant surveillance and preparedness regimes cannot guarantee that a terrorist attack would be prevented. Effective intelligence to help detect terrorism at the planning stage and effective capacity to respond to an incident remain the objectives of anti-terrorism policy.

National Exercise Program

- 10.13 Counter Terrorism arrangements are subject to continual testing by means of a national program of exercises where lessons learnt are fed back into the arrangements. The Executive Director of the Protective Security Co-ordination Centre, told the Committee that the exercise program included scenarios to test the ability to respond to incidents in the remotest areas:

We are testing not only multi jurisdictional incidents but also incidents within the jurisdictions which require assistance to come from other states. National counter-terrorism arrangements in this country are built in such a way that the states, the territories and the Commonwealth are capable of supporting each other no matter where there are incidents or multiple incidents around the country.⁸

6 A E F Metcalfe, Transcript, 8 March 2004, p.222.

7 A E F Metcalfe, Transcript, 8 March 2004, p. 222-223.

8 E Tyrie, Transcript, 8 March 2004, pp. 223-224.

- 10.14 The Committee asked what had been learned from the various exercises and if there had been differences in the degree of preparedness of the larger and smaller states. PM&C noted in reply that the PSCC conducted a 'lessons learned' forum where all parties met together and discussed jurisdictional issues which may have emerged, in order to build the responses into the next exercise. A national exercise commencing on 27-28 March 2004 (Mercury 04), for example, tested arrangements put into place during the last 12 months including a simulated declaration of a national terrorist situation where the Commonwealth will exercise broad strategy and policy arrangements.
- 10.15 The national exercise, code named Mercury 04, tested the full range of preventative, response and consequence management arrangements across four jurisdictions – the Northern Territory, South Australia, Victoria and Tasmania.⁹ Test incidents are to be staged in Tasmania and the Northern Territory where South Australian resources will be deployed in support of the Northern Territory and Victorian resources in support of Tasmania 'so these issues of interoperability, communications and command and control [are] tested in a way that they have not been tested before'.¹⁰
- 10.16 In an overview of the national counter-terrorism exercise program for the Committee, Mr Metcalfe noted that as a result of a Council of Australian Governments (COAG) Agreement in December 2002, the Commonwealth was to provide \$15 million over four years to enhance the exercise program.

International Counter-Terrorism Co-operation

- 10.17 There have been developments in international co-operation since 2002 including the appointment of an Ambassador for Counter-Terrorism to focus international efforts both in the region and with key allies. Bilateral anti-terrorism co-operative agreements have been signed with Indonesia, the Philippines, Malaysia, Thailand, Cambodia, Fiji, East Timor, India and Papua New Guinea. In addition to formal agreements, aid packages aimed at law enforcement enhancement have been provided to Indonesia (\$38 million towards establishing an Indonesian Centre for Law Enforcement Cooperation) and the Philippines.

9 A E F Metcalfe, Transcript, 8 March 2004, p. 220.

10 E Tyrie, Transcript, 8 March 2004, p. 228.

- 10.18 Building on the experience of AFP co-operation with the Indonesian police during the Bali bombing investigation, an AFP international deployment group has been created to enable the strategic deployment of Australian police and support personnel undertaking peacekeeping operations, restoration of law and order missions and capacity building. PM& C told the Committee that:

The regional ministerial meeting on counter-terrorism was held in Bali in February this year, co-hosted by Australia and Indonesia, and its success underscored the growing cooperation between Australia and Indonesia on counter-terrorism issues.¹¹

National Consequence Management Co-ordination

- 10.19 The crucial difference between the National Counter-Terrorism Committee and its predecessor body (the Standing Advisory Committee on Commonwealth/State Cooperation for Protection Against Violence - SAC-PAV), is that the NCTC has a specific responsibility relating to consequence management. Effectively this means that exercises will increasingly be designed to test the response of fire and hospital and medical services in the aftermath of attacks.¹²
- 10.20 The new arrangements mean that counter-terrorism is no longer an issue that is wholly the responsibility of police forces. Instead there is an extension into consequence management issues involving the whole of government.¹³ As the Committee was told at its series of hearings, state and territory governments now all follow a whole-of-government response to consequence management with overall policy and coordination controlled by the Commonwealth which facilitates inter-jurisdictional support.
- 10.21 In answer to a question about the disparity in resources and preparedness between the larger and smaller states, the Committee was told that NCTC coordination arrangements sought to ensure equitable levels of response by pooling resources where necessary:

The smaller states and territories have less capability because of their size. What this is all about is ensuring that no-one is left alone and that the national arrangements can kick in at an early stage. Sitting behind that capability and that response is a national infrastructure relating to threat information and co-ordination; the

11 A E F Metcalfe, Transcript, 8 March 2004, p. 222.

12 A E F Metcalfe, Transcript, 8 March 2004, p. 227.

13 A E F Metcalfe, Transcript, 8 March 2004, p. 228.

resources of ASIO, the Federal Police and the Defence Department are a capability that everyone has sitting behind them.¹⁴

- 10.22 The Committee has evidence from all of the states and the Northern Territory to the effect that co-operation between the jurisdictions and the Commonwealth with respect to counter-terrorism and consequence management has greatly improved at operational levels and in the provision of intelligence. The Committee is of the view that this should be maintained by a rigorous exercise program with lessons learned fed back into policy at the Commonwealth level as has happened over the past year. The Committee notes that the National Counter-Terrorism Plan has provided for the Protective Security Coordination Centre (PSCC) to be responsible for a national anti-terrorism exercise program.¹⁵

