40TH PARLIAMENT

Community Development and
Justice Standing Committee

Report 5

NO TIME FOR COMPLACENCY

Final report for the inquiry into the protection of crowded places in Western Australia from terrorist attacks

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Presented by
Mr P.A. Katsambanis, MLA

March 2019

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Community Development and Justice Standing Committee

No time for complacency

Final report for the inquiry into the protection of crowded places in Western Australia from terrorist acts

Report No. 5

Presented by

Mr P.A. Katsambanis, MLA

Laid on the Table of the Legislative Assembly on 21 March 2019

Chairman's foreword

The security environment in which we live has changed significantly over the past decade. Events elsewhere have shown that locations at which large crowds gather are now attractive to people with malicious intent and are vulnerable to attack. A mixture of circumstance and good policing has shielded Western Australia from experiencing such events in this state. This does not mean we can be complacent—if anything, this inquiry has shown that Western Australia has a unique opportunity to strengthen its framework without the tragic impetus of an attack on a crowded place.

The focus of this inquiry was on the protection of crowded places from terrorist acts. As the inquiry progressed, however, it became evident that whether an incident is a terrorist act, another type of crime, or an accident is largely irrelevant from a protective security perspective. As one inquiry participant put to us, a vehicle driven at speed into a crowd of people will have the same impact regardless of whether the driver is a 'a drunk driver, an elderly person having a medical episode or a person with criminal intent.'

I believe many of the actions recommended in this report will therefore strengthen the resilience of crowded places, and Western Australia more generally, to not only terrorism but to other threats or behaviours. It builds on the initial report that the Community Development and Justice Standing Committee tabled in October 2018. Entitled *Near enough is not good enough*, that initial report identified some of the issues affecting the protection of crowded places that were brought to the Committee's attention in the early stages of the inquiry.

In this report, the Committee has focused on potential solutions, indicating ways in which Western Australia can build on the good work already underway. In making our recommendations, we have been conscious of not forcing stakeholders to implement measures disproportionate to their level and type of threat.

For example, the Committee supports the work of the Metropolitan Environmental Health Managers Group, which has encouraged its local government members to use the event approval process to assess the terrorist threat to all events within their area. This model would prevent events with a low terrorist threat level being forced to implement unnecessary and costly protective security measures. However, the Committee also recognises that requiring every local government to assess terrorism risk through the event approval process is not realistic, given the varying levels of capacity within local governments throughout Western Australia.

The public clearly expect the Western Australia Police Force to actively support owners and operators to protect their crowded places. While police in other jurisdictions are stepping into this space, the Western Australia Police Force seems reluctant to do the same. The Western Australia Police Force told the Committee that it could provide 'a degree of security advising' to government agencies like VenuesWest, but indicated it was unlikely that this support would extend to the private sector.

In relation to the security industry, the Committee feels a national approach to regulation is needed. Security personnel often act as the front line in crowded place protection, but their effectiveness is undermined by the variations in licensing arrangements across Australian jurisdictions. Because of mutual recognition obligations, Western Australia is required to recognise security licences gained in other jurisdictions even if their training and licensing standards are weaker than those in Western Australia. This is has the potential to compromise public safety. Despite widespread and long-standing agreement at the state and national levels that this needs to change, we have yet to see any such changes implemented. The Committee has therefore strongly recommended the Premier advocate for a national approach to the regulation of Australia's security industry through the Council of Australian Governments.

Achieving national harmonisation will take a considerable length of time. In the interim, Western Australia must be proactive about bolstering its regime. I see a role for the state as a national leader in security industry reform. A strong model in Western Australia could become the blueprint for a new national regulatory framework. What this may involve is outlined in this report. Western Australia must aim for training and licensing arrangements that ensure the competency standards required for each type of licence result in personnel who are appropriately qualified for the services they provide. Western Australia must also aim for licence categories that more accurately reflect the broad array of services provided by the security industry.

The professionalisation of the security industry should be encouraged. Such professionalisation would provide additional assurance to both the public and owners and operators that those providing protective security advice to crowded places are adequately trained, competent, and acting with integrity.

A matter the Committee has examined in considerable detail is the scrutiny and oversight of counter-terrorism efforts in Western Australia. Since this inquiry commenced in early 2018, the Government has established the Security and Emergency Committee of Cabinet. This is a positive development. The SECC may reduce accountability and coordination gaps resulting from the lead agency for counter-terrorism, the Western Australia Police Force, and peak emergency management body, the State Emergency Management Committee, reporting to different ministers. It may

also provide a degree of oversight of WA Police counter-terrorism exercises by ensuring that any recommendations arising from the evaluations are implemented.

Throughout the inquiry, the Committee struggled to access information and documentation it considered important to fully inform itself about the preparedness of the Western Australia Police Force and Western Australia more generally. Some of its requests for information were declined by the Western Australia Police Force on the basis that it was owned by the Australia-New Zealand Counter-Terrorism Committee and could only be released with its approval. Access to information about counter-terrorism exercises was also declined on the basis that its release might damage the police relationship with other jurisdictions or agencies.

I do not criticise the Western Australia Police Force for this situation. It is simply working within the national counter-terrorism framework. This framework seeks to maintain a nationally consistent approach to countering terrorism by emphasising interoperability across all jurisdictions. Lessons learned from counter-terrorism exercises conducted in Western Australia often lead to changes in other jurisdictions, so the Western Australia Police Force is understandably seeking to protect the interests of its counter-terrorism partners.

The fact remains, however, that the Counter Terrorism and Emergency Response Command of the Western Australia Police Force received over $49 million in 2017–18 and there is currently no third party scrutiny to ensure the people of Western Australia that this money was used effectively, efficiently, and ultimately increased the state's counter-terrorism preparedness.

Nor can the Western Australia Police Force use traditional vehicles for scrutiny, such as this inquiry, to bolster its requests for further funding for counter-terrorism efforts. During its investigative travel to the United Kingdom, the Committee met with Lord Toby Harris, who, in 2016, reviewed London's preparedness for a major terrorist incident. He made the point that the Metropolitan Police provided 'unparalleled cooperation' as he conducted the review—not out of altruism but because, in part, it recognised the review might add weight to its requests for further funding.

The Committee has strongly recommended the Premier investigate ways to rectify the current lack of independent oversight in relation to the state's preparedness for a terrorist attack. It has not made any recommendations about what this oversight and assurance model should look like; instead, it offers a number of factors that should be taken into consideration when developing an oversight body.

I personally believe Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services in the UK offers a useful starting model. It is independent of government and assesses the efficiency and effectiveness of police, fire and rescue services in the public

interest. This is hamstrung a little, however, by the fact that it is unable to focus on all response services, such as paramedics. Evidence to the inquiry suggested that a truly effective oversight body should be able to assess all emergency management preparedness.

As Chairman of the Committee, I want to thank all the stakeholders who have participated in our inquiry. We conducted two rounds of submissions and they engaged in this process willingly. This enabled the Committee to develop a more focused and, I hope, useful report than might otherwise have been the case.

As always, I also want to thank the fellow members of the Committee: the Member for Burns Beach, the Member for Bunbury, the Member for Carine and the Member for Dawesville. Their insightful lines of questioning and contribution to discussions enabled the Committee to produce a report that I believe will assist Western Australia to navigate the complexities of the security environment for years to come.

MR P.A. KATSAMBANIS, MLA
CHAIRMAN

Contents

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 release of Australia's strategy for protecting crowded places from terrorism (the Strategy) in 2017.

Due to the complexity of the inquiry subject, we released an initial report in October 2018 identifying issues brought to our attention and sought stakeholder feedback. The report, entitled *Near enough is not good enough: An initial report on the protection of crowded places in Western Australia*, resulted in over 40 additional submissions to the inquiry.

In this, our final report, we present the findings and recommendations formulated after serious consideration of all the evidence received. Although our conclusions will not diminish the complexity of the counter-terrorism environment, we hope they will assist WA to develop a strong framework nimble enough to respond to not only existing terrorist methodologies but also future and emerging threats.

The need for greater direction and support

The Strategy was the first time national counter-terrorism arrangements clearly articulated the respective roles owners and operators of crowded places, the private security industry, and local, state, territory and Commonwealth governments have in protecting crowded places. For some WA stakeholders—particularly those in local government and private sectors—the extent of their responsibilities was unexpected. Until the release of the Strategy, they had considered counter-terrorism to be the sole responsibility of the Western Australia Police Force (WA Police).

Stakeholders received limited government assistance as they came to terms with their responsibilities. Unlike Victoria or New South Wales, WA does not appear to have developed an up-to-date, publicly available state strategy or coordinated suite of policy documents elucidating the various counter-terrorism roles of government and non-government entities. This has led to confusion about counter-terrorism arrangements in WA, including misunderstandings about the function of key bodies such as the Security and Emergency Committee of Cabinet. The exact role of WA Police is also contested. Although stakeholders agree it is the lead agency in relation to counter-terrorism efforts, what exactly that involves in relation to crowded places is unresolved.

