40TH PARLIAMENT

Community Development and
Justice Standing Committee

Report 4

NEAR ENOUGH IS NOT GOOD ENOUGH

*An initial report on the protection of crowded places
in Western Australia*

Presented by
Mr P.A. Katsambanis, MLA

October 2018

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Community Development and Justice Standing Committee

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Laid on the Table of the Legislative Assembly on 18 October 2018

Chairman's foreword

The National Terrorism Threat Advisory System, which provides advice about the likelihood of a terrorism act occurring in Australia, lists our current threat level as 'Probable'. This probability does not fade as one travels from east to west across the Nullarbor but rather applies to the entire country. Western Australia, therefore, should not make the mistake of assuming that our location somehow shelters us from the threat of terrorism.

It is in recognition of this fact that the Community Development and Justice Standing Committee began its inquiry into the protection of crowded places in Western Australia from terrorist acts. The inquiry was at least partly motivated by the 2017 release of *Australia's strategy for protecting crowded places from terrorism*, which recognises the risk crowded places face from terrorism and outlines the shared responsibility of stakeholders—most notably the owners and operators of crowded places.

While we have found there is a willingness amongst crowded places in Western Australia to strengthen the resilience of their sites and fulfil the duty of care they have to people who use their sites, we have identified a number of issues undermining their efforts.

Perhaps most prominent are the difficulties that owners and operators of crowded places face in accessing quality protective security advice. Effective risk assessment and emergency management requires an understanding of the unique geographic, built and operating environments specific to a particular crowded place. One crowded place cannot simply replicate the protective security measures of another and claim to have mitigated adequately.

The Strategy therefore directs owners and operators to consult professional security consultants when strengthening their sites. The security industry is also recognised as a key participant in the protection of crowded places, installing electronic security systems and physical defences, and providing personnel to fulfil deterrence, detection, delay and response roles.

Yet we found that the security industry faces several intractable problems that have counter-terrorism implications. These include non-compliance with workplace laws, inadequate training of security personnel and an inexperienced workforce.

Further, although WA has a regulatory regime overseen by the licensing division of the Western Australia Police Force (WA Police), the Committee has received evidence claiming that some security personnel are still not complying with the law. We heard of an incident in which a technician working on the security system in the armoury of a Perth police station was found to be unlicensed. WA Police remained unaware of this

infringement until alerted by a third party. This occurred several years ago, but I raise the matter because none of the evidence received by the inquiry led me to believe that a similar incident could not happen again.

There is a clear expectation amongst crowded places and the public that authorities such as WA Police will take the lead in protecting crowded places. We were struck, however, by the reluctance of WA Police to expand its responsibilities in relation to the provision of protective security advice. The Australian Security Intelligence Organisation told us that providing such support was the responsibility of state police. Indeed, law enforcement agencies elsewhere in Australia are embracing this role. WA Police, however, seems to be actively avoiding stepping into this space. This leads to a significant and concerning gap between expectation and reality that needs to be addressed.

In this report, we recognise the importance of local governments in the protection of crowded places. Nevertheless, it is evident that many lack the skills, knowledge and resources necessary to focus on counter-terrorism in any meaningful way. Risk management related to terrorism is a new consideration for local governments and it seems that only those that manage or approve large-scale events on a regular basis have identified security as a priority and funded it accordingly. The rest struggle to keep up, leaving Western Australia's emergency management arrangements highly variable and placing the public at increased risk in the event of a terrorism related incident.

An area we have not delved into in great detail in this report is the scrutiny and oversight of counter-terrorism efforts in Western Australia. This is not because we think it is inconsequential. On the contrary, we recognise the importance of counter-terrorism preparedness requires public authorities in particular to be subject to higher levels of scrutiny. We intend to traverse this matter fully in our final report, which is scheduled for tabling in March 2019.

We do not profess to hold the answers to all matters detailed in this initial report. The purpose of the report is to set out those issues we have uncovered thus far in the inquiry and initiate a more focused conversation with stakeholders about possible solutions. We invite stakeholders to comment on the matters raised in the report; the feedback they provide will inform our final report.

MR P.A. KATSAMBANIS, MLA
CHAIRMAN

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Executive summary

This inquiry was established to determine whether there was adequate preparation for the protection of crowded places in Western Australia (WA). It was motivated, in part, by the 2017 release of *Australia's strategy for protecting crowded places from terrorism* (the Strategy). The Strategy articulated the respective roles of owners and operators of crowded places, the private security industry, and local, state, territory and Commonwealth governments in protecting both crowded places and the lives of those people who use them. The Strategy set the counter-terrorism policy direction for crowded places in WA.

This report outlines some of the issues brought to our attention in the early stages of the inquiry. While we have limited our discussion of the oversight of counter-terrorism efforts in WA, we expect this subject to feature prominently in our final report.

In publishing this report, we are seeking more focused input from stakeholders on the issues identified. We are particularly interested in hearing ways issues could be addressed or overcome.

WA counter-terrorism arrangements and activities are complex

Upon its release, the Strategy joined an already complex environment of overlapping national and state counter-terrorism arrangements. At the national level, a suite of agreements, strategies and plans sets out the Australian counter-terrorism framework. Meanwhile, the management of terrorism in WA comes under the state emergency management framework, which has its own plans, policies and guidelines.

A network of state and interjurisdictional bodies governs WA counter-terrorism preparedness. Nationally, there is the Australia-New Zealand Counter-Terrorism Committee (ANZCTC), which coordinates counter-terrorism efforts in Australia. In WA, there exists both the Security and Emergency Committee of Cabinet and the State Emergency Management Committee (SEMC), WA's peak emergency management body.

As both a member of the ANZCTC and the designated hazard management agency for terrorist acts under WA legislation, the Western Australia Police Force (WA Police) straddles both governance levels. Counter-terrorism in WA relies on its capacity to fulfil both its state and national roles and responsibilities.

Further complicating matters is the increasingly blurred line between counter-terrorism efforts and other emergency management activities. To strengthen the resilience of crowded places to terrorism, stakeholders are using mechanisms originally developed to support crime prevention or broader risk and emergency management. Such

activities include cost recovery for policing major events, event approval processes, and event-specific coordination bodies.

Despite this highly complex environment, however, WA has not developed an up-to-date policy framework to support the implementation of the Strategy. WA instead relies heavily on national counter-terrorism arrangements, which creates a type of networked governance that decreases accountability. Should a terrorist attack occur under the current circumstances, there is a risk that WA will be caught in a 'blame game' with neither state nor federal bodies taking responsibility to address any flaws that may be subsequently identified.

Crowded places have little support to implement appropriate protective security measures

Owners and operators of crowded places have primary responsibility for protecting their sites and a duty of care to those who use their sites. Fulfilling these responsibilities is not an easy task; there is no 'one-size-fits-all' approach to the protection of crowded places and protective security measures, if done incorrectly, can be costly and ineffective.

It seems many crowded places wishing to strengthen the resilience of their sites have received little or no assistance. One Commonwealth security agency said the provision of protective security advice to individual crowded places was the responsibility of state law enforcement agencies. Elsewhere, law enforcement agencies have actively taken on this role, conducting their own tests on hostile vehicle barriers and training staff to provide protective security advice. But WA Police has resisted this role on the basis that:

- It does not want to transfer the risk associated with approving security management plans to WA Police;

- It does not have the necessary protective security expertise and would need to recruit staff with these skills; and

- As a public authority, it should not be seen to provide consultancy advice to a private industry.

A number of crowded places have had little or no contact from WA Police even though they believe themselves to be at risk of a terrorist attack. WA Police assessments of the local threat context determine its level of engagement with local government and business sectors: the higher the risk to a venue or event, the more likely WA Police is to work with the site managers to coordinate their respective plans. Other crowded places are simply directed to consult professionals within the security industry. This is not a foolproof solution. Many crowded places lack the internal security expertise

necessary to develop suitable requests for tender, evaluate tenders, or quality assure the deliverables. They are therefore subject to the ethics and knowledge of the provider, which some security industry stakeholders said can result in 'cut-and-paste' emergency management plans—a highly dangerous practice that could leave crowded places unnecessarily exposed.

Weaknesses in the security industry may affect the protection of crowded places

Evidence to the inquiry indicated that security industry staff are central to the protection of crowded places. Private security consultants conduct security risk assessments and provide advice regarding protective security measures; security contractors deliver security services; and security personnel may be the first on the scene following an attack.

However, the Australian security industry is also beset by a number of issues, few of which are new. Many of the issues—which include inadequate security personnel training, high turnover rates, and non-compliance with workplace laws—contribute to the variable quality of security services provided by the industry. If not addressed, crowded places across Australia may remain unnecessarily vulnerable to a terrorist act.

In WA, inquiry participants questioned the robustness of the existing licensing and regulatory framework. The 'professional end' of the security industry, for example, is said to be inadequately regulated. The highest qualification required for a security consultant licence is a Certificate IV in Security Risk Management, which falls far short of the specialist skill set that might be expected of security professionals.

Compliance and enforcement is not being appropriately resourced. The WA Police Licensing Division, which issues and renews security licences and monitors compliance with the relevant Act, aims to audit 275 licence holders per year but only 100 persons were audited between July 2017 and May 2018. Nor were any infringement notices issued during this period, despite the WA industry consisting of over 30,000 active security licences. In contrast, the licensing body in Queensland (which has a similar number of security licences as WA) issued 55 infringement notices in a comparable timeframe.

Inquiry participants agree a nationally consistent security licensing system may address many of these matters. The ANZCTC Crowded Places Advisory Group is currently conducting a review of the Australian private security industry, which may result in a national framework to reform the industry.

Compliance with counter-terrorism arrangements cannot be enforced

The Strategy does not specify mechanisms through which stakeholders can be compelled to fulfil their responsibilities. Instead, the Strategy relies on the self-

motivation of owners and operators to protect their sites on the basis that it is in the self-interest of owners and operators to protect their reputation and assets.

The two WA legislative requirements of which we are aware—local government approval processes for events and local emergency management arrangements—were designed for public health and safety and emergency management respectively, rather than terrorism preparedness. They can be ineffective; the event approvals process, for example, is a significant administrative task for local governments and the volume of applications received by some local governments can result in staff rushing approvals without consideration of the adequacy of protective security methods. Similarly, the SEMC cannot compel local governments to fulfil their more general local emergency management responsibilities, which makes it difficult to assess the terrorist risk to their areas.

This report highlights the need for improving accountability frameworks in relation to preparedness for emergencies, including terrorist threats. This is an area the Committee will examine in more detail going forward.

Where to from here?

Stakeholders are invited to provide comment and additional information by **23 November 2018**. We will examine the responses to the report and conduct further inquiries where necessary. We intend to table a final report in Parliament by March 2019.

Committee requests for further comment

Committee request for further comment 1   **Page 14**

The SECC and senior officials group are new bodies, established after this inquiry had commenced. Prior to their establishment, we were concerned that WA did not have a governance body overseeing or guiding the state's combined security and emergency management arrangements. The primary agency for counter-terrorism, WA Police, and peak emergency management body, the State Emergency Management Committee (see below), report to different ministers and, without a formal body such as the SECC, accountability and coordination gaps may have emerged.

We are pleased some of the matters raised in this inquiry have also been brought to the attention of Government and are being acted on.

We would welcome comment on the functioning of these oversight and coordination bodies and suggestions for improvement in the future.

Committee request for further comment 2   **Page 20**

We would welcome further information from regional owners and operators about the adequacy of support they receive to understand the local threat context and protective security measures appropriate for their crowded place.

Committee request for further comment 3   **Page 27**

We note that a function of the SECC is to provide direction to relevant agencies on measures to enhance the state's security. It is anticipated that its establishment will lead to stronger counter-terrorism policy in WA, particularly related to the protection of crowded places. We would welcome further comment about how this may be achieved in the future.

Committee request for further comment 4   **Page 27**

We are not convinced that agencies are unable to produce edited or redacted versions of post-exercise reports for entities such as Parliament and other relevant bodies. Some inquiry participants to whom we spoke indicated law enforcement agencies could be more forthcoming with information (see chapter 3). In our view, edited or redacted reports could be made publicly available, and would provide reasonable opportunities for oversight and accountability. We would welcome further comment on this proposed approach.

Committee request for further comment 5   **Page 30**

Because of the distribution and management of the ANZCTC special fund, it is extremely difficult to identify what benefit WA has received from Commonwealth funding. We cannot therefore determine how much—if any—additional

Commonwealth funding has been provided to WA to implement the Strategy or the adequacy of this funding. We would welcome further clarity in relation to this funding.

Committee request for further comment 6   **Page 33**

We welcome information on how the WA government can encourage new crowded places to adopt security measures prior to their construction that not only protect against existing terrorist methodologies but are flexible enough to respond to future threats as well.

We also welcome information from the Western Australian Planning Commission as to the status of the planning guidelines for designing out crime, including whether it intends to release updated guidelines.

Committee request for further comment 7   **Page 35**

We welcome further comments about:

- The dispersion of cameras in relation to identified or potential risks.

- How an overarching, state-wide CCTV strategy could be better coordinated to improve coverage and mitigate risk.

Committee request for further comment 8   **Page 38**

We would be interested in receiving further information about the usefulness of the Interagency Events Approval Committee, including its impact on the event approvals process and any proposals for the improvement of this process.

Committee request for further comment 9   **Page 39**

We welcome feedback as to which agency is best placed to act as a coordinating body to assist event managers navigating the various compliance and approval processes. We would also welcome information about any alternative proposals to achieve better coordination in this space.

Committee request for further comment 10   **Page 42**

We would welcome further comment as to whether numbers-based definitions of a crowded place are useful in identifying risk in what is a dynamic and rapidly evolving space and in the context of the broader definition contained in the Strategy.

Committee request for further comment 11   **Page 46**

It appears that WA Police is still adapting to the shared responsibility approach introduced under the Strategy. We appreciate that withholding sensitive information is necessary in most instances; however, many of the limitations in WA Police engagement with crowded places cannot be explained by the need to restrict access to intelligence.

We would welcome further comment as to whether WA Police is applying adequate resources to carry out the engagement required under the Strategy and how this could be independently assessed in a security context.

Committee request for further comment 12

We would welcome possible methods or structures that could assist owners and operators to reach an agreed position on the risk assessment and appropriate mitigations within their precincts.

Committee request for further comment 13

We would welcome information about whether the ANZCTC is considering the provision of security clearances for people working at significant crowded places, and any steps WA may need to take to support this approach.

Committee request for further comment 14

We welcome comment on how resources and expertise can effectively be pooled and shared to enhance protection and mitigate costs.

Committee request for further comment 15

In the absence of compliance and enforcement mechanisms (see chapter 5), one way to encourage more owners and operators to implement appropriate protective security measures may be through additional funding. Funding may also assist with the continuation of key events.

We would welcome comment on how such funding could be best sourced, managed and distributed.

Committee request for further comment 16

It appears that a scheme to identify qualified security consultants may assist owners and operators. We welcome comment on the need for such a scheme and preferred models for implementation.

Committee request for further comment 17

We would welcome comment on how WA Police could become a preferred employer for specialist computer crime staff to aid in the development and retention of these critical skills.

Committee request for further comment 18

We would welcome information from the Minister for Emergency Services about when the Emergency Management Amendment Bill will be introduced to Parliament.

Committee request for further comment 19   **Page 85**

We welcome feedback on possible further oversight arrangements that would both reflect the interjurisdictional nature of counter-terrorism preparedness and respect state sovereignty, particularly as it relates to state-based agencies such as WA Police.

Committee request for further comment 20   **Page 88**

The lack of a prescribed standard for protective security measures may make it harder for owners and operators to understand their protective security responsibilities. We welcome comment on whether a minimum standard of protection is desirable, and if so, what form this should take.

Committee request for further comment 21   **Page 89**

Without a mechanism to monitor whether owners and operators are fulfilling their responsibilities, it is difficult to assure that crowded places in Western Australia (WA) are protected against terrorist acts. We welcome comment on whether a mechanism to monitor or enforce compliance is desirable.

Committee request for further comment 22   **Page 89**

In addition to local emergency management arrangements and local government approval processes, there may be further legislative requirements that are relevant to the preparedness and protection of crowded places from terrorist acts. We welcome information about any additional legislative requirements for risk assessment and risk management processes or protective security measures.

Committee request for further comment 23   **Page 91**

We welcome comment on whether event organisers should be required to consider terrorism risk as part of the event approvals process, and whether the *Health (Public Buildings) Regulations 1992* would require amendment for this to occur.

We are also interested in receiving comment on whether, given the rapidly changing security environment, terrorism mitigations are best enforced through the existing event approvals process or whether a new regime is required.

Committee request for further comment 24   **Page 96**

We welcome further information or comment on any existing or proposed mechanisms that monitor compliance with emergency management obligations, emergency risk management, or protective security arrangements.

Committee request for further comment 25   **Page 98**

We welcome comment on whether the lack of security licensing requirements for security managers is of concern to owners and operators or the security industry and, if it is considered necessary, how these roles could be regulated.

Committee request for further comment 26   **Page 100**

We welcome comment on the resources devoted to compliance and enforcement
activities by the WA Police Licensing Division. We also welcome comment on ways to
improve compliance monitoring in WA.

Committee request for further comment 27   **Page 101**

Publicly releasing information about the compliance of the security industry may assist
procurement decisions and act as a deterrent to misconduct. We welcome comment
on any barriers to the public release of compliance information.

Committee request for further comment 28   **Page 101**

It appears that an online licence registry with search function would assist employers in
the security industry. We welcome comment on the need for such a system, the cost of
such a system, and any barriers to its adoption by the WA Police Licensing Division.

Committee request for further comment 29   **Page 111**

We welcome comment on whether there is a role for the state government to take
action to improve procurement processes for security services, particularly in relation
to state and local government contracts.

Committee request for further comment 30   **Page 112**

To be effective, we believe that nationally consistent licensing arrangements would
need to maintain high standards or improve standards. We welcome comment on the
standards that should be adopted in a nationally consistent licensing scheme.

Treatment of evidence

Readers will note that the Committee has chosen to de-identify some inquiry participants or declined to state the source of particular information at points in this report. The Committee also accepted closed evidence in the course of this inquiry, some of which is referenced in the report without the identification of the source.

In some instances, these steps were taken at the request of inquiry participants. In others, the Committee reviewed the information provided and concluded that this approach was required. The Committee is of the opinion that such steps are necessary because of the sensitivity of some of the evidence provided to the inquiry. It seeks to reduce the possible risks that may result from the publication of this information.

Chapter 1

The state of play in protecting crowded places

Inquiry background

In August 2017, then Prime Minister Malcolm Turnbull released *Australia's strategy for protecting crowded places from terrorism* (the Strategy). The release of the Strategy was a response to recent attacks in Paris, London, Berlin, Barcelona and Nice, which highlighted the attractiveness of crowded places as targets for terrorist acts.[1]

The Strategy sought to develop a nationally consistent approach to the protection of crowded places. Based on the principle of shared responsibility, it was the first time national counter-terrorism arrangements had clearly articulated the respective roles of owners and operators of crowded places, the private security industry, and local, state, territory and Commonwealth governments in protecting both crowded places and the lives of those people who use them (see chapter 2).

At the Special Meeting of the Council of Australian Governments on Counter-Terrorism in October 2017, Australian leaders welcomed the Strategy.[2] This set the counter-terrorism policy direction for crowded places in Western Australia (WA).

This inquiry was established to determine whether there is adequate preparation for the protection of crowded places in WA. We identified a number of areas that would contribute to our understanding of the counter-terrorism environment: the counter-terrorism arrangements within the WA emergency management framework; the implementation of mitigation and protective security measures; relationships between the public and private sectors; the capability of the Western Australia Police Force (WA Police) to respond to a terrorist attack on a crowded place; and the regulation of the private security industry.

We used seven key questions to guide our investigations:

1. How is the counter-terrorism preparedness of crowded places measured?

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1 Australia-New Zealand Counter-Terrorism Committee (ANZCTC), *Australia's Strategy for Protecting Crowded Places from Terrorism,* Commonwealth of Australia, Barton, 2017, p2; Mr Malcolm Turnbull, (Prime Minister), *Release of Australia's Strategy for Protecting Crowded Places from Terrorism*, Media Release, Canberra, 20 August 2017. Available at: https://www.pm.gov.au/media/release-australia%E2%80%99s-strategy-protecting-crowded-places-terrorism. Accessed on 19 June 2017.
2 Submission No. 32 from Department of the Premier and Cabinet, 29 March 2018, p2.

2. What accountability structures are in place to assess whether stakeholders are fulfilling their respective obligations?

3. Do all stakeholders know their roles and responsibilities and receive relevant information in a timely manner?

4. What independent external reviews are conducted of these processes and by whom?

5. Are the powers and resources of WA Police adequate to deal with terrorism?

6. Does the licensing and registration of the private security industry operate adequately to reduce terrorism risks to crowded places?

7. What is best practice in relation to the protection of crowded places against terrorism?

It was also our intention to examine how it can be assured that lead agencies are meeting their various obligations and what role the Western Australian Parliament should have in overseeing preparations for the protection of crowded places. Should a crowded place in WA experience a terrorist attack, the public will likely look to the WA Government and Parliament for answers. No doubt they will also demand proof of our counter-terrorism preparedness.

What is a crowded place?

There is no agreed definition of a crowded place in WA. Government agency Main Roads considers a crowded place to be an event that attracts at least 10,000 people.[3] Under the *Police Act 1892*, a major event is one with an expected attendance of 5,000 or more people, or where the Commissioner of Police 'reasonably considers it necessary or desirable' to assign a police presence.[4] Meanwhile, public building regulations require risk management plans to be submitted for all events that are expected to attract over 1,000 people, which implies that there is increased risk attached to gatherings of that size (see chapter 2).

We have adopted the broader definition of a crowded place put forward in the Strategy. The specific number of people moving through a space is not the primary identifier of a crowded place. Instead, the Strategy defines a crowded place as a location that is 'easily accessible by large numbers of people on a predictable basis'. It includes public transport, pedestrian malls, places of worship, stadiums, and shopping

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3   Submission No. 29 from Transport Portfolio, 29 March 2018, p8.
4   Submission No. 42 from Western Australia Police Force (WA Police), 18 April 2018, p6.

malls. Crowded places do not necessarily have large crowds at all times but may vary depending on the event, time, or season.[5]

What do we mean by 'the counter-terrorism preparedness of WA'?

Preparedness is defined in Australia's national counter-terrorism plan as the 'process of understanding the terrorist threat and communicating, planning, resourcing and exercising to ensure governments, agencies, the private sector and the community are best able to prevent, respond to, and recover from a terrorist act.'[6]

We are of the opinion that 'adequately prepared' would require a framework to support all owners and operators of crowded places, local governments and the security industry to fulfil their respective responsibilities under the Strategy. This necessitates several preconditions and capabilities within government: sound governance arrangements; the identification and management of risk; effective stakeholder engagement; strategic, systematic and structured implementation planning; the effective use of human, physical and information and communication technology resources; and monitoring, review and evaluation processes.[7]

There is no 'one-size-fits-all' approach to the protection of crowded places. A well-prepared crowded place will be fulfilling its responsibilities when it has plans, procedures and practices that are not only appropriate for its level of risk but also exercised and audited regularly. This does not necessarily mean that every crowded place will have bollards, closed-circuit television (CCTV) cameras, screening processes, or highly visible security patrols. Security consultant and researcher Donald Williams said terrorism is a hazard that requires an emergency management response similar to other hazards. While organisations or businesses should be aware of the additional problems presented by terrorist acts, their existing emergency management plans and procedures may provide an adequate foundation for the management of risk.[8] At a bare minimum, all crowded places should have at least considered their risk profile with regard to a terrorist attack.[9]

By providing a strong framework, the state will support crowded places in understanding their respective threat levels and implementing appropriate mitigation measures. Having the necessary preconditions and capabilities for the successful

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5 ANZCTC, *Australia's Strategy for Protecting Crowded Places from Terrorism,* Commonwealth of Australia, Barton, 2017, p4.
6 ANZCTC, *National Counter-Terrorism Plan*, 4th edition, Commonwealth of Australia, Barton, 2017, p10.
7 Australian National Audit Office, *Successful Implementation of Policy Initiatives*, Commonwealth of Australia, Barton, 2014.
8 *Briefing,* 2 May 2018.
9 Submission No. 4 from Mr Donald S. Williams and Dr Anthony Bergin, 8 March 2018; Submission No. 34 from Secure Events and Assets, 31 March 2018, p4.

implementation of the Strategy objectives will strengthen WA. While a strong framework cannot prevent a terrorist attack from occurring, it may well reduce the likelihood of an attack and any associated consequences.

The purpose of this initial report

This report sets out some of the issues that have come to light in the early stages of the inquiry. Throughout the report, we have provided proposed solutions and posed questions that relate to the identified issues. It is important to keep in mind that the positions outlined in the report are not necessarily our final view.

The purpose of this report is to seek further, more focused, input on the issues identified. We invite individuals or organisations belonging to the identified groups to respond to the proposed solutions and questions in this report. We are particularly interested in hearing specific ways that the issues could be addressed or overcome, or the practical consequences of the proposed solutions. Any issues that are not addressed in this report, but which affect the counter-terrorism preparedness of WA, can also be raised.

Interested parties are invited to provide comment and additional information by **23 November 2018**. We will examine the responses to the report and conduct further inquiries where necessary. A final report will then be tabled in Parliament in early 2019.

Areas not considered in this report

In this report, we do not consider the following topics in detail:

- Airport security.

- Maritime security.

- Surface public transport security.

- Most prevention and recovery activities.

- Health capabilities.

Although we have received evidence on these topics, the wide-ranging and complex matters in each area prevents us from considering them in depth. We could arguably have completed an inquiry focusing exclusively on any one of these areas.

However, we may consider any one of these matters further in the final report. If readers believe the areas may be impacted by, or will somehow contribute to, the proposed solutions in this report then we welcome further information.

We have also limited our discussion of the oversight of counter-terrorism efforts in WA. This subject will, however, feature prominently in our final report.

Chapter 2

Counter-terrorism arrangements and associated activities

A terrorist act is an act that is carried out with the intention to coerce or influence the government or public by intimidation in order to advance a political, religious or ideological cause.[10] Determining motive—and therefore whether an incident is a terrorist act, another type of crime, or an accident—can be difficult during or following an incident.[11] The use of everyday items such as vehicles to conduct terrorist attacks also means that measures used to protect against vehicle crashes may be equally effective at deterring terrorism. Consequently, protecting a crowded place from terrorism can often rely on the same techniques and processes as protecting a crowded place from other emergency events.

As the inquiry has progressed, it has become apparent that the line between counter-terrorism efforts and other emergency management activities is blurred. Strictly speaking, some of the activities described in this chapter were developed to support crime prevention or broader risk and emergency management; however, in recent times they have been increasingly employed to strengthen the resilience of crowded places to terrorism.

Anyone setting out, as we did, to examine the implementation of mitigation and protective security measures at crowded places therefore soon encounters the complexity of this environment. Counter-terrorism activities in Western Australia (WA) consist of overlapping processes, some of which fall within the relatively narrow confines of the national or state counter-terrorism arrangements and many that do not. In this chapter, we lay out those activities brought to our attention as examples of counter-terrorism efforts within WA and identify some of the associated challenges.

National counter-terrorism arrangements

A range of documents, known collectively as the national counter-terrorism arrangements, set out the framework that directs counter-terrorism efforts within WA.

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10   *Criminal Code 1995* (Commonwealth), s100.1.
11   Submission No. 4 from Mr Donald S. Williams and Dr Anthony Bergin, 8 March 2018, p2.

Chapter 2

Intergovernmental agreement on Australia's national counter-terrorism arrangements

WA is a signatory to the *Intergovernmental agreement on Australia's national counter-terrorism arrangements*. First signed in 2002 and subsequently updated in 2012 and 2017, the agreement supports a nationally consistent approach to countering terrorism by establishing a partnership between all Australian jurisdictions. It emphasises interoperability, including the cooperation, coordination and consultation between all relevant agencies and a complementary legal regime across all jurisdictions.[12]

Australia's counter-terrorism strategy and *National counter-terrorism plan*

Australia's counter-terrorism strategy details the broad framework for Australia's counter-terrorism arrangements. It emphasises prevention as the first line of defence against terrorism.

The *National counter-terrorism plan* sits below *Australia's counter-terrorism strategy.* As the primary document for national counter-terrorism policy and arrangements, it sets out Australia's strategic approach for addressing terrorism, including steps taken to prepare for, prevent, respond to, and recover from, terrorist acts. The plan clearly articulates the governance and operational responsibilities of governments and agencies engaged in countering terrorism.

In terms of the preparedness of crowded places for terrorism, the plan notes that state and territory governments have a responsibility to 'support local government and the private sector, including owners and operators of crowded places, to protect their sites.'[13]

Australia's strategy for protecting crowded places from terrorism

Australia's strategy for protecting crowded places from terrorism (the Strategy) emphasises the shared responsibility that business, community, and government have in preparing for, preventing, and responding to terrorist acts. With an objective to 'protect the lives of people working in, using, and visiting crowded places by making these places more resilient',[14] the Strategy identifies the key stakeholders and their respective responsibilities. Those with particular relevance to this inquiry are detailed below.

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12 Submission No. 42 from Western Australia Police Force (WA Police), 18 April 2018, p1.
13 Australia-New Zealand Counter-Terrorism Committee (ANZCTC), *National Counter Terrorism Plan*, 4th edition, Commonwealth of Australia, Barton, 2017, p3.
14 ANZCTC, *Australia's Strategy for Protecting Crowded Places from Terrorism*, Commonwealth of Australia, Barton, 2017, p2.

Owners and operators

Owners and operators of crowded places have primary responsibility for protecting their sites and a duty of care to those who use their sites. They must develop an understanding of the terrorist threat and mitigations by accessing the supplementary materials that accompany the Strategy (see below), engaging directly with police, and working with private security providers when necessary.

Specific tasks that owners and operators are expected to undertake include:

- Risk assessments or vulnerability analyses of their sites.

- Implementing appropriate mitigations, monitoring their effectiveness, and reviewing them regularly to ensure they are in accordance with the current threat environment.

- Increasing the awareness of staff and patrons about possible security threats.

The Strategy recommends a layered approach to security, whereby multiple layers of protective security measures are applied to a crowded place. Even if one layer fails, a site's overall security should not be compromised with a layered approach.

Local government

The Strategy is the first time the role of local governments has been recognised in any Commonwealth counter-terrorism strategy or plan.[15] Because of their management of civic spaces, celebrations and other public activities, local governments share the same responsibilities and duty of care as other owners and operators. The Strategy further recognises the ability of local governments to influence the security of crowded places through the design and approval of public spaces.

Security industry

The Strategy notes the important role private security providers and personnel play in the protection of crowded places through their provision of deterrence, detection, delay and

> Whether it is installing electronic security systems, physical defences or providing frontline security personnel, the private security industry is at the core.
>
> - *Bryan de Caires, Chief Executive Officer, Australian Security Industry Association Limited*

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15 Anthony Bergin and Jason Brown, 'Safety in numbers: developing a public-private partnership approach to protecting crowded places from terrorism', *Asia and Pacific Policy Society Policy Forum*, 10 October 2017. Available at: https://www.policyforum.net/protecting-crowded-places-terrorism/. Accessed on 4 July 2017.

response measures that form part of a layered approach. In accordance with the Strategy, security personnel must be 'well-trained and professional.'[16]

State and territory governments

State and territory governments, led primarily by their respective law enforcement agencies, have a role in building and sustaining the resilience of crowded places to terrorism, according to the Strategy. Police provide threat information to owners and operators either directly or through the crowded places forum (which police also administer). The aim of such engagement is to ensure owners and operators are informed so they can develop appropriate security measures. Police may also provide protective security guidance to crowded places, although the Strategy notes that this is only 'in some instances.'[17]

Governments support the private security sector to develop well-trained and professional personnel by maintaining 'a robust regulatory regime around employment, training, and registration.'[18] We discuss how the WA government fulfils this responsibility and associated considerations in chapter 6.

Crowded places partnership

The Strategy also sets out the crowded places partnership, described as 'a national framework for cooperation' (see figure 2.1). The partnership aims to provide stakeholders with mechanisms through which they can engage with one another in a nationally consistent and coordinated way. Crowded places forums are the primary mechanism through which the vast majority of stakeholders will engage with the Crowded Places Partnership.

Supplementary materials

A suite of supplementary materials was released with the Strategy to 'assist owners and operators to understand and implement protective security measures.'[19] The materials are:

- *Crowded places self-assessment tool.*

- *Crowded places security audit.*

- *Hostile vehicle guidelines for crowded places: A guide for owners, operators and designers.*

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16   ANZCTC, *Australia's Strategy for Protecting Crowded Places from Terrorism*, Commonwealth of Australia, Barton, 2017, p9.
17   *ibid*., p8.
18   *ibid*., p9.
19   *ibid*., p3.

- *Active armed offender guidelines for crowded places.*

- *Chemical weapon guidelines for crowded places.*

All are available, free of charge, on the Australian National Security website.[20] We discuss the usefulness of the supplementary materials and other guidance materials in chapter 4.