State and Commonwealth Counter-Terrorism legislative consistency

- 10.23 The process of ensuring consistent counter-terrorism legislation across all the jurisdictions of the Commonwealth, which was signed off under the National Counter-Terrorism Agreement, was completed by the time of the Committee's final hearing on 8 March 2004. Information on this matter was actively sought by the Committee and provided by all of the states and territories in the context of their individual evidence. The Committee was told that with respect to particular legislation isolating incident zones from access or egress:

All jurisdictions bar Western Australia – which I think is about to proclaim its own – have emergency management legislation which enables the jurisdiction to take fairly significant steps to deal with the population in terms of isolating specific areas to deal with the nature of a hazard, including quarantine specific arrangements and the like.¹⁶

- 10.24 On 19 February 2004 in a speech outlining national security initiatives, the Attorney-General noted that the Australian Crime Commission, established in January 2003, had 'an enhanced mandate to deal with crime (including terrorism) on a cooperative basis between the Commonwealth and the states and territories.'¹⁷ The Attorney-General also noted other Commonwealth legislation introduced in the present

14 A E F Metcalfe, Transcript, 8 March 2004, p. 228.

15 National Counter-Terrorism Plan, NCTC, Commonwealth of Australia, June 2003, para. 42.

16 D C Templeman, Transcript, 8 March 2004, p.217.

17 Attorney-General, Hon Phillip Ruddock MP, House of Representatives Hansard, 19 February 2004.

Parliament outlawing specific terrorist organisations, and suppressing terrorist financing.

ADF Counter-Terrorism Response Capability

- 10.25 Additional funding in the 2002-3 Budget was provided for the establishment of a second ADF tactical assault group on the East coast to complement the resource of TAG West based in Perth. The Incident Response Regiment based in Holsworthy was established in 2002 to respond to the potential terrorist use of chemical, biological or radiological materials. The government also established the reserve response force, 'a short readiness capability in ADF reserve brigades in each state, to provide counter-terrorism operations and domestic security support.'¹⁸
- 10.26 The Committee inquired as to the availability for deployment of the newly created Ready Reserve Force (RRF) in case of a terrorist attack. In response the Committee was told that the RRF had not necessarily been created as a first response force when ADF support was called on. Rather it had been established as a follow-on force to support the existing higher readiness ADF force elements currently reflected in the National Counter-Terrorism Plan. One RRF had taken part in the Mercury 04 exercise scheduled for 27 and 28 March 2004.¹⁹
- 10.27 The Committee received evidence from the states and territories (see individual states chapters above) that the relationship between state police forces and the ADF with respect to terrorism response planning and exercises is operating satisfactorily at the highest levels.

Communications Interoperability

- 10.28 In his opening statement to the Committee, Mr Metcalfe noted the Commonwealth's budgetary commitment to enhance secure communications between the Commonwealth and the states and territories, essentially to provide 'a far more robust secure network than we had previously.'²⁰
- 10.29 The Committee inquired about the existing extent of communications interoperability between individual states and also between Commonwealth and states in the event of a terrorist emergency. At

18 A E F Metcalfe, Transcript, 8 March 2004, p.222.

19 Department of Prime Minister and Cabinet, Submission No 16.

20 A E F Metcalfe, Transcript, 8 March 2004, p 220.

present the states have incompatible radio communications equipment and the Committee was told that the only immediate solution lay in the provision of standard radio equipment for all jurisdictions so that communications are possible on the ground in an emergency (30 radios, enough to equip the tactical response groups from each state and territory).²¹

This is essentially being done in a couple of ways, either by each jurisdiction guaranteeing that it will have a whole range of spare radios...or by the old interoperable common standard radios being pooled together.²²

- 10.30 A more complete solution of providing common equipment and channel frequencies across all jurisdictions has yet to be attained.²³ Mr Metcalfe told the Committee:

Essentially that would require each state and territory government agreeing to a common standard. The Police Ministers Council is working on issues relating to radio operability. It involves not only the police but also emergency services. I think I am correct in saying that, even within some jurisdictions, there are different issues of interoperability. That process, which related to spectrum availability, types of equipment and so on, is being advanced at a broad level by the Police Ministers Council.²⁴

- 10.31 The Committee was also of the view that there was insufficient provision of capacity for commercial radio stations to inform the public in an emergency situation occurring during those hours when most commercial stations were on automatic relay transmission. Emergency Management Australia informed the Committee that the States were pursuing memoranda of understanding with the ABC to interrupt broadcasts for messages to the community.²⁵

21 A E F Metcalfe, E Tyrie, Transcript, 8 March 2004, pp.224, 226.

22 A E F Metcalfe, Transcript, 8 March 2004, p.225.

23 E Tyrie, A E F Metcalfe, Transcript, 8 March 2004, pp. 224, 225.

24 A E F Metcalfe, Transcript, 8 March 2004, p.225.

25 D C Templeman, Transcript, 8 March 2004, p. 229.

Recommendation 3

The Committee recommends that the National Counter Terrorism Committee ensure, by means of a National Agreement if necessary, the interoperability of communications for police and emergency services across Australia.

The Committee also recommends that EMA negotiate with the states to pursue memoranda of understanding with commercial broadcasters to provide emergency messages to the community similar to those being arranged with the ABC. The Committee urges the completion of memoranda of understanding as a matter of priority.