WA has also not developed a protective security advisory capability to support owners and operators to enhance the resilience of their crowded places. Some state agencies were concerned that increasing support to owners and operators would transfer the

responsibility for protecting crowded places and the associated risk to the agencies providing that support. But evidence from the United Kingdom (UK) suggests this concern is largely unfounded. There, the National Counter Terrorism Security Office coordinates a network of counter-terrorism security advisers who provide security advice to the private sector. In the years since this network was established, advisers have avoided the transfer of risk from owners or operators to the government despite developing detailed security plans for crowded places on a regular basis. The plans simply state the risk continues to be owned by the owners and operators and that it is the responsibility of the owners or operators to implement the protective security measures identified in the plan.

In the absence of clear government direction, some stakeholders developed their own standardised approaches to reduce the inconsistency with which the Strategy was being applied in WA. The Metropolitan Environmental Health Managers Group (MEHMG), made up of public health managers for all Perth metropolitan councils and Bunbury and Busselton, adopted a model in which environmental health officers assess the terrorist threat to all events seeking local government approval. Only those found to be at risk are asked to implement the appropriate mitigations before a certificate of approval is issued.

Likewise, individual local governments are creating their own planning guidelines with Crime Prevention through Environmental Design (CPTED) principles to encourage developers to consider integrating security measures into the design of new crowded places. Many of the CPTED principles are applicable to strengthening crowded places against terrorism. Little support has come from the Western Australian Planning Commission, whose one set of designing out crime guidelines is outdated.

Such initiatives risk unnecessary duplication and the inefficient use of resources. While the creation of local CPTED guidelines would enable local governments to address matters specific to their local planning schemes, it is questionable whether the majority of WA local governments would have the resources, knowledge, willingness or confidence to draft such guidelines. The initiatives also lack any power to compel. Owners or operators cannot be forced to implement protective security measures, even if WA Police or local government environmental health officers deem it necessary.

The need for independent oversight

At present, the WA Parliament and public does not receive regular, independent assurance that the state is prepared for a terrorist attack. Existing state oversight arrangements have considerable limitations. WA's peak emergency management body, the State Emergency Management Committee (SEMC), provides some assurance via its annual emergency preparedness report. A snapshot of WA's capacity to deal with large-scale emergencies, the report's conclusions are drawn from surveys of the

emergency management sector. However, the accuracy of the report—and therefore its assurance function—is often impacted by the quality of information provided by emergency management agencies. The SEMC is also arguably too intertwined with the state emergency management framework to fulfil a truly independent assurance role.

In contrast, the Auditor General has the necessary independence but currently cannot review the emergency management sector with any regularity. Tasked with an assurance role in relation to all state and local government agencies, the Auditor General is unable to conduct frequent audits of the sector without risking inadequate oversight of other, equally important, areas. Further, Auditor General audits focus on compliance rather than general preparedness. They determine whether controls and arrangements are working effectively but rarely assess whether such arrangements lead to the best possible outcomes in practice.

The national approach to counter-terrorism, which emphasises national consistency and interoperability, also affects oversight of WA's counter-terrorism preparedness. Counter-terrorism exercises that test WA Police capabilities are generally conducted using national methodologies owned by the Australia-New Zealand Counter-Terrorism Committee (ANZCTC). WA Police therefore declined information requests from this inquiry on the basis that the information could only be released with ANZCTC authorisation. This reduces the effectiveness of traditional vehicles for scrutiny used by WA Parliament; The ANZCTC is a creature of the Council of Australian Governments (COAG) and therefore cannot be directed by the WA Parliament to provide information.

WA Police uses the ANZCTC framework to evaluate its capabilities. ANZCTC-identified experts and experienced officers from other jurisdictions observe each counter-terrorism exercise undertaken by WA Police and produce a report that is ultimately reviewed by the ANZCTC. While such peer reviews are an important part of a robust assurance model, evidence from the UK suggested they still fail to uncover areas of improvement later identified through independent inspections.

Further, the ANZCTC is made up of police and policy representatives from all Australian jurisdictions. This composition disqualifies the ANZCTC from offering the accountability or transparency expected of independent oversight bodies—should it take on an oversight function, the ANZCTC would essentially be overseeing itself.

Some of the interjurisdictional barriers to oversight could have been overcome with greater cooperation from WA Police—if WA Police, for example, sought information from the ANZCTC on behalf of this inquiry, or declassified or redacted information that could damage the national interest. However, WA Police said the very information sought by this inquiry was likely to be that which would be redacted. A catch-22

situation therefore arose: the inquiry wished to access documents to assess their sensitivity but was unable access the documents because of their sensitivity.

As a result, it is impossible to determine whether the millions of dollars of government funds directed to WA Police counter-terrorism capabilities has actually increased the state's counter-terrorism preparedness.

The need for reform within the security industry

When deployed effectively, security personnel can bolster the security of crowded places. The security industry's protective security functions range from the provision of risk assessments and advice by security consultants to the guarding of assets and events by security officers and crowd controllers.

The effectiveness of the WA security industry, however, is undermined by the variations in licensing arrangements across Australian jurisdictions and mutual recognition obligations. Under the *Mutual Recognition Act 1992* (Cth), WA is required to recognise security licences gained in other jurisdictions even if their training and licensing standards are weaker than those in WA.

There was widespread agreement for the need for national harmonisation to overcome this issue. Creating nationally consistent training and licensing arrangements, however, will no doubt involve protracted COAG negotiations. In the interim, WA should reform its own training and licensing regime in order to provide a blueprint for a new national regulatory framework.

Particular attention should be paid to whether the competency standards required for each licence category and class results in personnel who are appropriately qualified for the services they provide, and whether licence categories accurately reflect the broad array of services provided by the security industry. For example, security consultants installing alarms and closed circuit television systems (CCTV) and security consultants providing security management and risk management advice are required to hold the same class of licence. This means the same licensing requirements—including the same minimum competency standards—apply to both types of consultants even though these may not reflect their specialist skills and knowledge.

Compliance and enforcement is not being appropriately resourced in WA. The WA Police Licensing Enforcement Division aims to audit 275 licence holders per year but only 100 persons were audited between July 2017 and May 2018. Considering the Australian security industry has an estimated annual growth rate of 2.7 per cent, the proportion of the security industry subject to audits will likely continue to decrease without a greater deployment of resources.

Alternative regulation models exist. Queensland has a model of co-regulation, for example. All licenced security firms are required to be a member of an approved security industry association. That association then assesses a member's compliance with its code of conduct at least once every three years.

In some other Australian jurisdictions, non-police government entities serve as the security licensing authority. Removing responsibility for security licensing from WA Police may lead to greater resourcing of compliance and enforcement duties. As an example, Queensland has a similar number of active security licences as WA, but its Office of Fair Trading tends to issue a greater number of infringements.

Owners and operators of crowded places struggle to procure suitable security services. The low procurement capability of staff within crowded places and lack of mechanisms to assist owners and operators to identify qualified and reputable consultants has created an environment in which misconduct can occur, such as 'sham contracting' and non-compliance with workplace laws. Issues relating to local and state government procurement have been—or are being—examined by statutory agencies such as the Fair Work Ombudsman and WA Auditor General, as well as other parliamentary committees.

The security industry, however, can do more to develop the competency and integrity of its members and thereby make it easier for owners and operators to identify appropriately qualified security personnel. Several inquiry participants emphasised the need for the professionalisation of the industry to assure the public and owners and operators that those providing protective security advice to crowded places were adequately trained, competent, and acting with integrity. Based on the models developed by other professions, this requires security professionals to demonstrate their specialist expertise through formal qualifications or training and a commitment to ongoing professional development. Importantly, membership to one or more professional associations that can confirm the competence of members is required.

The professionalisation of the security industry would enable registers of endorsed or accredited security consultants to be created, which those procuring security services could consult. Additional tools such as an online searchable licence registry and a public record of infringements may also assist owners and operators to more easily identify whether a security service provider was appropriately licenced.

Conclusion

Addressing the issues uncovered by this inquiry will require the cooperation of the community, owners and operators of crowded places, security industry, and local, state and federal governments. The complexity of the counter-terrorism environment rules out any quick solutions. An ongoing commitment from all stakeholders is necessary to

improve WA's counter-terrorism and emergency management frameworks and, ultimately, strengthen the resilience of crowded places to terrorism.

Ministerial response

In accordance with Standing Order 277(1) of the Standing Orders of the Legislative Assembly, the Community Development and Justice Standing Committee directs that the Premier, Minister for Emergency Services, Minister for Police, Minister for Local Government, Minister for Health and Minister for Planning report to the Assembly as to the action, if any, proposed to be taken by the Government with respect to the recommendations of the Committee.

Findings and recommendations

Finding 1 **Page 4**

It is appropriate for the risk-based methodology encapsulated in the Australia-New Zealand Counter-Terrorism Committee *Crowded places self-assessment tool* to be used to determine whether a site or event is a crowded place in Western Australia for the purposes of counter-terrorism.

Recommendation 1 **Page 4**

That the Minister for Police ensures the Western Australia Police Force develop a coordinated strategy to educate owners and operators of crowded places of the need to conduct risk assessments and vulnerability analyses to determine whether they have security gaps that require action.

Finding 2 **Page 7**

Under the *Emergency Management Act 2005*, the Western Australia Police Force is unable to exercise additional powers or employ the emergency alert system during a suspected terrorist act when the motive for the act is unclear.