Figure 2.1: Crowded places partnership
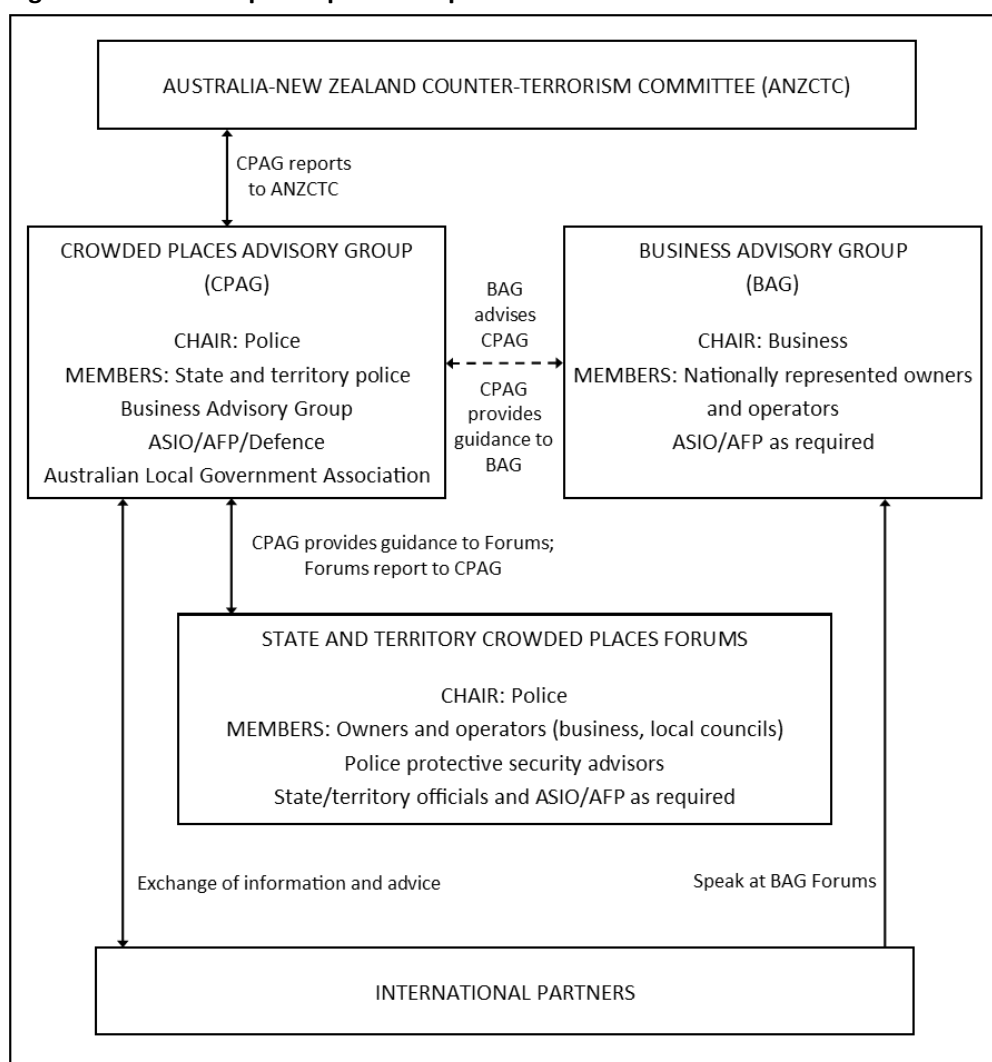
Source: Australia-New Zealand Counter-Terrorism Committee, *Australia's Strategy for Protecting Crowded Places from Terrorism*, Commonwealth of Australia, Barton, 2017, p10.

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20   Australian Government, 'Australia's Strategy for Protecting Crowded Places from Terrorism'. Available at: www.nationalsecurity.gov.au/CrowdedPlaces. Accessed on 19 July 2018.

Chapter 2

Australia-New Zealand Counter-Terrorism Committee

The Australia-New Zealand Counter-Terrorism Committee (ANZCTC) is a high-level body made up of representatives from Australian governments and the New Zealand Government. Although it has no operational role, the ANZCTC is central to the coordination of counter-terrorism efforts in Australia. It carries out the following functions:

- Providing strategic and policy advice to government and ministers.

- Coordinating an effective national counter-terrorism capability.

- Maintaining arrangements for the effective sharing of intelligence and information.

- Maintaining the *National counter-terrorism plan* and associated documentation.

The ANZCTC has a number of subcommittees and groups, notably the Crowded Places Advisory Group (CPAG). The CPAG advises the ANZCTC on protecting crowded places from terrorism and is responsible for 'maintaining a nationally consistent crowded places protective security capability across state and territory police forces.'[21] It also reviews *Australia's strategy for protecting crowded places from terrorism* on a regular basis on behalf of the ANZCTC.[22]

The Western Australia Police Force (WA Police) and Department of the Premier and Cabinet (DPC) represent WA on the ANZCTC and its subcommittees. For instance, the Commander of WA Police Counter Terrorism and Emergency Response is a member of CPAG.[23]

WA counter-terrorism arrangements

Security and Emergency Committee of Cabinet

The Security and Emergency Committee of Cabinet (SECC) is a special purpose committee of Cabinet. It was established in 2018—after this inquiry had commenced.

Its role is to support 'actions that enhance the security and emergency preparedness of the State of Western Australia.'[24] State security is defined as the protection of WA

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21 ANZCTC, *Australia's Strategy for Protecting Crowded Places from Terrorism*, Commonwealth of Australia, Barton, 2017, p8.
22 *ibid*., p17.
23 Submission No. 42 from WA Police, 18 April 2018, p5.
24 Mr Chris Dawson, Commissioner of Police, WA Police, Letter, 20 June 2018, p3; Mr Darren Foster, Director General, Department of the Premier and Cabinet (DPC), Letter, 17 July 2018, closed attachment 1.

against threats, such as terrorism and other forms of politically-motivated violence, espionage, sabotage, 'the promotion of communal violence' and 'other significant violence'.

The SECC preparedness responsibilities include:

a) Maintaining an awareness of WA's security and hazard environments.

b) Maintaining an awareness of members' roles in the state security and emergency coordination arrangements, including through its participation in relevant exercises.

c) Assessing the suitability of WA's state security and emergency-related legislation.

d) Oversight of WA's state security and emergency management capabilities and arrangements.

e) Oversight of WA critical infrastructure's engagement in national security-related activities.

f) Providing direction to relevant state agencies on measures to enhance the state's security, taking account of relevant interjurisdictional arrangements including those established under the *Intergovernmental agreement on Australia's counter-terrorism arrangements*.[25]

For the SECC, state security-related capabilities and arrangements include prevention and mitigation measures such as 'protective security measures at Government-owned and operated critical infrastructure and crowded places' and 'actions that encourage the development and maintenance of protective security measures by non-government owners and operators of critical infrastructure and crowded places'. The 'interoperability of State agencies' capabilities with each other and with other jurisdictions' are also considered part of state security-related capabilities and arrangements within the SECC's purview.

The SECC is chaired by the Premier and comprises relevant ministers, including the Attorney General, Minister for Police, Minister for Emergency Services and Minister for Health. The SECC meets approximately every six months.

WA Police welcomed the SECC's creation. It provides WA Police with a mechanism through which it can alert the Premier and relevant ministers to any gaps, risks and associated issues. WA Police Deputy Commissioner Stephen Brown told us that having

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25   Mr Darren Foster, Director General, DPC, Letter, 17 July 2018, closed attachment 1.

dedicated time to talk about matters of security and emergency matters was valuable to WA Police as an agency.[26]

Security and Emergency Committee of Cabinet Senior Officials Group

The SECC senior officials group was established to support, and provide updates to, the SECC. It has four functions:

1. To undertake and report on risk assessment relevant to the SECC's function.

2. To oversee the development of legislative and policy proposals.

3. To monitor and report on agency progress in implementing relevant policies, programs and other matters referred by the SECC.

4. To carry out other tasks as directed by the SECC.

DPC chairs the senior officials group, and the Department of Jobs, Tourism, Science and Innovation, Department of Justice, Department of Fire and Emergency Services (DFES), WA Police, Department of Health, and Department of Local Government, Sport and Cultural Industries are permanently represented on the group.[27]

Committee request for further comment 1

The SECC and senior officials group are new bodies, established after this inquiry had commenced. Prior to their establishment, we were concerned that WA did not have a governance body overseeing or guiding the state's combined security and emergency management arrangements. The primary agency for counter-terrorism, WA Police, and peak emergency management body, the State Emergency Management Committee (see below), report to different ministers and, without a formal body such as the SECC, accountability and coordination gaps may have emerged.

We are pleased some of the matters raised in this inquiry have also been brought to the attention of Government and are being acted on.

We would welcome comment on the functioning of these oversight and coordination bodies and suggestions for improvement in the future.

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26 Mr Stephen Brown, Deputy Commissioner, WA Police, *Transcript of Evidence*, closed session, 20 August 2018, p9.
27 Mr Darren Foster, Director General, DPC, Letter, 17 July 2018, closed attachment 2.

Figure 2.2: Western Australian emergency management framework
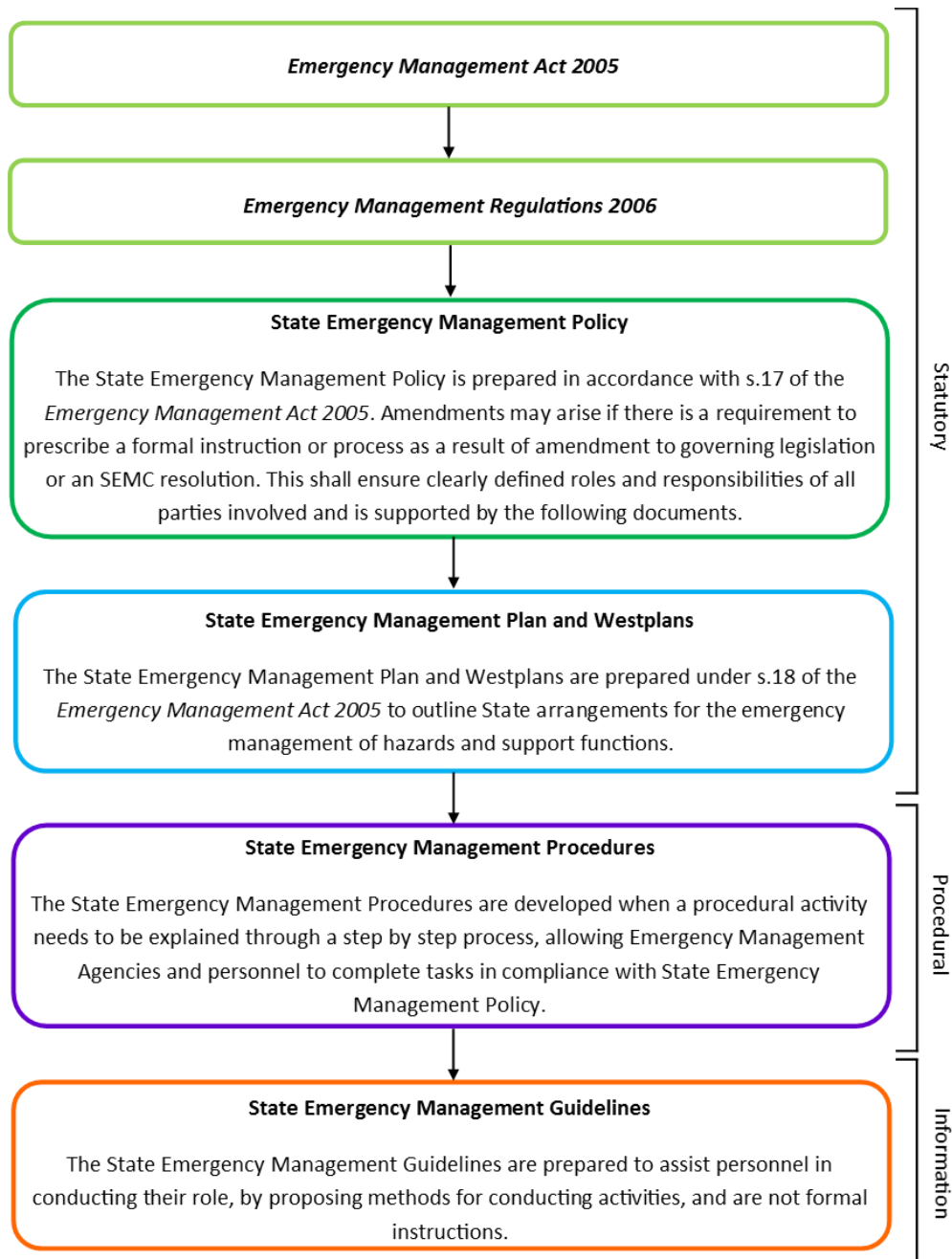
Source: Office of Emergency Management (OEM), 'The State Emergency Management Framework'. Available at: https://www.oem.wa.gov.au/emergency-management/state-em-framework. Accessed on 25 July 2018.

Chapter 2

State emergency management framework

Terrorism is one of the 27 hazards identified in WA emergency management legislation as posing a risk to the state. It is managed as part of the state emergency management framework, which consists of legislation, policy, plans, procedures and guidelines (see figure 2.2).

WA has an 'all hazards approach' to emergency management, which 'assumes the functions and activities applicable to one hazard are often applicable to a range of hazards'.[28] This means the *State emergency management policy* and *State emergency management plan* focus on, and integrate, common emergency management elements that can be used across all hazards.

Each of the 27 identified hazards have a plan that outlines the specialised approach to the specific hazard.[29] The *State hazard plan: terrorist act* describes the arrangements for the management of terrorist acts in WA, including risk reduction strategies, and preparedness, response and recovery measures.[30]

Under emergency management legislation, a designated hazard management agency (HMA) manages each hazard. The Commissioner of Police is the HMA for terrorist acts, and therefore empowered to declare an 'emergency situation' in the event of a terrorist incident, should the incident meet the criteria set down in the Act.[31] As the Commissioner generally exercises the HMA role through WA Police, the agency is responsible for emergency management prevention, preparedness, response and recovery activities. As part of these responsibilities, WA Police develops and reviews the *State hazard plan: terrorist act*.

State, district and local emergency management committees

The State Emergency Management Committee (SEMC) governs the state emergency management framework. As the peak emergency management body in WA, it oversees the development of state policies and plans that coordinate the emergency management efforts of government, non-government, volunteer and private sector organisations (see box 2.1). The Committee currently comprises 11 members

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28   Office of Emergency Management, 'Emergency Management Principles'. Available at: https://www.oem.wa.gov.au/emergency-management/state-em-framework/em-principles. Accessed on 4 July 2018.
29   In the past, these plans were all known as Westplans; however, Westplans are currently being converted into State Hazard Plans with similar Westplans amalgamated into a single State Hazard Plan. The *Westplan: Terrorist Act* was converted into a State Hazard Plan in March 2018.
30   State Emergency Management Committee (SEMC), *State Hazard Plan: Terrorist Act*, Perth, 2018, p1.
31   *Emergency Management Act 2005*, s50.

Box 2.1: State Emergency Management Committee (SEMC) functions

The functions of the SEMC as per section 14 of the *Emergency Management Act* are:

  a) To advise the Minister on emergency management and the preparedness of the State to combat emergencies.
  b) To provide direction, advice and support to public authorities, industry, commerce and the community in order to plan and prepare for an efficient emergency management capability for the State.
  c) To provide a forum for whole of community coordination to ensure the minimisation of the effects of emergencies.
  d) To provide a forum for the development of community wide information systems to improve communications during emergencies.
  e) To develop and coordinate risk management strategies to assess community vulnerability to emergencies.
  f) To perform other functions given to the SEMC under this Act.
  g) To perform any other function prescribed by the Regulations for the purposes of this section.

Source: *Emergency Management Act 2005* (Western Australia), s14.

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appointed by the Minister for Emergency Services, including the Commissioner of Police (see appendix six).

WA is divided into 11 emergency management districts, each with their own district emergency management committee (DEMC) (see figure 2.3). A DEMC assists the local emergency management committees within its district to develop and maintain their emergency arrangements, with a specific focus on hazards that are most likely to occur in the district. They also act as a conduit for information, ensuring that information received from the state reaches the local level.[32]

Within each district, local governments are required to establish at least one local emergency management committee (LEMC), although local governments can create more than one LEMC to overcome issues particular to their area or join to form an LEMC for their combined areas. The

Figure 2.3: WA emergency management districts
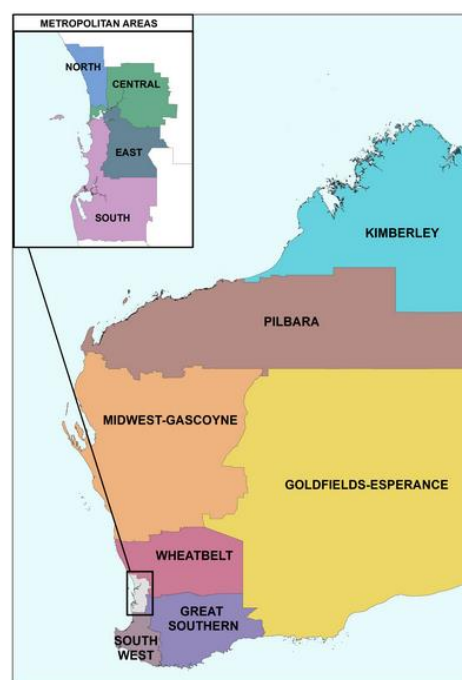
Source: OEM, 'District emergency management committees'. Available at: https://www.oem.wa.gov.au/about-us/the-semc/district-emergency-management-committees. Accessed on 25 July 2018.

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32   *Emergency Management Act 2005* (Western Australia), s36.

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Shire of Ashburton in the Pilbara, for example, has three LEMCs due to its large geographic expanse, while the City of Joondalup and City of Wanneroo have a combined LEMC.[33]

LEMC membership comprises representatives from government agencies, non-government organisations and industry with roles in the prevention, preparedness, response and recovery from relevant emergencies. The local government chairs and manages its LEMC(s) (see box 2.2).

Under the *Emergency Management Act 2005,* local governments must develop local emergency management arrangements (LEMA) for their local government area.[34] This includes identifying emergencies that may affect the area, and setting out emergency management policies, the roles and responsibilities of public authorities involved in emergency management, and how these authorities will coordinate their emergency operations (see box 2.3).[35] As terrorism is a prescribed hazard in the *Emergency Management Act 2005*, local governments should consider terrorism risk in the development of LEMA.[36]

Local governments develop draft LEMA with the assistance of their LEMC and in consultation with key stakeholders.[37] A number of stakeholders should be given the opportunity to comment on draft LEMA, including the LEMC, DEMC, all emergency management agencies and organisations with specified roles in the LEMA, and other

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Box 2.2: Local emergency management committee membership: the City of Perth example

Chair: City of Perth, Director Community and Commercial Services.

Deputy Chair: Shared by the officers in charge of the Perth Police Station and Wembley Police Station.

Executive Officer: City of Perth, Manager Community Amenity and Safety.

Members: Office of Emergency Management, Kings Park and Botanic Gardens, Department of Fire and Emergency Services, Public Transport Authority, Main Roads, Royal Perth Hospital, Sir Charles Gardner Hospital, Water Corporation, ATCO Gas, Western Power, Metropolitan Redevelopment Authority and the University of Western Australia.

Observers: City of Vincent, City of Subiaco, Town of Cambridge, City of South Perth, City of Nedlands.

Source: City of Perth, *Emergency Management Plans: General Plan*, City of Perth, Perth, 2017, pp17—18, 27—28.

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33   Mr Malcolm Cronstedt, Executive Officer, SEMC, Electronic Mail, 13 July 2018, attachment 1, p1.
34   *Emergency Management Act 2005* (Western Australia), s41.
35   *ibid.*
36   *ibid.*, s3.
37   SEMC, *State Emergency Management Procedure*, Government of Western Australia, Perth, 2018, p35.

Box 2.3: Local emergency management arrangements

The local emergency management arrangements are to set out:

a) The local government's policies for emergency management.
b) The roles and responsibilities of public authorities and other persons involved in emergency management in the local government district.
c) Provisions about the coordination of emergency operations and activities relating to emergency management performed by the persons mentioned in paragraph (b).
d) A description of emergencies that are likely to occur in the local government district.
e) Strategies and priorities for emergency management in the local government district.
f) Other matters about emergency management in the local government district prescribed by the regulations.
g) Other matters about emergency management in the local government district the local government considers appropriate.

Source: *Emergency Management Act 2005* (Western Australia), s41(2).

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stakeholders involved in its development.[38] In addition, the Office of Emergency Management (OEM) district emergency management advisors have a responsibility to 'validate' the compliance of LEMA with the state emergency management policy, plan, procedures and guidelines, and section 41(2) of the *Emergency Management Act*.[39] The councils then review the LEMA and provide approval, as warranted.[40] Finally, local governments distribute LEMA to their LEMC, DEMC and the SEMC for noting.

WA crowded places forum

The WA crowded places forum evolved from an earlier forum that focused on enhancing security and encouraging resilience in places of mass gatherings. Established by WA Police in 2016, the objective of the places of mass gatherings forum was to 'create a network of stakeholders to enable effective information and intelligence sharing, security education, threat and risk assessment and building security resilience.'[41]

Following the Strategy's release in August 2017, WA Police changed the forum's name to the crowded places forum to reflect the terminology within the Strategy; however, the content and purpose of the forum remained largely unchanged.[42]

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38 SEMC, *State Emergency Management Procedure*, Government of Western Australia, Perth, 2018, p36.
39 *ibid*.
40 *ibid*.
41 Submission No. 42 from WA Police, 18 April 2018, p5.
42 Mr Craig Donaldson, Commander, Counterterrorism and Emergency Response, WA Police, *Transcript of Evidence,* 9 May 2018, p3; Submission No. 42 from WA Police, 18 April 2018, p5.

WA Police holds quarterly crowded places forums in the Perth metropolitan area, with between 120 and 150 attendees representing sectors such as health, education, entertainment and the arts, transport, local government, critical infrastructure, private security and emergency services.[43] At forums in February and May 2018, attendees received several presentations, including from the Australian Security Intelligence Organisation, Joint Cyber Security Centre of the Department of Home Affairs, Victoria Police Counter Terrorism Command and VenuesWest.[44]

WA Police meets biannually with critical infrastructure operators through the Pilbara and South-West critical infrastructure collectives and, according to information we received in recent days, similarly meets with the owners and operators of crowded places.[45] However, these meetings may be with individual crowded places identified by WA Police; WA Police does not appear to hold forums in regional areas for the owners and operators of crowded places.

Committee request for further comment 2

We would welcome further information from regional owners and operators about the adequacy of support they receive to understand the local threat context and protective security measures appropriate for their crowded place.

Challenges with counter-terrorism arrangements in WA

The importance of shared responsibility in counter-terrorism arrangements has increased

The Strategy is based on the principle of shared responsibility. While owners and operators of crowded places have always had a responsibility to protect their sites and a duty of care for those who use them, the Strategy was the first time this was clearly articulated in national counter-terrorism arrangements.[46]

The increased emphasis on shared responsibility has required a paradigm shift within WA counter-terrorism arrangements and activities. Law enforcement agencies often depend on secret intelligence to detect counter terrorist threats. Keen to avoid the inappropriate release of sensitive intelligence, they have traditionally adopted a 'need

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43   Submission No. 42 from WA Police, 18 April 2018, p6.

44   Mr Chris Dawson, Commissioner of Police, WA Police, Letter, 20 June 2018, p2.

45   Mr Craig Donaldson, Commander, Counterterrorism and Emergency Response, WA Police, *Transcript of Evidence,* 9 May 2018, p3; Mr Craig Donaldson, Commander, Counterterrorism and Emergency Response, WA Police, *Briefing,* 8 November 2017, p8.

46   The National Counter-Terrorism Plan first recognised the responsibility of local government and private sector to protect their sites in its fourth edition, which was published two months after the Strategy. The third edition of the plan only discussed the responsibility of critical infrastructure owners. See ANZCTC, *National Counter-Terrorism Plan*, 3rd edition, Commonwealth of Australia, Barton, 2012; ANZCTC, *National Counter-Terrorism Plan*, 4th edition, Commonwealth of Australia, Barton, 2017, p3.

to know' approach to information sharing. According to Jacinta Carroll, National Security Policy Director at the Australian National University, Australian intelligence and law enforcement agencies appear to be risk averse in relation to discussing the details of counter-terrorism, often refusing or being unable to provide even the most basic counter-terrorism information, such as statistics on disruptions and attacks, and a list of all current counter-terrorism laws.[47]

> Governments frequently trade on the notion of industry partnerships, yet often they are flimsy and don't deliver in a material way. In my view, however, the commitment to effective and trusted partnerships in the new strategy is compelling.
>
> - *Mr Angus Nardi, Executive Director, Shopping Centre Council of Australia*

The WA state emergency management framework is structured in a way that further supports the 'need to know' approach. Responsibility for the prevention, preparedness, response and initial recovery in relation to a terrorist act is concentrated in the WA Police as prescribed hazard management agency. Many of the plans and arrangements associated with this function are sensitive and rarely shared beyond WA Police. The *State hazard plan: terrorist act* is the only hazard plan that is not publicly available. Even WA's peak emergency management body, the SEMC, has limited access to relevant documents and largely relies on assurances from WA Police and DPC 'that things are in place.'[48]

Melissa Pexton, Manager Emergency Management (Policy), WA Local Government Association (WALGA), summarised the transition that WA's counter-terrorism approach is currently undergoing:

> *… I think we have had an EM [emergency management] framework in Western Australia with the introduction of the act in 2005 that really talked about hazard management agency specific, and I think WA Police have done that job really, really well. Then we have had an introduction of the crowded places [strategy], which comes in line a little more with the shared responsibility. I feel like we need to calibrate those two things now to include all of those stakeholders through that partnership requirement.*[49]

Due to the introduction of the Strategy, some stakeholders are now carrying out new roles with which they may not be entirely comfortable (see chapter 3).

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47 *Briefing,* 2 May 2018.
48 Mr Malcolm Cronstedt, Executive Officer, SEMC, *Transcript of Evidence*, 16 May 2018, p7.
49 Mrs Melissa Pexton, Manager Emergency Management, Policy, Western Australian Local Government Association (WALGA), *Transcript of Evidence*, 27 June 2018, p3.

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State emergency management framework needs to develop further mechanisms to manage terrorism

The state emergency management framework has traditionally focused on the management of natural hazards within WA. Partly because counter-terrorism was primarily regarded as WA Police responsibility and partly because the tools used to manage the 26 other hazards identified in WA emergency management legislation could not be readily applied to the management of terrorism risks, mechanisms have not been developed to assist all stakeholders to assess their risk of terrorism or develop appropriate mitigations.

Neither emergency management agencies nor some within the local government sector consider the National Emergency Risk Assessment Guidelines 2015, which underpins the State Risk Project (see box 3.1), appropriate to evaluate the terrorist threat to a local government area. The City of Perth instead considered it more appropriate to use the Strategy and its accompanying materials to assess the terrorist threat as part of its 2017 risk identification and assessment project.[50]

Risk Vision, an online tool developed by WALGA to assist the emergency risk management processes of its members, primarily addresses natural hazards. Mrs Pexton said that when Risk Vision was being developed, WALGA did 'entertain the fact of terrorism, but that was prior to the guidelines being introduced; therefore, it did not quite sit well as a process, and with the sensitivities at the time it did not really work.'[51]

The Red Cross also questioned whether the state emergency management arrangements would provide an adequate response to particular social and psychological impacts that result from a terrorist act. Terrorism differs from natural hazards in one key regard: a terrorist incident stems from a deliberate human act. It may therefore result in specific social and psychological implications. One inquiry participant said terrorist incidents cause considerable social revulsion as people grapple with how a person could carry out such an act.[52] The Red Cross suggested the inclusion of psychological first aid in the state emergency management plan (see box 2.4). According to the Red Cross, this would increase the support available to survivors and mitigate long-term psychosocial impacts of the emergency.[53]

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50   Submission No. 33B from City of Perth, 29 March 2018, closed item 3, p221.
51   Mrs Melissa Pexton, Manager Emergency Management, Policy, WALGA, *Transcript of Evidence*, 27 June 2018, p2.
52   Submission No. 4 from Mr Donald S. Williams and Dr Anthony Bergin, 8 March 2018, p7.
53   Submission No. 38 from Red Cross, 12 April 2018, pp2–3.

Box 2.4: Psychological first aid

Psychological first aid is an approach to helping people affected by an emergency, disaster or traumatic event.

It includes basic principles of support to promote natural recovery. This involves helping people to feel safe, connected to others, calm and hopeful, access physical, emotional and social support, and feel able to help themselves. Psychological first aid aims to reduce initial distress, meet current needs, promote flexible coping and encourage adjustment.

Psychological first aid is useful as the first thing that you might do with individuals or families following a disaster. It is most widely used in the first hours, days and weeks following an event. Psychological first aid is based on an understanding that people affected by disasters will experience a range of early reactions (physical, psychological, emotional, behavioural). These reactions may

As one of the principles of psychological first aid is connection, there need to be clear pathways for referral into the mental health services for people who are affected by the impacts of a collective trauma event. Rates of post-traumatic stress disorder and major depression are significantly higher than so-called natural disasters.

Quoted directly from: Australian Psychology Society and Australian Red Cross, *Psychological First Aid: An Australian guide to supporting people affected by disaster*, Australian Psychology Society and Australian Red Cross, Melbourne, 2013, p5; Submission No. 38 from Red Cross, 12 April 2018, p2.

WA does not have an updated policy framework, threatening the Strategy's implementation and reducing accountability

Counter-terrorism arrangements in Australia reflect our federal system: states and territories have primary responsibility for preventing, preparing for, responding to, and recovering from terrorist attacks in their jurisdictions while the Commonwealth provides support through the provision of intelligence and information and the maintenance of relevant national policies, legislation and plans. The ANZCTC, as a creature of the Council of Australian Governments (COAG), is a coordinating instrument that leads the development of nationally consistent and interoperable approaches to countering terrorism (figure 2.4).[54]

Although an initial reading of the counter-terrorism arrangements suggests responsibilities of the different levels of government are clearly delineated, there is a degree of overlap in practice. At points in this inquiry, WA Police deferred responsibility of certain matters to the ANZCTC. When we asked for governance framework documents, WA Police simply directed us to the Strategy and its supplementary materials.[55] When we sought WA Police implementation and evaluation plans, WA Police said CPAG was responsible for the implementation and evaluation of the Strategy.

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54 *Intergovernmental Agreement on Australia's National Counter-Terrorism Arrangements,* Council of Australian Governments, 2017, p4.
55 Mr Chris Dawson, Commissioner of Police, WA Police, Letter, 18 July 2018, p1.

When we asked for engagement strategies or plans, WA Police commented that the ANZCTC CPAG 'provides for contemporary issues to be considered and adopted by jurisdictions if relevant'.[56] Given the context, this statement seems to suggest that WA Police has not implemented engagement strategies or plans because it has not been directed to do so by CPAG.

Figure 2.4: Relationship between national and state counter-terrorism coordination bodies
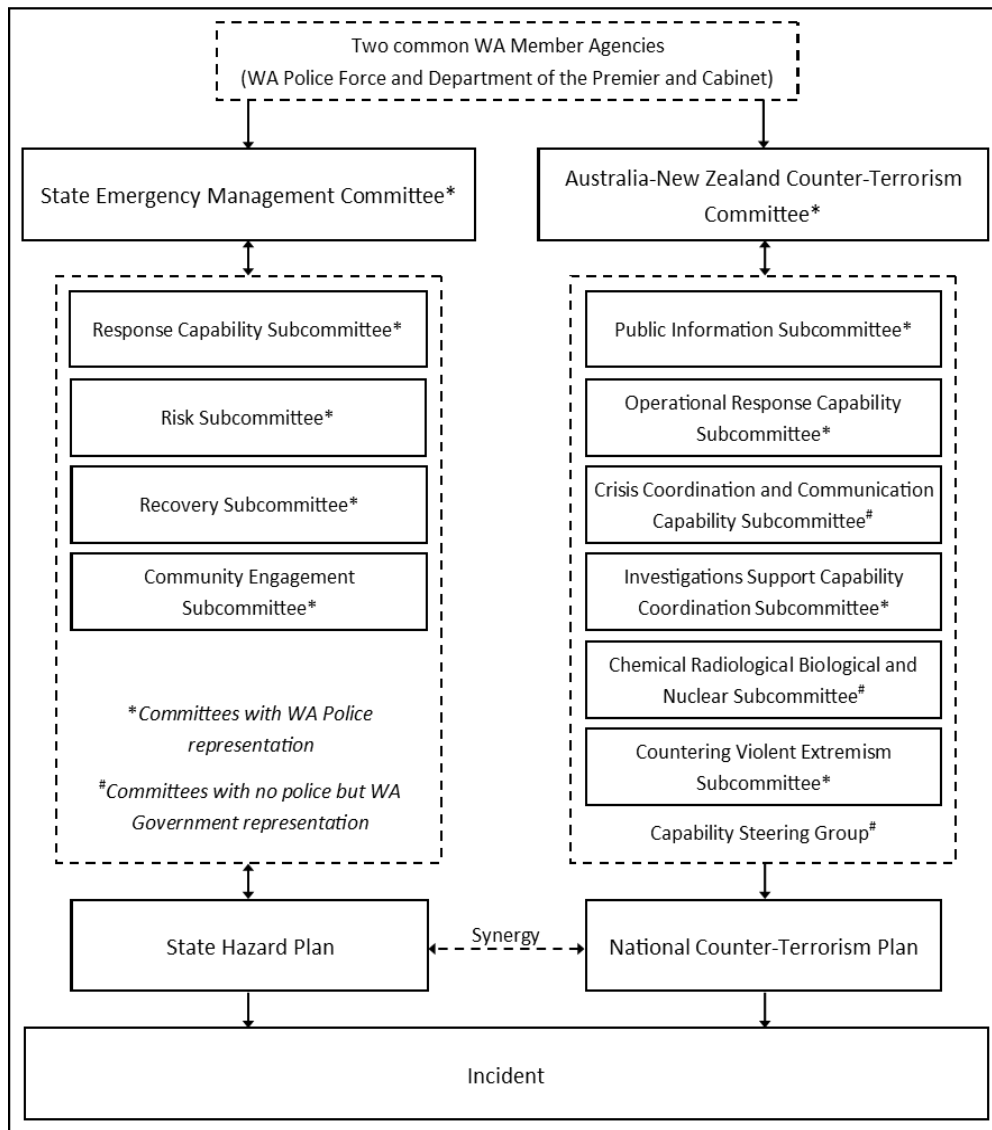
Figure 2.4 does not show the SECC and SECC senior officials group.

Source: SEMC, *State Hazard Plan: Terrorist Act*, SEMC, Perth, 2018, p4.

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56   Mr Chris Dawson, Commissioner of Police, WA Police, Letter, 18 July 2018, p2.

WA Police was also unable to satisfy our request for the post-exercise reports of any exercise of the *Westplan: terrorist act* or *State hazard plan: terrorist act* that was conducted between 2014 and May 2018 because 'many aspects of counter-terrorism exercising relate to national methodologies' that are owned by the ANZCTC rather than WA. Because they expose WA Police tactics and methodology, exercises undertaken with the ANZCTC are 'highly sensitive'. [57]

Further, exercises are often conducted with other law enforcement agencies, private organisations and public entities. 'Should information be released,' WA Police Deputy Commissioner Stephen Brown said, 'it may damage the relationship with our stakeholders.'[58]

Evidence to the inquiry suggests few—if any—counter-terrorism exercises are conducted without ANZCTC involvement, which ultimately prohibits us from accessing any of the documents necessary to assess the adequacy of WA Police counter-terrorism exercises.