Infrastructure Protection

- 10.32 The National Counter Terrorism Plan relies on a high degree of cooperation between the state and territory governments and the private sector owners and operators of critical infrastructure around the country. The Committee was told that in August 2003 the Trusted Information Sharing Network involving all levels of government and the private sector had been established to control policy and disseminate information relating to the protection of critical infrastructure.
- 10.33 The Committee inquired about the progress of the risk management of critical infrastructure across all states and territories, having been told repeatedly by the authorities in the various states that the process of identification of critical infrastructure was underway during 2003. In response, the Committee was told that the Commonwealth had published principles for critical infrastructure protection for the use of business and that the Attorney-General would be convening an industry forum to deal with security issues including critical infrastructure protection. Ultimately, apart from compiling an inventory of critical infrastructure assets, protective measures relied on a cooperative approach being adopted. The Department of Prime Minister and Cabinet stated:

Our essential starting point is that this is a cooperative approach. Security is part of the requirement of doing business in this day and age. It is something that businesses owe to their customers and their shareholders. Significant parts of critical infrastructure are now in private hands, so these are business decisions. At the

end of the day, if there is a lack of satisfaction about progress then it is open to governments to decide what they might do...Whether the states and territories have concerns about particular facilities is a matter for them to deal with, but we certainly prefer the path of cooperation.²⁶

- 10.34 The Commonwealth, states and territories, through the Critical Infrastructure Advisory Council have adopted a cooperative approach to the protection of critical infrastructure in Australia. The Committee is of the view that there is an overall responsibility on the Commonwealth to ensure that arrangements in place between state authorities and owners of critical infrastructure in private hands within their jurisdictions are continually reviewed and regularly assessed for risk management purposes.

Recommendation 4

The National Counter Terrorism Committee should assess and report on the arrangements put in place between state and territory authorities and the private owners of critical infrastructure within each jurisdiction to ensure the adoption of best practice security principles for infrastructure protection.

Maritime and Aviation Security

- 10.35 The Maritime Security Act which was passed in November 2003 implemented Australia's obligations under the new International Maritime Organisation's international ship and port facility code. The code will be operational from 1 July 2004.²⁷ The Committee was told that by 1 July:

All ports internationally handling what we call SOLAS sized vessels, which are basically vessels on international voyages, will need to have security plans in place.²⁸

- 10.36 Participation in the International Maritime Organisation's Code allows Australian authorities to trace 10 previous port calls of any

26 A E F Metcalfe, Transcript, 8 March 2004, p. 247.

27 A E F Metcalfe, Transcript, 8 March 2004, p. 222.

28 A K Tongue, Transcript, 8 March 2004, p.243-244.

ship entering an Australian port. Security measures can be tailored to vessels which have visited any non compliant port before arrival.²⁹

- 10.37 In answer to a question from the Committee about security checks on the foreign crew members of ships entering Australian ports, the Department of Transport and Regional Services (DOTARS) noted that:

From 1 November [2003] foreign crews must present their passport as a primary form of border control, which is a change to previous arrangements. In addition, we are working with the Customs Service, the Department of Immigration and Multicultural and Indigenous Affairs and some other Commonwealth agencies around what sort of control arrangements we would like on crews when they are in port.³⁰

- 10.38 The Committee was told that DOTARS will, on a risk basis, conduct spot checks to see that foreign ships in Australian waters have valid international ship security certificates and is working with ASIO on a broad maritime threat assessment for Australian ports:

We have provided extensive guidance material to enable [ports] to enable them to undertake a risk assessment...and it is not just ports; it is every port facility. So the stevedoring operation and the overseas passenger terminal have to, similarly, undertake a risk assessment and provide us a plan.³¹

- 10.39 DOTARS has allowed 90 days for risk assessment and security plans to be developed in order that Australian ports are fully compliant before 1 July 2004:

In addition, we need to exercise with the ports, port facilities and ships for a period to ensure that the flow of information about ship security certificates, the level of security attached to a particular vessel and so on are appropriately notified both to ports and if we need to take a decision on exercising our control powers, to us in such a way that on 1 July the system is up and going properly.³²

- 10.40 With respect to the issue of aviation security, the Committee was told that during the last year there had been a comprehensive review of aviation security policy by the secretaries' committee on national security and that the government had decided to establish the Office

29 A K Tongue, Transcript, 8 March 2004, p. 244.

30 A K Tongue, Transcript, 8 March 2004, p.244.

31 A K Tongue, Transcript, 8 March 2004, p. 245.

32 A K Tongue, Transcript, 8 March 2004, p. 245.

of Transport Security within DOTARS. Enhanced aviation security measures were also initiated.

- 10.41 In answer to the Committee's inquiry about regional airport security PM&C noted that although aviation was the most highly regulated industry with respect to security issues, the government was applying a risk management approach which balanced risk and operational commonsense. This approach requires any airport receiving regular passenger transport to undertake a security risk assessment with Commonwealth assistance. The Commonwealth will fund 50 per cent of the work associated with the risk assessment and security program. All propeller driven aircraft seating 30 or more are to have hardened cockpit doors. With respect to remote area airports DOTARS told the Committee that current risk assessments did not indicate anything beyond planning and an understanding of security issues by local operators was required and that costs would not be high.³³
- 10.42 In answer to questions from the Committee about the time frame for the assessment of regional airport security and the implementation of appropriate measures under a risk assessment plan, DOTARS noted that consultations were underway with all Australian Airports Association regions to begin risk assessments. Security planning on the basis of risk assessments should be underway by 'the middle of the year'.³⁴
- 10.43 With respect to the large number of small regional airports located across remote northern Australia, the Committee was told that cooperation between civil authorities and the Department of Defence was the key to ensuring security plan coverage.³⁵

Recommendation 5

The committee recommends that the Department of Transport and Regional Services (DOTARS) should review the security arrangements in place at all airports subject to its regulation on a regular basis and report on them in DOTARS annual report.