Recommendation 2 **Page 7**

That the Minister for Emergency Services amends the *Emergency Management Act 2005* to expand the definition of 'hazard' so as to enable the Western Australia Police Force to exercise its additional powers during a suspected terrorist act where the motive for the act is unclear. These amendments should be introduced to Parliament as soon as possible.

Finding 3 **Page 8**

Terrorist use of drones is an emerging threat to the protection of crowded places in Western Australia.

Recommendation 3 **Page 9**

That the Minister for Police amends relevant legislation to enable the Western Australia Police Force to respond to the emerging threat of terrorist use of drones.

Recommendation 4 **Page 10**

That the Premier advocates, through the Council of Australian Governments, for a national approach to exemptions that may be required to permit police use of drones from controls imposed by the Civil Aviation Safety Authority.

Finding 4 **Page 16**

Communities and individuals play a key role in the detection of possible terrorist attacks, yet a perception exists in Western Australia across all hazards that 'someone else will sort it out.'

Recommendation 5 **Page 16**

That the Minister for Police ensures the Western Australia Police Force lead the development of a public awareness campaign and associated system to report suspicious behaviour in public spaces, in conjunction with the State Emergency Management Committee and other relevant agencies.

Finding 5 **Page 17**

Protecting crowded places from terrorism is highly complex, and is affected by the:

- Difficulty of defining what is a crowded place.
- Specialised expertise required to implement proportional protective security.
- Range of threats facing crowded places.
- Ongoing evolution of terrorist methods.
- Responsibility we all share in relation to preparing for, preventing and responding to terrorist attacks on crowded places.

Finding 6 **Page 21**

Western Australia's counter-terrorism approach does not fully reflect the principle of shared responsibility advanced in *Australia's strategy for protecting crowded places from terrorism*.

Finding 7 **Page 21**

Western Australia does not appear to have updated its policy framework following the release of *Australia's strategy for protecting crowded places from terrorism,* including any state-specific documents to guide or evaluate the protection of crowded places in Western Australia from terrorism.

Finding 8 **Page 24**

There is no information about the Western Australian crowded places forums on the Western Australia Police Force website, which may act as an unnecessary roadblock for some owners and operators wishing to engage with the forums.

Recommendation 6 **Page 24**

That the Minister for Police ensures the Western Australia Police Force website is updated to include a webpage about crowded places forums. This webpage should provide information about upcoming forums and contact details, which owners and operators can use to seek further information.

Finding 9 **Page 24**

The creation of the Security and Emergency Committee of Cabinet is known to various stakeholders outside the public sector; however, actual knowledge of its composition and function is not fully understood by all stakeholders.

Finding 10 **Page 25**

Western Australia does not have a publicly available state counter-terrorism plan. It is therefore unclear who is responsible for what activities, which causes unnecessary confusion and increases the risk of key roles or responsibilities going unfulfilled.

Recommendation 7 **Page 26**

That the Premier and Cabinet develop a public plan or statement to clarify Western Australian counter-terrorism arrangements; stakeholder roles and responsibilities; and the mechanisms to prevent, prepare for, respond to and recover from acts of terrorism in Western Australia.

Recommendation 8 **Page 31**

That the Minister for Police considers developing a fee-for-service protective security advisory capability within the Western Australia Police Force to support the owners and operators of crowded places to conduct security risk assessments and implement the appropriate mitigations.

Finding 11 **Page 34**

Australia's strategy for protecting crowded places from terrorism is not linked to any legislation or Western Australian policy framework. Consequently, owners and operators of crowded places cannot to be compelled to implement any protective security measures, even if they are assessed as being an attractive target for attack.

Recommendation 9 **Page 34**

That the Minister for Local Government and Minister for Health review the existing regime for event approvals and introduce legislation that empowers local government authorities to compel the owners and operators of crowded places to implement protective security measures, should a local government authority—in conjunction with the Western Australia Police Force—deem it necessary. It is essential that any such powers are exercised proportionately; create a simple, easy-to-follow framework; and are consistent across all local government authorities.

Finding 12 **Page 38**

Mandating the environmental health model to address terrorism risk may place undue strain on the capacity of some local governments.

Recommendation 10 **Page 38**

That the Minister for Police ensures the Western Australia Police Force work with the Department of Local Government, Sport and Cultural Industries (in conjunction with key stakeholders such as the Western Australian Local Government Authority and Metropolitan Environmental Health Managers Group) to develop a standardised approach to the assessment of risk in relation to crowded places and ascertain the best method to support its implementation.

Finding 13 **Page 43**

Few local governments have the resources, knowledge, willingness or confidence to draft guidelines that encourage developers to consider Crime Prevention through Environmental Design principles.

Recommendation 11 **Page 43**

That the Minister for Planning ensures the Western Australian Planning Commission updates the *Designing out crime planning guidelines* to ensure there is a specific focus on protective security for a range of threats, including terrorism.

Finding 14 **Page 45**

Memorandums of Understanding are a useful tool for protecting crowded places from terrorism by establishing the roles and responsibilities of stakeholders and decreasing the possibility of the duplication of activities.

Recommendation 12 **Page 45**

That the Minister for Police ensures the Western Australia Police Force work with the Metropolitan Environmental Health Managers Group to develop a cross-entity agreement to support the proposed environmental health model.

Recommendation 13 **Page 46**

That the Minister for Police ensures the Western Australia Police Force work with the Security Agents Institute of Western Australia to investigate the need for a new Memorandum of Understanding between the two entities.

Finding 15 **Page 48**

The relative infancy of the Security and Emergency Committee of Cabinet means it is difficult to assess its impact on the counter-terrorism preparedness of Western Australia.

Finding 16 **Page 48**

The composition of the Security and Emergency Committee of Cabinet and its senior officials group requires the Security and Emergency Committee of Cabinet to have a strong focus on not perpetuating the existing exclusive approach to counter-terrorism.

Finding 17 **Page 49**

There are reported issues with the implementation of the State CCTV Strategy.

Recommendation 14 **Page 49**

That the Minister for Police initiates a review of the effectiveness and efficiency of the (now lapsed) State CCTV Strategy and CCTV Register with a particular focus on the incursion of costs by participants, ongoing operating costs, and governance and security of shared data.

Finding 18 **Page 54**

While the State Emergency Management Committee fulfils an important assurance role, it lacks the independence and rigour necessary to provide robust oversight of emergency management preparedness in Western Australia.

Finding 19 **Page 55**

Western Australia's emergency management framework is not regularly reviewed by an independent oversight body.

Finding 20 **Page 56**

Any regular and ongoing assurance role that the Office of the Auditor General undertakes in relation to the emergency management sector is likely to focus on assuring the compliance of local government and government agencies against the *Emergency Management Act 2005*. Although this function is important, by itself it will not assure the preparedness of Western Australia for a terrorist attack on a crowded place.

Finding 21 **Page 58**

The existing processes by which private sector preparedness can be assessed are so ad hoc and fragmented that it is impossible to assess accurately the adequacy of private sector preparedness for a terrorist attack across Western Australia.

Finding 22 **Page 66**

Existing oversight measures fall short when it comes to holding agencies across government in Western Australia to account for the administration of counter-terrorism policies, particularly in relation to state police preparedness.

Recommendation 16 **Page 82**

That the Premier, in investigating ways to rectify the current lack of independent oversight in relation to the state's preparedness for a terrorist attack, consider the factors required for effective oversight and assurance of this area, including:

- Organisational, system and independent assurance levels.
- The capacity to investigate all agencies and organisations with emergency management responsibilities.
- An in-depth understanding of counter-terrorism activities and related police capabilities.
- The ability to navigate the interjurisdictional nature of Australian counter-terrorism arrangements.
- The capability to assess private sector preparedness for a terrorist attack on a crowded place.
- Unfettered access to information.
- The need for security vetting.
- Reporting provisions that balance the need for accountability and transparency with the need to prevent actions that prejudice security, law enforcement operations or relations with other jurisdictions.

Finding 31 **Page 87**

Any attempt by Western Australia to strengthen its security licensing requirements or the quality and integrity of training can be undermined by mutual recognition obligations.

Recommendation 17 **Page 87**

That the Premier advocates for a national approach to the regulation of Australia's security industry through the Council of Australian Governments.

Finding 32 **Page 92**

Western Australian licence categories and related competency standards do not accurately reflect the range of services provided by security personnel.

Finding 33 **Page 93**

Compliance activities and the investigation of offences under the *Security and Related Activities (Control) Act 1996* (WA) are not being appropriately resourced.

Finding 34 **Page 101**

While there is general agreement within the Australian security industry about the need to professionalise, previous efforts have been unsuccessful due to the industry's inability to reach an agreed approach to professionalisation.

Recommendation 18 **Page 101**

That the Minister for Police urgently reviews the regulation of the Western Australian security industry. The review should consider:

- Whether licence categories and related competency standards result in personnel who are appropriately qualified for the services they provide.
- Alternative regulation models such as co-regulation, the establishment of a non-police regulator or a cost recovery arrangement.
- Ways to encourage the professionalisation of the Western Australian security industry.
- An appropriate investigation and enforcement model that is well-resourced and leads to increased compliance across the security industry.