While we appreciate the need for national consistency in counter-terrorism activities, the WA Police approach to the Strategy creates an accountability gap. According to the Strategy, it is the responsibility of WA to prevent, prepare for, respond to, and recover from terrorist attacks within its own borders. Yet, if we are interpreting the WA Police approach correctly, it may not have developed an up-to-date policy framework necessary to support WA's preparedness for a terrorist attack on a crowded place.

Nor has DPC developed relevant policy documents, despite its stated responsibility for 'emergency management policy advice' and the 'leadership and coordination of cross-agency solutions to complex policy issues.'[59] When we sought any overarching strategy documents for WA, governance framework documents, memoranda of understanding, service level agreements, engagement strategies or plans, and implementation and evaluation plans, DPC responded that it had 'not developed any specific policy documents of the kinds you have outlined in relation to the Strategy.'[60]

WA is therefore relying heavily on the national counter-terrorism arrangements. This creates a type of networked governance that, according to political theorist Richard Mulgan, lacks a central point of control:

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57   Mr Stephen Brown, Deputy Commissioner, WA Police, *Transcript of Evidence*, closed session, 20 August 2018, p2; Mr Chris Dawson, Commissioner of Police, WA Police, Letter, 20 June 2018, pp1, 2.

58   Mr Stephen Brown, Deputy Commissioner, WA Police, *Transcript of Evidence*, closed session, 20 August 2018, p2.

59   DPC, 'What we do', 30 May 2015. Available at: https://www.dpc.wa.gov.au/AboutTheDepartment/WhatWeDo/Pages/Default.aspx. Accessed on 9 August 2018.

60   Mr Darren Foster, Director General, DPC, Letter, 17 July 2018.

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> *There is no single person or body in charge and, therefore, no one who is obliged to answer to the public for the collective actions of collaborating partners or impose remedies when mistakes come to light. The absence of clear responsibility provides increased opportunities for blame avoidance and buck-passing.*[61]

Should a terrorist attack occur under the current circumstances, there is a risk that WA will be caught in a 'blame game'. How can the oversight bodies in WA be sure, for example, that our law enforcement agency is adequately prepared for a terrorist incident if the exercise debriefs are owned by an intergovernmental forum such as ANZCTC? And how can COAG be satisfied that WA is taking primary responsibility for its preparedness if it is relying on the national framework to implement counter-terrorism strategies and plans?

Good governance is vital for the successful implementation of policy. A strong governance framework not only enables public sector entities to fulfil performance expectations (namely the 'efficient, effective, economical and ethical use of public resources') but also supports their accountability to the Government, Parliament and the public.[62]

The Australian National Audit Office previously advised that entities implementing policy should, as a bare minimum, consider:

> *… the roles, responsibilities and accountabilities of those involved; the rules and procedures for decision-making; and the integration of project governance arrangements within an entity's broader corporate governance framework.*[63]

According to the evidence we received from WA Police and DPC, none of this exists in WA in relation to the Strategy. This has no doubt contributed to some confusion about the role of WA Police in relation to the Strategy (see below).

It is noted that the establishment of the SECC provides an opportunity for it to play an enhanced role in this space.

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61 Richard Mulgan, 'Accountability in multi-level governance: The example of Australian federalism', in Katherine A. Daniell and Adrian Kay (ed.), *Multi-level Governance: Conceptual Challenges and Case Studies from Australia*, ANU Press, Canberra, 2017, pp83–84.
62 Australian National Audit Office, *Successful Implementation of Policy Initiatives*, Commonwealth of Australia, Barton, 2014, pp11, 21.
63 Australian National Audit Office, *Successful Implementation of Policy Initiatives*, Commonwealth of Australia, Barton, 2014, p23.

Committee request for further comment 3

We note that a function of the SECC is to provide direction to relevant agencies on measures to enhance the state's security. It is anticipated that its establishment will lead to stronger counter-terrorism policy in WA, particularly related to the protection of crowded places. We would welcome further comment about how this may be achieved in the future.

Committee request for further comment 4

We are not convinced that agencies are unable to produce edited or redacted versions of post-exercise reports for entities such as Parliament and other relevant bodies. Some inquiry participants to whom we spoke indicated law enforcement agencies could be more forthcoming with information (see chapter 3). In our view, edited or redacted reports could be made publicly available, and would provide reasonable opportunities for oversight and accountability. We would welcome further comment on this proposed approach.

There is a lack of clarity about the WA Police role under the national Strategy

The public sector entities representing WA on the ANZCTC disagree about who is responsible for implementing the Strategy: while DPC said WA Police is the 'lead agency for implementing the Strategy in Western Australia',[64] WA Police said the ANZCTC CPAG is 'responsible for the implementation of the National Strategy.'[65]

WA Police also distanced itself from any overarching responsibility for implementing the Strategy in its submission to the inquiry, instead emphasising the shared responsibility that underpins the Strategy. It described its Protective Security Unit (which sits within Counter Terrorism and Emergency Response Command and manages the crowded places forums) as a 'key stakeholder' in the Strategy. It stated WA Police 'supports' the Strategy and that the success of the crowded places partnership rests on 'strong and sustainable partnerships between WA Police Force, other government stakeholders and the private sector.' WA Police never used the term 'lead agency' to describe its role in relation to the Strategy.[66]

In contrast, other inquiry participants suggested it is a function of WA Police, as hazard management agency, to increase all stakeholders' understanding of their responsibilities under the Strategy.

> *Mr A. KRSTICEVIC: … what do you think needs to happen to make sure that the [local government] sector is supported, that they understand*

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64   Mr Darren Foster, Director General, DPC, Letter, 17 July 2018.
65   Mr Chris Dawson, Commissioner of Police, WA Police, Letter, 18 July 2018.
66   Submission No. 42 from WA Police, 18 April 208, pp5, 6.

> *what needs to happen and that they are actually able to deliver the required standard?*
>
> **Mrs PEXTON:** *… off the top of my head, if we were thinking about that in an emergency management framework context, generally speaking it is the hazard management agency who is appointed who is responsible for the aspects of emergency management, which is PPRR: prevention, preparedness, response and recovery. That could be one angle.*[67]

WALGA further said WA Police should 'drive' a 'coordinated approach with key stakeholders' in relation to the implementation of counter-terrorism measures.[68]

The Australian Hotels Association WA believed WA Police have an education role in relation to the Strategy:

> *We would welcome the consideration of strategies to promote broader awareness and understanding of steps that can be taken to protect crowded places. In this we believe there is a role for WA Police to provide resources to support greater accessibility to briefings across the hotel and hospitality industry on this important issue.*[69]

WA Police accepted it has a role in engaging the owners and operators of crowded places (regarding it as 'standard business practice within the Protective Security Unit').[70] But when asked whether its engagement responsibilities under the Strategy extended to the more active role of ensuring the owners and operators of crowded places understand their protective security responsibilities, Counterterrorism and Emergency Response Commander Craig Donaldson responded:

> *… what is the role, function and expertise expected of police officers in providing security information? You could argue that is not our role, or you could argue with the environment changing it should be our role.*[71]

WA Police said that this question was on CPAG's 'work plan', and would be considered as part of the review of the Strategy (which will be finalised in the first half of 2019, for

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67 Mrs Melissa Pexton, Manager Emergency Management, Policy, WALGA, *Transcript of Evidence*, 27 June 2018, p10.

68 Ms Ricky Burges, Chief Executive Officer, WALGA, Letter, 23 July 2018, p2.

69 Submission No. 41 from Australian Hotels Association Western Australia, 13 April 2018, p4.

70 Mr Chris Dawson, Commissioner of Police, WA Police, Letter, 18 July 2018.

71 Mr Craig Donaldson, Commander, Counterterrorism and Emergency Response, WA Police, *Transcript of Evidence,* closed session, 20 August 2018, p10.

consideration by the ANZCTC).[72]

Mr Donaldson suggested that, in the future, police across Australia could carry out 'a degree of security advising' for government agencies such as VenuesWest. While he said this support could extend to the private sector, he indicated this was not likely.[73] Factors limiting WA Police provision of protective security advice are outlined in chapter 4.

The WA Police response illuminates a key issue affecting the state's counter-terrorism preparedness: the dichotomy between WA Police's view of its role and the emerging expectation of the public and other stakeholders, who look to WA Police for guidance and leadership in the protection of crowded places.

There is limited Commonwealth funding to support the Strategy's implementation

The *Intergovernmental agreement on Australia's national counter-terrorism arrangements* sets out the financial arrangements underpinning Australia's counter-terrorism capability. While states and territories fund the policing, emergency management and policy capability within their own jurisdictions, they also have access to a special fund that supports:

> *… a program of training, development and counter terrorism exercises, the purchase of specialist counter terrorism equipment, and forums, workshops and meetings which support the development of national policy and capabilities.*[74]

Provided and administered by the Commonwealth, annual appropriations to the special fund may be reserved for specific purposes. The ANZCTC may allocate the remaining, non-earmarked, funds to projects that contribute to the objective of the fund.

Only limited funding is provided through the special fund. In 2017–18, the Commonwealth government appropriated $14.596 million for the special fund.[75] This amount is to support the counter-terrorism capability of all states and territories within Australia. As a point of comparison, by the end of May 2018, over $49 million (or 3.7

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72 Mr Craig Donaldson, Commander, Counterterrorism and Emergency Response, WA Police, *Transcript of Evidence,* closed session, 20 August 2018, p10; Mr Tony Sheehan, Commonwealth Counter-Terrorism Coordinator, Department of Home Affairs, Letter, 6 July 2018.

73 Mr Craig Donaldson, Commander, Counterterrorism and Emergency Response, WA Police, *Transcript of Evidence,* closed session, 20 August 2018, p11.

74 *Intergovernmental Agreement on Australia's National Counter-Terrorism Arrangements,* Council of Australian Governments, 2017, p6.

75 Mr Darren Foster, Director General, DPC, Letter, 6 June 2018, p1.

per cent of the WA Police total cost of services) had been directed to the Counter Terrorism and Emergency Response Command during 2017–18.[76]

How much funding each jurisdiction has received from the special fund is difficult to determine. The amount of available funding changes from year to year, depending on the national priorities and initiatives being implemented across Australia.[77] Projects or services supported by the fund (such as equipment purchases, research, or training and exercises) are often managed by one state or territory on behalf of others. Therefore, although WA may benefit from these projects or services, it is difficult to quantify the value of that benefit.[78] To obscure matters even further, expenditure relating to some capabilities and equipment is unable to be publicly disclosed due to the sensitivity of the information.[79]

> **Committee request for further comment 5**
>
> Because of the distribution and management of the ANZCTC special fund, it is extremely difficult to identify what benefit WA has received from Commonwealth funding. We cannot therefore determine how much—if any—additional Commonwealth funding has been provided to WA to implement the Strategy or the adequacy of this funding. We would welcome further clarity in relation to this funding.

What guidance is provided for the physical design of crowded places?

The design of crowded places can play an important role in deterring, preventing or withstanding a terrorist attack. The Strategy supports the integration of protective security measures into the design of a crowded place before the construction phase, noting that it can be more cost effective than retro-fitting and 'minimise the disruptive effect of protective security on the public's enjoyment of public spaces.'[80] Although not explicitly stated in the Strategy, integrating security measures into the design of a crowded place enables them to fit with the site's aesthetic and for the landscape to be used in support of security. The Strategy's supplementary materials, particularly *Hostile vehicle guidelines for crowded places* (see figure 2.5), also recognise the role of design in creating safe places.

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76   Mr Chris Dawson, Commissioner of Police, WA Police, Letter, 20 June 2018, p5.
77   Mr S. Brown, Deputy Commissioner, Specialist Services, WA Police, Western Australia (WA), Legislative Assembly Estimates Committee A, *Parliamentary Debates* (Hansard), 22 May 2018, pE89.
78   Mr Darren Foster, Director General, DPC, Letter, 6 June 2018.
79   *ibid*.
80   ANZCTC, *Australia's Strategy for Protecting Crowded Places from Terrorism*, Commonwealth of Australia, Barton, 2017, pp7, 16.

Figure 2.5: Sculptured features as hostile vehicle mitigation

Source: ANZCTC, *Hostile vehicle guidelines for crowded places: a guide for owners, Operators and Designers,* Commonwealth of Australia, Barton, 2017, p20.

Some owners of crowded places said their sites had been developed according to Crime Prevention through Environmental Design (CPTED) principles.[81] As the name indicates, CPTED is an approach whereby built environments are developed in a way to deter criminal behaviour. CPTED strategies focus on, for example, structuring sites so that all publicly accessible spaces are overlooked and access to unmonitored areas are restricted by fences, walls, landscaping or lighting. While CPTED concepts originally focused on the ability of the physical environment and social context to prevent crime, the role of technology and the private security industry in CPTED strategies have gained greater attention in recent years.[82]

The relevance of CPTED principles to the protection of crowded places from terrorist acts is questionable. In his written analysis of now superseded ANZCTC guidelines, security consultant and researcher Donald Williams said CPTED is a 'useful methodology for reducing crime while increasing the likelihood of detection and hence response'.[83] However, another inquiry participant told us that while its site was

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81 Submission No. 15 from City of Bunbury, 23 March 2018, p1; Submission No. 30 from Metropolitan Redevelopment Authority (MRA), 29 March 2018, p1; Submission No. 33B from City of Perth, 29 March 2018, item 4, pp270, 273.

82 Mateja Mihinjac and Danielle Reynald, 'Crime prevention through environmental design', in Tim Prenzler (ed.), *Professional Practice in Crime Prevention and Security Management*, Australian Academic Press, Samford Valley, 2014, p31.

83 D. Williams, 'Observations on Australia/New Zealand Counter Terrorism Committee *Improvised Explosive Device (IED) Guidelines for Places of Mass Gathering*', 2016, p5.

constructed using CPTED principles, an independent security review identified a number of issues just before it was opened. This resulted in the installation of additional street furniture to strengthen the site against vehicle intrusions.[84]

There is no overarching policy approach in WA for security by design. In 2006, the Western Australian Planning Commission released planning guidelines for designing out crime. This drew on CPTED principles, and formed part of a wider government community safety and crime prevention strategy. The guidelines sought to:

> *… provide local government, government agencies, town centre management, the public and private sector development industry and planning and design practitioners with a context for understanding the principles of designing out crime and a toolbox of design criteria and approaches to address crime prevention in their local areas.*[85]

My recommendation for anyone planning, particularly if they are doing a new build, is to do the security mitigations as permanent builds because the cost of adding additional temporary overlays in each venue, particularly those venues where you do a home and away season a dozen times a year, if not more, certainly adds to the ongoing cost of running venues.

- *Mr Graham Coleman, Superintendent, Games Operations, Commonwealth Games Group, Queensland Police Service*

These guidelines have little applicability to the protection of crowded places from terrorism. They were released over a decade ago, when awareness of the terrorist threat to crowded places was much lower, and do not focus on protective security measures.

The lack of policy in this area is a risk, should a terrorist attack occur. The experiences of other jurisdictions have shown that intentional incidents causing harm (such as hostile vehicle attacks) are often followed by an injection of public funds to target harden crowded places. Without a policy framework or arrangements in place, this can result in ineffective protective security measures being deployed (and then removed) and, ultimately, the inefficient use of public funds.[86]

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84 Submission No. 30 from MRA, 29 March 2018, p2.
85 Western Australian Planning Commission, *Designing Out Crime Planning Guidelines*, Western Australian Planning Commission, Perth, 2006, p2.
86 *Briefing*, 30 April 2018.

> **Committee request for further comment 6**
>
> We welcome information on how the WA government can encourage new crowded places to adopt security measures prior to their construction that not only protect against existing terrorist methodologies but are flexible enough to respond to future threats as well.
>
> We also welcome information from the Western Australian Planning Commission as to the status of the planning guidelines for designing out crime, including whether it intends to release updated guidelines.

Other WA counter-terrorism mechanisms

Cost recovery for policing major events

The *Police (Fees and Charges) Regulations 2018* came into operation in January 2018. For the first time, owners and operators of crowded places in WA were able to procure police services under a fee-for-service arrangement.

Under the new scheme, owners or operators are able to apply to the Commissioner of Police for police services, including protective security, maintenance of law and order, traffic management and the management of a significant incident that is beyond the response capabilities of the owner or operator. Such services are intended to enhance existing security plans and do not replace the services of private security firms.

The Commissioner, in consultation with the event organiser, determines the number of police required and how they will be deployed. The costs associated with police attendance are then passed on to the event organiser. Charity events or events run for the local community may be exempt from cost recovery, as are the Perth Royal Show, Perth Gay and Lesbian Pride Parade and Perth Pride Fair Day.[87]

Feedback about the cost recovery scheme has been entirely positive.[88] One owner and operator told us that police officers rarely attended events in the past despite its requests; however, all requests under the new scheme had thus far been approved.[89] The WA Police Union said it decreased the short-staffing issues that previously affected WA Police. Police officers are no longer diverted from frontline operations, but are rather recalled to duty from weekly leave to attend events.[90]

Another event manager said the increased and consistent police presence has reassured the public and acted as a deterrence to potential threats. At Perth Stadium,

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87   Submission No. 42 from WA Police, 18 April 2018, pp6–7; Major Events Coordination Unit, 'Policing major events: charging policy, v1.0', WA Police, January 2018, p7.

88   See also submission No. 34 from Secure Events and Assets, 31 March 2018, p3; Submission No. 37A from AEG Ogden Perth Arena, 12 April 2018, p3.

89   Mr David Etherton, Chief Executive Officer, VenuesWest, *Briefing,* 12 May 2018.

90   Mr George Tilbury, President, WA Police Union, *Transcript of Evidence*, 27 June 2018, p11.

WA Police presence in the control room also 'ensures an immediate and coordinated response to any critical incident.'[91] According to Mr Scott Parry, Managing Director of NPB Security (which provides crowd control security services to events and venues such as Perth Stadium, the Western Australian Cricket Association Ground, and FRINGEWORLD Festival), the increased police presence instilled confidence not only in the general public but also in his staff as they conducted their duties. He observed that people are more likely to comply with the directions of security staff when police are assisting.[92]

State CCTV Strategy

The *Western Australian state CCTV strategy 2015* articulates a voluntary framework to coordinate closed-circuit television (CCTV) resources in WA. Although it is not a specific counter-terrorism strategy, the CCTV strategy does recognise its contribution to counter-terrorism:

> *With an increasingly volatile and uncertain international environment, the community has the right to expect that our law enforcement, counter terrorism and emergency services are given the tools they need to support community safety and security.*
>
> *By coordinating the State's CCTV assets, the Strategy will improve the ability of WA Police and other agencies to gather intelligence and respond to emergency situations in a more efficient and effective manner.*[93]

CCTV owners may register with the State CCTV Register so that, in the event of an incident, WA Police and emergency services will be able to obtain CCTV locations and respond more effectively. The State CCTV Strategy also encourages CCTV owners with a large number of public facing cameras to allow WA Police to access live and recorded CCTV footage to increase responsiveness to critical incidents.

As an example, the City of Perth has over 280 cameras in Perth City Council buildings or the public domain, which are monitored 24 hours a day from its Surveillance Centre. In addition, commercial parking operator City of Perth Parking has a network of over 430 cameras that monitor parking buildings. The City maintains a CCTV connection to Perth

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91   Submission No. 40 from VenuesLive, 13 April 2018, p3.
92   Mr Scott Parry, Managing Director, NPB Security, *Transcript of Evidence*, 14 March 2018, p8.
93   WA Police, *Western Australian State CCTV Strategy,* Government of Western Australia, East Perth, 2015, p9.

Police Station and the WA Police main incident command centre and provides a live link or recorded footage as required to WA Police and DFES.[94]

Similarly, the Public Transport Authority reportedly has 'the most extensive camera system within Australian transport' with CCTV coverage on all trains and stations and 24-hour monitoring. WA Police and DFES can monitor the camera footage in real-time should the need arise.[95]

However, during the inquiry process, significant disparities between various local government and other authorities were identified, leading to questions about the overall effectiveness of the State CCTV Strategy.

Committee request for further comment 7

We welcome further comments about:

- The dispersion of cameras in relation to identified or potential risks.

- How an overarching, state-wide CCTV strategy could be better coordinated to improve coverage and mitigate risk.

Event approval processes

Risk management plans for crowded places are reviewed by, or at least visible to, local governments and some state government agencies as part of event approval processes.

The *Health (Miscellaneous Provisions) Act 1911* requires that local government provide a certificate of approval for the construction, extension, or alteration of any public building.[96] 'Public buildings' include crowded places where people gather for civic, theatrical, social, political, religious, entertainment, recreational, educational, or sporting purposes, and include temporary event spaces.[97]

If the public building or event is expected to gather more than 1,000 people for 'religious, entertainment, recreational, or sporting purposes', applications for approval must include a risk management plan that meets Australian Standards (*AS/NZS ISO 31000:2009—Risk management—principles and guidelines*).[98] In addition, cinemas, licensed venues, or any other public building specified by a local government, must also

94   Submission No. 33B from City of Perth, 29 March 2018, item 4, p269; Ms Rebecca Moore, Director, Commercial and Community Services, City of Perth, *Transcript of Evidence*, 14 February 2018, p4.

95   Mr Steve Furmedge, Director, Security Services, and Mr Mark Burgess, Managing Director, Public Transport Authority, *Transcript of Evidence*, 21 February 218, pp5–6; Submission No. 29 from Transport Portfolio, 29 March 2018, pp2, 7.

96   *Health (Miscellaneous Provisions) Act 1911* (Western Australia), s176.

97   *ibid.*, s173.

98   *Health (Public Buildings) Regulations 1992* (Western Australia), s4.

submit an emergency plan, formulated in accordance with Australian Standards (*AS 3745:1995—Emergency control organisation and procedures for buildings*).[99]

According to Department of Health guidelines, all medium and high-risk events, and public gatherings of 5,000 people or more, require an emergency management plan to be approved by local governments.[100] Under the *Health (Public Buildings) Regulations 1992*, local governments can require amendments to the emergency plan prior to its approval.[101]

Local governments implement event approval processes to ensure that events comply with these regulations and relevant Australian Standards. For example, City of Perth requires that all event organisers submit an application for event approval. The City requests a range of documentation from event organisers, including a risk management plan, which is then 'assessed by qualified City Officers to ensure compliance meets with current legislation and local Laws'.[102] The City issues an event permit when documentation is approved, and may apply specific conditions to events.

Some state government agencies have visibility of risk management plans for some events. For events held on Metropolitan Redevelopment Authority (MRA) land, the MRA 'works with organisers to ensure they develop risk management and emergency plans'.[103] In addition, Tourism Western Australia (Tourism WA) sponsors a number of events each year, and requires event organisers to submit a risk management plan prepared in accordance with Australian Standards (*AS/NZS ISO 31000:2009*).[104] The event organiser must arrange for an 'independent risk management specialist' to certify that the risk management plan meets the specified standard.[105] However, Tourism WA maintains 'no obligation' to review risk management plans and do not provide endorsement.[106]

Event-specific coordination bodies

Depending on the size and location of an event, a body may be established to coordinate stakeholders' activities. Of those coordination bodies brought to our attention in WA, all were established for an event run by the local government sector or public sector. Two examples are provided by the Anzac Day dawn service, held in

99   *Health (Public Buildings) Regulations 1992* (Western Australia), s26.
100 Department of Health, *Guidelines for Concerts, Events and Organised Gatherings*, Department of Health, Government of Western Australia, Perth, December 2009, p30.
101 *Health (Public Buildings) Regulations 1992* (Western Australia), s26(3).
102 Submission No. 33A from City of Perth, 29 March 2018, item 4, p507.
103 Submission No. 30 from MRA, 26 March 2018, p2.
104 Submission No. 52 from Tourism Western Australia (Tourism WA), 30 May 2018, p1.
105 *ibid*., attachment 1.
106 *ibid*.

Kings Park, and the City of Perth Australia Day Skyworks, which encompasses both sides of the Swan River.

For events with 2,000 or more attendees in Kings Park, a local working group is established, which discusses and implements risk mitigation strategies for the event. Members generally include WA Police, Main Roads, and St John Ambulance. The Returned and Services League of Australia WA, which organises the annual Anzac Day dawn service in Kings Park, holds several stakeholder meetings prior to Anzac Day to identify emergency management procedures. It subsequently drafts a comprehensive risk management plan for approval by all members of the local working group.[107]

For Australia Day Skyworks, an external agencies group is established to plan and coordinate event activities. Comprised of entities such as WA Police, DFES, St John Ambulance, the Department of Biodiversity, Conservation and Attractions, and the City of South Perth, various configurations of the external agencies group have up to 20 planning meetings with the City of Perth in the six months prior to the event.[108] Emergency management is a prominent subject of these meetings; of the 14 meetings conducted before the 2018 Skyworks, at least five (or one-third of all meetings) considered emergency management matters in detail.[109]

Interagency Events Approval Committee

It is the role of the Interagency Events Approval Committee to ensure that large events affecting roads under the control of local government and Main Roads are appropriately planned. Organisers of new, large-scale public events must gain the committee's approval before commencing detailed event planning or advertising the event. The committee comprises WA Police, Public Transport Authority, Tourism WA, MRA, the City of Perth and representatives from other relevant local governments. Main Roads chairs the committee.[110]

The efficacy of the Interagency Events Approval Committee is unclear, but evidence we received suggested it was either inactive or under-utilised. When we asked WA Police for further information about the committee, it initially indicated it was not a member and subsequently sought assistance from Main Roads to respond to our questions. The calls from event organisers for a central agency to oversee and coordinate planning and approval processes (see below) also suggests that the Interagency Events Approval Committee is not currently fulfilling this role.

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107 Submission No. 35 from Department of Biodiversity, Conservation and Attractions, 3 April 2018, p3.
108 Submission No. 33A from City of Perth, 29 March 2018, closed item 1, p23.
109 *ibid*., closed item 2, p128.
110 Mr Chris Dawson, Commissioner of Police, WA Police, Letter, 20 June 2018, p4; Submission No. 29 from Transport Portfolio, 29 March 2018, p9.

> **Committee request for further comment 8**
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> We would be interested in receiving further information about the usefulness of the Interagency Events Approval Committee, including its impact on the event approvals process and any proposals for the improvement of this process.

Event organisers requested a central body to coordinate planning and approval processes

It is apparent that private event management companies with large, outdoor events struggle to navigate the numerous government agencies involved in compliance and approval processes. Unlike metropolitan local governments and government agencies, which draw on existing relationships and processes to support the management of their events, Perth Festival and TriEvents (which managed HBF Run for a Reason until it ceased trading in early July 2018) implied they had to approach agencies individually to gain the relevant approvals.

Depending on its route, an event such as HBF Run for a Reason may therefore require organisers to liaise with multiple local governments, Main Roads, and the Botanic Gardens and Parks Authority (which manages Kings Park and Botanic Garden) in relation to road closures; the Public Transport Authority regarding changes to public transport; and emergency services such as WA Police, DFES and St John Ambulance.[111] This, as TriEvents General Manager David Budge said, 'has resulted in delays in approvals, increased costs and convoluted communication.'[112]

Inquiry participants called for a central government body to coordinate engagement with the various government agencies and local governments.[113] One option is that the DPC could carry out this coordination role within the WA public sector. One of its two key service delivery areas, as stated on its website, is government policy management, which includes 'leadership and coordination of cross-agency solutions to complex policy issues.'[114] Along with WA Police, it also represents WA on the ANZCTC, which means it has a detailed understanding of national counter-terrorism arrangements. We note that the Department of Premier and Cabinet in New South Wales has an events team that provides some advice for major events.[115]

In the course of the inquiry, the possibility of local emergency management committees (LEMCs) coordinating the compliance and approval process for events has

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111 Submission No. 6 from Perth Festival, 12 March 2018, p2.
112 Submission No. 31 from TriEvents, 29 March 2018, p1.
113 *ibid*.; Submission No. 6 from Perth Festival, 12 March 2018, pp1–2.
114 DPC, 'What we do'. Available at: https://www.dpc.wa.gov.au/AboutTheDepartment/WhatWeDo/Pages/Default.aspx. Accessed on 23 July 2018.
115 *Briefing,* 3 May 2018.

also been raised. WALGA, however, largely rejected this proposal as unfeasible for large-scale events: not only did LEMCs currently lack the necessary capability to endorse event management plans but they also lacked subject matter experts from all relevant bodies. Mrs Pexton said 'they are a good forum, but I probably could not put a quantifier on the level of experience that is there.'[116]

While it was possible that LEMCs could approve small-scale events in the future, WALGA said they would have to develop the 'necessary competence to do so' and 'event types and scales would need to be clearly defined'.[117]

Committee request for further comment 9

We welcome feedback as to which agency is best placed to act as a coordinating body to assist event managers navigating the various compliance and approval processes. We would also welcome information about any alternative proposals to achieve better coordination in this space.

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116 Mrs Melissa Pexton, Manager Emergency Management, Policy, WALGA, *Transcript of Evidence*, 27 June 2018, p11.
117 Ms Ricky Burges, Chief Executive Officer, WALGA, Letter, 23 July 2018, p3.

Chapter 3

Are all stakeholders aware of their roles and responsibilities?

Australia's strategy for protecting crowded places from terrorism (the Strategy) suggests that the preparedness of crowded places requires all stakeholders to not only understand but also fulfil their respective roles and responsibilities under the Strategy.[118] At the most basic level, then, the effectiveness of Western Australian counter-terrorism mechanisms can partly be determined first by stakeholders' understandings of their roles and responsibilities and second, by their capacity and desire to take appropriate action.

In this chapter, we outline the evidence we have received in relation to the first matter: stakeholders' understandings of their roles and responsibilities. Particular attention is paid to owners and operators of crowded places, local government, and the Western Australia Police Force (WA Police).

In the next chapter, we consider the capacity of owners and operators of crowded places and local government to fulfil their roles and responsibilities. We discuss the security industry in chapter 6.

Not all stakeholders are aware of their roles and responsibilities under the Strategy

Evidence we received from owners or operators of crowded places in Western Australia (WA) indicated some had little or no knowledge of the Strategy or their obligation to, at a minimum, determine their risk profile with regard to a terrorist attack and implement proportionate protective security measures.

An owner and operator of places of worship said that, prior to our invitation to make a submission, its risk management process 'previously has not specifically addressed risks associated with acts of terrorism in crowded places.'[119]

One local government declined our invitation to make a submission, explaining its belief that 'the response to terrorism should be a matter for State and Commonwealth government, who have law and order resources.' Although the local government

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118 Australia-New Zealand Counter-Terrorism Committee (ANZCTC), *Australia's Strategy for Protecting Crowded Places from Terrorism*, Commonwealth of Australia, Barton, 2017, pp2, 4.
119 Submission No. 22, closed submission, 27 March 2018, p1.

> Protecting crowded places from terrorism is not just a job for governments, it is a responsibility shared by the private sector and the community.
>
> - *Australia's strategy for protecting crowded places from terrorism*

approved 'a number' of events each year that required risk assessments and risk management plans, it said terrorism was not addressed through this process.[120]

The *Emergency preparedness report 2017*, an annual snapshot of WA's preparedness for an emergency, further found that several local governments did not see emergency management as their business.[121] This presumably includes the management of a terrorist threat.

Part of the problem may also be that there is no agreed definition of a crowded place in WA. The Strategy employs a relatively broad definition: crowded places are 'locations which are easily accessible by large numbers of people on a predictable basis.'[122] In contrast, one government agency considers a crowded place to be an event that attracts at least 10,000 people. The *Police Act 1892* defines a major event as one with an expected attendance of 5,000 or more people, or where the Commissioner of Police 'reasonably considers it necessary or desirable' to assign a police presence.[123] A stakeholder's definition of a crowded place may determine whether it considers it has a role under the Strategy or not.

It is also barely one year since the Strategy's release, which may explain some crowded places' lack of awareness about their roles and responsibilities. As maturity in this space grows, we expect crowded places to gain a greater understanding of their protective security responsibilities.

Committee request for further comment 10

We would welcome further comment as to whether numbers-based definitions of a crowded place are useful in identifying risk in what is a dynamic and rapidly evolving space and in the context of the broader definition contained in the Strategy.

WA Police has an increased coordination and community engagement role

The Strategy suggests that coordination and engagement with stakeholders is the responsibility of law enforcement agencies. Police are assigned responsibility for

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120 Closed correspondence, 10 May 2018.
121 State Emergency Management Committee (SEMC), *Emergency Preparedness Report 2017*, Government of Western Australia, Perth, 2017, p8.
122 ANZCTC, *Australia's Strategy for Protecting Crowded Places from Terrorism*, Commonwealth of Australia, Barton, 2017, p4.
123 *Police Act 1892* (Western Australia), s39F.

running and administering the crowded places forum, which is identified as the 'primary means for collective engagement between police and local owners and operators of crowded places'.[124]

WA Police accepted it has a role engaging the owners and operators of crowded places, stating that it is 'standard business practice' for the Protective Security Unit (which sits within the Counter Terrorism and Emergency Response Command and manages the crowded places forums).[125] As an example, Counterterrorism and Emergency Response Commander Craig Donaldson said WA Police is distributing messaging and advertising about WA crowded places forums to business owners and operators.[126]

Nevertheless, it is clear that some contributors to the inquiry have had little or no contact from WA Police, despite their identification as a crowded place.[127] Evidence from Grand Cinemas, for instance, indicated that it was aware neither of the Australia-New Zealand Counter-Terrorism Committee (ANZCTC) guidelines nor the crowded places forum:

> *While Grand Cinemas has an emergency management plan in place to respond to various threats, professional guidelines to support operators of public places, including first point of contact, would be of great assistance.*[128]

The WA Police website does not contain any obvious information about the forums. Some evidence suggests that crowded places have become involved in the forum after they approached WA Police, rather than the other way around.[129]

WA Police has provided inaccurate information about crowded places forums to at least one interested party seeking to engage. On 30 May 2018, our Secretariat received a telephone call from a member of the public, requesting information about the crowded places forum that was taking place that day. He said he had already contacted WA Police, but the person he spoke to told him (incorrectly) that crowded places forums were the responsibility of the Community Development and Justice Standing Committee.

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124 ANZCTC, *Australia's Strategy for Protecting Crowded Places from Terrorism*, Commonwealth of Australia, Barton, 2017, p8.