33 A K Tongue, Transcript, 8 March 2004, p.239 and A E F Metcalfe, Transcript, 8 March 2004, p.240.

34 A E F Metcalfe, Transcript, 8 March 2004, p.241.

35 A K Tongue, Transcript, 8 March 2004, p. 241.

- 10.44 The Committee raised the issue of the threat posed to aviation security in Australia from inadequate international aviation security in Australia's immediate region. The Department of Transport and Regional Services drew attention to enhanced cooperation with regional neighbours including the Philippines, Indonesia and Papua New Guinea where officials were being deployed:

They will work with various Australian agencies to better inform our process of effectively allowing airlines to continue to operate into Australia right down to whether a particular flight should take off. It will take us some time. We have got some AusAID funding to work with our partners. It goes to equipment availability – what sort of technology is deployed- but it also goes to how that technology is used and the general security environment in and around some of those airports.³⁶

- 10.45 DOTARS also noted that Qantas itself maintained 'a significant security resource' at airports in the region.³⁷ **The Committee is of the view that aviation security in Australia's immediate region should be the subject of on going discussions and consultations to ensure the monitoring and upgrading of airport security by our immediate neighbours.**

Mass Casualty Response Coordination

- 10.46 The Committee was provided with evidence to show that the experience of the Bali bombing had been a formative influence in health and medical and emergency services response planning in all states and territories.
- 10.47 From the Commonwealth perspective coordination of state and territory resources had been subject to extensive testing through national exercises during 2003. The Department of Health and Ageing stated:

Coordination is the key. You can plan for certain incidents but, generally speaking, surge is something that requires a national solution. Any sort of substantial incident, even if it is present in only one state, will require national coordination.³⁸

36 A K Tongue, Transcript, 8 March 2004, p. 243.

37 A K Tongue, Transcript, 8 March 2004, p. 243

38 M Murnane, Transcript, 8 March 2004, p. 229.

- 10.48 National coordination is presently being achieved by means of a health disaster management policy committee consisting of senior representatives from state and Commonwealth health departments and the Chief Commonwealth Medical Officer. The role of the Committee is to:

Establish monitor and provide advice on health preparedness and on how deficits could be remedied. A big part of the way in which deficits will be remedied is by cooperation, by exchange and transfer of patients, equipment and experts and to an extent by improvisation.³⁹

- 10.49 To support the strategy of the exchange and transfer of resources a national audit of equipment was being undertaken:

That provides us with information on the number of acute hospital beds there are in Australia, the number of ventilators there are in Australia, the number of isolation beds there are in Australia and the capacity of mortuary facilities within Australia.⁴⁰

- 10.50 The Committee was told that the Commonwealth had established a burns subcommittee of health ministers which is currently looking at the volumes and training of burns specialist staff and transfer options not only between the Australian States but also for obtaining experts from New Zealand, the UK, North America and Europe under some circumstances.⁴¹

- 10.51 Evidence taken in all states and in the Northern Territory is that there is overall awareness of the level of resources available locally and an advanced degree of planning for intra state and inter state resource pooling to meet a mass casualty emergency. From the Commonwealth's perspective, since the beginning of 2002:

There have been significant advances in terms of understanding the issues, an empirical fix on where we are now, and the establishment of good and efficient relationships and coordination between the Commonwealth and the states.⁴²

39 M Murnane, Transcript, 8 March 2004, p. 229.

40 M Murnane, Transcript, 8 March 2004, p. 229.

41 M Murnane, Transcript, 8 March 2004, p. 230

42 M Murnane, Transcript, 8 March 2004, p. 230.

Chemical, Biological and Radiological Incident Response Coordination

- 10.52 The Committee was told in response to inquiries about measures to respond to and manage the consequences of a chemical, biological and or radiological (CBR) incident that the Commonwealth had provided funds for the development of stockpiles of vaccines, antivirals and chemical antidotes in the event of chemical or biological attack. The series of emergency response exercises held around Australia throughout 2003 tested decontamination techniques at incident sites and at receiving hospitals. In September 2003 all states received equipment including analysis and detection equipment and chemical suits to be used by first responders in the event of a CBR incident. Delivery of decontamination systems to each jurisdiction is to take place by May 2004. As noted above, each jurisdiction has moved to put in place legislation which would enable control over access of persons to or from a contaminated site.⁴³
- 10.53 The Committee received evidence from the states and territories that although there were some disparities in the amount of equipment available in some smaller states, plans for its use by police and emergency services were advanced and subject to testing.

Terrorist Threats to Agriculture

- 10.54 The threat to Australia's agricultural sector from biological terrorism was raised by the Committee. In response the Committee was told that the National Counter Terrorism Plan provided for a response to agricultural terrorism and that the Department of Agriculture, Fisheries and Forestry's Chief Veterinary Officer is on the National Counter Terrorism Policy Committee. With respect to cooperative arrangements, the Committee was told that 'there is close work done with state and territory governments in relation to the potential for that form of terrorism as well.'⁴⁴
- 10.55 In response to Committee inquiries about whether the National Counter-Terrorism Plan envisaged the involvement of the Department of Agriculture Fisheries and Forestry as part of any response to a major agricultural disease outbreak, the Committee was told that such arrangements (AUSVETPLAN) had been formally agreed between the Commonwealth and State and Territory

43 D C Templeman, Transcript, 8 March 2004, p. 231.

44 A E F Metcalfe, Transcript, 8 March 2004, p. 233.

governments (COAG) in December 2002. The arrangements could be used for any incident whether naturally occurring or deliberate and they had been tested during exercise Minotaur held in September 2002.⁴⁵

Remote Area incident response

- 10.56 The Committee inquired about the capacity to deal with incidents in extremely isolated areas of Australia and was told that the states and territories had a plan in place with the Commonwealth to deal with incidents involving such remote locations as the North West Shelf oil and gas fields or the far north west of Western Australia. The Committee was also told that incident responses involving such locations were tested in the Mercury 04 exercise.