Finding 35 **Page 102**

The owners and operators of crowded places often lack the skills, resources, and tools to identify qualified and reputable security providers. This has created an environment in which misconduct can occur.

Finding 36 **Page 105**

Issues relating to local and state government procurement have been—or are being—examined by statutory agencies such as the Fair Work Ombudsman and Western Australian Auditor General as well as other parliamentary committees.

Recommendation 19 **Page 108**

That the Minister for Police ensures that the regulatory model for the security industry includes mechanisms that will assist owners and operators of crowded places to identify qualified and reputable security service providers, including:

- A searchable database of security licence holders and accredited professionals.
- The regular publication of compliance information.

Treatment of evidence

Readers will note 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.

It should also be noted that the Committee has referred to inquiry participants by the position or title that they held at the time their evidence was received. The Committee recognises that some participants no longer hold the positions with which they are associated in this report.

Chapter 1

Complexity of protecting crowded places from terrorism

The inquiry process

This inquiry was established to determine whether there is adequate preparation for the protection of crowded places in Western Australia (WA). It was motivated, in part, by the release of *Australia's strategy for protecting crowded places from terrorism* (the Strategy) in August 2017.

This national strategy, which was itself a response to a spate of attacks on populated public spaces overseas, recognised the attractiveness of crowded places as targets for terrorist acts and sought to develop a nationally consistent approach for their protection.[1] 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.

The subsequent endorsement of the Strategy by the Council of Australian Governments (COAG) at a Special Meeting on Counter-Terrorism in October 2017 set the policy direction for protecting crowded places in Western Australia. Since then, the Western Australian Government has commenced implementation that has included the establishment of the Security and Emergency Committee of Cabinet in 2018 (see chapter 2).

Areas not considered

Given the primary focus of our inquiry was the counter-terrorism preparedness of WA, we chose not to consider in detail the other three elements of the PPRR (prevention, preparedness, response and recovery) model. However, we recognise that prevention activities in particular strengthen WA's preparedness for a terrorist act. Prevention, as the *National counter-terrorism plan* says, is the 'first line of defence against terrorism.'[2]

1 Australia-New Zealand Counter-Terrorism Committee (ANZCTC), *Australia's strategy for protecting crowded places from terrorism*, Commonwealth of Australia, Barton, 2017, p. 2.

2 ANZCTC, *National counter-terrorism plan*, 4th edition, Commonwealth of Australia, Barton, 2017, p. 1.

Part of protecting crowded places against terrorism involves preventing or diverting people from engaging in terrorist activities in the first place.

Airport, maritime and surface public transport security, and health were also not examined extensively; these areas each have their own regimes and we could arguably have completed an inquiry focusing on any one of these areas.

A two-stage inquiry

As the inquiry progressed, the complexity of protecting crowded places quickly became apparent. While we recognised there were a number of issues affecting the preparedness of WA, we acknowledged we could not formulate possible solutions to these matters alone. In October 2018, we therefore released an initial report identifying 30 matters we felt required further consideration and asked interested parties to respond.[3]

This is our final report for the inquiry into the protection of crowded places from terrorist acts. It contains findings and recommendations we formulated after serious consideration of all the evidence submitted to the inquiry, including stakeholders' responses to our initial report. Although this report will not reduce the complexity of both counter-terrorism and the protection of crowded places in WA, we hope it will help to develop a future framework and processes to assist businesses, local government, and state agencies navigating this space to fulfil their roles and responsibilities to the required level.

Defining a crowded place is not straight-forward

Crowded places defy simple definition. The Strategy employs a broad, all-encompassing definition: crowded places are 'locations which are easily accessible by large numbers of people on a predictable basis.' A crowded place does not need to be crowded at all times; the Strategy says 'crowd densities may vary between day and night, by season, and may be temporary, as in the case of sporting events, festivals, or one-off events.'[4]

Under this definition, WA has innumerable crowded places. Yet, as the Strategy and its accompanying materials recognise, not all owners and operators of crowded places have the same protective security responsibilities. To determine whether their site is a

3 Community Development and Justice Standing Committee (CDJSC), *Near enough is not good enough: An initial report on the protection of crowded places in Western Australia*, Parliament of Western Australia, Perth, 2018.

4 ANZCTC, *Australia's strategy for protecting crowded places from terrorism*, Commonwealth of Australia, Barton, 2017, p. 4.

crowded place for the purpose of protection against terrorism, owners and operators must undertake a risk assessment of their site.[5]

The Australia-New Zealand Counter-Terrorism Committee (ANZCTC), which coordinates counter-terrorism efforts in Australia, released the *Crowded places self-assessment tool* to help owners and operators understand how attractive their site may be to a terrorist attack. It asks them to rate a range of factors, including the historical, iconic, religious, cultural or political symbolism of the site; the predictability and density of gatherings; ease of access; and the site's economic or social importance.[6]

Many inquiry participants supported a risk-based methodology to determine a crowded place with protective security responsibilities,[7] and some owners and operators had already used the ANZCTC self-assessment tool.[8]

There were calls, however, for additional support for owners or operators of crowded places undertaking risk assessments. The joint submission from the Department of Transport, Main Roads and Public Transport Authority (Transport Portfolio), for example, said:

> *The provision of more detail as to how to assess the risk of potential terrorist attack using checklists, numbers of people congregating, and defining locations in terms of lack of escape routes and potential confined locations would be beneficial for government agencies to better undertake the management of the risks associated with public events from potential terrorism.*[9]

A security consultant suggested the development of an automated application tool, which would prompt owners and operators to answer a range of questions about their crowded places and security planning. The tool would formulate a score to determine the 'type of crowded place the venue or site is on a sliding scale of categories.' The consultant submitted such categorisation could be linked to regulations and the 'category of that venue/operation then determines the security measures that are

5 ANZCTC, *Australia's strategy for protecting crowded places from terrorism*, Commonwealth of Australia, Barton, 2017, pp. 6, 7, 13, 14.

6 ANZCTC, *Crowded places self-assessment tool*, Commonwealth of Australia, Barton, 2017.

7 Submission 6A, Perth Festival, p. 2; Submission 4A, Mr Donald Williams, p. 3; Submission 59, Department of Planning, Lands and Heritage, p.2; Submission 60, Queensland Police Service, p. 2; Submission 16A, Mr Chris Cubbage, p. 1; Submission 22A, closed submission, p. 1; Submission 24A, St John Ambulance Western Australia, pp. 1–2; Submission 39A, Department of Health, p. 1; Submission 7A, Security Agents Institute of Western Australia (SAIWA), pp. 6–7; Submission 27A, Department of Fire and Emergency Services, p. 2; Submission 40A, VenuesLive (Optus Stadium), p. 2; Submission 48A, State Emergency Management Committee (SEMC), p. 2; Submission 15A, City of Bunbury, p. 2; Submission 53A, closed submission, p. 1.

8 Submission 13A, City of Joondalup, p. 4; Submission 6, Perth Festival, p. 1; Submission 29, Transport Portfolio, p. 10; Submission 33D, City of Perth, p. 2.

9 Submission 29A, Transport Portfolio, p. 2.

expected to be implemented under legislation and regulations.'[10] We consider the need for legislative change in the next chapter.

A further factor affecting WA, as we identified in our initial report, is that there are competing definitions of a crowded place. What is—and what is not—considered a crowded place depends on the legislation or agency being consulted. Without an agreed definition, there is a risk some stakeholders could fail to recognise their counter-terrorism roles and responsibilities under the Strategy.[11] We note at least one local government said it should not be responsible for protecting crowded places from terrorism.[12]

Finding 1

It is appropriate for the risk-based methodology encapsulated in the Australia-New Zealand Counter-Terrorism Committee *Crowded places self-assessment tool* to be used to determine whether a site or event is a crowded place in Western Australia for the purposes of counter-terrorism.

Recommendation 1

That the Minister for Police ensures the Western Australia Police Force develop a coordinated strategy to educate owners and operators of crowded places of the need to conduct risk assessments and vulnerability analyses to determine whether they have security gaps that require action.

Proportional protective security requires specialist support

Implementing effective protective security measures is a highly complex process that generally requires owners and operators to employ professional security consultants. A significant number of variables need to be taken into consideration when strengthening a site. Each crowded place has its own geographic, built and operating environments and, as a result, exposure to certain threats. Owners and operators also have different resourcing levels, legislative obligations, and appetite for risk. Furthermore, the threat environment and attack vectors (such as armed assault, hostile vehicle, or bombing) are subject to rapid change, which should be taken into consideration when implementing security measures.[13]

Poorly conducted risk assessments can return unacceptable risk ratings for crowded places. As security consultant and researcher Donald Williams explained:

10 Submission 53A, closed submission, p. 2.
11 CDJSC, *Near enough is not good enough: An initial report on the protection of crowded places in Western Australia*, Parliament of Western Australia, Perth, 2018, p. 42.
12 Submission 56, closed submission, p. 1.
13 Submission 4, Mr Donald Williams and Dr Anthony Bergin, p. 3; Submission 4A, Mr Donald Williams, p. 4; *Briefing*, 1 May 2018.