125 Mr Chris Dawson, Commissioner of Police, WA Police, Letter, 18 July 2018.

126 Mr Craig Donaldson, Commander, Counterterrorism and Emergency Response, WA Police, *Transcript of Evidence*, 9 May 2018, p4.

127 Submission No. 50, closed submission, 28 May 2018; Submission No. 22, closed submission, 27 March 2018; Submission No. 36 from Grand Cinemas, 29 March 2018.

128 Submission No. 36 from Grand Cinemas, 29 March 2018, p1.

129 Submission No. 13 from City of Joondalup, 23 March 2018, p1; Mr Craig Donaldson, Commander, Counterterrorism and Emergency Response, WA Police, *Transcript of Evidence*, 9 May 2018, pp3–4.

Chapter 3

WA Police assessments of the local threat context determine its level of engagement with local government and business sectors: the higher the risk to a venue or event, the more likely WA Police is to work with the site managers to coordinate their respective plans.[130]

VenuesLive, the operator of Perth Stadium, interacts with WA Police on a 'daily basis' and has 'a direct and very responsive connection with police services which enables a strong and constant two-way flow of information.'[131] In contrast, the only interactions between Artrage, the manager of FRINGEWORLD Festival, and WA Police is through the event permit approvals process and Artrage's annual briefing to WA Police about its relevant event plans. However, Artrage does not necessarily regard this level of engagement as problematic.[132]

Those crowded places with some of the strongest relationships with WA Police appear to have employed former police or defence personnel in security management roles.[133] These individuals may be able to leverage their knowledge, past experiences and existing contacts within WA Police for positive outcomes for their employer.

The majority of crowded places are encouraged to attend the crowded places forums and join the secure information network hosted by the Australian Security Intelligence Organisation (ASIO) Business and Government Liaison Unit, which provides 'intelligence-backed unclassified reports on the domestic and international security environment'.[134] The WA Police Protective Security Unit provides a Twitter feed to 'assist in sharing open source information with stakeholders', and maintains an email distribution list to disseminate security vulnerability or suspicious activity updates.[135]

More intensive engagement arrangements between WA Police and crowded places do exist, but they seem to be the result of localised efforts rather than a systematic engagement strategy from WA Police. The City of Perth, for example, said its local

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130 Mr Craig Donaldson, Commander, Counterterrorism and Emergency Response, and Mr Paul Zanetti, Assistant Commissioner, Specialist and Support Services, WA Police, *Transcript of Evidence*, 9 May 2018, p4; Submission No. 4 from Mr Donald S. Williams and Dr Anthony Bergin, 8 March 2018, p12.

131 Submission No. 40 from VenuesLive, 13 April 2018, p3.

132 Mr Marcus Canning, Chief Executive Officer, Artrage, *Transcript of Evidence*, 13 June 2018, p5.

133 Submission No. 13 from City of Joondalup, 23 March 2018, p1; Mr David Etherton, Chief Executive Officer, and Mr Phil Johnston, Public Safety and Security Operations Manager, VenuesWest, *Briefing*, 12 May 2018; Submission No. 17 from Scentre Group, 28 March 2018, pp1–2, 3.

134 Business and Government Liaison Unit, 'About Us'. Available at: https://www.bglu.asio.gov.au/about-us. Accessed on 9 July 2018; Mr Chris Dawson, Commissioner of Police, WA Police, Letter, 20 June 2018, p4.

135 Mr Chris Dawson, Commissioner of Police, WA Police, Letter, 20 June 2018, p4; Submission No. 27 from Department of Fire and Emergency Services, 29 March 2018, p8.

emergency management committee (LEMC) experienced a high level of buy-in from all agencies but said this may be because it is the capital city of WA:

> *The City of Perth is fortunate to have good attendance at LEMC by agencies and the support from these to progress Emergency Management Plans, conduct risk analysis and other Emergency Management activities. This may be due to the leadership and built interest in Emergency Management or purely as City of Perth is the Capital City and there is a multi-agency interest in participation. What is key in an Emergency is the relationships between people and the LEMC is critical for that.* **The same cannot be said for other local governments and in particular smaller local governments, who may not gain interest or attendance from other agencies** *(emphasis added).*[136]

The City of Mandurah, which manages the annual, weekend-long Crab Fest that attracts over 100,000 people, has developed a strong relationship with local police. But this seems to have been largely driven by the City. Prior to the 2018 Crab Fest, the City met police and local government event staff in the United Kingdom to learn from their experiences and improve its processes for protecting the event. It subsequently sought greater involvement from WA Police before, during, and after Crab Fest. The City introduced daily stakeholder meetings, including one for police only. Senior police were involved in the event with an inspector on site and the officer in charge of the Mandurah police district acting as the event's operational controller.[137]

Other crowded places sought assistance with the specific challenges of their sites in their submissions to our inquiry. Many of these matters require increased WA Police engagement, such as updates of the National Terrorism Threat Advisory System level, preventative advice, police attendance at events that attract large crowds, information on threats to their business operations, participation in counter-terrorism activities (such as exercises), and the review of their incident management plans.[138] We do not know whether they have requested this assistance from police directly nor the WA Police response.

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136 Submission No. 33C from City of Perth, 29 March 2018, p1.
137 Submission No. 19 from City of Mandurah, 28 March 2018, pp1, 2, 3.
138 Submission No. 22, closed submission, 27 March 2018, pp2, 3; Submission No. 50, closed submission, 28 May 2018, p3; Submission No. 36 from Grand Cinemas, 29 March 2018, p1.

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>
> It appears that WA Police is still adapting to the shared responsibility approach introduced under the Strategy. We appreciate that withholding sensitive information is necessary in most instances; however, many of the limitations in WA Police engagement with crowded places cannot be explained by the need to restrict access to intelligence.
>
> We would welcome further comment as to whether WA Police is applying adequate resources to carry out the engagement required under the Strategy and how this could be independently assessed in a security context.

Local governments are adjusting to the increasing importance of terrorism within local emergency management arrangements

Prior to the release of the Strategy, local governments did not always place the same weight on terrorist acts as other hazards when undertaking emergency risk management processes. An inquiry participant said that, perhaps because of the sensitivity traditionally surrounding counter-terrorism arrangements in the state emergency management framework, the shared responsibility of local government for counter-terrorism was not necessarily recognised in the past.[139]

Melissa Pexton, Manager Emergency Management (Policy), WA Local Government Association (WALGA), questioned whether, even now, many local governments would identify terrorism as one of the hazards applicable to their area.[140] As part of the local level component of the State Risk Project (see box 3.1), local governments identify the priority hazards for their area from the 27 prescribed hazards and develop related risk treatments. Although local governments are free to assess as many of the 27 hazards as they consider applicable to their area, the Office of Emergency Management advises that five hazards is the minimum number needed 'to get a comprehensive understanding of the [local government] risk profile.'[141] It is probable that only local governments that consistently manage large-scale events have identified terrorism as a priority hazard.

Those local governments that manage few events are unlikely to have identified terrorism as one of the hazards applicable to their area.[142] This is understandable and

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139 Mrs Melissa Pexton, Manager Emergency Management, Policy, Western Australian Local Government Association (WALGA), *Transcript of Evidence*, 27 June 2018, p1. See also Submission No. 51 from WALGA, 25 May 2018, p2.

140 Mrs Melissa Pexton, Manager Emergency Management, Policy, WALGA, *Transcript of Evidence*, 27 June 2018, pp2, 10–11.

141 Office of Emergency Management, 'State Risk Project – Local'. Available at: https://www.oem.wa.gov.au/Pages/Risk-Local.aspx. Accessed on 10 August 2018.

142 Mrs Melissa Pexton, Manager Emergency Management, Policy, WALGA, *Transcript of Evidence*, 27 June 2018, pp2, 10–11.

Box 3.1: State Risk Project

The State Emergency Management Committee initiated the State Risk Project in 2013 to gain a greater understanding of the risks faced by WA at the state, district and local levels. The project centres on workshops, hosted by the Office of Emergency Management, at which participants use credible worst-case (and near worst-case) scenarios to assess the impact of different hazards on the economy, people, public administration, environment and social setting. The assessments draw on the methodology and criteria outlined in the National Emergency Risk Assessment Guidelines and *AS/NZS ISO 31000:2009—Risk management—principles and guidelines*.

The district level component of the State Risk Project involved members of district emergency management committees and other relevant agencies. The top five to six hazards in each emergency management district were assessed at district workshops between 2015 and 2016. The risk assessment reports for each district were released in May 2017.

In accordance with state emergency management policy and procedure, local governments have a responsibility to develop and maintain emergency risk management plans for hazards relevant to their locality. The local level component of the State Risk Project assists local governments with this process and, in doing so, to develop some consistency of risk assessment across the WA local government sector. It is recommended that local governments choose at least five priority hazards to gain a comprehensive understanding of their locality's risk profile.

The State Risk Project receives joint funding under the Commonwealth's National Partnership Agreement on Natural Disaster Resilience.

Sources: Office of Emergency Management, *State Risk Project*. Available at: https://www.oem.wa.gov.au/about-us/the-office-of-emergency-management/risk-and-capability/state-risk-project. Accessed on 17 July 2018; State Emergency Management Committee, State Emergency Management Prevention and Mitigation Procedure 1.

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largely in accordance with the Strategy, which recognises that the effective protection of crowded places relies on security measures that are proportional to risk. If local governments determine they are not at risk of a terrorist act, then their decision not to implement risk treatments is justified. Yet the non-identification of terrorism as a risk also means some WA locations are more vulnerable than others. As two Australian terrorism researchers have pointed out, the Nice attack not only illustrated the capacity of terrorists to adapt their methods to attack 'soft targets' but the need for Australia to prepare for a terrorist attack in a regional centre or rural town.[143]

Some stakeholders have conflicting interests

Throughout the inquiry, it has become clear there is a tension between the interests of different stakeholders and their associated risk profiles. This has left possible gaps in the protection of crowded places from terrorist acts.

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143 Jacinta Carroll and Ashley Collingburn, 'CT Quick Look: Bastille Day terrorist attack in Nice, 14 July 2016', Australian Strategic Policy Institute, August 2016, p3. Available at: https://www.aspi.org.au/report/bastille-day-terrorist-attack-nice-14-july-2016. Accessed on 11 July 2018.

Chapter 3

Crowded places and local government

Larger venues and businesses generally place greater emphasis on protective security measures than other owners and operators of crowded places, recognising that a terrorist attack may impact their physical assets, public reputation, and, ultimately, profitability. When not managed correctly or in a manner that is proportionate to threat, such emphasis may negatively disrupt the operations of the crowded place and alienate the public. The cyclone fencing previously used at the Melbourne Cricket Ground is one such example. Introduced following the terrorist attack on the Stade de France in November 2015, the so-called 'ring of steel' caused lengthy delays for spectators attending cricket games at the stadium and was abandoned the following year.[144]

Local governments, meanwhile, tend to place greater weight on the 'liveability' of their cities or towns. The City of South Perth hosts thousands of spectators on the southern bank of the Swan River as part of the annual Australia Day Skyworks organised by the City of Perth. However, it has not erected permanent counter-terrorism infrastructure, such as fixed CCTV cameras, as this is regarded as 'a heavy burden on local ratepayers'.[145]

Some local governments are also concerned that some protective security measures will turn their districts into fortresses. To mitigate against hostile vehicle incidents, for example, they will often prefer permanent bollards that are aesthetically-pleasing (such as street furniture or trees), rather than concrete blocks or steel poles.

This can become a problem in precincts, which require crowds to move between areas under the control of different stakeholders. The aesthetically-pleasing options adopted by the local government may not, in the view of a neighbouring venue or business, provide protection proportionate to the risk. Yet there is currently no means by which either party can be compelled to implement different security measures.

When we asked the City of Perth how it addresses differing assessments of risk, Chief Executive Officer Martin Mileham indicated that it only implemented measures when it was in accordance with the City of Perth risk profile:

> *Generally speaking, we try to take a pragmatic approach. We have had individual lessees of a building in Brookfield Place come to us with concerns about a particular piece of the public realm and we adjusted it accordingly because we recognised and agreed with them that there*

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144 Beau Donnelly, 'No ring of steel but more police at MCG tonight after 'scorch with terror' call', *The Age*, 9 September 2016. Available at: https://www.theage.com.au/national/victoria/no-ring-of-steel-but-more-police-at-mcg-tonight-after-scorch-with-terror-call-20160909-grcse2.html. Accessed on 6 July 2018.

145 Submission No. 8 from City of South Perth, 12 March 2018, p2.

was a risk there. So that is how we operate. If someone brings it to our attention and we look at it and it makes sense in our risk profile, we will work; on the other hand, if we see it and go to them, we would hope that they would work with us.[146]

We have received evidence that this type of approach has resulted in an impasse between a crowded place owner and a local government at least one location in WA. Both parties reportedly maintain that the other party's risk assessment is incorrect and, as a result, there is limited assurance that people attending events at the location are as protected as possible.

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We would welcome possible methods or structures that could assist owners and operators to reach an agreed position on the risk assessment and appropriate mitigations within their precincts.

Police and crowded places

There is a tension between the 'need to know' approach to information sharing traditionally adopted by law enforcement agencies (see chapter 2) and the Strategy, which relies on owners and operators understanding the level and type of threat facing their sites to implement appropriate mitigations. As researchers Anthony Bergin and Donald Williams stated, 'processed information in the form of intelligence provides specific guidance that can be used to counter a particular type of attack.'[147]

Some inquiry participants indicated law enforcement agencies could be more forthcoming with information. National Security Policy Director at the Australian National University, Jacinta Carroll (who has worked extensively in national security, counter-terrorism and strategic policy matters both within and outside government), told us:

I've worked a lot of my life in that environment and one thing that never ceases to amaze me is that you can have information that is classified and can't talk about anything in it at all—that's fine. Why can't you talk about something in general that might tell people what the significance is of that? And you can actually do that.

She said that, in her experience, intelligence and law enforcement agencies appeared to be restrained in explaining what was going on in counter-terrorism in ways that could be easily understood by business and the public; it just required some

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146 Mr Martin Mileham, Chief Executive Officer, City of Perth, *Transcript of Evidence*, 14 February 2018, p7.
147 Submission No. 4 from Mr Donald S. Williams and Dr Anthony Bergin, 8 March 2018, p11.

imagination to turn specific intelligence information into more generic scenarios or 'stories' that could be shared.[148]

Victoria Police Deputy Commissioner Shane Patton also told us that he has a 'dare to share' approach to information-sharing. While the law enforcement field used to be isolationist, he said he is committed to developing open and transparent relations with partners and stakeholders as far as possible.[149]

Site managers in other Australian jurisdictions explained the impact of law enforcement agencies' traditional reluctance or inability to share information about their crowded places. One law enforcement agency advised a crowded place manager of an operation it would be conducting at the site mere hours before it began. The managers of another crowded place did not learn that their site was the target of a terrorist plot until years later, long after the plan had been uncovered. The managers strongly believed they should have been informed; not only did the 'need to know' approach limit their ability to adequately protect their physical assets and people using their sites, but it also prevented them from providing site-specific, contextual information that could have ultimately assisted police operations.[150]

The 'need to know' approach may have wide-ranging and significant implications for the public. Well-resourced businesses have started developing their own digital intelligence capabilities, monitoring social media for threats to their physical assets and reputation.[151] Their interpretation of what constitutes a threat may be considerably lower than law enforcement agencies—for example, should businesses become aware of a planned disturbance or protest at their venue, they may prevent the identified participants from entering.

We have not received evidence to suggest WA crowded places are implementing digital intelligence capabilities at this time. However, should the 'need to know' approach continue to conflict with the desire of crowded places to protect their sites, it is highly possible that they will adopt such measures in the near future.

In the course of the inquiry, the possibility of key personnel at significant crowded places gaining a security clearance was raised. This would facilitate information sharing by WA Police and ensure that private industry stakeholders are treated as genuine partners in the protection of their venues.

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148 *Briefing*, 2 May 2018.
149 *Briefing*, 30 April 2018.
150 *Briefings,* 1 May 2018.
151 *Briefing,* 1 May 2018.

Several inquiry contributors agreed there was merit in key individuals within businesses obtaining a security clearance.[152] WA Police Commissioner Chris Dawson was also supportive of this approach, but said it would have to be nationally consistent:

> *What might happen in one state or territory can easily, and does, impact on the response, planning and any activity in another, depending on the nature of what is occurring. Firstly, my response is, yes, I think that at a national level it is a very worthy enterprise. Secondly, security clearances should not be confined to law enforcement and national security agencies.*[153]

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We would welcome information about whether the ANZCTC is considering the provision of security clearances for people working at significant crowded places, and any steps WA may need to take to support this approach.

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152 Mr Phil Johnston, Public Safety and Security Operations Manager, VenuesWest, *Briefing*, 12 May 2018; *Briefing*, 30 April 2018; *Briefings*, 1 May 2018.

153 Mr Chris Dawson, Commissioner of Police, WA Police, *Transcript of Evidence*, 9 May 2018, pp21–22.

Chapter 4

Do all stakeholders have the capacity to fulfil their roles and responsibilities?

Even if all owners and operators of crowded places accept and understand their roles and responsibilities under *Australia's strategy for protecting crowded places from terrorism* (the Strategy) and the state emergency management framework, this does not necessarily translate to Western Australia (WA) being prepared for an attack on a crowded place.

In this chapter, we examine the other key factors contributing to the preparedness of WA. First, whether crowded places have the resources, knowledge and skills necessary to fulfil their roles and responsibilities adequately. Second, whether the Western Australia Police Force (WA Police) has the resources and powers to manage acts of terrorism as they relate to crowded places.

Are crowded places adequately resourced?

There is limited public funding for counter-terrorism efforts in WA local government or private sectors

Office of Emergency Management competitive grants programs

The Office of Emergency Management (OEM) currently offers financial assistance through the following competitive grants programs:

- Natural Disaster Resilience Program.

- Mitigation Activity Fund.

- All West Australians Reducing Emergencies (AWARE).

Of these, only AWARE has suitably broad criteria to support counter-terrorism efforts. The priorities and eligibility of AWARE are determined each year and seek to address emerging need. For the 2018–19 round, eligible applicants were local governments who had not completed their local level risk assessment final report within the last two years. AWARE grants were to assist successful applicants to complete their risk assessment final report and risk register. It could therefore include an assessment of

the terrorist threat to their local area (see box 3.1).[154] However, only a limited pool of funding is available; for the 2018–19 round, $192,000 was made available.[155]

Theoretically, owners or operators of crowded places could receive funding as part of the Natural Disaster Resilience Program but it would be unlikely. Eligible applicants are 'involved in emergency management and are delivering a project that provides a community advantage or resilience.'[156] Proposed projects must address at least one natural disaster to be eligible. Local governments have received funding through the program in the past, but their projects have addressed specific natural hazards.[157]

The Mitigation Activity Fund is available to local governments, but it focuses on the treatment of bushfire risk associated with state lands in regional areas.[158]

Western Australia Natural Disaster Relief and Recovery Arrangements

In contrast to some of the OEM grants programs, the Western Australia Natural Disaster Relief and Recovery Arrangements (WANDRRA) does include terrorism as a hazard for which applicants can receive funding. However, the WANDRRA focuses on recovery rather than preparedness and is therefore unable to assist substantially with protecting crowded places. Following an eligible natural disaster or terrorist event, state and Commonwealth governments can provide financial assistance to affected parties such as individuals, communities, local governments, state agencies and (in some cases) businesses to assist their recovery. WANDRRA assistance is only activated if the disaster or event has caused over $240,000 of damage to essential public assets. WANDRRA does not cover all costs resulting from the event.[159]

Tourism Western Australia funding

Tourism Western Australia (Tourism WA) administers three funding programs: Major Events Funding (for significant metropolitan-based events), the Regional Events Program (for medium to large regional events), and the Regional Events Scheme (for small, developing regional events).

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154 Office of Emergency Management, *All West Australians Reducing Emergencies Programs 2018–19: Guidelines for Applicants*, 2018. Available at: https://www.oem.wa.gov.au/Documents/Funding/AWARE/2018-19/201819AWAREGuidelinesforApplicants.pdf . Accessed on 11 July 2017.

155 Dr Ron Edwards, Chair, State Emergency Management Committee (SEMC), Letter, 8 June 2018, attachment 37, p2.

156 *ibid*., attachment 37, p1.

157 *ibid*.; Office of Emergency Management, 'Natural Disaster Resilience Program 2016-17'. Available at: https://www.oem.wa.gov.au/funding/ndrp-(including-2016-17-application). Accessed on 10 August 2018.

158 Dr Ron Edwards, Chair, SEMC, Letter, 8 June 2018, attachment 37, pp1–2.

159 *ibid*., attachment 37, pp2–3.

Funding awarded as part of these programs may contribute to risk management planning of events. For each event sponsored, sponsorship agreements are signed by Tourism WA and the event holder that include a requirement to 'prepare and provide to Tourism WA a Risk Management Plan consistent with the Australian Standard on Risk Management as set out in *AS/NZS ISO 31000:2009*' (see appendix seven). Event holders are required to provide their risk management plan to Tourism WA prior to their events, with the provision of the plan linked to a milestone payment—in essence, no plan, no payment.[160]

Although it may be used in this manner as part of general event planning, the primary focus of Tourism WA funding is not the protection of crowded places. All three programs instead seek to assist with the development of tourist attractions in regional and metropolitan WA.

Department of Local Government, Sport and Cultural Industries funding

The Department of Local Government, Sport and Cultural Industries administers two grants programs for sport and recreation facilities: the Community Sporting and Recreation Facilities Fund (CSRFF) and the State Sporting Infrastructure Fund (SSIF).

Both programs provide limited support for counter-terrorism efforts. Only state sporting facilities identified in the State Sporting Facilities Plan are eligible for the SSIF. These are facilities that meet 'a national/international standard required to host sporting competition, training and events'; crowded places that do not meet this standard are ineligible for funding.[161] While the CSRFF caters for smaller facilities by providing community groups and local governments with financial assistance to develop or upgrade sport and recreation infrastructure, counter-terrorism projects do not appear to be eligible for the CSRFF. Funding tends to target projects such as change rooms and ablutions, floodlighting and the development of playing surfaces. Crowd control projects are not eligible to receive CSRFF funding directly.[162]

State CCTV Strategy Infrastructure Fund

The State CCTV Strategy Instructure Fund also did not directly address counter-terrorism. Established in 2015 as part of a wider closed-circuit television (CCTV) strategy program, the $5 million State CCTV Strategy Instructure Fund provided local

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160 Submission No. 52 from Tourism Western Australia (Tourism WA), 30 May 2018, p1.

161 Department of Local Government, Sport and Cultural Industries, *State Sporting Facilities Plan*. Available at: https://www.dsr.wa.gov.au/about/plan-for-the-future/state-sporting-facilities-plan. Accessed on 11 September 2018; Mr Duncan Ord, Director General, Department of Local Government, Sport and Cultural Industries, Letter, 4 September 2018.

162 Mr Duncan Ord, Director General, Department of Local Government, Sport and Cultural Industries, Letter, 4 September 2018; Department of Local Government, Sport and Cultural Industries, *Community Sporting and Recreation Facilities Fund (CSRFF)*. Available at: https://www.dsr.wa.gov.au/funding/facilities-(csrff). Accessed on 11 September 2018.

governments with grant funding to install or upgrade CCTV cameras and related infrastructure. Its primary purpose was the reduction of specific crimes such the deprivation of liberty, non-domestic assault, disorderly conduct, robbery, liquor offences, and threatening behaviour.

When the fund was announced, local governments submitted expressions of interest for works that totalled over $10 million—double the amount available in State CCTV Strategy Instructure Fund.[163] Grants were ultimately allocated to local governments with recognised crime hotspots; reducing the likelihood of a terrorist attack or mass casualty incident was not a focus of the fund.[164]

The City of South Perth said the State CCTV Strategy Infrastructure Fund should be amended to allow grants to be made to terrorism mitigation projects. The City rejected suggestions that it bear the cost of permanent counter-terrorism infrastructure, such as a fixed CCTV camera network, within its district. It pointed out that multiple event partners shared responsibility for the most significant annual event within its local government area, the Australia Day Skyworks:

> *Australia Day is a National and State celebration, and all levels of government should reasonably contribute to meet the increasing expectations for counter-terrorism infrastructure considered desirable at the associated large-scale community gatherings.*[165]

We note, however, that in 2017 Minister for Police Michelle Roberts said there were no plans to continue the State CCTV Strategy Instructure Fund.[166]

Community Crime Prevention Fund

The City of South Perth also suggested the Community Crime Prevention Fund be expanded to provide funding to terrorism mitigation. As the City pointed out, the fund does not accommodate counter-terrorism infrastructure projects such as CCTV or hostile vehicle management projects.[167] Instead, it supports local community crime prevention initiatives with a focus on the needs of children and families, youth justice, anti-social behaviour, drug and alcohol related crime, and other priority crimes in WA. Local government authorities, incorporated not-for-profit organisations, and Aboriginal

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163 Western Australia Police Force (WA Police), 'State CCTV Strategy Infrastructure Fund', 22 August 2016. Available at: https://www.police.wa.gov.au/Our-Community/Grant-funding/State-CCTV-Strategy-Infrastructure-Fund. Accessed on 19 September 2018.
164 Submission No. 8 from City of South Perth, 12 March 2018, p2.
165 *ibid*.
166 Hon Michelle Roberts, Minister for Police, Western Australia (WA), Legislative Assembly Estimates Committee B, *Parliamentary Debates* (Hansard), 20 September 2017, pE356.
167 Submission No. 8 from City of South Perth, 12 March 2018, p3.

corporations are eligible for a grant of up to $25,000 to support their 12-month long projects.[168]

The difference in preparedness levels may increase without consistent funding

The ability of owners and operators of crowded places in WA to protect their sites is variable. According to the evidence we received, this variance is due, in part, to the different amounts of resources at owners and operators' disposal.

Large or high-profile venues and events are typically better resourced for security, which is reflected in their preparedness. Even before the release of the Strategy, the owners and operators of these types of crowded places had identified the increasing threat that terrorism posed to their sites and implemented robust protective security measures. Little of the guidance provided in the Strategy and associated documents was new to these owners and operators. Instead, the Strategy guidelines simply provided another benchmark against which their existing security measures could be assessed.[169]

The owners and operators of large or high-profile venues and events have the capacity to exercise and test their security plans regularly, and implement emerging technology (such as technology with biometric identification (including facial recognition) and geo-fencing capabilities).[170]

They also have the capacity to employ individuals with considerable experience and expertise to manage their security strategies. As an example, Scentre Group, which owns and operates Westfield shopping centres, employs Mr John Yates as its Global Director of Security. Mr Yates has 30 years' experience with the Metropolitan Police, including as the most senior counter-terrorism officer in the United Kingdom (UK).[171]

Owners and operators of large or high-profile venues do not need to rely on processes they may consider produce inadequate outcomes, such as security workforce training (see chapter 6). Crown Resorts has its own security training centre in Perth, at which students gain the nationally-recognised Certificate II in Security Operations (see box 6.2). The Public Transport Authority (PTA) similarly has its own registered training

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168 WA Police, 'Community Crime Prevention Fund Guidelines'. Available at: https://policewa.smartygrants.com.au/CCPF20172018RND1. Accessed on 23 July 2018.

169 Submission No. 17 from Scentre Group, 28 March 2018, p3; Submission No. 21 from Shopping Centre Council of Australia, 29 March 2018, p3; Submission No. 34 from Secure Events and Assets, 31 March 2018, p2; Mr David Etherton, Chief Executive Officer, VenuesWest, *Transcript of Evidence*, 14 February 2018, p2.

170 Submission No. 28 from Crown Perth, 29 March 2018, p2; Mr Malcolm Reed, Regional Asset Manager WA, Lendlease, *Transcript of Evidence,* 21 March 2018, pp3–4; Submission No. 29 from Transport Portfolio, 29 March 2018, pp5–6; Mr Steve Furmedge, Director, Security Services, Public Transport Authority, *Transcript of Evidence,* 21 February 2018, pp4–5.

171 Submission No. 17 from Scentre Group, 28 March 2018, p2.

organisation, which provides targeted training for transit officer recruits. Training their own security workforce enables Crown Resorts and the PTA to develop a bespoke training regime that focuses on their particular security needs, including any new challenges associated with terrorism threats.[172]

Small crowded places are less likely than their larger counterparts to have considered the risk posed by terrorism or to have implemented similarly robust security measures. Given many of these small crowded places are also less likely to be an attractive terrorist target, this is not necessarily a problem. However, experience indicates that smaller venues can and have been targeted, such as the Bataclan theatre in Paris, which was attacked in November 2015 and resulted in the death of 90 people. It is therefore concerning that some owners and operators have assessed their sites to be at risk of an attack but do not have the resources or knowledge to mitigate this risk adequately.[173]

The variance in preparedness is particularly apparent in the local government sector. According to Melissa Pexton, Manager Emergency Management (Policy), WA Local Government Association (WALGA), this is due to the different sizes of local governments, their associated risks, and 'their ability to resource that skill set or capability'. Those local governments that manage or approve large-scale events on a regular basis have identified the security of their local government area as a priority and funded it accordingly (see box 4.1).[174]

Some other local governments, in contrast, struggle to keep up with emergency management policies, procedures and good practice. The *Emergency preparedness report 2017*, an annual snapshot of WA's preparedness for an emergency event, found that while local governments reported high levels of compliance with emergency management legislation, in reality their arrangements were 'highly variable'.

One factor contributing to such variability is some local governments' resistance to the perceived devolution of a growing number of roles to their sector. This sentiment was captured in the preparedness report, which quoted a local government:

> *EM [Emergency management] is another responsibility that has landed on LG [local government] laps with the expectation that it would be*

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172 Submission No. 28 from Crown Perth, 29 March 2018, p2.

173 Submission No. 50, closed submission, 28 May 2018, pp3, 4; Submission No. 22, closed submission, 27 March 2018, p2.

174 Mrs Melissa Pexton, Manager Emergency Management, Policy, Western Australian Local Government Association (WALGA), *Transcript of Evidence*, 27 June 2018, p2.

managed with existing (and diminishing) resources. Therefore, it gets done as well as resourcing and interest permits.[175]

The City of South Perth, while acknowledging that it has a role in counter-terrorism, emphasised that all levels of government and land managers needed 'to understand their role and both commit to and be resourced adequately.'[176]

Even if local governments prioritise emergency management and the security of their crowded places, they can be prevented from implementing appropriate measures due to a simple lack of resources. Local governments with a small ratepayer base in particular may find themselves unable to cover the associated costs. The preparedness report noted local governments struggled to conduct emergency risk assessments due to a lack of funding, limited training available to build staff capacity, and a lack of staff to conduct the process. Only 15 per cent of local governments reported having substantial skills in risk assessment, and the report noted the 'wide' skill gap between local governments.[177]

While most local governments reported continual review and amendments to their emergency management plans, processes and procedures, some 'maintained they were under-resourced and did not have the capacity to update them regularly'.[178]

If not addressed, the gap between crowded places that are and are not adequately prepared for a terrorist attack will likely increase. It is probable that the owners and operators of larger, high-profile crowded places will continue to prioritise their security and resource appropriately. The owners and operators of many smaller crowded places will struggle to keep up. Given that effective counter-terrorism relies on all stakeholders maintaining their capabilities, this has the potential to both decrease the overall preparedness of WA and increase the state's vulnerability to terrorism.

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We welcome comment on how resources and expertise can effectively be pooled and shared to enhance protection and mitigate costs.

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175 SEMC, *Emergency Preparedness Report 2017*, Government of Western Australia, Perth, 2017, p98.

176 Submission No. 8 from City of South Perth, 12 March 2018, p2.

177 SEMC, *Emergency Preparedness Report 2017*, Government of Western Australia, Perth, 2017, p48.

178 *ibid*., p6.

Box 4.1: Examples of local government security activities

Following the Strategy's release in 2017, the **City of Joondalup** commenced a security review of its facilities, events and activities. It subsequently began developing a security management framework, including a 'comprehensive and sophisticated' security management plan that encompassed the Strategy's protocols and guidelines. When the framework is completed, the City anticipates that it will undertake a peer review process to ensure the framework complies with the Strategy and associated materials.

For the moment, the City is continuing to engage security consultants to review emergency management, security and emergency response plans for major events. But it intends to develop the expertise of staff so that its ongoing review and implementation of its event management plans can be run in house.

Prior to the 2018 Crab Fest, the **City of Mandurah** met with events specialist police officers in the United Kingdom and events staff at Sunderland City Council to gain an understanding of good practice in event management. Sunderland provided some useful parallels to Mandurah, with both local government areas bordering a seafront with roads running parallel to, and into, the seafront.

The City employed an external provider to train some of its staff in anti-terrorism awareness and event planning. At the Crab Fest, it also implemented a number of security measures, including daily key stakeholder meetings during the weekend-long event, a 'layered vehicle identification dash pass system', and the integration of CCTV with WA Police at the event headquarters.

Beginning in 2016, the **City of Perth** undertook an extensive review of its local emergency management arrangements. It engaged a consultant to identify gaps in its emergency management obligations and responsibilities and, on the basis of the resulting analysis, developed the following plans:

- General Plan, Local Response Plan, Local Recovery Plan (endorsed by Council 2017).
- Local Welfare Plan (completed with Department of Communities in its role as the agency responsible for the coordination of welfare services under emergency management regulations and policy).
- Animal Welfare Plan.
- Perth CBD Major Emergency Management Arrangements—Management of People Plan.
- Emergency Risk Management Plan.

Together, these plans make up the City of Perth's local emergency management arrangements (see chapter 2).

The City of Perth also conducted a risk assessment of six priority hazards (including terrorism), drawing on the risk management process outlined in *AS/NZS ISO 31000:2009*, the National Emergency Risk Assessment Guidelines, and by the State Risk Project (see box 3.1).

Sources: Submission No. 13 from City of Joondalup, 23 March 2018, pp1–2; Submission No. 19 from City of Mandurah, 28 March 2018, pp1–2; Submission No. 33B from City of Perth, 29 March 2018, item 2 and closed item 3.

There may be fewer public events without more consistent funding

Some event organisers in WA have expressed concern about the growing costs associated with hardening crowded places against terrorist acts. To ensure legislative compliance, local governments often require organisers to provide extensive documentation before granting an event permit (see chapter 2). For example, the City of Perth has required event organisers to implement security and mitigation measures such as:

- Emergency management plans, which many include an evacuation plan, emergency response, hazard identification and mitigation.