We are acutely conscious of the economic importance of the offshore oil and gas industry of the North West Shelf and the Timor Gap. It is probably the best example of where work has been done by Commonwealth agencies, state agencies and industry in relation to developing mechanisms for the alerts, preparedness plans and responses.⁴⁶

45 Department of Prime Minister and Cabinet, Submission No 16.

46 A E F Metcalfe, Transcript, 8 March 2004, p. 232.



Appendix A - List of Submissions

Submission No	Individual/Organisation
1	The Department of the Prime Minister and Cabinet
2	Ms Christine Keene
3	Western Australian Police Service
4	Emergency Management Australia Attorney Generals Department
5	Western Australian Police Service
6	Fire & Emergency Services Authority of Western Australia
7	Royal Perth Hospital – Clinical Services Executive
8	Northern Territory Police – Counter Terrorism Coordination Unit
9	Northern Territory Emergency Services
10	Australian Red Cross – Northern Territory Division
11	Northern Territory Fire & Emergency Services
12	Royal Darwin Hospital – Terrorist Response Capacity
13	The State of Victoria
14	Queensland Government
15	Tasmania Government
16	Department of Prime Minister & Cabinet



Appendix B – List of Hearings & Witnesses

Monday 9 December 2002 - Canberra

Attorney-General's Department

Mr Robert CORNALL, Secretary

Mr Edwin TYRIE, Director, Protective Security Coordination Centre

Department of Defence

Major General Kenneth James GILLESPIE, Head of Strategic Operations Defence Headquarters Division

Australian Federal Police

Mr Ben McDEVITT, General Manager National

Department of the Prime Minister and Cabinet

Mr Andrew METCALFE, Deputy Secretary

Emergency Management Australia

Mr David Charles TEMPLEMAN, Director General

Australian Strategic Policy Institute

Mr Hugh WHITE, Director

Strategic and Defence Studies Centre – Australian National University

Mr Clive WILLIAMS, Director of Terrorism Studies

Wednesday 2 April 2003 - Perth

Royal Perth Hospital

Dr William BERESFORD, Director of Clinical Services

Western Australia Police Service

Mr Bruce BRENNAN, Deputy Commissioner

Mr John McROBERTS, Officer in Charge, State Security Unit

Fire and Emergency Services Authority

Mr Kevin William CUNEO, Fire Services Director, Capability Development

Mr Robert James MITCHELL, Chief Executive Officer

Department of Health

Dr Virginia A McLAUGHLIN., State Health Coordinator

Department of the Premier and Cabinet

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

Thursday 17 July 2003 - Darwin

Northern Territory Government

Mr Mike BURGESS, Deputy Chief Executive, Department of the Chief Minister

Mr Christopher Guy WRANGLE, Director, Services, Department of the Chief Minister

Royal Darwin Hospital - Department of Health and Community Services

Dr Len NOTARAS, Principal Medical Consultant/Medical Superintendent

Northern Territory Fire and Rescue Service

Mr Darryl Leslie PEPPER, Director/Chief Fire Officer

St John Ambulance Australia (Northern Territory) Inc.

Mr Trevor Noel SELICK, Operations Manager, Northern Region

Northern Territory Police

Superintendent Michael Alfred STEVENS, Counter Terrorism Security Coordination Unit

Mr Bruce WERNHAM, Deputy Commissioner

Australian Red Cross Northern Territory Division

Mr Ian Maxwell WATTS, Executive Director

Friday 15 August 2003 - Melbourne**Office of the Emergency Services Commissioner**

Mr Bruce ESPLIN, Emergency Services Commissioner

Department of Human Services

Dr Robert HALL, Director, Public Health and Chief Health Officer

Mr Brian JOYCE, Executive Director, Operations Division

Victoria Police

Mr Bill KELLY, Deputy Commissioner, Operations

Victorian Department of Premier and Cabinet

Mr Terry MORAN, Secretary

Friday 7 November 2003 - Brisbane**Queensland Police Service**

Commissioner Robert ATKINSON, Commissioner of Police

Queensland Health

Dr Gerard Joseph FITZGERALD, Chief Health Officer

Department of the Premier and Cabinet

Dr Leo KELIHER, Director-General

Ms Louisa PINK, Executive Director, Law and Justice Policy

Ms Catherine Mary TAYLOR, Acting Deputy Director-General, Governance Division

Mr Patrick VIDGEN, Director, Security Planning and Coordination

Department of Emergency Services

Mr Michael John KINNANE, Director-General

Queensland Ambulance Service

Mr Neil KIRBY, Deputy Commissioner

Queensland Fire and Rescue Service

Mr Frank PAGANO, Deputy Commissioner

Queensland Department of Transport

Mr Patrick John QUIRK, Director, Ports Planning

Tuesday 18 November 2003 - Sydney**New South Wales Fire Brigades**

Assistant Commissioner John Burton ANDERSON, Director, State Operations

Mr Gary John MEERS, Manager, Counter Terrorism and Aviation

Department of Health

Dr Michael John FLYNN, Medical Director, Ambulance Service of New South Wales and New South Wales State Health Services Functional Area Coordinator

New South Wales State Emergency Management Committee

Major General Brian William HOWARD, Chair

New South Wales Premier's Department and Member, National Counter-Terrorism Committee