> *Most risk assessment methodologies (and hence related risk management strategies) assign a 'Catastrophic' consequence rating if one or more fatalities are possible, resulting in an unacceptable risk rating. If such methodologies are used then no crowded place event would be permitted as assessments would recommend the activity not occur.*[14]

Incorrectly managed protective security measures may also negatively disrupt the operations of the crowded place and alienate the public. For example, the cyclone fencing introduced at the Melbourne Cricket Ground following the terrorist attack on the Stade de France in November 2015 caused lengthy delays for spectators attending cricket games at the stadium and was abandoned the following year.[15]

The vast majority of crowded places' owners and operators are unable to undertake a comprehensive risk assessment or implement protective security measures without the support of a professional security consultant. Although the ANZCTC self-assessment tool and accompanying *Crowded places security audit* may help owners and operators to understand how attractive their location may be for a terrorist attack and identify security gaps requiring further action, they provide the barest 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.[16]

> … 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.
>
> - *Mr Donald Williams and Dr Anthony Bergin*

Terrorism is just one threat to crowded places

In the course of the inquiry, it became evident that whether or not an attack on a crowded place was terrorism was largely irrelevant from a protective security perspective. A terrorist act, as defined in the *Criminal Code Act 1995* (Cth), is an act carried out with the intention to coerce or influence the government or public by intimidation in order to advance a political,

14 Submission 4A, Mr Donald Williams, p. 6.
15 Beau Donnelly, 'No ring of steel but more police at MCG tonight after 'scorch with terror' call', *The Age*, 9 September 2016, accessed 2 January 2019, <www.theage.com.au>.
16 *Briefing*, 1 May 2018.

religious or ideological cause.[17] Under this definition, an incident can only be identified as terrorism once the perpetrator's motive is known. Yet determining motive—and therefore whether an incident is a terrorist act, another type of crime, or an accident—can be difficult during or in the immediate aftermath of an incident.

The use of everyday items such as vehicles to conduct terrorist attacks has further blurred the lines: the Westminster attacks of March 2017 and August 2018 included the use of vehicles as a weapon and were treated as terrorism by authorities;[18] however, the 2017 incidents at Bourke Street and Flinders Street in Melbourne, which also involved vehicles, were not.[19]

The Security Agents Institute of Western Australia (SAIWA) submitted that protecting crowded places required greater focus 'on the mechanism of attack rather than the motive of the attack.'[20] It said:

> *… the use of the term terrorism is emotive and confuses the matter to some extent, the approach should be related to the types of events that could occur and not be distracted by the motivations that drive them.*[21]

When conducting risk assessments and implementing security measures, then, the focus should be on preventing a person driving a car into a crowd regardless of whether that person is 'a drunk driver, an elderly person having a medical episode or a person with criminal intent.'[22]

The *Emergency Management Act 2005* (the Act), which governs emergency management in WA, requires the Western Australia Police Force (WA Police) to establish an incident is terror-related before its officers are able to exercise additional powers (including those relating to movement and evacuation) or employ the emergency alert system. When the nature of a 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. WA Police Assistant Commissioner

17 *Criminal Code Act 1995* (Commonwealth), s100.1.

18 James Glenday, 'London attack: At least four dead, 40 injured after terrorist targets Westminster Bridge, Houses of Parliament', *ABC News* (web-based), 23 March 2017, accessed 4 February 2019, <www.abc.net.au>; 'Westminster car crash: Man arrested on suspicion of terror offences', *BBC News* (web-based), 14 August 2018, accessed 4 February 2019, <www.bbc.com>.

19 Adam Cooper, 'Flinders St accused had photos of vehicle terror attack, court told', *The Age*, 25 September 2018, accessed 4 February 2019, <www.theage.com.au>; Preeti K. McCarthy, 'Melbourne attack driver known to police for domestic violence', *SBS* (web-based), 20 January 2017, accessed 4 February 2019, <www.sbs.com.au>.

20 Submission 7A, SAIWA, 19 November 2018, p. 7.

21 *ibid.*, p. 9.

22 *ibid.*, p. 7.

Paul Zanetti therefore 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.*[23]

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 suspected to be a terrorist act'.[24]

In response to our request for information about the expected reintroduction of these amendments to Parliament, the Minister for Emergency Services said amendments to the Act and the timing of amendments 'are a matter for Cabinet and will be announced in due course.'[25]

Finding 2

Under the *Emergency Management Act 2005*, the Western Australia Police Force is unable to exercise additional powers or employ the emergency alert system during a suspected terrorist act when the motive for the act is unclear.

Recommendation 2

That the Minister for Emergency Services amends the *Emergency Management Act 2005* to expand the definition of 'hazard' so as to enable the Western Australia Police Force to exercise its additional powers during a suspected terrorist act where the motive for the act is unclear. These amendments should be introduced to Parliament as soon as possible.

Terrorist methods are ever-evolving

Terrorism and, as a result, counter-terrorism efforts and initiatives, are constantly evolving.[26] As law enforcement and intelligence agencies become increasingly adept at disrupting one type of attack and targets are hardened against the associated attack

23 Mr Paul Zanetti, Assistant Commissioner, Western Australia Police Force (WA Police), *Transcript of Evidence*, closed session, 9 May 2018, p. 5.
24 *Emergency Management Act 2005*, Incorporating the amendments proposed by the *Emergency Management Amendment Bill 2016* (Bill No. 174-1).
25 Hon Francis Logan MLA, Minister for Emergency Services, letter, 28 November 2018, p. 2.
26 Submission 48A, SEMC, 23 November 2018, p. 5.

Box 1.1: Joint Counter-Terrorism Teams

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, pp. 93–111; Australian Federal Police, 'Counter-Terrorism', accessed 2 August 2018, <www.afp.gov.au>.

vector, terrorists counter with new weapons and tactics. In recent years, for example, large-scale, coordinated attacks have given way to the threat of single-actor attacks involving basic weapons such as knives or vehicles.[27]

This does not mean larger, planned attacks are no longer a threat. In December 2016, for instance, the Victorian Joint Counter-Terrorism Team (JCTT) disrupted a multi-venue, mass-casualty attack targeting Melbourne. The following year, the New South Wales JCTT stopped a planned explosives attack on an aeroplane departing from Sydney.[28] (See box 1.1 for an explanation of JCTTs). Law enforcement and intelligence agencies must remain ever vigilant: they not only have to scan the horizon for new terrorist methods and quickly develop the necessary capabilities to respond, but also remain cognisant of existing threats.

Terrorist use of drones is one example of an emerging threat. Drones have the capacity to carry out surveillance of prospective targets, disrupt flights (either accidentally or with malicious intent), and carry payloads, which could result in mass casualties if released over a crowded place.[29] In recognition of this potential threat, the Queensland Police Service worked in conjunction with Australian government agencies and a private company to ensure it had counter-drone capability during the 2018 Gold Coast Commonwealth Games.[30]

Finding 3

Terrorist use of drones is an emerging threat to the protection of crowded places in Western Australia.

27 ASIO, 'Counter Terrorism', accessed 18 December 2018, <www.asio.gov.au>.
28 Jacinta Carroll, 'Australia', in Isaac Kfir, Sofia Patel and Micah Batt (ed.), *Counterterrorism Yearbook 2018*, Australian Strategic Policy Institute Limited, Barton, 2018, p. 10.
29 Lord Toby Harris, *An independent review of London's preparedness to respond to a major terrorist incident*, London, 2016, p. 13; Submission 20A, closed submission, p. 5.
30 Mr Graham Coleman, Superintendent, Queensland Police Service, *Transcript of Evidence*, 20 June 2018, pp. 6–7.

In a submission to the Commonwealth Joint Committee on Law Enforcement, WA Police explained although 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', existing legislation prevents police from interfering with a drone in flight.[31] The Australian Federal Police has since been approved to use drone guns,[32] which are able to bring down a drone by disrupting electronic signals.

Similarly, there are legislative impediments on police use of drones for incident response and other purposes. According to the WA Police submission to the Joint Committee on Law Enforcement, police agencies are 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.'[33] 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.[34]

There is clearly a need for legislative reform. Should Perth Airport experience a situation similar to that of Gatwick Airport in December 2018 (during which flights were grounded for 36 hours), the social and economic impact to WA could be significant. Given this environment, it is inevitable that legislators will have to respond. We strongly support tackling these issues sooner rather than later; doing so would ensure WA leads Australia in its threat management of terrorist use of drones.

Recommendation 3

That the Minister for Police amends relevant legislation to enable the Western Australia Police Force to respond to the emerging threat of terrorist use of drones.

31 Submission 31, 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, p. 3.

32 Erin Pearson, 'New drone-hunting tech to roll out at major Australian airports', *The Sydney Morning Herald* (web-based), 25 December 2018, accessed 6 February 2019, <www.smh.com.au>.

33 Submission 31, 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, p. 3.

34 Mr Paul Zanetti, Assistant Commissioner, WA Police, *Transcript of Evidence*, closed session, 9 May 2018, p. 4.

Recommendation 4

That the Premier advocates, through the Council of Australian Governments, for a national approach to exemptions that may be required to permit police use of drones from controls imposed by the Civil Aviation Safety Authority.