- Risk management plans.

- Site plans (with specific consideration of exit widths for safe access and egress).

- First aid or medical plans.

- Event management plans.

- Specific ratios of security (if it is a licensed event).[179]

The City had encountered 'pushback' from event organisers, some of whom claimed they might not be able to hold events because of the increasing costs. This represented a risk to Perth's vibrancy and the City was therefore examining how it could better assist organisers to navigate the process:

> *For us, that is still a vulnerability. You want people to be activated and you want people to be coming into the city, but it is also, for us, about how we manage those requirements as well for those event organisers and their level of skill et cetera.*[180]

Artrage Chief Executive Officer Marcus Canning considered his not-for-profit organisation was well-placed to respond to the changing security environment:

> *Thankfully we are an organisation that has been in the game for a long time, since 1983, so the robustness of our capacity on our planning front as well as the way we manage our sites is very strong.*

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179 Submission No. 33A from City of Perth, 29 March 2018, item 4, pp509–511.
180 Ms Rebecca Moore, Director, Commercial and Community Services, City of Perth, *Transcript of Evidence*, 14 February 2018, p11.

Mr Canning believed it was 'an interesting question' whether a new event management company would be similarly equipped.[181] Since our inquiry began, WA event management companies such as JumpClimb (which presented events at FRINGEWORLD) and TriEvents (manager of the HBF Run for a Reason and other sporting events) have ceased trading. Attributed to declining ticket sales and WA's recent economic slow-down, their closures illustrate the financial vulnerability of the events industry.[182]

Perth Festival said traffic management and area set-up costs for Gnarnk-Ba Karla Waarnginy, the Festival's opening event, doubled after the Festival incorporated guidance from the Strategy and its guidelines into its risk mitigation strategies. It said the growing risk to crowded places warranted 'the establishment of a state or local government resource with responsibility for supporting events in the development and practical realisation of enhanced security measures'.[183]

There is a risk that it will become too costly for smaller groups to run local community or charity events. We received a report that a local church group recently had to spend an extra $11,000 to implement additional protective security measures, such as hostile vehicle management.[184] The only recognition in counter-terrorism related efforts of these smaller groups is the cost recovery for policing major events scheme (see chapter 2), which exempts events run for a charitable purpose, by a charitable organisation or for the benefit of a local community from cost recovery.[185]

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In the absence of compliance and enforcement mechanisms (see chapter 5), one way to encourage more owners and operators to implement appropriate protective security measures may be through additional funding. Funding may also assist with the continuation of key events.

We would welcome comment on how such funding could be best sourced, managed and distributed.

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181 Mr Marcus Canning, Chief Executive Officer, Artrage, *Transcript of Evidence*, 13 June 2018, p4.
182 'Perth Fringe World: event company JumpClimb to fold, owing artists $200k', *Guardian Express*, 30 April 2018. Available at: https://www.communitynews.com.au/guardian-express/news/perth-fringe-world-events-company-jumpclimb-fold-owing-artists-200k/. Accessed on 26 July 2018; Hannah Barry, ''It's devastating for our sport': Triathletes left in the lurch', *WA Today*, 3 July 2018. Available at: https://www.watoday.com.au/national/western-australia/triathletes-left-in-the-lurch-after-trievents-wa-company-folds-20180703-p4zp57.html. Accessed on 26 July 2018.
183 Submission No. 6 from Perth Festival, 12 March 2018, p1.
184 Submission No. 44 from City of Cockburn, 26 April 2018, p3.
185 Major Events Coordination Unit, 'Policing major events: charging policy, V1.0', WA Police, January 2018, p7.

Some security measures are not available in WA

Even if crowded places are adequately resourced, in some instances they would still be unable to implement appropriate protective security measures because the identified equipment is not available in WA. Security and crowd management company Secure Events and Assets, for instance, identified the use of civilian detector dogs as a good practice example that WA event managers are unable to readily access.[186] City of South Perth event manager Peter Roaen spoke of the concessions that he was forced to make when planning an event:

> *… when we are talking heavy vehicle management, for instance, [guidelines] will often say, "There are these and these possibilities; you might look at these materials to stop a vehicle", but then I will do my job at my end and I will see that in WA that equipment is not available, so I have to look into alternatives—alternatives that then in the guidelines will be listed as something that is not really effective but might be better than having nothing.*[187]

Although some equipment, such as vehicle security barriers, can be sourced from other Australian jurisdictions, demand can outstrip supply on national holidays such as Australia Day and New Year's Eve, when large events are held across the nation.[188]

The tyranny of distance can compound the issue. In the lead up to Australia Day in 2017, several local governments ordered approximately 300 traffic barriers from eastern states in preparation for their respective celebrations. However, the train transporting the barriers simply did not arrive in time.[189]

Do all stakeholders have the knowledge and skills?

Owners and operators of crowded places must have the appropriate level of knowledge and

> There is very good equipment out there; unfortunately in WA we do not have access to it at the moment. We could, of course, transport it from over east, but the problem is on Australia Day they need it too. That is already happening interstate for other events. I hear that from colleagues who will say, "We have a big thing going on. We'll get some equipment interstate," but on Australia Day everybody needs their own equipment. That is the problem.
>
> - *City of South Perth event manager Peter Roaen*

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186 Submission No. 34 from Secure Events and Assets, 31 March 2018, p6.
187 Mr Peter Roaen, Event Manager, City of South Perth, *Transcript of Evidence*, 21 February 2018, p4.
188 *ibid*., p10.
189 Mr David Fyfe, Infrastructure Planning and Emergency Management Officer, City of South Perth, *Transcript of Evidence*, 21 February 2018, p10.

skills to strengthen the resilience of their sites. Risk assessment, as an example, is a highly complex and often flawed process, according to researchers Anthony Bergin and Donald Williams:

> *… some risk assessments are not well structured in a disciplined manner; the related threat and vulnerability assessments, if conducted, do not address the reality of the protected environment; the likelihood element does not often reflect the variation in exposure dependent on time of day and nature of the event/activity; they do not adequately assess the inherent response factors such as onsite capabilities and limitations of the site; they often deliver wanted rather than realistic risk ratings; and in some cases have unrealistic expectations of the in-house and external response capabilities.*[190]

A poorly conducted risk assessment can result in inappropriate counter-terrorism plans. For instance, it may be used to justify the cancellation of an event because the risk rating is perceived as too high when, in reality, an accurate risk assessment would show the risk is manageable.[191] As Dr Bergin and Mr Williams pointed out, such missteps are costly for owners and operators of crowded places:

> *Cancelling an event can have significant financial and reputational consequences. While these considerations may not be of import to government and emergency services they are critical to the commercial survivability of the owners and operators of the venues/events.*[192]

Implementing protective security measures is similarly complex, which, as the Strategy notes, 'if done incorrectly, can be costly and ineffective.'[193] What is appropriate for one site will not be appropriate for another. According to Senior Risk Advisor Penny Clarke a crowded place's decision to implement particular measures may depend on the type of organisation and its resourcing, legislative obligations, risk level and risk appetite.[194] We are of the opinion that it is therefore vital the owners and operators of crowded places have adequate knowledge and skills at their disposal to make informed decisions about the protection of their sites.

Guidance for the owners and operators of crowded places is not definitive

Although there is a wealth of information available to owners and operators wishing to strengthen their crowded places (see appendix seven), none of this information is

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190 Submission No. 4 from Mr Donald S. Williams and Dr Anthony Bergin, 8 March 2018, p4.
191 *ibid*.
192 *ibid*., pp4, 5.
193 Australia-New Zealand Counter-Terrorism Committee (ANZCTC), *Australia's Strategy for Protecting Crowded Places from Terrorism*, Commonwealth of Australia, Barton, 2017, p13.
194 *Briefing*, 1 May 2018.

definitive. As inquiry participants pointed out, the varied geographic, built and operating environments of crowded places means each site requires different capabilities to prevent or deter a terrorist incident. Under these circumstances, developing 'one set of guidelines at anything other than the highest level is difficult if not impossible.'[195]

The inability to develop more conclusive guidance means there is uncertainty amongst those managing crowded places as to whether they are adequately protecting their sites. Mr Roaen explained the difficulty he experiences:

> *I am dealing with guidelines; I am not really dealing with rules. That makes it difficult at the moment. We are working with a lot of new things that come towards us, which is plenty of guidelines, but they do not really tell us exactly how to do things. … At the moment it is not easy. We are working with guidelines. A lot of these guidelines are not very precise …*[196]

With its release in 2017, the Strategy and supplementary materials joined the already considerable compendium of security guidance available to owners and operators of crowded places (see appendix seven). Many inquiry participants regarded the Strategy as a positive development, providing useful and detailed advice to owners and operators.[197] National Security Policy Director at the Australian National University, Jacinta Carroll, said it was an improvement on the *National guidelines for the*

protection of places of mass gathering from terrorism, which preceded the Strategy.[198] Ms Clarke said it provided operators with tools not previously available to them, and enabled them to assess their own level of security exposure.[199]

Almost everyone we spoke to, however, also recognised the limitations of the Strategy. The Strategy and its materials direct owners and operators to complete the *Crowded places self-assessment tool*, which helps them understand how attractive their location may be for a terrorist attack, and the *Crowded places security audit,* which may identify security gaps that

> The guidelines themselves provide considerations only and are open to interpretation. Not all councils have officers with the required skills and experience to plan and implement the guidelines. Where they do, it is quite a drain on the current workforce.
>
> - *Western Australian Local Government Association*

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195 Submission No. 4 from Mr Donald S. Williams and Dr Anthony Bergin, 8 March 2018, p3.
196 Mr Peter Roaen, Event Manager, City of South Perth, *Transcript of Evidence*, 21 February 2018, p4.
197 Submission No. 44 from City of Cockburn, 26 April 2018; Submission No. 41 from Australian Hotels Association WA, 13 April 2018, p2.
198 *Briefing*, 2 May 2018.
199 *Briefing*, 1 May 2018.

require further action. But these and the remaining Strategy materials provide 'a baseline of knowledge'. In practice, they only enable owners and operators to assess their risk exposure and decide whether they need to employ specialist expertise to implement protective security measures.[200]

Local governments expressed frustration at the lack of specificity in the Strategy's supplementary materials. The City of Cockburn said while the *Hostile vehicle guidelines for crowded places* was 'useful', there was a need for 'additional protocols to determine when the Guidelines should be applied and to what extent.'[201] Mrs Pexton indicated WALGA members considered the guidelines 'so generic … that it does not necessarily guide people down a really clear path'.[202]

The need for more tailored and detailed information became apparent leading up to Anzac Day 2018, when a number of local governments hosting events with road closures were reportedly contacted by WA Police in an effort to compel event organisers to use hostile vehicle barriers and related security measures. City of Cockburn Manager Environmental Health Nick Jones said it was important that local government and WA Police had a shared understanding of how the guidelines were to be implemented:

> *Local Government is always happy to take action to ensure our events are safe and will always be guided by Police but a decision to increase actions and expenditure should be coordinated and understood and implemented consistently across the sector. … Without such standards then we are making up our response actions on the run.*[203]

The Metropolitan Environmental Health Managers Group, which comprises public health managers from all Perth metropolitan councils and Bunbury and Busselton, have resolved to form a working group to liaise with WA Police about some of the perceived gaps in the Strategy guidance. The working group will also consist of WALGA and Department of Health representatives. It hopes to clarify how local government may consistently implement the Strategy through the event approvals process, and to address:

• Expectations of event organisers.

• Expectations of event approvers (most often environmental health officers under the public building regulations and the requirement for risk assessment).

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200 *Briefing*, 1 May 2018.
201 Submission No. 44 from City of Cockburn, 26 April 2018, p1.
202 Mrs Melissa Pexton, Manager Emergency Management, Policy, WALGA, *Transcript of Evidence*, 27 June 2018, p2.
203 Submission No. 44 from City of Cockburn, 26 April 2018, p2.

- Expectations of law enforcement agencies (intelligence, and assistance for planning and implementation of measures at events).

- Training necessary on any proposed protocols and guidelines.[204]

Guidelines are frequently updated

The proliferation of guidance makes it more difficult for owners and operators to ensure they have the most up-to-date information and advice. Of the standards brought to our attention, at least four were being revised or considered for update as at late September 2018 (see appendix seven). A new handbook for crowd management for crowded places was being drafted and a new handbook for physical protective security controls for buildings was being prepared for development by Standards Australia.[205] Other guidelines, such as the Australian Institute for Disaster Resilience's *Safe and healthy crowded places handbook*, were updated in 2018.

The chief legislation for events, the *Health (Miscellaneous Provisions) Act 1911* and *Health (Public Buildings) Regulations 1992,* are also undergoing changes. The Act is being repealed and replaced with the *Public Health Act 2016* and the Department of Health expects the regulations will be replaced by a health events regulation under that Act.[206] Smaller crowded places or local governments, which rarely have an employee with a dedicated security focus, would particularly struggle to remain across this rapidly changing environment.

Some guidelines are out of date

The Department of Health *Guidelines for concerts, events and organised gatherings* was developed to 'provide event organisers and other stakeholders with best practice guidelines with which to ensure events run smoothly.'[207] It focuses on risk management, identifying 'basic standards necessary to satisfy authorities and provide a consistent state-wide approach to events.'[208] Reportedly a unique document in Australian event management, one witness called it 'the bible in terms of running events.'[209]

The guidelines were last updated in 2009, although some subsections have since undergone minor reviews. Terrorism is barely mentioned. As Mr Patrick Quigley, the

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204 Submission No. 51 from WALGA, 25 May 2018, p2; Ms Ricky Burges, Chief Executive Officer, WALGA, Letter, 23 July 2018, pp4–5.

205 Standards Australia, 'Current Projects List as at 30 September 2018', issued 2 October 2018. Available at: www.standards.org.au. Accessed on 4 October 2018.

206 Submission No. 39 from Department of Health, 9 April 2018, p4.

207 *ibid*.

208 Department of Health, *Guidelines for Concerts, Events and Organised Gatherings*, Government of Western Australia, Perth, December 2009, p6.

209 Mr Patrick Quigley, Manager, Community, Culture and Recreation, City of South Perth, *Transcript of Evidence*, 21 February 2018, p8.

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Community, Culture and Recreation Manager at the City of South Perth, said, 'there is only one small reference in this document to terrorism and it is only just a one-liner.' He called for a review 'because this is the document that the community groups go to when they are planning events so it would be great to get some consistent application of dealing with terrorism into that document.'[210]

The Department of Health recognised 'a review for currency' is required, and suggested that this be done in concert with the regulations proposed under the *Public Health Act 2016*.[211] However, the new regulations are not expected to come into force for another three years.[212] It is therefore unlikely that updated guidelines will be released anytime soon.[213]

Australian Standards are not freely available

Standards are regularly incorporated into primary or delegated legislation as a way of guaranteeing minimum levels of public health and safety (see box 4.2). In WA, the *Health (Public Buildings) Regulations 1992* notably refers to *AS/NZS ISO 31000:2009*, and *AS 3745:1995—Emergency control organisation and procedures for buildings* (superseded by *AS3745:2002*) (see appendix seven). Such incorporation means standards become quasi-legislation upon adoption, and a person or company must comply with the standards or risk breaking the law.

The law, as articulated by the Joint Standing Committee on Delegated Legislation of the Legislative Council of the Parliament of WA in its inquiry on access to Australian Standards adopted in delegated legislation, 'must be clear, understandable and accessible':

> *People have a right to know the law that they are obliged to comply with, and Standards take on legislative status once adopted. Access to the law promotes justice and the rule of law. Citizens and businesses should be able to access the law and any barriers to access, including*

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210 Mr Patrick Quigley, Manager, Community, Culture and Recreation, City of South Perth, *Transcript of Evidence*, 21 February 2018, p8.

211 Submission No. 39 from Department of Health, 9 April 2018, p5.

212 Mr John Heslop, Acting Director, Office of the Chief Health Officer, Department of Health, Electronic Mail, 31 August 2018.

213 This extended timeframe is created by the need to review and replace the 22 existing regulations as well as develop new regulations for public health assessment, events and model local laws. The Department of Health advised that all subsidiary legislation is subject to the Better Regulation Unit's regulatory impact assessment process, and the speed of that process is beyond the department's control.

costs and not being aware of the availability of free access, undermines the rule of law.[214]

That Committee concluded access to standards was often costly, due in large part to the sale of Standards Australia's commercial business to SAI Global. In 2003, SAI Global was given the right to distribute standards under a 15-year publication and licensing agreement with an option to renew for a further five years. This, along with the *Copyright Act 1968* (Commonwealth), had the effect of restricting the public availability of standards to instances where an exception in the Act or statutory licence applied or when permitted by SAI Global (generally for payment).

Accessing standards now comes at a cost. As at October 2018, for example, a purchaser was charged around $150.00 for a hard copy of *AS/NZS ISO 31000:2009*.[215] Although standards can be accessed in pdf format through some libraries, these are not accessible after a predetermined expiry date (i.e. seven days).

Box 4.2: What are Australian Standards?

Standards are 'published documents setting out specifications and procedures designed to ensure that products, services and systems are safe, reliable and consistently perform the way they were intended to.' Regarded as a benchmark of acceptable practice, they can be used to protect health and safety through their application.

There are three categories of standards used in Australia:

1. International standards developed by an international accredited standards development organisation, such as the International Organisation for Standardisation (ISO).
2. Regional standards prepared by a specific region, such as the European Union. These standards are sometimes adopted as national standards in Australia.
3. National standards developed by Standards Australia.

Australian Standards are identified by 'AS' or 'AS/NZS' (for joint Australian/New Zealand standards). *AS/NZS ISO 31000-2009*, for example, indicates that the standard was initially developed by the International Organisation for Standardisation and subsequently adopted as a joint Australian/New Zealand standard.

A standard is developed by a technical committee comprised of individuals who are nominated by bodies representing large groups of stakeholders with interests in the relevant subject area. Technical committees continue to support and maintain standards even after they have been approved.

Sources: Standards Australia, *Standardisation guide 003: Standards and other publications*, Standards Australia, 2016, pp3–5, 9–10. Available at: https://www.standards.org.au/getmedia/d9da035d-2fbc-4417-98c1-aa9e85ef625d/SG-003-Standards-and-Other-Publications.pdf.aspx. Accessed on 18 July 2018.

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214 Joint Standing Committee on Delegated Legislation (39th Parliament), *Access to Australian Standards Adopted in Delegated Legislation*, Report No. 84, Parliament of Western Australia, Perth, 2016, p3.

215 SAI Global, 'AS/NZS ISO 31000:2009', 2018. Available at: https://infostore.saiglobal.com/en-au/Standards/AS-NZS-ISO-31000-2009-1378670/. Accessed on 18 July 2018.

Purchasing standards is a considerable impost for event organisers, particularly smaller groups seeking to run local community or charity events. Some local governments have sought to educate organisers on their obligations under the *Health (Public Buildings) Regulations 1992* through pre-event stakeholder meetings, site inspections, and de-brief meetings.[216]

There are national attempts to address this issue. Standards Australia's role is enshrined in a Memorandum of Understanding (MOU) with the Commonwealth Government, which is renewed every five years. With the current MOU set to expire in November 2018, the Council of Australian Governments (COAG) Industry and Skills Council (which is made up of ministers who have portfolio responsibility for industry and skills in their jurisdiction) agreed the new MOU will include further principles to address pricing and distribution. According to the Minister Assisting the Minister for State Development, Jobs and Trade, Alannah MacTiernan, where possible Standards Australia will:

> *… take all reasonable action to ensure fair and equitable access to Australian Standards for all users. It will work towards providing:*
>
> - *Competition in the distribution of standards by supporting multiple channels for distribution.*
>
> - *Innovative digital, mobile and other channels for accessing standards to give users more choice and to better meet community needs.*
>
> - *Flexibility in pricing structures to facilitate economical access for users; and options for partnering with SA [Standards Australia] to facilitate forms of public access to Australian Standards, particularly where referenced in regulation, or where they relate to public interest outcomes, such as health and fire safety.*[217]

All jurisdictions, including WA, agreed to jointly negotiate access for public, non-commercial use of Australian Standards through national and state libraries.[218]

WA Police provides limited protective security advice

Contrary to public perception, law enforcement agencies are not always best placed to provide advice on risk assessment or the appropriate protective security measures.

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216 Submission No. 33A from City of Perth, 29 March 2018, item 4, p508.
217 Hon Alannah MacTiernan, Minister assisting the Minister for State Development, Jobs and Trade, Letter, 13 July 2018, p1.
218 *ibid*., p2.

According to Dr Bergin and Mr Williams, this is because 'law enforcement emphasis is on prevention of crime and arrest of perpetrators rather than provision of a safe, secure and economically viable operating environment.'[219] While law enforcement agencies often possess capabilities and resources that are vital during a terrorist incident, such as bomb disposal, negotiation skills, and armed response, few police officers have formal qualifications or experience relating to security management.[220]

Nevertheless, the existing national counter-terrorism arrangements suggest that protective security advice from state law enforcement agencies will be forthcoming. If owners and operators of crowded places using the *Crowded places self-assessment tool* assess their sites to be at risk of terrorist attacks, they are directed to contact their state or territory police. The law enforcement agency will then, according to the assessment tool, 'discuss your results and may provide further guidance'.[221] Even Commonwealth agency Australian Security Intelligence Organisation (ASIO), which has expertise in the provision of protective security advice, told us 'the provision of specific protective security advice to crowded places is generally considered a matter for state and territory policing agencies.'

Yet WA Police does not provide any assurance role in relation to the security management plans of crowded places. While it may view the security management plans of a crowded place and provide some comment, it will not approve, 'sign off' on, or audit them. Assistant Commissioner Paul Zanetti explained this was partly because it does not wish to transfer the risk to WA Police and partly because 'we are not the experts in the running of major events and those security initiatives.'[222] WA Police Commissioner Chris Dawson said it would not be prudent for WA Police to be seen 'as the final arbiters for whether a security level has been reached', stressing that this was a responsibility shared across the community:

> *I would not want police to be seen as a public authority that is providing consultancy advice to what is in fact private industry. Some of the venues are operated by very large corporations— multimillion-dollar corporations. Incumbency should rest with them if they are operating a commercial enterprise to ensure that they are meeting not only public safety, but their own organisational due diligence because, really, in many of these cases it is a very high dividend commercial operation.*[223]

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219 Submission No. 4 from Mr Donald S. Williams and Dr Anthony Bergin, 8 March 2018, p2.
220 *ibid*., p13.
221 ANZCTC, *Crowded places self-assessment tool*, Commonwealth of Australia, Barton, 2017, p8.
222 Mr Paul Zanetti, Assistant Commissioner, Specialist Support Services, WA Police, *Transcript of Evidence*, 9 May 2018, p4.
223 Mr Chris Dawson, Commissioner of Police, WA Police, *Transcript of Evidence*, 9 May 2018, p17.

Nor does Mr Dawson foresee WA Police undertaking an advisory role in relation to security management, unless Parliament passes legislation to this effect. He noted that the expansion of police responsibilities to include the provision of more systematic protective security advice would require WA Police to recruit additional staff with these skills.[224] This would presumably require either additional resources or the reallocation of existing resources.

In contrast, the Queensland Police Service accepted responsibility for the risk assessments for all venues used for the Gold Coast 2018 Commonwealth Games. Risk assessments were carried out by counter-terrorism security coordinators, who travelled to the UK to receive training for their role. Coordinators then worked with two planners to implement a depth-in-defence model at all venues.[225]

New South Wales Police Force has conducted experiments to assess the resilience of urban environments. For example, cars were driven at high speeds at different types of hostile vehicle barriers.[226] It is likely these tests will inform NSW Police advice to the owners and operators of crowded places, such as local governments. The findings of these tests can then be disseminated through the Strategy to all stakeholders, including WA.

Australian Security Intelligence Organisation (ASIO) T4 recently developed a protective security course, Introduction to Counter-Terrorism, which 'covers a range of security controls generally employed to mitigate against hostile armed offenders'.[227] We believe the intention of the course is to teach attendees the relevant skills to provide protective security advice to owners and operators within their jurisdictions. Open to personnel from Australian Government and law enforcement agencies who provide protective security advice to government and industry as part of their official duties, the course takes 4.5 days to complete. Although WA Police representatives have attended the course,[228] WA Police told us it was unlikely it would provide security advice to the private sector.[229]

Crowded places rarely have the capacity to develop suitable requests for tender, evaluate tenders, or quality assure deliverables

With only high-level guidelines and limited police assistance at their disposal, many crowded places have no option other than contracting private security professionals to

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224 Mr Chris Dawson, Commissioner of Police, WA Police, *Transcript of Evidence*, 9 May 2018, p6.
225 Mr Graham Coleman, Superintendent, Queensland Police Service, *Transcript of Evidence*, 20 June 2018, p9.
226 Rashida Yosufzai, 'After Flinders Street: How police are testing bollards used to prevent vehicle attacks', *SBS News*, 28 December 2017.
227 Submission No. 54, closed submission, 7 September 2018, p4.
228 *ibid*.
229 Mr Craig Donaldson, Commander, Counterterrorism and Emergency Response, WA Police, *Transcript of Evidence,* closed session, 20 August 2018, p11.

ensure they are implementing the most appropriate security measures. With few crowded places possessing the knowledge necessary to assess security consultants and their services, this can be problematic.

Those who seek to procure services from security consultants cannot rely solely on a security licence as an indicator of their competency (see chapter 6). Nor can they turn to other schemes to assist them in identifying qualified security professionals and consultants. Security Professionals Australasia—an industry body—has adopted a peer-review system that recognises and endorses professionals within the security industry, known as the Register of Security Professionals.[230] Security Professionals Australasia is seeking to align the register with similar orientated organisations within the British Commonwealth, but it does not appear that this has yet occurred.[231] The ASIO T4 Protective Security unit manages a security zone consultant scheme on behalf of the Commonwealth inter-departmental Security Construction and Equipment Committee; but the scheme only identifies and endorses consultants who provide certain specialist physical security advice (particularly regarding security alarm systems) to the Commonwealth Government and not crowded places more widely.[232]

The Strategy provides owners and operators of crowded places with a list of attributes that may be used to identify professional security consultants, such as 'education, qualifications, skills and experience', referee reports, membership of professional associations, and authorship of publications.[233] The ASIO T4 Protective Security unit has also developed a security managers' guide to the selection of security consultants for protective security reviews.[234]

Nevertheless, these guidelines rely on the ability of individual procurement officers to assess these factors. Mrs Pexton explained the difficulties that owners and operators can experience when trying to identify a qualified security consultant:

> *The guidelines suggest that if you do not have the necessary skills, please go to a consultant. The guidelines then say to them: "This is how you possibly should choose a consultant; however, not every situation is*

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230 Submission No. 4 from Mr Donald S. Williams and Dr Anthony Bergin, 8 March 2018, pp14–15.

231 Security Professionals Australasia, 'Registry of Security Professionals'. Available at: http://securityprofessionals.org.au/registry-of-security-professionals/. Accessed on 25 September 2018.

232 Security Construction and Equipment Committee, *Security Zone Consultant Scheme Policy and Procedures*, Commonwealth of Australia, Canberra, 2017.

233 ANZCTC, *Australia's Strategy for Protecting Crowded Places from Terrorism*, Commonwealth of Australia, Barton, 2017, p13.

234 Australian Security Intelligence Organisation T4 Protective Security, *Security Managers Guide: Engaging a Security Consultancy Service to Conduct Protective Security Reviews*, Commonwealth of Australia, Canberra, 2017.

> *the same", which feeds them back around to police to say: "Okay, is this one going to be okay?"*[235]

When a procurement process is undertaken, the owners or operators of crowded places—including government agencies—rarely have the capability necessary to prepare requests for tender or evaluate tender documents. One security industry stakeholder believed that owners and operators often do not understand their security requirements or how to assess the quality of proffered security services.[236] Information technology consultant Kevin Bain, who has experience both as a bidder for contracts and as a commissioning quality assurance manager with the Department of Health, explained the impact of these capability gaps within the public sector:

> *… what government does really badly in the procurement space is that they do not actually articulate the requirements very well and then you get all sorts of people coming in and bidding for work. They win the contract and they actually have not got the right experience or technical capability to deliver on the outcome that you are looking for.*[237]

These capability gaps allow less reputable security consultants to employ what Dr Bergin and Mr Williams labelled ''insert clients' name here' type procedures' when developing emergency plans for their clients.[238] This involves consultants providing the same emergency management plan to multiple crowded places, with little consideration of their unique built or operating environments. Given that effective protective security requires an understanding of the specific risks and vulnerabilities facing a location, such practices can leave crowded places unnecessarily exposed and unprotected.

To strengthen the procurement processes undertaken by crowded places, inquiry participants suggested that crowded places might need to contract security subject matter experts to contribute to aspects of the procurement process and to up-skill staff making procurement decisions. Mr Bain, for example, suggested government agencies 'look to industry to pull in that capability to provide it for that period to enable them to get the right outcome'.[239]

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235 Mrs Melissa Pexton, Manager Emergency Management, Policy, WALGA, *Transcript of Evidence*, 27 June 2018, p2.

236 *Briefing*, 1 May 2018.

237 Mr Kevin Bain, Director, RapidKAT Technologies, *Transcript of Evidence*, 27 June 2018, p6.

238 Submission No. 4 from Mr Donald S. Williams and Dr Anthony Bergin, 8 March 2018, p10.

239 *Briefing*, 1 May 2018; Mr Kevin Bain, Director, RapidKAT Technologies, *Transcript of Evidence*, 27 June 2018, p6.

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It appears that a scheme to identify qualified security consultants may assist owners and operators. We welcome comment on the need for such a scheme and preferred models for implementation.

Does WA Police have the resources, training and powers to manage terrorist acts?

How the Commonwealth influences WA Police capability

Resourcing for counter-terrorism activities is, to a certain extent, coordinated at the Commonwealth level. The Australia-New Zealand Counter-Terrorism Committee (ANZCTC) coordinates the nation-wide counter-terrorism capability through its management of the special fund, which supports the training, exercises, policy workshops and meetings of those agencies responsible for the management of terrorism across Australia. The fund is also used to purchase equipment for counter-terrorism efforts (see chapter 2).

The increasing cooperation between state or territory police and Commonwealth agencies through Joint Counter-Terrorism Teams ensures that terrorism investigations are able to access the physical and technological resources of the Commonwealth agencies (see box 4.3). During high-security or high-threat events, equipment can also be accessed or deployed from other jurisdictions to support the police operations. For example, the New South Wales (NSW) Police Force accessed audio surveillance devices from the Australian Federal Police during the Lindt café siege in December 2014.[240]

Box 4.3: Joint Counter-Terrorism Teams—examples of a multi-agency approach

Introduced in 2002, Joint Counter-Terrorism Teams are located in each Australian jurisdiction and bring together Australian Federal Police, Australian Security Intelligence Organisation, state or territory police, and members drawn from other agencies involved in terrorism investigations and prosecutions.

The teams conduct threat-based preventative investigations to minimise threat and risk and/or bring criminal prosecutions for breaches of terrorism legislation.

Sources: Sam Mullins, 'Counter-terrorism in Australia: practitioner perspectives', *Journal of Policing, Intelligence and Counter Terrorism*, vol. 11, no. 1, 2016, pp93–111; Australian Federal Police, 'Counter-Terrorism'. Available at: https://www.afp.gov.au/careers/graduate-program/eligibility-qualifications-and-business-area/counter-terrorism. Accessed on 2 August 2018.

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240 State Coroner of New South Wales, *Inquest into the Deaths Arising from the Lindt Café Siege: Findings and recommendations*, Coroners Court of New South Wales, Glebe, May 2017, pp272–273.

Chapter 4

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Box 4.4: Australian Defence Force assistance to states and territories

The New South Wales (NSW) coronial inquest into the 2014 Lindt Café siege raised questions about the ability of state and territory governments to request Australian Defence Force (ADF) assistance to respond to terrorist incidents. The NSW State Coroner concluded that the ADF could not have been called out to assist the NSW Police response to the Lindt Café siege, because the required legislative threshold was not reached. Under Part IIIAAA of the *Defence Act 1903*, the ADF may be called out to assist a state or territory if the state or territory is 'not, or is unlikely to be, able to protect itself against the domestic violence'.

This situation prompted the Commonwealth Government to commence a review of Defence support to domestic counter-terrorism arrangements in 2016. Arising from the review, the Government announced an increase in Defence support for state and territory response capabilities, including specialised training and placements of officers to aid liaison.

Proposed legislative amendments have also arisen from the Defence review. The *Defence Amendment (Call out of the Australian Defence Force) Bill 2018* (the Bill), introduced on 28 June 2018, seeks to amend Part IIIAAA of the *Defence Act 1903* to lower the threshold for calling out the ADF. Under the proposed amendment, authorising Ministers would consider if ADF presence would 'enhance' the state or territory's ability to protect itself or Commonwealth interests against the domestic violence. The amendments would also:

- Enhance inter-jurisdictional response, such that the ADF could be authorised to act in multiple jurisdictions or respond to incidents that cross jurisdictions.

- Establish contingent call out provisions for the ADF to protect a state or territory in the event of 'specified circumstances'.

- Expand and clarify ADF powers to search, seize, and control movement.

The Bill was referred to the Senate Legal and Constitutional Affairs Committee for consideration in June 2018. It recommended that the Commonwealth Government consider defining the 'specified circumstances' in which the ADF would be called out and recommended that the Bill be passed.

Sources: State Coroner of New South Wales, *Inquest into the Deaths Arising from the Lindt Café Siege: Findings and recommendations*, Coroners Court of New South Wales, Glebe, May 2017, p384. *Defence Act 1903* (Commonwealth), s51B(1). Mr Malcolm Turnbull, (Prime Minister) and Ms Marise Payne, (Minister for Defence), *Defence support to domestic counter-terrorism arrangements*, Media Release, Canberra, 17 July 2017. Available at: https://www.minister.defence.gov.au/minister/marise-payne/media-releases/hon-malcolm-turnbull-prime-minister-senator-hon-marise-payne. Accessed on 29 August 2018; Legal and Constitutional Affairs Legislation Committee, *Defence Amendment (Call Out of the Australian Defence Force) Bill 2018 [Provisions]*, Parliament of Australia, Canberra, September 2018, pp19–20.