Mr Brendan O'REILLY, Deputy Director General

Mr William PARSONS, Director, Counter Terrorism and Disaster Recovery

Ambulance Service of New South Wales

Mr Gregory John ROCHFORD, Chief Executive Officer

New South Wales Cabinet Office

Mr John Lance SCHMIDT, Deputy Director-General

New South Wales Police

Mr Andrew Phillip SCIPIONE, Deputy Commissioner, Support

New South Wales Health

Dr Gregory Joseph STEWART, Chief Health Officer and Deputy Director General, Population Health

Wednesday 19 November 2003 - Hobart

Tasmanian Fire Service

Mr Peter ALEXANDER, Deputy Chief Officer

Department of Health and Human Services

Dr David BOADLE, Chief Health Officer

Dr Roscoe TAYLOR, Director Public Health

Hospital and Ambulance Service

Dr Anne BRAND, Deputy Secretary and Director

Department of Premier and Cabinet

Mr Philip FOULSTON, Director, Executive Division

Tasmanian Police

Mr Jack JOHNSTON, Deputy Commissioner of Police

Department of Police and Public Safety

Mr Richard McCREADIE, Commissioner of Police and Secretary

State Security Unit

Mr Tony MULDER, Director of the State Security Unit

Tasmanian Ambulance Service

Mr Ted PRESKAW, Superintendent

Thursday 20 November 2003 - Adelaide

Department of the Premier and Cabinet

Ms Suzanne Mary CARMAN, Director of Security and Emergency Management

Department of Transport and Urban Planning

Mr Brian Edward HEMMING, Director, Regulatory Services

South Australian Functional Services Emergency Plan

Professor Brendon John KEARNEY, Executive Director Clinical Systems, South Australian Department of Human Services; Health and Medical Controller

South Australian Metropolitan Fire Service

Commander Ray Lawrence SEDUNARY, Commander Metropolitan Operations

South Australia Police

Mr John Ronald WHITE, Deputy Commissioner of Police

Monday 8 March 2004 – Canberra

Australian Federal Police

Mr Graham ASHTON, National Manager, Counter Terrorism

Attorney-General's Department

Mr Ian CARNELL, Deputy Secretary, Criminal Justice and Security

Department of Transport and Regional Services

Ms Vicki Jane DICKMAN, Acting Assistant Secretary, Regional and Freight Security

Mr Andrew Keith TONGUE, First Assistant Secretary, Office of Transport Security

Department of the Prime Minister and Cabinet

Mr Andrew Edgar Francis METCALFE, Deputy Secretary

Department of Health and Ageing

Ms Mary MURNANE, Deputy Secretary

Emergency Management Australia

Mr David Charles TEMPLEMAN, Director-General

Protective Security Coordination Centre

Mr Edwin TYRIE, Executive Director

THE STATE OF NEW SOUTH WALES

and

THE STATE OF VICTORIA

and

THE STATE OF QUEENSLAND

and

THE STATE OF WESTERN AUSTRALIA

and

THE STATE OF SOUTH AUSTRALIA

and

THE STATE OF TASMANIA

and

THE AUSTRALIAN CAPITAL TERRITORY

and

THE NORTHERN TERRITORY OF AUSTRALIA

**AN AGREEMENT ON AUSTRALIA'S NATIONAL
COUNTER-TERRORISM ARRANGEMENTS**

between

THE COMMONWEALTH OF AUSTRALIA

and

THE STATE OF NEW SOUTH WALES

and

THE STATE OF VICTORIA

and

THE STATE OF QUEENSLAND

and

THE STATE OF WESTERN AUSTRALIA

and

THE STATE OF SOUTH AUSTRALIA

and

THE STATE OF TASMANIA

and

THE AUSTRALIAN CAPITAL TERRITORY

and

THE NORTHERN TERRITORY OF AUSTRALIA

THIS AGREEMENT is made on the 24th day of October 2002

BETWEEN

The Commonwealth of Australia (“Commonwealth”); and

The State of New South Wales (“New South Wales”); and

The State of Victoria (“Victoria”); and

The State of Queensland (“Queensland”); and

The State of Western Australia (“Western Australia”); and

The State of South Australia (“South Australia”); and

The State of Tasmania (“Tasmania”); and

The Australian Capital Territory (“Australian Capital Territory”); and

The Northern Territory of Australia (“Northern Territory”).

1. BACKGROUND

- 1.1. Following the bombing of the Hilton Hotel in Sydney in 1978 the Standing Advisory Committee on Commonwealth/State Cooperation for Protection Against Violence (SAC-PAV) was established to respond to terrorism. SAC-PAV held its first meeting in 1979 and the National Anti-Terrorist Plan (NATP) was subsequently developed in 1980, based on cooperation between the Commonwealth, States and Territories.
- 1.2. The new security environment, including the attacks in the United States on 11 September 2001 and in Bali on 12 October 2002, indicates that previous assumptions about the nature, potential scale and forms of terrorism may no longer be valid and require ongoing review.
- 1.3. On 5 April 2002, the Prime Minister and State and Territory Leaders agreed that a new national framework was needed to meet the new challenges of combating terrorism. The Leaders also reaffirmed the importance of effective cooperation between the jurisdictions and the need to build on existing arrangements in adding elements that would respond quickly and effectively to these challenges.

2. AGREEMENT

- 2.1 The Commonwealth, State and Territory governments now enter into the following formal agreement to put into effect the outcomes of the Leaders’ Summit in combating terrorism and to establish the basis, including details of governance, for the National Counter-Terrorism Committee (NCTC).