Everyone has a role in protecting crowded places

As the Strategy outlines, business, government and the community share responsibility for preparing for, preventing and responding to terrorist attacks on crowded places. We explained the relevant responsibilities in detail in our first report,[35] but feel they are worth restating here. The environment is incredibly complex and to protect crowded places adequately, each stakeholder group must fulfil their respective roles.

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, engaging directly with police, and working with private security providers when necessary.[36]

Local government

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.[37]

Security industry

The private security industry is a key participant in the protection of crowded places through their provision of deterrence, detection, delay and response measures that form part of a layered approach. In accordance with the Strategy, security personnel must be 'well-trained and professional.'[38]

State and territory governments

State and territory governments, led primarily by their respective police agencies, have a role in building and sustaining the resilience of crowded places to terrorism. Police

35 CDJSC, *Near enough is not good enough: An initial report on the protection of crowded places in Western Australia*, Parliament of Western Australia, Perth, 2018, pp. 8–10.
36 ANZCTC, *Australia's strategy for protecting crowded places from terrorism*, Commonwealth of Australia, Barton, 2017, pp. 6–7.
37 *ibid.*, p. 7.
38 *ibid.*, p. 9.

provide threat information to owners and operators either directly or through crowded places forums (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 the owners and operators of crowded places, although the Strategy notes that this is only 'in some instances.'[39]

In our initial report, we found there was a clear expectation amongst owners, operators and the public that authorities such as WA Police would take the lead in protecting crowded places. WA Police appeared reluctant to step into this space, however, distancing itself from any overarching responsibility for implementing the Strategy and stressing that it was not the role of WA Police to provide protective advice to private industry.[40] We discuss these matters further in chapter 2.

Governments support the private security sector to develop well-trained and professional personnel by maintaining 'a robust regulatory regime around employment, training, and registration.'[41]

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. It reports to COAG.[42]

Although it has no operational role, the ANZCTC is central to the coordination of counter-terrorism efforts in Australia. It provides strategic and policy advice to government and ministers; coordinates an effective national counter-terrorism capability; maintains arrangements for the effective sharing of intelligence and information; and maintains national counter-terrorism plans.

WA Police and the Department of the Premier and Cabinet (DPC) represent WA on the ANZCTC and its subcommittees.[43]

> The worst thing is, on the bad day, for everyone to jump back and say, 'I didn't have anything to do with it. It's your fault.' We are all in this. We are all Western Australians and Australians.
>
> - *Dr Ron Edwards, State Emergency Management Committee Chair*

39 ANZCTC, *Australia's strategy for protecting crowded places from terrorism*, Commonwealth of Australia, Barton, 2017, p. 8.
40 CDJSC, *Near enough is not good enough: An initial report on the protection of crowded places in Western Australia*, Parliament of Western Australia, Perth, 2018, pp. 27–29, 70–72.
41 ANZCTC, *Australia's strategy for protecting crowded places from terrorism*, Commonwealth of Australia, Barton, 2017, p. 8.
42 *ibid.*, p. 8.
43 Submission 32, Department of the Premier and Cabinet, p. 1.

Commonwealth government

The Commonwealth primarily has a support role in relation to the protection of crowded places from terrorism, maintaining the counter-terrorism framework that directs state and territories' counter-terrorism efforts. It also ensures Commonwealth agencies maintain capabilities to respond to terrorism, and these agencies (particularly the Australian Security Intelligence Organisation and Australian Federal Police through their involvement in JCTTs) support states and territories to prevent, respond to, and recover from terrorist incidents.[44]

The community

The Strategy recognises the important role that the public has in relation to counter-terrorism:

> *All communities and individuals have a responsibility to help detect and prevent possible terrorist attacks in crowded places. Everyone working in or using a crowded place should be aware of their surroundings and report suspicious or unusual behaviour to authorities.*[45]

Prevention

Although we did not focus on prevention activities in this inquiry, we did receive some evidence about the important role communities play in the prevention of terrorist incidents. In Australia, there is an awareness that people can become vulnerable to violent extremist influences when they are disconnected from their communities. Drivers of radicalisation include 'social isolation, a longing for a sense of purpose or belonging, long-term unemployment, criminality, or perceived political grievances.' [46]

A policy adviser who has worked with culturally diverse communities said such drivers can be reinforced at crowded places:

> *… where proprietors of commercial public spaces often do not send positive community messages to reinforce diversity, common values between ethnic and faith groups, so that some public events may disproportionally exclude particular communities from engagement as consumers for fear of verbal or physical abuse.*[47]

44 ANZCTC, *Australia's strategy for protecting crowded places from terrorism*, Commonwealth of Australia, Barton, 2017, p. 9.

45 *ibid*.

46 Council of Australian Governments, *Australia's counter-terrorism strategy: Strengthening our resilience*, Commonwealth of Australia, Canberra, 2015, p. 10.

47 Submission 46, closed submission, p. 2.

He said community engagement was 'integral to discussions of any security measures undertaken to protect crowded places':

> *… ethnic and faith communities and leaders play an important role in bringing safety, order, co-operation and resilience to affected individuals and families.*[48]

He said strong community relationships were particularly important in the aftermath of a terrorist act when, in his experience, media reporting can 'incentivise hate crimes and strengthen the messages of far-right groups.'[49] People with ongoing, positive relationships with law enforcement are more likely to maintain their allegiance to government and remain engaged with their communities in the face of race and faith-based attacks.[50]

Through these relationships, communities may also be more likely to report criminal and suspicious activities to police. Indications are that far-right extremism is on the rise. In 2017, both Western Europe and North America experienced a spike in violent incidents perpetrated by far-right extremists.[51] Should this continue to increase, community reports of such activity may play a greater role in assisting law enforcement agencies to identify individuals at risk of radicalisation towards violent far-right extremism.

Preparedness

In terms of preparedness, WA's peak emergency management body, the State Emergency Management Committee (SEMC), has placed increased focus on the important role played by the community in preparing for an emergency. In its *Emergency Preparedness Report 2018* (an annual snapshot of WA's preparedness for an emergency), the SEMC said citizens that are 'properly engaged' and 'provided with sufficient knowledge and the opportunity to participate … can make an effective contribution to EM [emergency management].'[52]

However, the SEMC said some citizens still did not understand or accept the risks with which they live. This was not due to a lack of emergency preparedness information;

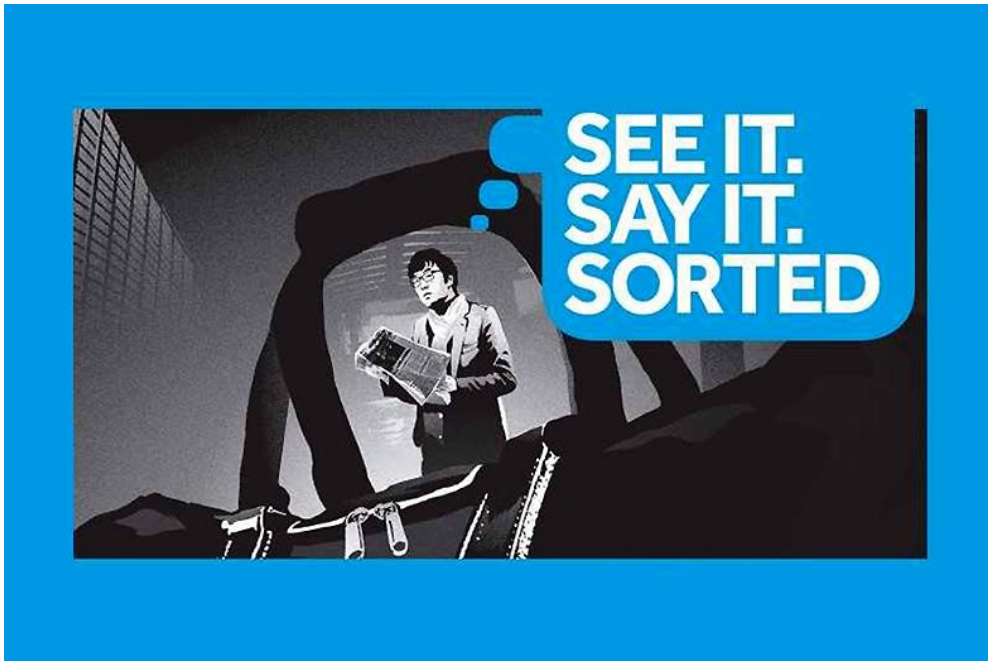
48 Submission 46, closed submission, p. 1.
49 *ibid*.
50 Submission 46A, closed submission, p. 6.
51 Institute for Economics and Peace, *Global Terrorism Index 2018: Measuring the impact of terrorism*, Sydney, 2018, p. 47; Seamus Hughes and Bennett Clifford, 'United States', in Isaac Kfir, Sofia Patel and Micah Batt (ed.), *Counterterrorism Yearbook 2018*, Australian Strategic Policy Institute, Barton, 2018, p. 152.
52 SEMC, *Emergency preparedness report 2018,* Government of Western Australia, Perth, 2018, p. 30.

most agencies have such information and tools freely available on their websites.[53] In spite of the ready availability of such information, the opinion that emergencies happened 'somewhere else' and 'someone else would sort it out' showed 'no sign of abating' amongst WA communities.[54]

Some inquiry participants emphasised the role of the WA public in future counter-terrorism efforts. Former WA Police superintendent John Lindley suggested agencies such as WA Police are primarily focused on responding to a terrorist act, which leaves a prevention, preparedness and recovery vacuum that the public is going to have to fill.[55]

First, though, the enduring public perception that they will be safe in all circumstances will need to be managed without creating unnecessary fear.[56] Mr Williams pointed to the risk management approach used in national park guidelines in WA, which advises park users their safety is 'our concern but your responsibility', as a good example.[57]

Figure 1.1: British national rail security campaign



Source: British Transport Police, *New National Rail security campaign starts today: "See it. Say it. Sorted"*, 1 November 2018, accessed 8 February 2019, <www.btp.police.uk>.