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Legislation currently being considered in the Commonwealth Parliament may also increase Australian Defence Force involvement in responses to terrorist incidents (see box 4.4).

Counter-terrorism in WA is directed by the commitment of the Commonwealth and all states and territories to achieve consistent counter-terrorism legislation. Along with all other states, WA passed legislation that referred relevant state powers to the Commonwealth in 2004. This enabled the Commonwealth to 'enact specific, jointly

agreed terrorism legislation' within the *Criminal Code* (Cth).[241] Subsequent counter-terrorism legislation—the *Terrorism (Preventative Detention) Act 2006* and *Terrorism (Extraordinary Powers) 2005*—and later amendments were also driven by agreement within COAG that specific powers were required to address terrorist threats. Because of constitutional constraints, the Commonwealth could not enact these measures.[242]

Nevertheless, jurisdictions are expected to fund their 'policing, emergency management and policy capability'.[243] As we discussed in chapter 2, the special fund is limited and, alone, would not provide the required counter-terrorism capability. The coronial inquest into the Lindt café siege also highlighted some of the issues associated with accessing other law enforcement agencies' equipment.[244] Below, we discuss some of resourcing concerns that inquiry participants brought to our attention.

Removal of protective service officers from some key locations

Protective service officers (PSOs) are unsworn officers of WA Police, tasked with providing protective services to some key locations, such as WA Police headquarters and the Parliament of WA. In March 2018, it was reported WA Police would more than halve its number of PSOs. Of the 40 PSOs then in its employ, only 14 would retain their positions. The remaining 26 officers would 'be moved to other roles or given the opportunity to become full police officers.'[245] WA Police Commissioner Chris Dawson said their redeployment was in response to the current threat environment,[246] although evidence we received suggest fiscal considerations also played a role.[247]

WA Police Union President George Tilbury said the union had advocated for greater protection at police facilities before PSO positions were created. Aware not only that police facilities were the target of terrorist attacks in other states but that they were often the workplaces of unarmed police personnel, the union had sought armed police to perform a greater security role. The union was therefore concerned the reduction of PSOs meant 'certain police facilities are not appropriately protected, and that they do remain a risk as a target, should someone see fit to actually take some action.'[248]

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241 Submission No. 42 from WA Police, 18 April 2018, p2.
242 Dr Geoff Gallop, Premier, WA, Legislative Assembly, *Parliamentary Debates* (Hansard), 1 December 2005, p8121.
243 *Intergovernmental Agreement on Australia's National Counter-Terrorism Arrangements,* Council of Australian Governments, 2017, p6.
244 State Coroner of New South Wales, *Inquest into the Deaths Arising from the Lindt Café Siege: Findings and recommendations*, Coroners Court of New South Wales, Glebe, May 2017, pp272–275.
245 Grant Taylor, 'WA Police Union claims protective service officers victims of cost cutting', *WA Today*, 3 March 2018.
246 *ibid*.
247 Mr Stephen Brown, Deputy Commissioner, WA Police, *Transcript of Evidence*, closed session, 20 August 2018, p12.
248 Mr George Tilbury, President, WA Police Union, *Transcript of Evidence*, 27 June 2018, p7.

It is unclear whether protective security will now be provided by sworn officers at key locations, although it appears unlikely. In answer to a question on notice, the Minister for Police said a minimum of 14 PSOs and two supervisors will be assigned to Parliament House on sitting days. On non-sitting days, protective service officers will patrol Parliament House 'in a random patrol cycle which will include police sites.'[249]

WA Police Union concerns on recruitment of police officers

WA Police Union also expressed concern that the government has 'no real commitment' to increase police numbers beyond the additional 100 that are to be recruited for the Meth Border Force and 25 for regional traffic patrol. To achieve an acceptable police-to-population ratio, Mr Tilbury said WA Police will need to recruit another 515 police officers by 2021–2022.[250]

Resourcing of WA Police as a whole can impact on counter-terrorism efforts. For example, the cost recovery scheme has injected additional resources into WA Police, increasing the consistency and level of police presence at major events. This, in turn, reassures the public and acts as a deterrence to potential threats (see chapter 2).

Police officers will receive tactical body armour

According to the WA Police Union, less than one-fifth of police officers are sufficiently protected when responding to incidents. It referred to 2016 statistics, when the 5,242 police officers who were qualified in critical skills and able to conduct frontline duties only had 1,035 pieces of tactical body armour available to them.

This is, however, being addressed. The government has committed to providing police with stab proof ballistic vests and WA Police has established a working group, which includes WA Police Union, to select the body armour.[251]

WA Police requires additional resourcing for information technology

According to many of those we spoke to, information is vital to the protection of crowded places from terrorism. In many instances, the ability of law enforcement and intelligence agencies to prevent a terrorist incident relies on their access to information.

Nationally, there are efforts to strengthen the sharing of criminal information and intelligence through the development and rollout of the National Criminal Intelligence System (NCIS). The NCIS connects the existing data holdings of law enforcement

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249 Answer to Question on Notice 2792 asked in the Legislative Assembly by Mr Zak Kirkup and answered by Hon Michelle Roberts, Minister for Police, Parliamentary Debates (Hansard), 9 May 2018, p2461.
250 Mr George Tilbury, President, WA Police Union, *Transcript of Evidence*, 27 June 2018, p1.
251 *ibid*., p2.

agencies across Australia, enabling 'deconfliction between law enforcement agencies' by reducing the potential for state and Commonwealth agencies to 'double up' investigations.[252] Once fully operational, the NCIS will replace the existing Australian Criminal Intelligence Database (ACID), which is over 30 years old.

Mr Dawson, who headed the Australian Criminal Intelligence Commission during the NCIS pilot program, regards the NCIS as 'very important new technology.'[253] He suggested such a system might have assisted law enforcement agencies to prevent or respond more effectively to the Lindt café siege:

> *In Man Monis's situation... He was well known to both commonwealth, to ASIO, to Australian federal police and certainly to New South Wales police. You may know that he was on criminal charges as well. The challenge is, with the volume of information that comes through in terabytes, we need to have the best possible technology. I would openly say to you, if there is an investment to be made, it is better federated technology. I think the legal and the cultural barriers are not as great as they used to be, but we can certainly do with a better resourced technological framework in which we can actually share that intelligence.[254]*

Mr Dawson stressed WA must increase its capability in terms of information technology and systems to keep pace with the national developments and integrate with the NCIS:

> *… this is absolutely critically necessary. Getting and securing funding for computer systems are notoriously not as sexy as other tactical equipment, if I can be blunt about that. [But] that is what I would see as the absolute priority in order to be able to actually arm my officers with the best possible intelligence.[255]*

Staff retention in computer crime services is a challenge

WA Police struggles to retain those people Mr Dawson called its 'millennial keyboard warriors.' Highly skilled staff, who have undergone specialist training and obtained security clearances through WA Police at a cost of several hundred thousand dollars, are often recruited by commercial operations able to offer significantly higher salaries than the public sector. Although Mr Dawson said many of the employees within the

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252 Australian Criminal Intelligence Commission, 'Criminal Intelligence Systems and Databases'. Available at: https://www.acic.gov.au/criminal-intelligence-systems-and-databases. Accessed on 10 August 2018.

253 Mr Chris Dawson, Commissioner of Police, WA Police, *Transcript of Evidence*, closed session, 9 May 2018, p2.

254 Mr Chris Dawson, Commissioner of Police, WA Police, *Briefing*, 8 November 2017, p4.

255 Mr Chris Dawson, Commissioner of Police, WA Police, *Transcript of Evidence*, closed session, 9 May 2018, p4.

WA Police computer crime unit are 'vocationally driven' and motivated by their ability to 'make the community a safer place', he was also realistic about the high turnover rate:

> *I had no way of mitigating that, because they do not just work for me, but they do want to pay their mortgages and send their kids to school, so people will vote with their feet.*[256]

This issue is not limited to WA Police, but seems to be shared by law enforcement agencies internationally.

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We would welcome comment on how WA Police could become a preferred employer for specialist computer crime staff to aid in the development and retention of these critical skills.

Some emergency powers are unable to be exercised when it is unclear if an incident is terror-related

Under the *Emergency Management Act 2005,* police officers are only able to exercise additional powers (including those relating to movement and evacuation) or employ the emergency alert system once it has been established that an incident is terror-related. When the hazard is unclear—for example, when an incident is a suspected terrorist act but there is inadequate evidence to establish motive—police are unable to use these powers. Given it is often difficult to determine conclusively whether an act is terrorism (or, similarly, an act that is not terrorism but that may pose a similar threat to the community), WA Police Assistant Commissioner Paul Zanetti regarded amending the Act and associated regulations as a 'high priority':

> *It could be a mass casualty, it could be an active shooter, it could be a bomb threat somewhere or it could be some other kind of threat that is not terrorism and you do not even suspect it is terrorism—maybe years later you might find that it was or you might still be arguing about it. For those cases, we need a lot more clarity and a lot more ability to enforce cordons and use certain powers.*[257]

Proposed amendments addressing this issue were passed by the Legislative Assembly in 2016, but lapsed when the Parliament of WA was prorogued in preparation for the 2017 state election. These amendments would have expanded the definition of 'hazard' to include 'a terrorist act or an action, or threat of action, that is reasonably

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256 Mr Chris Dawson, Commissioner of Police, WA Police, *Briefing*, 8 November 2017, p13.
257 Mr Paul Zanetti, Assistant Commissioner, WA Police, *Transcript of Evidence*, closed session, 9 May 2018, p5.

suspected to be a terrorist act'.[258] We understand efforts are underway to reintroduce the bill to Parliament.[259]

> **Committee request for further comment 18**
>
> We would welcome information from the Minister for Emergency Services about when the Emergency Management Amendment Bill will be introduced to Parliament.

WA legislation must be amended to address emerging technology

In a submission to the Commonwealth Joint Committee on Law Enforcement, WA Police explained that drones posed a public safety threat as they could be used to support criminal activity, including terrorism. While the threat presented by drones could be somewhat addressed by enabling police to 'assume control of drones or prevent their operation under specified public safety and police operation circumstances', the submission explained that existing legislation prevents police from interfering with a drone in flight.

Similarly, there are legislative impediments on police use of drones for incident response and other purposes. Law enforcement agencies are currently required to submit individual proposals for exemptions from controls imposed by Civil Aviation Safety Authority legislation. WA Police proposed legislation reform that would create 'a standard set of exemptions for all police [and] would bring uniformity across all agencies, reduce administration, and simplify the creation of a standardised, interoperable air safety framework.'[260] Although much of this reform requires changes to federal legislation, Assistant Commissioner Paul Zanetti indicated the WA legislative regime might also require amendment to address the use of drones in suspected terrorist incidents.[261]

The difficulty of assessing WA Police preparedness

A civilian body such as the Community Development and Justice Standing Committee encounters a number of challenges when seeking to assess the preparedness of police for a terrorist attack on a crowded place. While WA Police said its capability and capacity to respond to a terrorist act is, based on the threat environment in WA, on par with the eastern states of Australia, we largely could not verify these claims.[262]

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258 *Emergency Management Act 2005*, Incorporating the amendments proposed by the *Emergency Management Amendment Bill 2016* (Bill No. 174-1).

259 Mr Malcolm Cronstedt, Executive Officer, SEMC, *Transcript of Evidence*, 16 May 2018, p11.

260 Submission No. 31 from WA Police to the inquiry on the impact of new and emerging information and communications technology on Australian law enforcement agencies, Joint Committee on Law Enforcement, 21 March 2018, p3.

261 Mr Paul Zanetti, Assistant Commissioner, WA Police, *Transcript of Evidence*, closed session, 9 May 2018, p4.

262 Mr Craig Donaldson, Commander, Counterterrorism and Emergency Response, WA Police, *Transcript of Evidence*, closed session, 20 August 2018, p7.

> **Box 4.5: Fixated threat assessment—a national example of interoperability**
>
> In recent years, there has been growing recognition of the relationship between mental ill-health and radicalisation and politically motivated violence. Individuals who fixate on public figures or a related cause may later present as lone-actor terrorists.
>
> In 2013, Queensland established Australia's first fixated threat assessment centre. Based on a comparable model in the United Kingdom, the Queensland Fixated Threat Assessment Centre (QFTAC) brings together police and forensic mental health clinicians who assess individuals brought to their attention and, where necessary, link them to mental health or other relevant services. Cases assessed as moderate or high concern are reviewed weekly by the QFTAC. Only when they are considered a low-level concern are the cases closed to ongoing review.
>
> As a result of the Lindt café siege and subsequent coroner's inquest, the New South Wales Police Force and NSW Health established a similar body, the Fixated Persons Investigations Unit, in 2017. Victoria followed suit in early 2018, with the creation of the Fixated Threat Assessment Centre.
>
> Evaluating the effectiveness of these bodies is difficult. It is impossible to say with any degree of certainty that those individuals identified by a fixated threat assessment unit would have gone on to commit a terrorist act, had they not been diverted to the appropriate services. In contrast to the conclusion of the NSW coroner in the Lindt café siege inquest, a highly qualified inquiry participant cast doubt on whether Man Monis would have even come to the attention of the NSW Fixated Persons Investigations Unit had it been established at the time.
>
> Further, the bodies are resource-intensive. In its first two weeks of operation, for example, the Victorian centre received 33 referrals about possible fixated persons. To deal with the demand, it has been resourced with $12 million over four years. The health portfolio has been provided with an extra $30 million for the treatment of identified individuals. Even when additional resourcing is forthcoming, it is questionable whether police can adequately monitor the activities of all identified individuals due to their number and unpredictable behaviour.
>
> However, such bodies can provide a holistic assessment of individuals who, when evaluated in silos, may neither present as mentally ill to clinicians nor perpetrate crimes that law enforcement agencies deem to be a precursor to terrorism. Fixated threat assessment centres increase the likelihood of self-radicalised or fixated persons coming to the attention of law enforcement agencies before their behaviour escalates to terrorism.
>
> The model also supports the sharing of information between government agencies, which—as we have emphasised—is central to effective counter-terrorism preparedness.
>
> Sources: State Coroner of New South Wales, *Inquest into the Deaths Arising from the Lindt Café Siege: Findings and recommendations*, Coroners Court of New South Wales, Glebe, May 2017, pp409–416; *Briefing*, 2 May 2018; *Briefing*, 30 April 2018.

Our inability to access some documentation has meant our understanding of WA Police preparedness for a terrorist attack on a crowded place has been necessarily curtailed. We trust assurances from WA Police that it wants the Community Development and Justice Standing Committee to be as informed as possible about counter-terrorism activities. But it denied some of our requests for access to reports or schedules relating

to counter-terrorism exercises, citing ownership by the ANZCTC and document sensitivity.[263]

As far as we know, the powers under counter-terrorism legislation have never been employed in WA and it is therefore difficult to assess their efficacy. While the *Terrorism (Preventative Detention) Act 2006* and the *Terrorism (Extraordinary Powers) Act 2005* are reviewed every three years, any resulting recommendations for amendment are based on counter-terrorism exercises that may highlight the effectiveness of the legislation. Reviews of similar legislation conducted in other Australian jurisdictions also contribute to recommended amendments to the WA legislation.[264]

Even then, however, counter-terrorism preparedness and criminal law may not be truly tested until a terrorist incident or suspected terrorist incident occurs. Not until the Lindt café siege and subsequent inquest into the deaths that occurred, for example, was it recognised that police officers tended to take a cautious approach to interpreting their powers to use lethal force in a terrorist siege. While noting this might be due to the interpretation of the legal framework and police training rather than actual legal constraints, the NSW Coroner nevertheless recommended that NSW counter-terrorism legislation be amended to 'ensure that police officers have sufficient legal protection to respond to terrorist incidents in a manner most likely to minimise the risk to members of the public.'[265]

This resulted in agreement by COAG to introduce a package of counter-terrorism law reform, including legislation that provided 'a more clearly defined authority for police to use lethal force.'[266] Amendments to the *Terrorism (Extraordinary Powers) Act 2005* thereafter provided police officers responding to a terrorist act or suspected terrorist act in WA with greater legal protections if they had to use lethal force to defend people and either prevent or end a hostage situation.

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263 Mr Stephen Brown, Deputy Commissioner, WA Police, *Transcript of Evidence*, closed session, 20 August 2018, p2; Mr Chris Dawson, Commissioner of Police, WA Police, Letter, 20 June 2018, pp1, 2.

264 WA Police, 'Report to the Minister: Review of the *Terrorism (Preventative Detention) Act 2006*', December 2016, p3; WA Police, 'Quarterly Report: 30 September 2017: *Terrorism (Preventative Detention) Act 2006*, section 54(2)', tabled paper no. 999, 29 November 2017; Hon Michelle Roberts, Minister for Police, WA, Legislative Assembly, *Parliamentary Debates* (Hansard), 15 March 2018, p850.

265 State Coroner of New South Wales, *Inquest into the Deaths Arising from the Lindt Café Siege: Findings and recommendations*, Coroners Court of New South Wales, Glebe, May 2017, pp323–324.

266 Hon Mark McGowan (Premier) and Hon Michelle Roberts (Minister for Police), *Lethal force laws introduced into State Parliament*, Media Statement, Government of Western Australia, WA, 15 March 2018.

Box 4.6: Evaluation of WA Police counter-terrorism exercises

One way in which WA Police evaluates its counter-terrorism preparedness is by drawing on the ANZCTC framework to conduct exercises of their capabilities.

Evaluators from other jurisdictions, who are subject matter experts in their respective fields, visit WA for each exercise and assess how well WA Police responds to the identified threat. Depending on the type of exercise being conducted and the capabilities being tested, evaluators may consider a range of capabilities including police command, forensics and investigations.

Following the exercise, the evaluators produce a report that considers the WA Police response in light of its protocols and available resources, the legislative parameters in WA, and the type of threat the exercise aimed to address.

According to WA Police, the ever-changing threat environment means there are no definitive standards against which police capabilities can be measured during these exercises:

> *There is no putting your finger on it to say green tick or red cross. It is always somewhere in between, because it continually changes, not only in technology, but … the mindset around how do you address a wicked problem and how do you prepare your resources and prepare a plan to exploit a wicked problem which we have not even considered but there is such a risk to the community that we have to make critical decisions.*

The report may be viewed by the ANZCTC Operational Response Capability Subcommittee or the Investigations Support Capability Subcommittee, before going before the Capability Steering Group and, ultimately, the ANZCTC (see figure 2.4).

WA Police said learnings arising from such exercises support national consistency in counter-terrorism activities. ANZCTC members from other jurisdictions compare their activities and capabilities to those being evaluated as part of the exercise, and often implement any good practices that were identified.

Source: Mr Craig Donaldson, Commander, Counterterrorism and Emergency Response, WA Police, *Transcript of Evidence*, closed session, 20 August 2018, pp3–4, 6.

Assessing the adequacy of police capability in relation to counter-terrorism also requires an understanding of the standards against which it can be measured. WA Police, for example, has developed critical skills 3 (Counter Terrorism Awareness and Active Shooter Introduction) training to comply with a training mandate issued by the ANZCTC (see appendix eight). Evaluating whether it provides frontline officers with the skills necessary to effectively deal with an active shooter would require an understanding of the operational safety and tactics training; WA Police policies, procedures, and guidelines; the ANZCTC training mandate; WA Police active shooter training; ANZCTC active shooter guidelines; and Australia New Zealand Policing Advisory Agency education and training guidelines for an active armed offender.[267]

There are very few bodies in Australia with the knowledge, legislative mandate, or expertise necessary to evaluate the preparedness of police for a terrorist act. In WA,

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267 Mr Chris Dawson, Commissioner of Police, WA Police, Letter, 20 June 2018, p3.

the State Emergency Management Committee has limited access to relevant documents and largely relies on assurances from WA Police and the Department of the Premier and Cabinet 'that things are in place.'[268] The WA Police Union, which may advocate for a particular training regime if it is considered to benefit or improve the safety of its members, also indicated that it was 'not fully au fait with that entire environment'.[269]

In Victoria, the Inspector-General for Emergency Management reviews, evaluates, and assesses emergency management arrangements, including the sector's performance, capacity and capability. Despite Victoria's 'all-hazards' approach to emergency management, current inspector-general Tony Pearce told us he did not have a legislated mandate to review counter-terrorism arrangements. Should a terrorist attack occur in Victoria, he may be asked to conduct a review but this would be 'the consequence management review of the multiagency response to the consequences of the event, rather than reviewing the preparatory or planning arrangements from a counterterrorism perspective.'[270]

We note that even the Parliamentary Joint Committee on Intelligence and Security (PJCIS), which was established (at least partly) to scrutinise the Australian intelligence community (AIC) and to operate in the public interest, is restricted to reviewing AIC administration and expenditure of non-operational matters.[271] Particular attention is paid to AIC policies, governance and expenditure. The PJCIS can monitor and review the performance by the Australian Federal Police in relation to its counter-terrorism functions (under Part 5.3 of the Criminal Code).[272]

Former NSW Coroner Michael Barnes suggested that a national oversight body would be best-placed to oversee the efficiency and effectiveness of police capability. 'None of the states,' he said, 'is likely to have sufficient expertise or independence to best discharge the role and a national body would better serve interoperability.'[273]

Committee request for further comment 19

We welcome feedback on possible further oversight arrangements that would both reflect the interjurisdictional nature of counter-terrorism preparedness and respect state sovereignty, particularly as it relates to state-based agencies such as WA Police.

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268 Mr Malcolm Cronstedt, Executive Officer, SEMC, *Transcript of Evidence*, 16 May 2018, p7.
269 Mr George Tilbury, President, WA Police Union, *Transcript of Evidence*, 27 June 2018, p5.
270 Mr Tony Pearce, Inspector-General for Emergency Management, Victoria, *Transcript of Evidence*, 13 June 2018, p5.
271 Kate Grayson, 'Intelligence committee: 'powerful', or toothless tiger', *The Strategist*, 11 July 2018. Available at: https://www.aspistrategist.org.au/intelligence-committee-powerful-or-toothless-tiger/. Accessed on 9 August 2018.
272 *Criminal Code Act 1995* (Commonwealth).
273 Mr Michael Barnes, Former NSW Coroner, Electronic Mail, 11 May 2018, p1.

Chapter 5

Are there sufficient compliance mechanisms for the protection of crowded places?

Owners and operators of crowded places have access to multiple sources of guidance and guidelines for protective security measures. However, there are very few prescriptive standards, or legislative requirements, related to the protection of crowded places from terrorist acts. This chapter sets out the nature of standards in this area, describes legislated responsibilities, and outlines the limited mechanisms for monitoring and enforcing compliance.

The Strategy does not prescribe specific protective security standards

Australia's strategy for protecting crowded places from terrorism (the Strategy) delegates primary responsibility for protective security to owners and operators, but does not specify compulsory protective security measures or specific standards for mitigations.[274] The Australia-New Zealand Counter-Terrorism Committee (ANZCTC) provides resources to assist owners and operators to consider protective security measures, but these are guidelines, not prescribed or legislated standards (see chapter 4).

Instead, the Strategy sets a process-based standard of preparation, such that owners and operators are required to assess risk, implement protective security measures to mitigate risk, and monitor and review the effectiveness of mitigations.[275] The risk management process, adapted from Australian

Figure 5.1: Risk management process
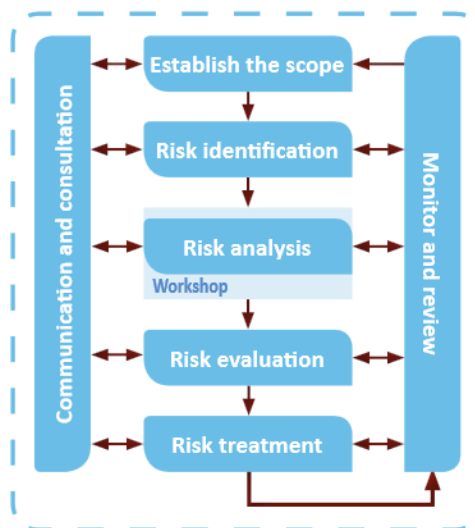
Source: State Emergency Management Committee, *Western Australian Emergency Risk Management Guide*, Government of Western Australia, Perth, 2015, p12.

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274 Australia-New Zealand Counter-Terrorism Committee (ANZCTC), *Australia's Strategy for Protecting Crowded Places from Terrorism*, Commonwealth of Australia, Barton, 2017, p6.
275 *ibid*.

standard *AS/NZS ISO 31000:2009—Risk management—principles and guidelines,* is illustrated in figure 5.1.

A process standard may be preferable to a prescriptive standard in this area for two reasons. First, terrorism threat can change rapidly, leading to changes in the required response.[276] A prescriptive standard may then have to change to keep pace with the changing environment. Second, the minimum standard for protective security measures is not clear.[277] As highlighted in the Strategy, protective security measures should be proportionate to threat, but threat varies for each crowded place.[278] Requiring compliance with a certain standard of protection may force smaller businesses, with lower terrorism risk, to implement expensive, unnecessary measures.

Committee request for further comment 20

The lack of a prescribed standard for protective security measures may make it harder for owners and operators to understand their protective security responsibilities. We welcome comment on whether a minimum standard of protection is desirable, and if so, what form this should take.

The Strategy does not establish a compliance mechanism

While the Strategy assigns responsibilities to owners and operators, it does not specify mechanisms to hold owners and operators to account for their responsibilities. Specifically, there are no mechanisms to monitor or enforce compliance with the responsibility to conduct a risk assessment, implement risk mitigations, and monitor and review the effectiveness of mitigations. Assistant Commissioner Paul Zanetti, Western Australia Police Force (WA Police), stated that whether the Strategy should include a compliance requirement had been discussed and was 'deliberately' avoided.[279]

Instead of relying on compliance mechanisms, the Strategy relies on the self-motivation of owners and operators to protect their site. It is largely assumed to be in the self-interest of owners and operators to protect their reputation and assets.[280]

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276 Mr Craig Donaldson, Commander, Counterterrorism and Emergency Response, Western Australia Police Force (WA Police), *Transcript of Evidence*, 9 May 2018, p6.

277 Mr Paul Zanetti, Assistant Commissioner, Specialist and Support Services, WA Police, *Transcript of Evidence*, 9 May 2018, p6.

278 ANZCTC, *Australia's Strategy for Protecting Crowded Places from Terrorism*, Commonwealth of Australia, Barton, 2017, p14.

279 Mr Paul Zanetti, Assistant Commissioner, Specialist and Support Services, WA Police, *Transcript of Evidence*, 9 May 2018, p5.

280 ANZCTC, *Australia's Strategy for Protecting Crowded Places from Terrorism*, Commonwealth of Australia, Barton, 2017, p4.

Committee request for further comment 21

Without a mechanism to monitor whether owners and operators are fulfilling their responsibilities, it is difficult to assure that crowded places in Western Australia (WA) are protected against terrorist acts. We welcome comment on whether a mechanism to monitor or enforce compliance is desirable.

Existing legislative requirements have limitations and are not adequately applied to terrorism risk

We have received evidence about two legislative requirements that relate to the protection of crowded places from terrorist acts: local government approval processes for events and local emergency management arrangements (LEMA)(see chapter 2). These requirements were not designed specifically for terrorism preparedness, but relate to emergency management more broadly. Issues with these processes are outlined in the sections below.

Committee request for further comment 22

In addition to local emergency management arrangements and local government approval processes, there may be further legislative requirements that are relevant to the preparedness and protection of crowded places from terrorist acts. We welcome information about any additional legislative requirements for risk assessment and risk management processes or protective security measures.

There is a risk that event approvals will not be rigorously enforced by local government

The event approvals process is a significant administrative task for local governments. As an example, the City of Perth requests a range of plans from event organisers, including risk management, evacuation, traffic and hostile vehicle mitigation, disability access, waste management, crowd management, and event management plans.[281] Other documents may also be required, such as structural certificates, design compliance, letters of notification, and indemnity insurance.[282]

The process places pressure on local government staff involved in the event approvals process. In the City of Perth, this involves multiple teams, including Development Approvals, Environmental Health, Parks, Waste and Cleaning, and Transport and Parking.[283] The volume of applications and late submissions from event organisers can result in local government approval officers rushing approvals.[284]

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281 Submission No. 33A from City of Perth, 29 March 2018, item 4, p507.
282 *ibid*.
283 *ibid*.
284 *ibid*., item 4, p509.

Chapter 5

Some local governments may not consider terrorism risk management in event approval processes

Risk management plans for events may consider a range of terrorism risks, such as improvised explosive devices, active armed offenders, hostile vehicles, chemical attack, and insider threat. However, there is no specific requirement for event organisers or local government to consider terrorism risk in the event approvals process. Melissa Pexton, Manager Emergency Management (Policy), Western Australian Local Government Association (WALGA), highlighted that the local government sector has not traditionally considered terrorism risk, stating that:

> *… risk management specifically relating to the crowded places strategy and those terrorist incidents… is quite a new space for local governments.*[285]

As such, many local governments may not review event risk management plans for their adequate identification and treatment of terrorism risk. We know of one local government, for example, which does not require event organisers to consider terrorism risk as part of event risk management plans.[286]

The nature of the subsidiary legislation regulating the event approvals process may not necessarily guide some local governments to consider terrorism in their review of risk management plans. The *Health (Public Buildings) Regulations 1992,* which was introduced before the attractiveness of crowded places as targets for terrorist acts was widely recognised, focuses on general public health and safety. Terrorism prevention and risk mitigation does not always fit comfortably within this regime. The regulations address matters such as event or venue accessibility and lighting; while these can contribute to counter-terrorism planning, it is not their focus.

Local government members of WALGA can obtain external support for risk management from the Local Government Insurance Scheme (LGIS).[287] Under the Event Risk Management Program, LGIS can review event risk management plans for compliance with Australian Standards (*AS/NZS ISO 31000:2009*).[288] While this review assures compliance with the structured process of risk management, it does not ensure that event risk management plans adequately identify or mitigate terrorism risk.[289]

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285 Mrs Melissa Pexton, Manager Emergency Management, Policy, Western Australian Local Government Association (WALGA), *Transcript of Evidence*, 27 June 2018, p1.
286 Closed correspondence, 10 May 2018.
287 Ms Ricky Burges, Chief Executive Officer, WALGA, Letter, 23 July 2018, p2.
288 *ibid*.
289 *ibid*.

> **Committee request for further comment 23**
>
> We welcome comment on whether event organisers should be required to consider terrorism risk as part of the event approvals process, and whether the *Health (Public Buildings) Regulations 1992* would require amendment for this to occur.
>
> We are also interested in receiving comment on whether, given the rapidly changing security environment, terrorism mitigations are best enforced through the existing event approvals process or whether a new regime is required.

Local emergency management arrangements may not adequately prepare for terrorism risk

There is no requirement for local governments to consider terrorism risk specifically in the development of LEMA (which identify local emergency risks, define roles and responsibilities, and outline strategies and policies for local emergency management). LEMA must consider 'emergencies that are likely to occur', and if local governments deem terrorist risk to be low, they may not consider preparations for this risk.[290] In addition, Mrs Pexton highlighted that LEMA may not adequately respond to current terrorist risk, given they are only updated every five years:

> *Under the legislation, a local government only has to have an up-to-date LEMA within that five-year period. WALGA has been advocating, in line with the finance and audit regulations through the Local Government Act, that a two-year process would be quite a good time frame… Five years is a long time, if you think about the number of incidents we have had in a five-year period and the impact on practice, processes and procedures that could possibly have been brought forward and embedded in some more continuous improvement processes.*[291]

Further, local governments' shared responsibility for terrorism risk is a new paradigm (see chapter 3).[292] These factors raise the risk that local governments may overlook terrorism preparedness in the development of LEMA.

It is unclear whether event approval processes should enforce elements of the ANZCTC guidelines

The extent to which local government event approval processes should adapt to 'enforce' the ANZCTC guidelines is not clear. At least one local government is seeking direction as to whether they should require event organisers to follow the ANZCTC

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290 SEMC, *State Emergency Management Preparedness Procedures*, Government of Western Australia, Perth, 2018, p35.

291 Mrs Melissa Pexton, Manager Emergency Management, Policy, WALGA, *Transcript of Evidence*, 27 June 2018, p5.

292 *ibid*., p1.

guidelines, particularly for hostile vehicle mitigation.[293] In contrast, the City of Albany Manager of Governance and Risk believed local governments do not have a 'compliance function' in relation to whether stakeholders are fulfilling their obligations for the protection of crowded places from terrorist acts.[294]

The challenge is compounded by the fact that the ANZCTC documents are guidelines, not prescribed standards. If local governments do need to assess event risk mitigations against the ANZCTC guidelines, there is no specific standard against which to measure compliance. One local government has asked for 'additional protocols to determine when the Guidelines should be applied and to what extent'.[295] Mrs Pexton agrees that local governments need 'targeted resources' to assist with this process.[296]

Mr Nick Jones, Manager Environmental Health, City of Cockburn, highlighted the importance of coordinated and consistent standards across the local government sector.[297] The Metropolitan Environmental Health Managers Group, WALGA and the Department of Health have agreed to form a working group that will 'clarify and document' the expectations of all parties, including local government event approvers, event organisers, and WA Police.[298] As this process is in its early stages, it is likely that this working group will take some time to implement (see chapter 4).[299]

Local governments have a limited role for some events

Local governments have less involvement with events held on private land, where they cannot 'enforce meaningful constraints'.[300] In addition, events held on land managed by the Metropolitan Redevelopment Authority, such as Elizabeth Quay or Yagan Square, have less local government involvement.[301]

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293 Submission No. 44 from City of Cockburn, 26 April 2018, p2.

294 Submission No. 2 from City of Albany, 21 February 2018, p1.

295 Submission No. 44 from City of Cockburn, 26 April 2018, p1.

296 Mrs Melissa Pexton, Manager Emergency Management, Policy, WALGA, *Transcript of Evidence*, 27 June 2018, p3.

297 Submission No. 44 from City of Cockburn, 26 April 2018, p2.

298 Submission No. 51 from WALGA, 25 May 2018, p2.

299 Mrs Melissa Pexton, Manager, Emergency Management, Policy, WALGA, *Transcript of Evidence*, 27 June 2018, p7.

300 Ms Rebecca Moore, Director, Commercial and Community Services, City of Perth, *Transcript of Evidence*, 14 February 2018, p5; Submission No. 33A from City of Perth, 29 March 2018, item 4, p509.