The Commonwealth, States and Territories agree:

Purpose

- 2.2 The Purpose of this Agreement is to establish a framework to enhance Australia's counter-terrorism capability through a cooperative partnership between all jurisdictions. For this to occur, the framework will enable:
- (a) effective nation-wide prevention, response, investigation and consequence management arrangements based on best-practice;
 - (b) a comprehensive and complementary legal regime across all jurisdictions; and
 - (c) effective cooperation, coordination and consultation between all relevant agencies in all jurisdictions.

Roles and Responsibilities

- 2.3 The Commonwealth, States and Territories recognise:
- (a) their joint responsibility in contributing to the development and maintenance of a nation-wide capability to counter terrorism;
 - (b) the Commonwealth has an important national role and coordination responsibility to counter terrorism; and
 - (c) the importance of cooperating fully to ensure that the Purpose is met.

Responsibility for Terrorist Situations

- 2.4 The Commonwealth, States and Territories recognise:
- (a) State and Territory governments and their agencies have primary operational responsibility for dealing with a terrorist situation in their jurisdiction;
 - (b) Commonwealth agencies have a role in a terrorist situation and will support the States and Territories as appropriate;
 - (c) the Commonwealth will consult and seek agreement from the affected States and Territories before any national terrorist situation is declared and States and Territories agree not to withhold unreasonably such agreement;
 - (d) the Commonwealth has responsibility in a declared national terrorist situation for determining policy and broad strategies in close consultation with affected States and Territories;

- (e) a national terrorist situation means those events declared to be a national terrorist situation, to include attacks on Commonwealth targets, multi-jurisdictional attacks, threats against civil aviation and those involving chemical, biological, radiological and nuclear materials; and
- (f) arrangements for a response to a national terrorist situation will recognise the operational integrity of, and will not inhibit effective response or consequence management by, State and Territory governments and their agencies.

Legislative Arrangements

2.5 The Commonwealth, States and Territories will:

- (a) take whatever action is necessary to ensure that terrorists can be prosecuted under relevant criminal law; and
- (b) review their legislation and counter-terrorism arrangements to make sure that they are sufficiently strong in support of the Purpose.

National Coordination and Intelligence

2.6 The Commonwealth, States and Territories will continue to:

- (a) improve Australia’s counter-terrorist intelligence capability and to develop effective means for sharing intelligence; and
- (b) significantly upgrade the central coordination capability so that the operational arms of the Commonwealth, States and Territories can obtain the information and strategic advice necessary to respond rapidly and effectively.

2.7 To assist in this, all jurisdictions will apply appropriate standards and arrangements for the protection of national security information.

3. THE NATIONAL COUNTER-TERRORISM COMMITTEE

3.1 Commonwealth, States and Territories agree that the existing SAC-PAV will be reconstituted as the NCTC with a broader mandate to cover prevention and consequence management issues and with ministerial oversight arrangements.

3.2 The NCTC will be a high-level national body comprising representatives from the Commonwealth, States and Territories.

3.3 The NCTC will implement the framework set out in this Agreement including:

- (a) maintaining the National Counter-Terrorism Plan (NCTP) and associated documentation;
- (b) providing expert strategic and policy advice to heads of government and other relevant ministers;

- (c) coordinating an effective nation-wide counter-terrorist capability;
- (d) maintaining effective arrangements for the sharing of relevant intelligence and information between all relevant agencies in all jurisdictions; and
- (e) providing advice in relation to the administration of the special fund referred to in 5.2 below.

3.4 The terms of reference for the NCTC are at Annex A.

Accountability

- 3.5 The NCTC will report annually to the Prime Minister, Premiers and Chief Ministers to facilitate ministerial oversight of the NCTC by the Council of Australian Governments (COAG).
- 3.6 The appropriateness of continued ministerial oversight of the NCTC by COAG will be reviewed by COAG in 2005.
- 3.7 There will be a review of the national counter-terrorism arrangements every three years.

4. NATIONAL COUNTER-TERRORISM PLAN

- 4.1 The National Counter-Terrorism Plan (NCTP) sets out Australia's high-level strategy in preventing, and dealing with, acts of terrorism in Australia and its territories. It will be the primary document on Australia's national counter-terrorism policy and arrangements. The NCTP will be supported by documentation, including a handbook, that sets out in detail the procedures, structures and coordination arrangements necessary to ensure the prevention, response, investigation and management of the consequences of terrorism on a national basis.

5. FINANCIAL ARRANGEMENTS

- 5.1 The nation-wide counter-terrorism capability is developed through utilisation of the:
 - (a) policing and emergency management capability funded by the States and Territories; and
 - (b) operational and policy capacity of relevant Commonwealth agencies funded by the Commonwealth.
- 5.2 This is supplemented by a special fund to maintain and develop the nation-wide counter-terrorism capability, provided and administered by the Commonwealth on the basis of advice of the NCTC.

6. INTERPRETATION

Definitions

6.1 In this Agreement, unless a contrary intention is apparent:

“Agreement” means this document and includes all Schedules, and Annexes;

“Annex” means an annex to this Agreement;

“NCTC” means the National Counter-Terrorism Committee;

“Jurisdiction” means the jurisdiction of any of the Parties;

“Party” means any of the Commonwealth of Australia, the State of New South Wales, the State of Victoria, the State of Queensland, the State of Western Australia, the State of South Australia, the State of Tasmania, the Australian Capital Territory and the Northern Territory of Australia; and

“Purpose” means the Purpose set out in Clause 2.2.