53 SEMC, *Emergency preparedness report 2018,* Government of Western Australia, Perth, 2018, p. 63.
54 *ibid.*, p. 69.
55 Submission 9A, Mr John Lindley, p. 8.
56 Submission 3A, closed submission, p. 1; Submission 44A, City of Cockburn, p. 7; Submission 4A, Mr Donald Williams, p. 7.
57 Submission 4A, Mr Donald Williams, p. 7.

Box 1.2: A community of interest around a common objective

Melbourne's Federation Square is a good practice example of how private and public sectors can develop mutually supportive, collaborative relationships to achieve a common objective: protecting people that work at, use, or visit a popular crowded place.

Since its opening in 2002, Federation Square has become one of Melbourne's most important public gathering spaces. It boasts a range of cafés, bars, and restaurants alongside cultural organisations such as the Australian Centre for the Moving Image, Koorie Heritage Trust, and the Ian Potter Centre (an art gallery housing part of the National Gallery of Victoria art collection). Past events at Federation Square have attracted up to 100,000 attendees. To date, Federation Square has been the target of at least two planned terrorist attacks.

Fed Square Pty Ltd, which manages Federation Square, told us that cooperation is a 'critical' feature of its security management. Victoria Police will often disseminate threat information to Fed Square. Operation Millennial, which provides a highly visible police presence to the Melbourne central business district, has not only encouraged police familiarisation of Federation Square and its security arrangements, but also reassured the public. Fed Square, in turn, provides its plans to Victoria Police to assist their understanding of Federation Square and its security measures. According to Fed Square, Victoria Police have become increasingly open to such cooperation as it realised 'about three and a half years ago that they can't do it alone.'

Agencies with responsibilities in the wider precinct, including the City of Melbourne, are able to coordinate their CCTV system so a person of interest may be monitored as they move across areas under the control of different stakeholders. Victoria Police and Fed Square also have a Memorandum of Understanding, which enables police to gain access to CCTV cameras owned by Fed Square.

Fed Square conducts desktop exercises of its security plans with its staff, tenants, police and other agencies. Such exercises help Fed Square to ensure its response is compatible with that of police. They also enable tenants to develop a more sophisticated understanding about how to respond during an incident.

Sources: *Briefing*, 1 May 2018; Fed Square Pty Ltd, *Annual Report 2016*–17, 2017, p. 12. Victoria Police, *Annual Report 2017–2018,* Victoria Police, Docklands, 2018, p. 17.

Another good practice example is the United Kingdom's national rail security campaign, which encourages train passengers and station visitors to report any unusual items or activity (see figure 1.1). Security announcements and posters promote the 'See it. Say it. Sorted' message and provide rail users with the numbers to text or call should they see anything unusual.[58] The message is broad and therefore alerts the British Transport Police (BTP) to criminal behaviours as well as people in crisis (and who may be contemplating harm to themselves or others).

58 British Transport Police (BTP), *New National Rail security campaign starts today: "See it. Say it. Sorted"*, 1 November 2018, accessed 18 December 2018, <www.btp.police.uk>.

The campaign provides members of the public with the opportunity to 'do something' about behaviour that would not usually warrant an emergency call. As some researchers have put it, the campaign creates a 'safe reporting space'.[59]

Importantly, reports from the public sent via text are acknowledged with a reply text from BTP to confirm the message was received and, if required, a request for further information. The BTP also follows up to let the person reporting know what action has been taken in response.[60] This step is considered essential to not only show that the BTP welcomes their report but to also provide the member of the public with the confidence for future reporting.[61] In the 2017–18 period, the proportion of all notifiable crimes that were reported by text increased from 2.7 per cent to 5.4 per cent.[62]

Finding 4

Communities and individuals play a key role in the detection of possible terrorist attacks, yet a perception exists in Western Australia across all hazards that 'someone else will sort it out.'

Recommendation 5

That the Minister for Police ensures the Western Australia Police Force lead the development of a public awareness campaign and associated system to report suspicious behaviour in public spaces, in conjunction with the State Emergency Management Committee and other relevant agencies.

How can WA address the complexity of protecting crowded places?

To navigate the multiple complexities affecting the counter-terrorism environment within our state effectively, WA needs to develop a framework that assists stakeholders to fulfil their responsibilities and strengthen crowded places so the risk to those who use them is reduced. This framework needs to be nimble enough to respond to not only existing terrorist methodologies but also future and emerging threats. The following chapters recommend what the new framework should look like, including key themes or matters that require consideration.

Throughout the report, we identify specific areas in which stakeholders can improve their counter-terrorism efforts. Some of our discussion relates to WA Police because counter-terrorism is a core part of policing responsibilities and WA Police has a central

59 Ben Brewster, Helen Gibson, and Mike Gunning, 'Policing the community together: The impact of technology on citizen engagement', in Georgios Leventakis and M. R. Haberfeld (eds.), *Societal Implications of Community-Oriented Policing and Technology*, Springer, Cham, 2018, p. 97.

60 BTP, *How to use our text number: Q&A*, accessed 18 December 2018, <www.btp.police.uk>.

61 Centre for the Protection of National Infrastructure (CPNI), *Promoting public vigilance and reporting in public places*, CPNI, United Kingdom, 2017, p. 3.

62 BTP, *A force for the future: Annual report 2017/18*, BTP, United Kingdom, 2018, p. 5.

role in the preparedness of WA for terrorist acts. We stress, however, that this discussion should not be read as a criticism of individual WA Police personnel, some of whom are recognised nationally and internationally for their expertise.

Finding 5

Protecting crowded places from terrorism is highly complex, and is affected by the:

- Difficulty of defining what is a crowded place.
- Specialised expertise required to implement proportional protective security.
- Range of threats facing crowded places.
- Ongoing evolution of terrorist methods.
- Responsibility we all share in relation to preparing for, preventing and responding to terrorist attacks on crowded places.

Chapter 2

A framework for the future

States and territories have primary responsibility for preventing, preparing for, responding to, and recovering from terrorist attacks in their jurisdictions.[63] A strong governance and policy framework is needed for Western Australia (WA) to fulfil this responsibility, particularly when—as is the case with the protection of crowded places—achieving the desired outcome relies on multiple stakeholders from both the private and public sectors.

A strong framework also enables public sector entities to fulfil performance expectations (namely the 'efficient, effective, economical and ethical' use of public resources) and supports their accountability to the Government, Parliament and the public.[64]

In our initial report, we found WA has not updated its framework to reflect the progressively complex counter-terrorism environment and the increased emphasis on shared responsibility for the protection of crowded places.[65] None of the evidence we received since the report's release suggested any significant change to this state of affairs.

A state counter-terrorism strategy is needed

Western Australia's counter-terrorism approach is outdated

As far as we can tell, one document—the *State hazard plan: Terrorist act*—represents the totality of strategic counter-terrorism arrangements in WA. This plan centres on the emergency management prevention, preparedness, response and recovery activities of the Commissioner of Police (and, through the Commissioner, the Western Australia Police Force (WA Police)) as the entity responsible for managing terrorist acts. It therefore embodies an outdated approach to counter-terrorism, in which responsibility for prevention, preparedness, response and initial recovery is

63 *Intergovernmental agreement on Australia's national counter-terrorism arrangements,* Council of Australian Governments, 2017, p. 4; Australia New Zealand Counter-Terrorism Committee (ANZCTC), *National counter-terrorism plan*, 4th edition, Commonwealth of Australia, Barton, 2017, p. 3; ANZCTC, *Australia's strategy for protecting crowded places from terrorism*, Commonwealth of Australia, Barton, 2017, p. 7.

64 Australian National Audit Office, *Insights from reports tabled July to September 2018*, 19 November 2018, accessed 21 January 2019, <www.anao.gov.au>.

65 Community Development and Justice Standing Committee (CDJSC), *Near enough is not good enough: An initial report on the protection of crowded places in Western Australia*, Parliament of Western Australia, Perth, 2018, pp. 23–27.

concentrated almost exclusively in police. In contrast, *Australia's strategy for protecting crowded places from terrorism* (the Strategy) focuses on the shared responsibility of the owners and operators of crowded places; the private security industry; the community; and local, state, territory and Commonwealth governments.[66]

The *State hazard plan: Terrorist act* is also the only state hazard plan not publicly available. It is unable to provide accountability for WA Police results; neither the public nor presumably most Members of Parliament know the counter-terrorism responsibilities of WA Police against which its actions can be assessed.