301 Ms Rebecca Moore, Director, Commercial and Community Services, City of Perth, *Transcript of Evidence*, 14 February 2018, p5.

There are limited monitoring or compulsion mechanisms within event approval processes or local emergency management arrangements

There is limited oversight of event approval processes

Local government event approval processes are not subject to specific external oversight. Amendments to the *Local Government Act 1995* in 2017, however, enabled the Auditor General to conduct performance audits of local governments.[302] The Auditor General may now investigate a local government's 'compliance with legislative provisions' or 'internal policies'.[303] As such, the Auditor General is now empowered to conduct a performance audit covering local government event approval processes.

WA Police has limited capacity to influence protective security measures

WA Police are not empowered to enforce the implementation of protective security measures. WA Police have 'visibility' over the plans of some high-risk venues in WA, but WA Police are careful not to 'transfer the risk' to themselves by 'putting a stamp' on these plans.[304]

WA Police cannot compel owners and operators of crowded places to engage with the crowded places forum.[305] Instead, the success of the quarterly forums relies on voluntary attendance. Some 130 people attended the crowded places forum in February 2018, indicating that many owners and operators are voluntarily engaged.[306] However, WA Police was not forthcoming about whether it maintained a list of high priority crowded places, nor monitored the attendance of high priority owners and operators at the crowded places forum. It is therefore unclear if the voluntary forum is gaining sufficient reach.

WA Police, however, is not without means to influence. Mr Jones indicated that WA Police compel event organisers to implement hostile vehicle mitigations in return for approving traffic management plans and event road closures. However, as this mechanism is ad hoc and informal, local governments are unclear about their obligations.[307]

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302 *Local Government Amendment (Auditing) Act 2017* (Western Australia), s18.
303 *Auditor General Act 2006* (Western Australia), s18(2); *Local Government Act 1995* (Western Australia), s7.12AJ(1).
304 Mr Paul Zanetti, Assistant Commissioner, Specialist and Support Services, WA Police, *Transcript of Evidence*, 9 May 2018, p4.
305 Mr Craig Donaldson, Commander, Counterterrorism and Emergency Response, WA Police, *Transcript of Evidence*, 9 May 2018, p3.
306 Submission No. 42 from WA Police, 18 April 2018, p6.
307 Submission No. 44 from City of Cockburn, 26 April 2018, p2.

Further clarity and coordination would be welcomed by stakeholders given the role WA Police play within the Strategy and the expectation that it would be the lead agency for implementing the Strategy in WA (see chapter 4).

The State Emergency Management Committee cannot compel local governments to comply with local emergency management responsibilities

Although the completion of LEMA has been described as 'imperative', the SEMC has no means to penalise non-compliance if local governments fail to develop or renew LEMA.[308] At a SEMC meeting in March 2016, concern was raised about the enforcement of local government statutory responsibilities to prepare LEMA.[309] SEMC Executive Officer Malcolm Cronstedt described the 'escalation process' undertaken by the SEMC if a local government will not prepare a LEMA:

> *The first step is we get our local staff to go and talk to them. If that does not work, I can contact them and say, "Listen, what's going on?" and then we escalate it to the chair and ultimately to the minister. The Emergency Management Act does not give us any punitive powers, but certainly through those mechanisms and publishing the results in our preparedness report and in our annual report encourages people not to be marked in red.*[310]

Mr Cronstedt further said local governments that refused to take emergency management seriously due to 'belligerence' may not be eligible for grants administered by the Office of Emergency Management, such as Natural Disaster Resilience Program grants.[311]

LEMA must be reviewed every five years.[312] According to the SEMC, 17 out of 123 LEMA were not current as at July 2018, although all of these outdated LEMA were in the process of renewal.[313]

There is limited monitoring of local government preparedness

While there are some processes that monitor emergency management arrangements, the counter-terrorism preparedness of local governments is not directly assessed. The most direct monitoring of compliance is performed by OEM district emergency management advisors, who review LEMA for compliance with the state emergency management policy, plan, procedures and guidelines, and section 41(2) of the

308 Dr Ron Edwards, Chair, SEMC, Letter, 8 June 2018, closed attachment 20, p7.
309 *ibid.*, closed attachment 9, p6.
310 Mr Malcolm Cronstedt, Executive Officer, SEMC, *Transcript of Evidence*, 16 May 2018, p5.
311 *ibid*.
312 SEMC, *State Emergency Management Procedure*, Government of Western Australia, Perth, 2018, p37.
313 Mr Malcolm Cronstedt, Executive Officer, SEMC, Electronic Mail, 13 July 2018, attachment 2.

Emergency Management Act 2005.[314] This review is performed before LEMA are noted by the SEMC.

The SEMC monitors local government emergency management preparedness more broadly via an annual state emergency preparedness report. First published in 2012, the annual preparedness report assesses WA's capacity to prevent, mitigate, respond to, and recover from emergencies. Preparedness is assessed against the WA emergency management capability framework (see figure 5.2).[315] The 2017 SEMC emergency preparedness report captured information from 127 local governments using self-report survey.[316] However, the preparedness reports have been criticised for failing to provide a meaningful assessment of preparedness, due to the absence of key performance indicators and use of self-report data collection.[317]

To address the issue of assurance, the OEM was formed in December 2016 (formerly the SEMC Secretariat) with the additional function of providing assurance of WA's emergency management preparedness.[318] The OEM and SEMC have considered the nature of this assurance function, but it appears the assurance framework has yet to be finalised.[319]

The Minister for Emergency Services, Francis Logan, announced in February 2018 that the Office of the Auditor General 'will now evaluate the performance and compliance aspects of the *Emergency Management Act 2005*, and report on the degree to which

Figure 5.2: WA emergency management capability framework

Source: State Emergency Management Committee, *Emergency Preparedness Report 2017,* Government of Western Australia, Perth, 2017, p42.

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314 SEMC, *State Emergency Management Procedure*, Government of Western Australia, Perth, 2018, p36.

315 SEMC, *Emergency Preparedness Report 2017*, Government of Western Australia, Perth, 2017, p42.

316 *ibid*., p18.

317 *Reframing Rural Fire Management: Report of the Special Inquiry into the January 2016 Waroona Fire*, Volume 1, Government of Western Australia, Perth, 2016, pp59, 60.

318 Office of Emergency Management, 'Overview'. Available at: https://www.oem.wa.gov.au/about-us. Accessed on 1 August 2018.

319 SEMC, *SEMC Communiqué: 4 May 2018 meeting highlights*, Government of Western Australia, Perth, 2018, p3.

agencies with assigned roles and responsibilities in State Emergency Management Policy and Plans are fulfilling their legislative obligations.'[320] Local government compliance regarding LEMA responsibilities would fall within this audit remit. In May 2018, Mr Cronstedt stated:

> … *the Office of the Auditor General has been quite accepting that perhaps there is room, on a regular basis, to examine compliance against the Emergency Management Act. Of course, that is an independent office and negotiation is ongoing there, but that neatly deals with that problem without creating a bureaucracy.*[321]

The Office of the Auditor General does not currently list emergency management in its current or forward audit program.[322]

Committee request for further comment 24

We welcome further information or comment on any existing or proposed mechanisms that monitor compliance with emergency management obligations, emergency risk management, or protective security arrangements.

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320 Hon Francis Logan (Minister for Emergency Services), *Department restructure to benefit State's emergency services*, Media Statement, Government of Western Australia, WA, 14 February 2018.

321 Mr Malcolm Cronstedt, Executive Officer, SEMC, *Transcript of Evidence*, 16 May 2018, p13.

322 Office of the Auditor General, 'Audit Program'. Available at: https://audit.wa.gov.au/work-in-progress/audit-program/. Accessed on 1 August 2018.

Chapter 6

Security industry

Australia's strategy for protecting crowded places from terrorism (the Strategy) outlines the 'central' role of the private security industry in the protection of crowded places.[323] Private security consultants conduct security risk assessments and provide advice regarding protective security measures; security contractors deliver security services; and security personnel may be the first on the scene following an attack.

The Strategy notes the responsibility of government to implement a 'robust regulatory regime around employment, training, and registration' of the security industry.[324] Security licensing systems regulate the competency and integrity of security licence holders, and are the responsibility of Australian state and territory governments.[325] In Western Australia (WA), the Western Australia Police Force (WA Police) is responsible for issuing and renewing security licences (see box 6.1) and monitoring compliance with the *Security and Related Activities (Control) Act 1996*.[326]

There are weaknesses in the WA licensing and regulatory framework

In 2011, researchers found WA to be 'arguably, the most tightly regulated security industry currently in Australia'.[327] Nevertheless, inquiry participants noted weaknesses in multiple aspects of the security licensing system, including licence requirements, pre-licence testing, administration, information sharing, and enforcement.

The licensing system is not relevant to security professionals or consultants

Security professionals, such as security managers or security consultants, are exposed to sensitive information regarding the risk profile and security posture of crowded places. Such professionals may be responsible for security risk assessments, risk management plans, and the design and management of protective security measures, all of which require specialist knowledge and expertise. Recognising the importance of

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323 Australia-New Zealand Counter-Terrorism Committee (ANZCTC), *Australia's Strategy for Protecting Crowded Places from Terrorism*, Commonwealth of Australia, Barton, 2017, p9.

324 *ibid*.

325 Tim Prenzler and Rick Sarre, 'The evolution of security industry regulation in Australia: a critique', *International Journal for Crime and Justice*, vol. 1, no. 1, 2012, p39.

326 *Security and Related Activities (Control) Act 1996* (Western Australia).

327 Rick Sarre and Tim Prenzler, *Private Security and Public Interest: Exploring Private Security Trends and Directions for Reform in the New Era of Plural Policing*, 2011, p36.

Box 6.1: Security licences in Western Australia

As at June 2018, there were approximately 30,386 active security licences in Western Australia across the following categories:

- Crowd control agents (209).
- Crowd controllers (9,987).
- Inquiry agents (180).
- Investigators (633).
- Security agents (1,215).
- Security officers (12,478).
- Security bodyguards (362).
- Security consultants (2,868).
- Security installers (2,454).

Source: Mr Chris Dawson, Commissioner of Police, WA Police, Letter, 20 June 2018, p1.

this role in the protection of crowded places, the Strategy indicates that governments should support the delivery of a 'well-trained and professional' security industry.[328]

Inquiry participants noted, however, that security licensing regimes do not adequately regulate the competency of the 'professional end' of the security industry.[329] The security licensing system regulates base competencies—in WA, the highest qualification required for a security consultant licence is a Certificate IV in Security Risk Management. This requirement falls far short of the specialist skill set that might be expected of security professionals.

Further, security managers employed by owners and operators of crowded places do not require a security licence. As they operate outside the security licensing system, they do not undergo police character checks, nor do they need to meet a minimum competency requirement. Instead, employers must determine the suitability of applicants without assistance, as part of recruitment processes.

Committee request for further comment 25

We welcome comment on whether the lack of security licensing requirements for security managers is of concern to owners and operators or the security industry and, if it is considered necessary, how these roles could be regulated.

While pre-licence testing is beneficial, there are some limitations

Since February 2017, applicants for a security officer or crowd controller licence in WA have had to sit and pass a written competency examination. According to the Security Agents Institute of Western Australia (SAIWA), this requirement was introduced to address perceived deficiencies in both security knowledge and English language skills among new licence holders, and has improved the quality of the security industry in WA.[330] SAIWA administers the written competency examination, which, according to

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328 ANZCTC, *Australia's Strategy for Protecting Crowded Places from Terrorism*, Commonwealth of Australia, Barton, 2017, p9.

329 Submission No. 4 from Mr Donald S. Williams and Dr Anthony Bergin, 8 March 2018, p14.

330 Security Agents Institute of Western Australia (SAIWA), 'Competency Testing for Security Officers and Crowd Controller'. Available at: https://saiwastc.com.au/. Accessed on 3 July 2018; Mr Michael Dyer, President, SAIWA, *Transcript of Evidence*, 14 March 2018, p10.

SAIWA President Michael Dyer, ensures registered training organisations (RTOs) cannot 'fudge' the outcomes.[331] SAIWA Executive Officer Ronald Adams described the positive impact of the written competency examination:

> *There have been 2 000 officers go through that test, and I would say when we first started the failure rate was roughly about 60 per cent. It is now down to quite reasonable acceptable levels because the RTO is now getting information that they have to do genuine training for these people instead of just taking their money and giving them a certificate. That is working very well.*[332]

One industry operator described the competency examination as 'the very last line of defence'.[333]

Despite the positive impact of the examination, one industry stakeholder expressed concern that the examination is not administered by an RTO with skills in assessment, arguing the test may lack reliability.[334] The stakeholder also criticised the use of a written examination to assess competency in an industry that requires practical skills, and called for a review of the examination requirement.[335]

Inadequate resources are being directed to compliance and enforcement

A number of industry stakeholders held that the WA Police Licensing Division does not invest sufficient resources in compliance and enforcement activities.[336] While WA Police Licensing Division conducts audits of security licence holders each year—for example, 245 audits were conducted in the 2016–17 financial year[337]—few or no resources are directed towards identifying those who are operating outside the licensing system. Mr Dyer described the flaws in the compliance auditing system:

> *Once the applicant obtains his licence, he will then be subject to random checks every couple of years ... They do this on a regular basis because we are licensed; they know where we are. We are easy to find. What they do not do is go and inspect people who are working in our industry who are not licensed. If they are not licensed, it is usually because there*

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331 Mr Michael Dyer, President, SAIWA, *Transcript of Evidence*, 14 March 2018, p10.
332 Mr Ronald Adams, Executive Officer, SAIWA, *Transcript of Evidence*, 14 March 2018, p6.
333 Mr Scott Parry, Managing Director, NPB Security, *Transcript of Evidence*, 14 March 2018, p3.
334 Submission No. 20 from Mr Alan Wilson, 28 March 2018, p5.
335 *ibid*.
336 Submission No. 14 from Australian Security Industry Association Limited (ASIAL), 28 March 2018, p8; Mr Ronald Adams, Executive Officer, SAIWA, *Transcript of Evidence*, 14 March 2018, p9; Submission No. 3, closed submission, 6 March 2018, p6.
337 Mr Chris Dawson, Commissioner of Police, Western Australia Police Force (WA Police), Letter, 20 June 2018, p6.

> *is a problem… So, the people who we know are working in our industry who are not licensed are not being pulled up or prosecuted.*[338]

The WA Police Licensing Division was described as 'a very small unit' with a 'lack of personnel'.[339] While WA Police aims to audit 275 licence holders per year, only 100 persons were audited between July 2017 and May 2018.[340] WA Police noted that sometimes the audit target is not reached due to 'other policing priorities'.[341] SAIWA has advocated to successive governments for increased resourcing for security licensing enforcement in WA.[342]

For an industry with over 30,000 active security licences, WA Police issued only five infringements, one summons, and 86 cautions in relation to the *Security and Related Activities (Control) Act 1996* in the 2016–17 financial year.[343] No infringements were issued between July 2017 and May 2018.[344] In comparison, the Queensland Office of Fair Trading has a similar number of active security licences (27,257) but issued a far greater number of infringements—55 infringement notices and 74 warnings—in the 2016–17 financial year.[345] It is possible that greater resources are devoted to security licensing compliance and enforcement duties when the regulator is external to police.

Australian Security Industry Association Limited (ASIAL) proposed co-regulation of compliance functions as a potential solution to resource limitations.[346] Such a co-regulatory model applies in Queensland, where applicants for a security firm licence must be a member of an approved security industry association.[347] Approved security industry associations must audit member security firms every three years for compliance with the association's approved code of conduct.

Committee request for further comment 26

We welcome comment on the resources devoted to compliance and enforcement activities by the WA Police Licensing Division. We also welcome comment on ways to improve compliance monitoring in WA.

Information about the compliance of the security industry is not available

One inquiry participant noted that a range of data regarding the compliance of the security industry is not publicly available, including information about complaints and

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338 Mr Michael Dyer, President, SAIWA, *Transcript of Evidence*, 14 March 2018, p2.
339 Mr Ronald Adams, Executive Officer, SAIWA, *Transcript of Evidence*, 14 March 2018, p9.
340 Mr Chris Dawson, Commissioner of Police, WA Police, Letter, 20 June 2018, p7.
341 *ibid*., p6.
342 Mr Michael Dyer, President, SAIWA, *Transcript of Evidence*, 14 March 2018, p9.
343 Mr Chris Dawson, Commissioner of Police, WA Police, Letter, 20 June 2018, p7.
344 *ibid*.
345 Office of Fair Trading, *Outcomes Report 2016-17*, Queensland Government, Brisbane, p12.
346 Submission No. 14 from ASIAL, 28 March 2018, p8.
347 *Security Providers Act 2003* (Queensland), s13(3c).

outcomes, denials of licence applications, licence revocations, and prosecutions.[348] SAIWA criticised the WA Police Licensing Division for failing to provide information about actions against companies or individuals in the security industry.[349] According to Mr Dyer, SAIWA has been advocating for the release of this information for more than 20 years. Mr Dyer argued that this information would serve as a deterrent to misconduct within the industry.[350]

Committee request for further comment 27

Publicly releasing information about the compliance of the security industry may assist procurement decisions and act as a deterrent to misconduct. We welcome comment on any barriers to the public release of compliance information.

Those hiring security personnel cannot always independently verify that they are licensed

The WA Police Licensing Division provides a list of current security licence holders for each licence category on its website, available for download in pdf format.[351] According to one industry stakeholder, the list of licence holders can be five or six weeks out of date, and occasionally WA Police has not posted the monthly updated list.[352] This makes it hard for venues and managers to determine the current security licence status of potential employees. An online portal with search function was proposed as one solution to help employers to determine the security licence status of employees.[353] As an example of such a system, the Department of Local Government, Sport and Cultural Industries provides an online portal for current liquor licences and approved manager licences in WA.[354]

Committee request for further comment 28

It appears that an online licence registry with search function would assist employers in the security industry. We welcome comment on the need for such a system, the cost of such a system, and any barriers to its adoption by the WA Police Licensing Division.

Licence renewal is an administrative burden

The licence renewal system administered by the WA Police Licensing Division is time consuming and outdated. Licence holders receive only one notification, sent by post, when licence renewal is due. Given weaknesses in the postal system, industry

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348 Submission No. 11 from Dr Tim Prenzler, 8 April 2018, p2.
349 Mr Michael Dyer, President, SAIWA, *Transcript of Evidence*, 14 March 2018, p4.
350 *ibid*.
351 WA Police, 'Current Licence Holders'. Available at: https://www.police.wa.gov.au/About-Us/Our-agency/Police-Licensing-Services/Security/Current-licence-holders. Accessed on 5 July 2018.
352 Submission No. 20 from Mr Alan Wilson, 28 March 2018, p6.
353 *ibid*.
354 Department of Local Government, Sport and Cultural Industries, 'Find a Licence'. Available at: https://portal.rgl.wa.gov.au/forms/fr/search/findalicence/new. Accessed on 5 July 2018.

stakeholders argued that licensing renewal notifications should also be sent by electronic means, such as email.[355]

WA Police do not provide an online platform for licence renewal. In contrast, most other Australian state and territory security licensing bodies provide online renewal options (i.e., South Australia, New South Wales, Tasmania, Queensland and Northern Territory). The administrative burden is compounded by the fact that many workers hold security licences across multiple categories with different renewal dates—some security workers hold as many as six security licences.[356] One participant suggested that WA Police could simplify the process by providing each applicant with a single security licence that lists all licensed categories.[357]

Weaknesses in the security industry impact the quality of security services

A number of inquiry participants expressed dissatisfaction with the variable quality of services provided by the security industry. Those who engage the services of security contractors are aware that providers vary in their recruitment, practice, and training standards.[358] An operator in another Australian jurisdiction that engaged security services believed that as many as 50 per cent of security personnel operate at 'C' or 'D' grade level.[359]

Police can also distrust the quality of service provided by the security industry. Superintendent Graham Coleman, Queensland Police Service, stated that the 'quality of the guard force is an issue' in the security industry, and that while some guards are 'exceptional', others are 'not so good'.[360] An industry stakeholder claimed police are also distrustful of security officers due to their lower qualifications and capabilities.[361]

Employment conditions may contribute to variable service quality. Employees can be asked to work long hours at monotonous tasks; we received evidence that one security officer worked up to 90 hours per week.[362] While one industry stakeholder highlighted the lack of dedication of some personnel,[363] Mr Adams associated poor worker motivation with inadequate training and wages:

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355 Mr Michael Dyer, President, SAIWA, *Transcript of Evidence*, 14 March 2018, pp8, 9.
356 Submission No. 20 from Mr Alan Wilson, 28 March 2018, p3.
357 *ibid*.
358 *Briefing*, 30 April 2018.
359 *Briefing*, 1 May 2018.
360 Mr Graham Coleman, Superintendent, Queensland Police Service, *Transcript of Evidence*, 20 June 2018, p3.
361 Submission No. 4 from Mr Donald S. Williams and Dr Anthony Bergin, 8 March 2018, p14.
362 Submission No. 3, closed submission, 6 March 2018, p143.
363 Mr Danny Baade, Head of Security, Gold Coast 2018 Commonwealth Games Corporation, *Transcript of Evidence*, 20 June 2018, p4.

They are doing a job and that is all they want to do—get the 20 bucks an hour and get out of there. Their training is inadequate. The salary is inadequate.[364]

We identified a number of factors that may threaten the provision of quality security services to crowded places in WA, including training, lack of experience, employment conditions, sub-contracting practices, and procurement decisions.

Training of security personnel for counter-terrorism is inadequate

WA Police recognise the role of a well-trained private security industry in the protection of crowded places. As stated by Assistant Commissioner Paul Zanetti:

… in the crowded places strategy itself there is recognition that well trained and equipped security officers certainly can assist in prevention and in helping to mitigate any actual terrorism-type event that occurs.[365]

However, it is unclear to what extent security officers and crowd controllers receive specific training for this role. While one participant indicated security officers and crowd controllers do not receive specific training in counter-terrorism skills or awareness, he suggested the required qualification may develop some counter-terrorism related competencies (see box 6.2).[366] Another industry stakeholder claimed security officers and crowd controllers receive 'half a day' training on counter-terrorism awareness, but stated that it is 'not very in-depth'.[367]

Counter-terrorism training for more senior members of the security industry also appears to be lacking, as described by Mr Scott Parry, Managing Director of NPB Security:

When it comes to counterterrorism training, apart from getting a university degree, there is no nationally accredited course that we could offer our leadership group or our senior guards to attend.[368]

Mr Zanetti acknowledged the gap in counter-terrorism training for licensed security personnel in WA. He said that if owners and operators do not specify the level of the

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364 Mr Ronald Adams, Executive Officer, SAIWA, *Transcript of Evidence*, 14 March 2018, p12.
365 Mr Paul Zanetti, Assistant Commissioner, Specialist and Support Services, WA Police, *Transcript of Evidence*, 9 May 2018, p13.
366 Submission No. 4 from Mr Donald S. Williams and Dr Anthony Bergin, 8 March 2018, pp13, 15.
367 Mr Ronald Adams, Executive Officer, SAIWA, *Transcript of Evidence*, 14 March 2018, p12.
368 Mr Scott Parry, Managing Director, NPB Security, *Transcript of Evidence*, 14 March 2018, p7.

Box 6.2: Training requirements for crowd controllers and security officers in WA

Crowd controllers and security officers must complete a Certificate II in Security Operations to be licensed in WA. Core units for the qualification are:

- CPPSEC2001A – Communicate effectively in the security industry (8 hours).
- CPPSEC2002A – Follow workplace safety procedures in the security industry (4 hours).
- CPPSEC2003B – Work effectively in the security industry (8 hours).
- CPPSEC2004B – Respond to a security risk situation (8 hours).
- CPPSEC2005A – Work as part of a security team (4 hours).
- CPPSEC2006B – Provide security services to clients (4 hours).
- HLTFA311A – Apply first aid (16 hours).

In addition, WA Police require each licence category to complete specified elective units.

Crowd controller specified elective units:

- CPPSEC2010A – Protect safety of persons (8 hours).
- CPPSEC2011B – Control access to and exit from premises (4 hours).
- CPPSEC2012A – Monitor and control individual and crowd behaviour (8 hours).
- CPPSEC3002A – Manage conflict through negotiation (8 hours).
- CPPSEC3013A – Control person using empty hand techniques (8 hours).

Security officer specified elective units:

- CPPSEC2011B – Control access to and exit from premises (4 hours).
- CPPSEC2014A – Operate basic security equipment (4 hours).
- CPPSEC2015A – Patrol premises (8 hours).
- CPSSEC2017A – Protect self and others using basic defensive tactics (8 hours).
- TLIE2007A – Use communications systems (4 hours).

Source: WA Police, Appendix A to security training providers conditions of approval. Available at: https://www.police.wa.gov.au/About-Us/Our-agency/Police-Licensing-Services/Security/Licence-information#Training_certification. Accessed on 5 July 2018.

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training and skill expected of contracted security personnel, 'they may get people who are not trained'.[369]

One industry stakeholder believed that expectations of crowd controllers and security officers have changed in the current threat environment, and that training programs have not kept pace with this new role.[370] WA Police concurred that the skillset required of security personnel has changed.[371] Due to the 'definite mismatch' between current

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369 Mr Paul Zanetti, Assistant Commissioner, Specialist and Support Services, WA Police, *Transcript of Evidence*, 9 May 2018, p13.
370 Submission No. 34 from Secure Events and Assets, 31 March 2018, p6.
371 Mr Paul Zanetti, Assistant Commissioner, Specialist and Support Services, WA Police, *Transcript of Evidence*, 9 May 2018, p16.

role requirements and training, at least one Perth security provider gives their staff and management additional training.[372] Further, one owner and operator developed a RTO to train its own security staff. This was at least partly motivated by the belief that existing training programs did not produce a security capability that matched its specific requirements.[373]

Beyond the issue of counter-terrorism training, the Training Accreditation Council Western Australia has identified general weaknesses in security training in WA. A 2010 audit of 24 RTOs delivering Certificates II and III in Security Operations found that 29 per cent had significant or critical non-compliance with the Australian Quality Training Framework standards and conditions of registration.[374] Issues included non-compliant assessment, staff, facilities and equipment, and variable duration of training.[375]

The Australian Skills Quality Authority also identified the issue of short-duration training courses in their national review of security training programs in 2016.[376] The review identified that almost one-fifth of surveyed RTOs delivered the Certificate II in Security Operations in less than one week.[377] Currently, WA Police requires a minimum of 88 hours of training for crowd controllers and 80 hours for security officers.[378] ASIAL has advocated for longer duration training (minimum 130 hours) for security personnel.[379]

To improve training standards, the Australian Industry and Skills Committee has commissioned a review of the Property Services Training Package, which includes the Certificate II in Security Operations. Counter-terrorism competency has been considered as part of this review and new units of competency have been proposed. According to the developers of the new training package, the Chair of the Australia-New Zealand Counter-Terrorism Committee (ANZCTC) Crowded Places Advisory Group, Commander Geoffrey Smith, 'provided direct input to the packages relating to counter terrorism and the implementation of the Australian crowded places strategy and is satisfied the package appropriately addresses these areas'.[380]

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372 Submission No. 34 from Secure Events and Assets, 31 March 2018, p6.

373 Submission No. 28 from Crown Perth, 29 March 2018, p2.

374 Training Accreditation Council Western Australia, *2010 Western Australia Strategic Industry Audit of Training in the Security Industry: Final Report*, 2011, p2.

375 *ibid*., p3.

376 Australian Skills Quality Authority, *Training in Security Programs in Australia*, Australian Government, Canberra, 2016, pp83–85.

377 *ibid*., p84.

378 WA Police, Appendix A to security training providers conditions of approval. Available at: https://www.police.wa.gov.au/About-Us/Our-agency/Police-Licensing-Services/Security/Licence-information#Training_certification. Accessed on 5 July 2018.

379 Submission No. 14 from ASIAL, 28 March 2018, p6.

380 Property Services Industry Reference Committee, *Case for Endorsement: CPP Property Services Training Package Security Operations Project*, report prepared by Artibus Innovations, June 2018, p9.

Chapter 6

The industry has few experienced security officers and crowd controllers

Some security personnel take up employment in the security industry on a short-term basis, leading to a lack of experienced personnel. Inquiry participants explained that international students on limited-period visas often perform these roles, which leads to turnover in the industry.[381] As explained by Mr Danny Baade, Head of Security for the Gold Coast 2018 Commonwealth Games Corporation:

> *They might be short of money or they might be between careers, so they choose to be guards as a gap filler, and those people are not always as dedicated as someone who is using that industry as their primary income.*[382]

One industry stakeholder suggested that 85 per cent of licensed crowd controllers in WA have fewer than three years' experience, although the source of this figure is unclear.[383] The stakeholder suggested that experienced workers leave the industry due to low wages.

The lack of experienced security personnel is of concern; as Mr Baade told us, 'it is a really important part of the safety and security overlays to have experienced guards'.[384]

Sub-contracting can lead to non-compliance with licensing

Sub-contracting is common practice in the private security industry. For example, the provider of event security services at Perth Stadium uses a labour hire model, relying on secondary providers or sub-contractors to source and deliver crowd controllers.[385] Sub-contracting may be used by security providers to meet surge requirements for events, and may even involve transporting security personnel to WA from other jurisdictions.[386]

Sub-contracting may lead to non-compliance with the licensing system. While one security provider stated that it checks the licence status of sub-contracted workers, another inquiry participant claimed some security companies do not perform such checks.[387] Further, security personnel who are contracted as 'independent contractors' may fail to obtain the required agent's licence and thereby breach the *Security and*

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381 Submission No. 20 from Mr Alan Wilson, 28 March 2018, p8; Mr Ronald Adams, Executive Officer, SAIWA, *Transcript of Evidence*, 14 March 2018, p13.

382 Mr Danny Baade, Head of Security, Gold Coast 2018 Commonwealth Games Corporation, *Transcript of Evidence*, 20 June 2018, p4.

383 Submission No. 20 from Mr Alan Wilson, 28 March 2018, p7.

384 Mr Danny Baade, Head of Security, Gold Coast 2018 Commonwealth Games Corporation, *Transcript of Evidence*, 20 June 2018, p7.

385 Mr Scott Parry, Managing Director, NPB Security, *Transcript of Evidence*, 14 March 2018, p2.

386 Mr Ronald Adams, Executive Officer, SAIWA, *Transcript of Evidence*, 14 March 2018, p10.

387 Mr Scott Parry, Managing Director, NPB Security, *Transcript of Evidence*, 14 March 2018, p2; Mr Michael Dyer, President, SAIWA, *Transcript of Evidence*, 14 March 2018, p12.

Related Activities (Control) Act 1996.[388] The issue of independent contractors is further discussed below.

Some security providers do not comply with workplace laws

A number of inquiry participants claimed that some WA security providers underpay their employees.[389] Minimum wages for security personnel are set in the *Security Services Industry Award 2010* (the Award), and detailed by the Fair Work Ombudsman.[390] Under the Award, security employers should meet obligations for base wages, overtime, holiday rates, weekend penalty rates, casual loadings, allowances, and leave entitlements.[391] Employers also have indirect costs, including superannuation, workers compensation premiums and payroll tax.[392] Evidence was received from one industry stakeholder that suggested multiple security providers in WA charge hourly rates that are not sufficient to cover Award wages, when these direct and indirect costs are considered.[393] Another industry stakeholder stated that 'many smaller companies' in Perth pay hourly rates that do not comply with the Award.[394]

Security providers may choose to pay hourly wage rates in accordance with a registered Enterprise Bargaining Agreement (EBA), rather than the Award. However, under an EBA, employees must be paid an hourly rate that is at least equivalent to the Award base rate.[395] The recent Fair Work Ombudsman inquiry into local government procurement of security services found that 42 per cent of investigated security providers used an EBA, and that 57 per cent of these EBAs had passed their date for renewal.[396] One industry stakeholder stated that 'many' Perth security providers use EBAs and that casual security personnel, who often work on weekends, are disadvantaged by the lack of weekend penalty rates.[397]

The practice of sub-contracting in the security industry has been associated with non-compliance with workplace laws. The Fair Work Ombudsman's recent inquiry into local government procurement of security services found a greater proportion of sub-

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388 *Security and Related Activities (Control) Act 1996* (Western Australia), s15, s19(1), s36, s38(1); Submission No. 3, closed submission, 6 March 2018, p6.
389 Submission No. 20 from Mr Alan Wilson, 28 March 2018, p7; Submission No. 3, closed submission, 6 March 2018, p7; Submission No. 10 from Mr Istvan Toke, 16 March 2018, p2.
390 Fair Work Ombudsman, *Pay guide – Security Services Industry Award 2010 [MA000016]*, 28 June 2018, pp2–3.
391 Fair Work Ombudsman, *An Inquiry into the Procurement of Security Services by Local Governments*, Commonwealth of Australia, Canberra, June 2018, p21.
392 *ibid*., pp21–22.
393 Submission No. 3, closed submission, 6 March 2018, pp5, 33, 42.
394 Submission No. 20 from Mr Alan Wilson, 28 March 2018, p7.
395 Fair Work Ombudsman, *An Inquiry into the Procurement of Security Services by Local Governments*, Commonwealth of Australia, Canberra, June 2018, p23.
396 *ibid*., pp15, 23.
397 Submission No. 20 from Mr Alan Wilson, 28 March 2018, p7.

contractors than principal contractors did not comply with workplace laws.[398] According to the Fair Work Ombudsman, 'multiple levels of subcontracting can create conditions which allow non-compliance to occur'.[399] Of the 19 sub-contractors that were investigated in the inquiry, 63 per cent were non-compliant with workplace laws; nine of these sub-contractors underpaid their staff.[400] While a principal contractor may contractually require their sub-contractor to comply with workplace laws, these requirements may not always be met.[401] The Managing Director of NPB Security believed it would be 'difficult' to identify if one of his sub-contractors were not meeting their legal obligations.[402]

Some security officers or crowd controllers hold an Australian Business Number (ABN) and work for security providers as 'independent contractors'. Such independent contractors can be paid any agreed price, as their wages are not governed by the Award or an EBA.[403] However, this practice has been termed 'sham-contracting', as individual guards or crowd controllers do not demonstrate the characteristics typically associated with independent contractors.[404] Instead, employers may use independent contracting to disguise an employment relationship and avoid paying employee entitlements and Award wages. One inquiry participant stated that the practice is 'rife' in the WA security industry.[405]

Other issues with employment conditions were also raised by inquiry participants. One industry stakeholder claimed that security personnel may not be paid for some work, including training or pre-event briefings, instead receiving food or beverages for attendance.[406] In addition, phoenix activity can lead employees to lose entitlements and create distrust of employers (see box 6.3).[407]

The WA Police Licensing Division accepts no responsibility for investigating employment conditions in the security industry, stating this is the responsibility of the Fair Work Ombudsman.[408] It is therefore unclear to what extent, if any, compliance with workplace laws is considered in the renewal of agent security licences by the WA Police Licensing Division.