7. CONSTRUCTION

7.1 In this Agreement, unless expressed to the contrary:

(a) words importing:

(i) the singular include the plural and vice versa; and

(ii) any gender includes the other genders;

(b) if a word or phrase is defined cognate words and phrases have corresponding definitions; and

(c) a reference to:

(i) a person includes a firm, unincorporated association, corporation and a government or statutory body or authority;

(ii) a person includes its legal personal representatives, successors and assigns;

(iii) a statute, ordinance, code or other law includes regulations and other statutory instruments under it and consolidations, amendments, re-enactments or replacements of any of them;

(iv) a right includes a benefit, remedy, discretion, authority or power;

- (v) an obligation includes a warranty or representation and a reference to a failure to observe or perform an obligation includes a breach of warranty or representation; and
- (vi) a reference to a clause is a reference to a clause of this Agreement.

8. COMMENCEMENT

- 8.1 This Agreement commences to operate immediately upon its execution by the Parties.

9. VARIATION OF AGREEMENT

- 9.1 This Agreement may be varied from time to time by the unanimous agreement of the Parties.
- 9.2 A variation pursuant to this clause will be in writing, signed by all Parties to this Agreement, and notice thereof will immediately following such signature be given to all the Parties.

10. WITHDRAWAL FROM AGREEMENT

- 10.1 A Party to this Agreement may, by written notice to all other Parties, withdraw from this Agreement and such notice will take effect six months from the date of that notice.

11. TERMINATION

- 11.1 This Agreement may be terminated at any time by agreement in writing by all the Parties and under any terms and conditions as agreed by all the Parties.

SIGNED FOR AND ON BEHALF OF EACH OF THE PARTIES BY:

The Honourable John Winston Howard MP)
Prime Minister of the Commonwealth of Australia)

The Honourable Robert John Carr MP)
Premier of New South Wales)

The Honourable Stephen Phillip Bracks MP)
Premier of Victoria)

The Honourable Peter Douglas Beattie MP)
Premier of Queensland)

The image shows four handwritten signatures in black ink, each corresponding to one of the parties listed on the left. The signatures are: John Howard, Robert Carr, Stephen Bracks, and Peter Beattie. Each signature is written in a cursive, flowing style.

The Honourable Dr Geoff Gallop MLA Premier of Western Australia) 
The Honourable Michael David Rann MP Premier of South Australia) 
James Alexander Bacon MHA Premier of Tasmania) 
Jonathon Donald Stanhope MLA Chief Minister of the Australian Capital Territory) 
The Honourable Clare Martin MLA Chief Minister of the Northern Territory) 

ANNEX A**NATIONAL COUNTER-TERRORISM COMMITTEE****TERMS OF REFERENCE****MISSION**

The mission of the National Counter-Terrorism Committee (NCTC) is to contribute to the security of the Australian community through the coordination of a nation-wide cooperative framework to counter terrorism and its consequences.

OBJECTIVES

The objectives of the NCTC are to contribute to the security of the Australian community through:

- (a) providing expert strategic and policy advice to heads of government and other relevant ministers. This will be achieved by:
 - (i) effective counter-terrorism coordination through inter-jurisdictional and inter-agency cooperation;
 - (ii) development of evaluation and reporting methodologies to facilitate the annual reporting process;
 - (iii) reviewing current and emerging trends in terrorism;
 - (iv) reviewing, monitoring and advising on the adequacy of Australia's counter-terrorism legislation;
 - (v) reviewing, monitoring and advising on the adequacy of Australia's counter-terrorism strategies and policies to ensure best practice; and
 - (vi) providing advice on the administration of the special fund;

- (b) ensuring an effective nation-wide counter-terrorism capability is maintained by:
 - (i) developing strong cooperative relationships between all parties;
 - (ii) a standardised jurisdictional and cross-jurisdictional response capacity;
 - (iii) effective arrangements for the sharing of intelligence;
 - (iv) monitoring national standards in all training disciplines to achieve best practice;
 - (v) effective command, control and coordination strategies;
 - (vi) consequence management plans to effectively counter terrorism; and
 - (vii) availability of appropriate systems and equipment; and

- (c) reporting annually to the Prime Minister, Premiers and Chief Ministers on Australia’s counter-terrorism preparedness and capability.

METHOD OF OPERATION

Membership

The NCTC will be a high-level national body comprising representatives from the Commonwealth, States and Territories. While the members of the NCTC represent their respective governments, the NCTC itself will be responsible to all participating governments.

New Zealand will be invited in an observer capacity.

The Commonwealth will provide secretariat and executive support.

Meetings

Meetings will be held in the States and Territories in rotation and be chaired by a representative of the host government. The Commonwealth will co-chair meetings of the NCTC and a senior Commonwealth representative will act on behalf of the NCTC for matters requiring urgent out-of-session consideration.

Persons attending meetings of the NCTC will have a minimum SECRET national security clearance.

Review

There will be a review of the national counter-terrorism arrangements every three years.

Constitution

The NCTC will adopt a constitution governing its operation.

- (c) reporting annually to the Prime Minister, Premiers and Chief Ministers on Australia's counter-terrorism preparedness and capability.

METHOD OF OPERATION

Membership

The NCTC will be a high-level national body comprising representatives from the Commonwealth, States and Territories. While the members of the NCTC represent their respective governments, the NCTC itself will be responsible to all participating governments.

New Zealand will be invited in an observer capacity.

The Commonwealth will provide secretariat and executive support.

Meetings

Meetings will be held in the States and Territories in rotation and be chaired by a representative of the host government. The Commonwealth will co-chair meetings of the NCTC and a senior Commonwealth representative will act on behalf of the NCTC for matters requiring urgent out-of-session consideration.

Persons attending meetings of the NCTC will have a minimum SECRET national security clearance.

Review

There will be a review of the national counter-terrorism arrangements every three years.

Constitution

The NCTC will adopt a constitution governing its operation.