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398 Fair Work Ombudsman, *An Inquiry into the Procurement of Security Services by Local Governments*, Commonwealth of Australia, Canberra, June 2018, p5.
399 *ibid*., p17.
400 *ibid*., pp5, 6.
401 Mr Michael Dyer, President, SAIWA, *Transcript of Evidence*, 14 March 2018, p12.
402 Mr Scott Parry, Managing Director, NPB Security, *Transcript of Evidence*, 14 March 2018, p6.
403 Fair Work Ombudsman, *An Inquiry into the Procurement of Security Services by Local Governments*, Commonwealth of Australia, Canberra, June 2018, p26.
404 *ibid*., pp26–27.
405 Submission No. 3, closed submission, 6 March 2018, p6.
406 Submission No. 20 from Mr Alan Wilson, 28 March 2018, p7.
407 *ibid*., p6.
408 Submission No. 42 from WA Police, 18 April 2018, p9.

Box 6.3: Phoenix activity in the security industry

Illegal phoenix activity has been defined as 'the deliberate and systematic liquidation of a corporate trading entity which occurs with the illegal or fraudulent intention to:

- Avoid tax and other liabilities, such as employee entitlements.
- Continue the operation and profit taking of the business through another trading entity.'

A phoenix company may trade under a similar name and maintain the same employees, phone number and address.

A 2012 report prepared for the Fair Work Ombudsman described the private security industry as a 'high risk' industry for illegal phoenix activity; only one other industry was given this risk rating. The report estimated that between 3 to 10 per cent of employees within the private security industry are impacted by illegal phoenix activity each year. The use of labour hire companies within the private security industry appears to contribute to the risk of illegal phoenix activity.

Phoenix activity can cause employees to lose wages, superannuation, leave entitlements, and experience periods of unemployment.

Companies that engage in phoenix activity can achieve an unfair competitive advantage in their industry, such that they can charge a lower price and undercut competitors.

Source: Fair Work Ombudsman, *Phoenix Activity: Sizing the problem and matching solutions*, report prepared by PricewaterhouseCoopers, June 2012, pp13, 16, 17, 18, 27.

Procurement processes for security services need to be improved

Industry stakeholders lamented that those procuring security services are primarily concerned with obtaining the lowest price.[409] One inquiry participant criticised all levels of government for their handling of security-related procurement processes, which 'support the underpayment of workers'.[410] Mr Adams described the weaknesses in procurement processes:

> *… the problem is with the lack of due diligence in checking the capability of the tenderer in regards to meeting all the statutory rules and regulations to implement the contract. E.g. do they pay the correct wages. Can they meet superannuation and taxation liabilities, do they have a health and safety policy, do they have adequate insurance etc etc. It is obvious to us that if the lowest tender is the benchmark for approving contracts then there will be serious repercussions.*[411]

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409 Submission No. 14 from ASIAL, 28 March 2018, p4; Submission No. 3, closed submission, 6 March 2018, p11.
410 Submission No. 3, closed submission, 6 March 2018, p11.
411 Mr Ronald Adams, SAIWA, Electronic Mail, 30 April 2018, p1.

Chapter 6

ASIAL have called for a 'paradigm shift' in procurement practices, such that 'responsibility for security personnel being remunerated in accordance with an approved industrial instrument is at all levels of the supply chain'.[412] Under the *Fair Work Act 2009*, procurers can be liable if security providers within their supply chain are not compliant with the Act.[413] According to the Fair Work Ombudsman, those who contract security services 'must have robust monitoring and governance in place so they have clear visibility of what is occurring throughout their supply chains'.[414]

In recognition of the scale of the problem, the Fair Work Ombudsman has undertaken a local government procurement project in conjunction with ASIAL and United Voice.[415] The project encourages local governments to improve procurement practices for security services to ensure that providers within their supply chain comply with workplace laws. When evaluating tenders, local governments are encouraged to consider quality in addition to price, and to ensure that providers have factored all direct and indirect employment costs into quotes for service. The Fair Work Ombudsman provides a range of recommendations for security tender documents (see box 6.4).[416] The Fair Work Ombudsman also provides resources to assist with the procurement process, such as sample clauses for contracts and questions to ask service providers when evaluating tenders.[417] ASIAL also provides guidelines to assist those who procure security services, including guides to contracting labour, monitoring labour contracting, and self-auditing.[418]

We are aware that, elsewhere in Australia, the operator of at least one significant crowded place has adopted what may be considered an 'aggressive' culture of security contract management. Its security contracts provide the operator with the ability to audit its security providers to ensure they comply with set operating standards and operating behaviours, which includes the appropriate payment of wages.[419]

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412 Submission No. 14 from ASIAL, 28 March 2018, p9.
413 *Fair Work Act 2009* (Commonwealth), s550.
414 Fair Work Ombudsman, *An Inquiry into the Procurement of Security Services by Local Governments*, Commonwealth of Australia, Canberra, June 2018, p17.
415 Fair Work Ombudsman, 'Local Government Procurement Initiative'. Available at: https://www.fairwork.gov.au/how-we-will-help/helping-the-community/campaigns/national-campaigns/local-government-procurement-initiative. Accessed on 12 July 2018.
416 Fair Work Ombudsman, *An Inquiry into the Procurement of Security Services by Local Governments*, Commonwealth of Australia, Canberra, June 2018, p7.
417 Fair Work Ombudsman, 'Local Government Procurement Initiative'. Available at: https://www.fairwork.gov.au/how-we-will-help/helping-the-community/campaigns/national-campaigns/local-government-procurement-initiative. Accessed on 12 July 2018.
418 Submission No. 14 from ASIAL, 28 March 2018, p9.
419 *Briefing*, 1 May 2018.

Box 6.4: Fair Work Ombudsman recommendations for procurement of security services

Following its inquiry into local government procurement of security services, the Fair Work Ombudsman (FWO) recommended that tender documents:

- Enable full visibility and monitoring of the labour supply chain.
- Reflect best practice as contained in FWO's guides on contracting labour and supply chains.
- Include a specific reference that requires principal contractors and subcontractors to comply with the Fair Work Act.
- Require principal contractors to seek written permission to subcontract work.
- Require both principal contractors and subcontractors to regularly report on their compliance with the Fair Work Act (FWO recommends annually).
- Ensure that the 'schedule of fees' contained in contracting agreements be indexed against the applicable award rates effective every 1 July.
- Require principal contractors and subcontractors to undertake training on the provisions and obligations of the Security Industry Award.
- Disclose the input items associated with the total cost of an employee.
- Ensure that the amounts paid in their contracts are sufficient to allow both principal contractors and subcontractors to cover employee entitlements.
- Require all principal contractors and subcontractors to sign up to FWO's *My account* service and provide evidence of their knowledge of the wages required to be paid under the relevant industrial instrument, including any applicable penalties for weekends, public holidays or overtime.
- Require the principal contractors to provide evidence that any subcontractors are aware of the distinction between contracts of employment and contracts for service.

Source: Quoted from Fair Work Ombudsman, *An Inquiry into the Procurement of Security Services by Local Governments*, Commonwealth of Australia, Canberra, June 2018, p7.

Committee request for further comment 29

We welcome comment on whether there is a role for the state government to take action to improve procurement processes for security services, particularly in relation to state and local government contracts.

A nationally consistent licensing system is needed

There is widespread support for a nationally consistent security licensing system. Currently, licensing requirements vary across jurisdictions, including requirements for pre-licence testing, disqualifying offences, checks for close associates, and the use of fingerprinting and drug testing.[420] The proposal for national consistency has been on

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420 Tim Prenzler and Rick Sarre, 'Smart regulation for the security Industry', in Tim Prenzler (ed.), *Professional Practice in Crime Prevention and Security Management*, Australian Academic Press, Samford Valley, 2014, p183.

the Council of Australian Government's (COAG) agenda for over a decade. In 2008, COAG agreed to adopt a nationally consistent approach to security licensing. However, ten years later, this has not yet been achieved.[421]

Inquiry participants highlighted the benefits of maintaining consistent standards across Australian jurisdictions. A nationally consistent licensing system would make it easier for those operating across states and/or territories to obtain and maintain licences across jurisdictions.[422] Nationally consistent standards would improve mobility, such that security providers could more easily draw upon interstate workforces as needed.[423] Nationally consistent standards would also prevent individuals from taking advantage of mutual recognition arrangements and different licensing standards across jurisdictions, which Mr Zanetti described as 'an issue'.[424]

> **Committee request for further comment 30**
>
> To be effective, we believe that nationally consistent licensing arrangements would need to maintain high standards or improve standards. We welcome comment on the standards that should be adopted in a nationally consistent licensing scheme.

The Crowded Places Advisory Group is investigating security industry issues

The ANZCTC Crowded Places Advisory Group is currently conducting a review of the Australian private security industry. The group is reviewing the counter-terrorism implications of many of the issues identified in this chapter, including:

- Employment characteristics of the industry, such as sub-contracting practices, workforce turnover, and the role of professional industry associations.

- Mutual recognition of security licences across jurisdictions.

- Previous attempts to develop a nationally-consistent licensing scheme.

- Training requirements for licence applicants and training standards.

- Administrative management of licensing schemes, including audit and regulatory oversight of the security industry.[425]

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421 Council of Australian Governments, *Meeting communique*, Council of Australian Governments, Canberra, 3 July 2008, p11.
422 *Briefing*, 1 May 2018.
423 Mr Scott Parry, Managing Director, NPB Security, *Transcript of Evidence*, 14 March 2018, p4.
424 Mr Paul Zanetti, Assistant Commissioner, Specialist and Support Services, WA Police, *Transcript of Evidence*, 9 May 2018, p18.
425 Mr Geoffrey Smith, Chair, ANZCTC Crowded Places Advisory Group, Electronic Mail, 28 May 2018.

This review of the security industry has been described as 'high priority'.[426] The group will report its findings to the ANZCTC by June 2019.[427]

MR P.A. KATSAMBANIS, MLA
CHAIRMAN

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426 Mr Paul Zanetti, Assistant Commissioner, Specialist and Support Services, WA Police, *Transcript of Evidence*, 9 May 2018, p16.

427 Mr Geoffrey Smith, Chair, ANZCTC Crowded Places Advisory Group, Electronic Mail, 1 June 2018.

Appendix One

Inquiry terms of reference

The Community Development and Justice Standing Committee will inquire into and report on the protection of crowded places in Western Australia from terrorist acts. In particular, the Committee will consider the Parliament of Western Australia's role in overseeing counter-terrorism arrangements in Western Australia to ensure that it can properly evaluate the:

1. State-based emergency management framework;
2. Implementation of mitigation and protective security measures;
3. Relationships between state government departments and agencies and owners and operators of crowded places;
4. Capability of the Western Australia Police Force to respond to a terrorist attack on a crowded place; and
5. Security licensing, registration, and assurance processes in Western Australia.

In doing so, the Committee will have regard for the flow of information between agencies and other relevant stakeholders.

Appendix Two

Committee's functions and powers

The functions of the Committee are to review and report to the Assembly on:

a) the outcomes and administration of the departments within the Committee's portfolio responsibilities;

b) annual reports of government departments laid on the Table of the House;

c) the adequacy of legislation and regulations within its jurisdiction; and

d) any matters referred to it by the Assembly including a bill, motion, petition, vote or expenditure, other financial matter, report or paper.

At the commencement of each Parliament and as often thereafter as the Speaker considers necessary, the Speaker will determine and table a schedule showing the portfolio responsibilities for each committee. Annual reports of government departments and authorities tabled in the Assembly will stand referred to the relevant committee for any inquiry the committee may make.

Whenever a committee receives or determines for itself fresh or amended terms of reference, the committee will forward them to each standing and select committee of the Assembly and Joint Committee of the Assembly and Council. The Speaker will announce them to the Assembly at the next opportunity and arrange for them to be placed on the notice boards of the Assembly.

Appendix Three

Submissions received

No.	Name	Position	Organisation
1	Mr Gerard Clyne		
2	Mr Stuart Jamieson	Manager Governance and Risk	City of Albany
3	Closed submission		
4	Mr Donald Williams	Security consultant; Research Associate	
	Dr Anthony Bergin	Senior Analyst; Senior Research Fellow	
5	Mr Colin Murphy	Auditor General	Office of the Auditor General
6	Mr Garry Ferguson	Head of Production	Perth Festival
7	Mr Ronald Adams	Executive Officer	Security Agents Institute of Western Australia
8	Mr Geoff Glass	Chief Executive Officer	City of South Perth
9	Mr John Lindley		
10	Mr Istvan Toke		
11	Professor Tim Prenzler	Professor of Criminology and Justice	University of the Sunshine Coast
12	Mr Guy Chalkley	Chief Executive Officer	Western Power
13	Mr Gary Hunt	Chief Executive Officer	City of Joondalup
14	Mr Bryan de Caires	Chief Executive Officer	Australian Security Industry Association Limited
15	Mr Mal Osborne	Chief Executive Officer	City of Bunbury
16	Mr Chris Cubbage	Director	Amlec House
17	Mr John Yates	Global Director of Security	Scentre Group Limited
18	Mr Kevin Brown	Chief Executive Officer	Perth Airport
19	Ms Lesley Wilkinson	Director, People and Communities	City of Mandurah
20	Mr Alan Wilson		
21	Mr Angus Nardi	Executive Director	Shopping Centre Council of Australia
22	Closed submission		
23	Mr Grahame Searle	Director General	Department of Communities
24	Mr Tony Ahern	Chief Executive Officer	St John Ambulance Western Australia

25	Ms Ros Fogliani	State Coroner	State Coroner Western Australia
26	Ms Christina Matthews	Chief Executive Officer	Western Australian Cricket Association
27	Mr Darren Klemm	Commissioner	Department of Fire and Emergency Services
28	Mr Barry Felstead	Chief Executive Officer	Australia Resorts (Crown Perth)
29	Mr Richard Sellers	Director General	Transport Portfolio
30	Mr Sean Henriques	Acting Chief Executive Officer	Metropolitan Redevelopment Authority
31	Mr David Budge	General Manager	TriEvents
32	Mr Darren Foster	Director General	Department of the Premier and Cabinet
33A	Mr Desmond Ngara	Risk Management Coordinator Governance	City of Perth
33B	Mr Desmond Ngara	Risk Management Coordinator Governance	City of Perth
33C	Mr Desmond Ngara	Risk Management Coordinator Governance	City of Perth
34	Mr James Fidler	Director	Secure Events and Assets
35	Mr Mark Webb	Director General	Department of Biodiversity, Conservation and Attractions
36	Mr Barry Lee	Operations (facilities) Manager	Grand Cinemas
37A	Mr Harvey Lister	Chief Executive	AEG Ogden
37B	Closed submission		
38	Ms Linda Crumlin	Director	Australian Red Cross
39	Dr David Russell-Weisz	Director General	Department of Health
40	Mr Chris Loftus-Hills	General Manager – Events and Operations	VenuesLive
41	Mr Bradley Woods	Chief Executive Officer	Australian Hotels Association Western Australia
42	Mr Chris Dawson	Commissioner	Western Australia Police Force
43	Mr John McKechnie	Commissioner	Corruption and Crime Commission
44	Mr Nick Jones	Manager Environmental Health	City of Cockburn

45	Mr Scott Mahony	Head of Risk and Compliance	Dexus
46	Closed submission		
47	Mr Cliff Frewing	Director Community and Commercial Services	City of Busselton
48	Dr Ron Edwards	Chair	State Emergency Management Committee
49	Mr Chris Field	Ombudsman	Ombudsman Western Australia
50	Closed submission		
51	Mr Wayne Scheggia	Acting Chief Executive Officer	Western Australian Local Government Association
52	Mr David Lowe	Acting Managing Director	Tourism Western Australia
53	Closed submission		
54	Closed submission		

Appendix Four

Hearings

Date	Witness	Position	Organisation
1 November 2017	Mr Darren Klemm	Fire and Emergency Services Commissioner	Department of Fire and Emergency Services
	Mr Lloyd Bailey	Deputy Commissioner, Operations	
	Mr Murray Carter	Director, Office of Bushfire Risk Management	
	Mr Malcolm Cronstedt	Executive Director, Office of Emergency Management	
14 February 2018	Mr David Etherton	Chief Executive Officer	VenuesWest
	Mr Martin Mileham	Chief Executive Officer	City of Perth
	Ms Rebecca Moore	Director, Community and Commercial Services	
21 February 2018	Mr Richard Sellers	Director General	Department of Transport
	Mr Ray Buchholz	General Manager, Marine Safety	
	Mr Mark Burgess	Managing Director	Public Transport Authority
	Mr Steve Furmedge	Director, Security Services	
	Mr Peter Jones	Acting Executive Director, Transperth System, Regional and School Bus Services	
	Mr Geoff Glass	Chief Executive Officer	City of South Perth
	Mr Peter Roaen	Event Manager	
	Mr David Fyfe	Infrastructure Planning Officer	
	Mr Patrick Quigley	Manager Community, Recreation and Culture	

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14 March 2018	Mr Michael Dyer	President	Security Agents Institute of Western Australia
	Mr Ronald Adams	Executive Officer	
	Mr Scott Parry	General Manager	NPB Security
	Mr David Barrett	General Manager	
21 March 2018	Mr Malcolm Reed	Regional Asset Manager WA	Lendlease
9 May 2018	Mr Chris Dawson	Commissioner of Police	Western Australia Police Force
	Mr Paul Zanetti	Assistant Commissioner, Specialist and Support Services	
	Mr Craig Donaldson	Commander, Counter Terrorism and Emergency Response	
16 May 2018	Dr Ron Edwards	Chair	State Emergency Management Committee
	Mr Malcolm Cronstedt	Executive Officer	
13 June 2018	Mr Marcus Canning	Chief Executive Officer	Artrage
	Mr Tony Pearce	Inspector General	Inspector General for Emergency Management, Victoria
20 June 2018	Mr Danny Baade	Head of Security	Gold Coast 2018 Commonwealth Games Corporation
	Mr Graham Coleman	Superintendent, Games Operations, Commonwealth Games Group	Queensland Police Service
27 June 2018	Mrs Melissa Pexton	Manager Emergency Management, Policy	Western Australian Local Government Association
	Mr Kevin Bain	Director	RapidKAT
	Mr Albert de Boer	Director	
	Mr Tiago Ferreira	Business Development Manager, Genetec	
	Mr George Tilbury	President	WA Police Union
	Mr Brandon Shortland	Senior Vice President	
	Mr Matthew Payne	Research Officer	
20 August 2018	Closed hearing		

| 10 October 2018 | Ms Caroline Spencer | Auditor General | Office of the Auditor General for Western Australia |
| | Mr Jason Beeley | Assistant Auditor General, Performance Audit | |

Briefings

Date	Name	Position	Organisation
8 November 2017	Ms Helen Gladstones	Principal Policy Officer	Office of State Security and Emergency Coordination
	Mr Justin Court	Senior Policy Officer	
	Mr Chris Dawson	Commissioner	Western Australia Police Force
	Mr Stephen Brown	Deputy Commissioner, Specialist Services	
	Mr Paul Zanetti	Assistant Commissioner, Specialist Support and Services	
	Mr Craig Donaldson	Commander, Counter Terrorism and Emergency Response	
22 November 2017	Professor Craig Valli	Director	Edith Cowan University Security Research Institute
	Associate Professor Mike Johnstone	Member	
12 May 2018	Mr David Etherton	Chief Executive Officer	VenuesWest
	Mr Phil Johnston	Public Safety and Security Operations Manager	
	Mr Chris Loftus-Hills	General Manager, Events and Operations	VenuesLive
15 August 2018	Mr Rob Hunter	Executive Manager	Parliamentary Services Department, Parliament of Western Australia
	Mr Tony Paterson	Security Manager	

Appendix Four

Melbourne, Sydney, Canberra briefings

During the period between 30 April and 4 May 2018, the Committee also undertook investigative travel to Melbourne, Sydney and Canberra. It met with 45 people at 17 briefings.

Appendix Five

Acronyms

ADF	Australian Defence Force
AIC	Australian intelligence community
ANZCTC	Australia-New Zealand Counter-Terrorism Committee
AS	Australian Standard
ASIAL	Australian Security Industry Association Limited
ASIO	Australian Security Intelligence Organisation
AWARE	All West Australians Reducing Emergencies
BGLU	Business and Government Liaison Unit
BSI	British Standards Institution
CCTV	Closed-circuit television
COAG	Council of Australian Governments
CPAG	Crowded Places Advisory Group
CPTED	Crime Prevention through Environmental Design
CSRFF	Community Sporting and Recreation Facilities Fund
DEMC	District emergency management committee
DFES	Department of Fire and Emergency Services
DPC	Department of the Premier and Cabinet
EBA	Enterprise bargaining agreement
FWO	Fair Work Ombudsman
HMA	Hazard management agency
IED	Improvised explosive device
ISO	International Organisation for Standardisation
JCSC	Joint Cyber Security Centre
LEMA	Local emergency management arrangements
LEMC	Local emergency management committee
LGIS	Local Government Insurance Scheme
MOU	Memorandum of Understanding
MRA	Metropolitan Redevelopment Authority
NCIS	National Criminal Intelligence System
NSW	New South Wales
NZS	New Zealand Standard
OEM	Office of Emergency Management
PAS	Publicly Available Specification
PJCIS	Parliamentary Joint Committee on Intelligence and Security
PSO	Protective service officer
PTA	Public Transport Authority
RTO	Registered training organisation
SAIWA	Security Agents Institute of Western Australia
SECC	Security and Emergency Committee of Cabinet
SEMC	State Emergency Management Committee

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SSIF	State Sporting Infrastructure Fund
UK	United Kingdom
VSB	Vehicle security barriers
WA	Western Australia
WALGA	Western Australian Local Government Association
WANDRRA	Western Australia Natural Disaster Relief and Recovery Arrangements

Appendix Six

State Emergency Management Committee Members (as at September 2018)

Member name	Role	From
Dr Ron Edwards	Chair	Independent member
Mrs Melissa Pexton	Deputy Chair	Independent member
Mr Malcolm (Mal) Cronstedt	Executive Officer	Executive Director, Office of Emergency Management
Ms Ricky Burges	Member	Western Australian Local Government Association
Dr David Russell-Weisz	Member	Department of Health*
Mr Richard Simpson	Member	Independent member
Mr Darren Foster	Member	Department of the Premier and Cabinet
Mr Darren Klemm	Member	Department of Fire and Emergency Services*
Mr Chris Dawson	Member	Western Australia Police Force*
Mr Grahame Searle	Member	Department of Communities*
Mr Mark Webb	Member	Department of Biodiversity, Conservation and Attractions*

* Appointed in a personal capacity

Source: State Emergency Management Committee, 'SEMC Members'. Available at: https://semc.wa.gov.au/about-us/the-semc/semc-members. Accessed on 19 September 2018.

Appendix Seven

Sample of risk assessment and emergency management guidelines brought to our attention during the inquiry

Source	Documents or services	Purpose
STANDARDS		
Standards Australia	A variety of standards, notably: • *Australian Standard (AS)/ New Zealand Standard (NZS) International Organisation for Standardization (ISO) 31000-2009: Risk management—Principles and guidelines* (in the process of being replaced by *ISO 31000-2018*). • *AS 3745-2010: Planning for emergencies in facilities.* • *AS/NZS 4421-2011: Guard and patrol security services.* • *AS 1851-2012: Routine service of fire protective systems and equipment* (being considered for revision). • *AS 1670.1-2015: Fire detection, warning, control and intercom systems—System design, installation and commissioning—Part 1: Fire* (being revised). • *ISO 22320-2011: Societal security–Emergency management–*	Standards are 'documents that set out specifications, procedures and guidelines that aim to ensure products, services, and systems are safe, consistent, and reliable.'[428] Regarded as a benchmark of acceptable practice, compliance with standards can help protect health and safety.

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428 Standards Australia, 'What is a Standard?' Available at: https://www.standards.org.au/standards-development/what-is-standard. Accessed on 16 August 2018.

Appendix Seven

	Requirements for incident response (under review, proposed to be replaced with *ISO 22320 – Security and resilience – Emergency management – guidelines for incident management*). Also some handbooks, most notably *Handbook (HB) 167-2006: Security risk management* (pending revision).	
British Standards Institution (BSI) Group	*Publicly Available Specification (PAS) 68-2013: Impact test specifications for vehicle security barrier systems.*	This British standard outlines impact test methods and performance criteria for classifying the performance of vehicle security barriers (VSB). Structural and security engineers use this standard when calculating requirements for bollards. VSB manufacturers use the standard to test their products; if they comply, the manufacturers generally include this information in product marketing. A number of crowded places in Australia use bollards that comply with this standard. *PAS 68* provides a level of assurance that some believe is not possible using Australian Standards.
NATIONAL GUIDELINES		
Australia-New Zealand Counter-Terrorism Committee (ANZCTC)	*Australia's strategy for protecting crowded places from terrorism.*	All are available, free of charge, on the Australian National Security website.
	Crowded places self-assessment tool.	This tool assists owners and operators to consider characteristics of their site that may make it attractive as a terrorist target. Characteristics include symbolic status of the site, volume and density of crowds, predictable gathering of crowds, social significance of the site, economic impact of site disruption, perceived security, ease of access, and availability of site information. The tool recommends action (either contact police or consider joining a crowded places forum) based on an overall self-assessment score.

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	Crowded places security audit.	This audit provides a series of checklists to help owners and operators consider security issues and identify security gaps at their site. The audit identifies security issues related to security governance, physical security, information security, and personnel security.
	Hostile vehicle guidelines for crowded places: A guide for owners, operators and designers.	These guidelines aim to provide owners and operators of crowded places with 'knowledge to inform security design considerations and decisions' with regard to using protective security measures to 'mitigate and reduce the impact of vehicles being used as weapons.'[429] These guidelines define hostile vehicles and provide examples of hostile vehicle mitigations.
	Active armed offender guidelines for crowded places.	These guidelines describe the characteristics of active armed offender incidents and outline potential prevention, preparedness, response and recovery arrangements.
	Chemical weapon guidelines for crowded places.	These guidelines define chemical weapon threat and suggest measures that owners and operators can take to 'strengthen their ability to detect, deter, delay, and respond to terrorist attacks using chemical weapons.'[430]
	Improvised explosive device (IED) guidelines for crowded places.	These guidelines define IED threat and outline potential prevention, preparedness, response and recovery arrangements.
Australian Security Intelligence Organisation (ASIO) Business and Government	The BGLU is the principal public interface between the Australian intelligence community and the private sector. WA Police consider the BGLU 'the single source of truth relating to counter-terrorism threat information and resilience building.'[431]	The BGLU website provides 'intelligence-backed unclassified reporting on the domestic and international security environment.'[432] It includes several security managers' guides produced by ASIO T4, the protective security unit of ASIO. These guides generally note that they are not

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429 Australia-New Zealand Counter-Terrorism Committee (ANZCTC), *Hostile Vehicle Guidelines for Crowded Places: A Guide for Owners, Operators and Designers,* Commonwealth of Australia, Barton, 2017, p5.

430 ANZCTC, *Chemical Weapon Guidelines for Crowded Places,* Commonwealth of Australia, Barton, 2017, p5.

431 Mr Chris Dawson, Commissioner of Police, Western Australia Police Force (WA Police), Letter, 20 June 2018, p4.

432 Australian Security Intelligence Organisation Business and Government Liaison Unit, 'About Us'. Available at: https://www.bglu.asio.gov.au/about-us. Accessed on 10 October 2018.

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Liaison Unit (BGLU)	The BGLU engages industry through several pathways, most notably via its subscription-based website.	exhaustive and only summarise key concepts and issues that should be explored further in the context of specific operating environments. They invariably identify other documents that should be read in conjunction with the reports.
Australian Institute for Disaster Resilience	*Safe and healthy crowded places handbook.*	Updated in 2018, this publication provides guidance to professionals involved in the planning and management of crowded places.
STATE GUIDELINES AND RESOURCES		
Department of Health	*Guidelines for concerts, events and organised gatherings.*	This document was developed to 'provide event organisers and other stakeholders with best practice guidelines with which to ensure events run smoothly.'[433] It focuses on risk management, identifying 'basic standards necessary to satisfy authorities and provide a consistent state-wide approach to events.'[434] According to the Department of Health, it should be read in conjunction with the Australian Institute for Disaster Resilience's *Safe and healthy crowded places handbook* (see above).[435]
WA crowded places forum (21 February 2018)	*Presentation*: Current security environment. *Presenter*: State Manager, ASIO. *Presentation*: Joint Cyber Security Centre (JCSC), Home Affairs. *Presenter*: JCSC. *Presentation*: Cybercrime – the persuasive threat of our age. *Presenter*: CCD Alliance, Private Security Consultants. *Presentation*: Critical incident mass casualty first aid ("Stop the Bleed").	According to the Strategy, a function of crowded places forums is to provide a mechanism through which members 'can share information, guidance and lessons learned relevant to their local circumstances.'[436]

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433 Submission No. 39 from Department of Health, 9 April 2018, p4.

434 Department of Health, *Guidelines for Concerts, Events and Organised Gatherings*, Government of Western Australia, Perth, December 2009, p6.

435 Submission No. 39 from Department of Health, 9 April 2018, p4.

436 ANZCTC, *Australia's Strategy for Protecting Crowded Places from Terrorism*, Commonwealth of Australia, Barton, 2017, p8.

	Presenter: Mr Mike Orr, Stop the Bleed.[437]	
WA crowded places forum (30 May 2018)	*Presentation*: Overview of Flinders and Bourke Street, Melbourne, hostile vehicle attacks. *Presenter*: Victoria Police Counter Terrorism Command.	
	Presentation: Protective security strategies and overview of all VenuesWest facilities. *Presenter*: Security Manager, VenuesWest.[438]	
Tourism Western Australia (Tourism WA)	*Resource for events in Western Australia.*	This document provides event holders seeking funding through Tourism WA the 'relevant permissions, plans and policies required in the event of a successful funding agreement'.[439] It sets out the obligations of event managers for risk management planning when entering into a Sponsorship Agreement. Event managers must: • Develop a risk management plan that adheres to *AS/NZS ISO 31000:2009*. • Provide written confirmation from 'an independent risk management specialist' that the plan complies with the standards. • Provide the plan to WA Police, the relevant local government, the Department of Fire and Emergency Services and all other relevant authorities. • Provide written confirmation to Tourism WA that the plan has been distributed to the above listed authorities.[440]
Tourism WA	*An introduction to risk management for event holders in Western Australia.*	This document seeks to 'provide practical guidance to event holders to assist with managing risks associated with their

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437 Mr Chris Dawson, Commissioner of Police, WA Police, Letter, 20 June 2018, p2.

438 *ibid*.

439 Tourism Western Australia (Tourism WA), *Resource for Events in Western Australia*, Government of WA, Perth, p5.

440 Tourism WA, *Resource for Events in Western Australia*, Government of WA, Perth, p5.

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		events.'[441] Primarily developed to support successful applicants who received event funding through the Regional Events Scheme, it nevertheless contains information applicable to any event holder as it aligns with AS/NZS *ISO 31000-2009: Risk management—Principles and guidelines.*[442]
	Managing your event risks.	This video presentation provides 'an overview of event risk management and information on the importance of risk management to ensure a successful event.'[443] Tourism WA also invites event organisers who have received funding through the Regional Events Scheme to attend an annual risk management workshop.[444]
Main Roads	Planned events guidelines (under preparation as at March 2018).	These guidelines are to incorporate a revised application process to include hostile vehicle mitigation for planned events.

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441 Tourism WA, *An Introduction to Risk Management for Event Holders in Western Australia*, Government of WA, Perth, June 2018, p5.

442 *ibid*.

443 Tourism WA, 'Resources for Event Holders', 26 June 2018. Available at: https://www.tourism.wa.gov.au/events/Event-sponsorship/Pages/Resources-for-event-holders.aspx#/. Accessed on 10 October 2018.

444 Submission No. 52 from Tourism WA, 30 May 2018, p1.

Appendix Eight

WA Police Academy training relating to policing terrorism

Course/program	Learning objectives	Delivery and assessment
RECRUIT TRAINING PROGRAM AND TRANSITIONAL		
Incident Management Training 1 Foundation (ICCS+)	At the conclusion of this lesson the participants will be able to describe: • The principles of incident management including emergencies. • The functions of ICCS Plus. • The levels of incident. • How the principles and functions are used to effectively manage incidents and emergencies.	**Delivered:** Face to face. **Duration:** 5 hours. **Assessment:** Online knowledge and multiple choice assessment.
Active Shooter Response	At the conclusion of this lesson participants will be able to: • Describe the elements that comprise an Active Shooter Response incident. • Explain how Active Shooter Response incidents differ from other tactical based 'high risk' situations. • Describe the documented Active Shooter Response Guidelines relating to places of mass gathering.	**Delivered:** Face to face. **Duration:** 3 hours. **Assessment:** Observation.
SERVING POLICE OFFICERS		
Operational Safety and Tactics Training—Critical Skills 3	At the conclusion of this lesson participants will have a greater understand of: • Terrorist motivation and related historical events. • Terrorism security threat levels. • WA Police current active shooter training.	**Delivered:** Face to face. **Duration:** 30 minutes. **Assessment:** No assessment.
Active Shooter Response—Advanced SVC	At the conclusion of this lesson participants will be able to: • Demonstrate and apply the elements and fundamentals of Movement Over Open Ground (MOOG) and Systematic Venue Clearance (SVC) in isolated learning events. • Demonstrate and apply the elements and fundamentals of MOOG and SVC in scenario based training events.	**Delivered:** Face to face. **Duration:** 3 hours. **Assessment:** Observation/oral questioning; practical assessment; and

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	• Demonstrate safe manipulation of the Glock pistol whilst moving and utilising cover.	completion of CS3 assessment tool.

Source: Mr Chris Dawson, Commissioner of Police, Western Australia Police Force, Letter, 20 June 2018, appendix C.