In an attempt to gain a greater understanding of the policy environment in WA with regard to the implementation of the Strategy, we requested all policy documents relating to the protection of crowded places from terrorism from the Department of the Premier and Cabinet (DPC) and WA Police. We specifically identified the following types of policy documents:

- Governance framework documents.
- Memorandums of Understanding (MOUs).
- Service level agreements.
- Engagement strategies or plans.
- Implementation and evaluation plans.[67]

We further asked the DPC for any overarching strategy documents for WA.

The DPC responded that it 'has not developed any specific policy documents of the kinds you have outlined in relation to the Strategy.'[68] It did, however, provide us with the terms of reference for the Security and Emergency Committee of Cabinet (SECC) and the SECC senior officials group—bodies that we discuss in further detail below.

As we noted in our initial report, WA Police simply directed us to the Strategy and its supplementary materials in response to our request for governance framework documents. In relation to engagement strategies or plans, WA Police commented that the Australia-New Zealand Counter-Terrorism Committee (ANZCTC) Crowded Places Advisory Group (CPAG) 'provides for contemporary issues to be considered and adopted by jurisdictions if relevant'. Given the context, this statement seems to

66 Mrs Melissa Pexton, Manager Emergency Management, Policy, Western Australian Local Government Association (WALGA), *Transcript of Evidence*, 27 June 2018, p. 3.
67 Mr Peter Katsambanis, MLA, Chairman, CDJSC, letters, 25 June 2018, p. 1.
68 Mr Darren Foster, Director General, Department of the Premier and Cabinet (DPC), letter, 17 July 2018, p. 1.

suggest that WA Police may not have implemented engagement strategies or plans because it has not been directed to do so by CPAG.

In response to our request for WA Police implementation and evaluation plans, WA Police said CPAG was responsible for the implementation and evaluation of the Strategy. It also said there were 'no current memoranda in place' and 'no Service Level Agreements associated with the National Strategy.'[69]

Later in this report, we explain that we found evidence of past and current MOUs contributing to the protection of crowded places. The WA Police and DPC might not have identified the MOUs as relevant to this inquiry because they were not originally developed to strengthen the resilience of crowded places but for crime prevention or emergency management, which suggests a somewhat ad hoc approach to the storage and identification of such policy documents by the agencies concerned.

We are concerned as to whether WA Police or DPC have yet developed a coordinated suite of policy documents relating to the protection of crowded places in WA from terrorism. This is surprising given they lead WA's involvement in national counter-terrorism arrangements. Without such documents, WA does not have a framework by which to guide or measure the implementation of the Strategy.

Finding 6

Western Australia's counter-terrorism approach does not fully reflect the principle of shared responsibility advanced in *Australia's strategy for protecting crowded places from terrorism*.

Finding 7

Western Australia does not appear to have updated its policy framework following the release of *Australia's strategy for protecting crowded places from terrorism,* including any state-specific documents to guide or evaluate the protection of crowded places in Western Australia from terrorism.

Stakeholders' counter-terrorism roles and responsibilities are unclear

With neither an up-to-date state strategy nor policy framework to guide counter-terrorism efforts in WA, some of the stakeholder groups identified in the Strategy have contested the exact nature and extent of their roles and responsibilities. In the course of this inquiry, we got the sense most—state agencies, local governments and the owners and operators of crowded places—agreed strengthening crowded places was important but some sought to minimise their responsibility for achieving this goal. This

69 Mr Chris Dawson, Commissioner of Police, Western Australia Police Force (WA Police), letter, 18 July 2018, pp. 1–2.

was particularly the case when a role was outside 'business as usual' activities or stakeholders felt they were inadequately resourced or equipped to fulfil the role.

Such avoidance of responsibility is possible because, as the Western Australian Local Government Association (WALGA) pointed out, 'the strategy is not linked to any legislation or policy framework within WA and is therefore not mandatory.'[70] It ultimately results in a state underprepared for a terrorist incident and ripe for blame avoidance and buck-passing, should an attack on a crowded place occur.

The WA Police role is contested

While evidence from owners and operators of crowded places,[71] the local government sector,[72] government agencies,[73] and WA Police indicates they accept WA Police is the lead agency in relation to counter-terrorism efforts in WA,[74] what exactly that role involves in relation to crowded places is contested.

> …what is the role, function and expertise expected of police officers in providing security information? You could argue that it is not our role, or you could argue with the environment changing it should be our role.
>
> - *Mr Craig Donaldson, Commander, Counterterrorism and Emergency Response, WA Police*

WA Police and DPC had different positions about whether WA Police was responsible for implementing the Strategy: while DPC said WA Police is the 'lead agency for implementing the Strategy in Western Australia', WA Police said the CPAG is 'responsible for the implementation of the National Strategy.'[75]

WALGA said it was the role of WA Police to ensure the local government sector not only understood its roles and responsibilities under the Strategy but also delivered to the desired level.[76] WALGA later submitted WA Police should

70 Submission 51A, WALGA, p. 1.
71 Submission 22A, closed submission, pp. 1–2; Submission 21, Shopping Centre Council of Australia, pp. 3–4; Submission 28, Australia Resorts (Crown Perth), p. 3.
72 Submission 19, City of Mandurah, pp. 1–3; Submission 44, City of Cockburn, p. 2; Submission 51, WALGA, p. 3.
73 Submission 54, closed submission, p. 4; Submission 35A, Department of Biodiversity, Conservation and Attractions, p. 1; Mr Darren Foster, Director General, DPC, letter, 17 July 2018; Submission 39A, Department of Health, p. 2.
74 State Emergency Management Committee (SEMC), *State hazard plan: Terrorist act*, SEMC, Perth, 2018.
75 Mr Darren Foster, Director General, DPC, letter, 17 July 2018; Mr Chris Dawson, Commissioner of Police, WA Police, letter, 18 July 2018.
76 See CDJSC, *Near enough is not good enough: An initial report on the protection of crowded places in Western Australia*, Parliament of Western Australia, Perth, 2018, pp. 27–28.

'drive' a 'coordinated approach with key stakeholders' in relation to the implementation of counter-terrorism measures.[77]

The Australian Hotels Association believed WA Police had an education role by increasing the hotel and hospitality industry's access to 'strategies to promote broader awareness and understanding of steps that can be taken to protect crowded places.'[78]

The Department of Biodiversity, Conservation and Attractions (DBCA) noted event managers were responsible for securing the necessary event approvals, but WA Police 'should determine the required standards for approval.' While administering the approval process could be 'burdensome', DBCA said this role 'probably also best resides with the WA Police Force.'[79]

> FRINGE WORLD Festival has had a very positive working relationship with WA Police over the course of the last eight years of FRINGE WORLD production but it must be noted that it was only in reading this draft report [*Near enough is not good enough*] that we became aware of WA Police running quarterly Crowded Places Forums. We have never been informed about or invited to one.
>
> - *Mr Marcus Canning, Chief Executive Officer, Artrage*

WA Police, meanwhile, has shown a reluctance to take on too much responsibility in relation to the protection of crowded places. In accordance with the Strategy, WA Police is responsible for running and administering crowded places forums. These forums are mechanisms through which police and owners and operators can 'share information, guidance, and lessons learned relevant to their local circumstances.'[80] However, WA Police does not seem to be actively recruiting owners and operators to join the forums. Evidence suggests many owners and operators have become involved in the forum after they approached WA Police, rather than the other way around.[81] As we noted in our first report, we also know of at least one claim where WA Police mistakenly told a person who wanted to gain more information about the forums that crowded places forums were not its responsibility.[82]

There is also no information about the crowded places forums on the WA Police website. This is concerning, given the website is likely to be the first point of call for

77 Ms Ricky Burges, Chief Executive Officer, WALGA, letter, 23 July 2018, p. 2.
78 Submission 41, Australian Hotels Association Western Australia, p. 4.
79 Submission 35A, Department of Biodiversity, Conservation and Attractions, p. 1.
80 ANZCTC, *Australia's strategy for protecting crowded places from terrorism*, Commonwealth of Australia, Barton, 2017, p. 8.
81 Submission 13, City of Joondalup, p. 1; Mr Craig Donaldson, Commander, Counterterrorism and Emergency Response, WA Police, *Transcript of Evidence*, 9 May 2018, pp. 3– 4; Submission 44A, City of Cockburn, p. 2.
82 CDJSC, *Near enough is not good enough: An initial report on the protection of crowded places in Western Australia*, Parliament of Western Australia, Perth, 2018, p. 43.

owners and operators wishing to understand their responsibilities under the Strategy and to develop their capabilities.

Finding 8

There is no information about the Western Australian crowded places forums on the Western Australia Police Force website, which may act as an unnecessary roadblock for some owners and operators wishing to engage with the forums.

Recommendation 6

That the Minister for Police ensures the Western Australia Police Force website is updated to include a webpage about crowded places forums. This webpage should provide information about upcoming forums and contact details, which owners and operators can use to seek further information.

Confusion about the role of the Security and Emergency Committee of Cabinet

Submissions we received highlighted widespread misunderstandings about the role of the recently formed SECC. One inquiry participant said there should be non-ministerial additions to the SECC,[83] which is not possible due to convention requiring Cabinet documents, discussions and decisions to remain confidential and Cabinet members to be Members of Parliament, ministers, and members of the Executive Council.[84] The suggestions of another participant from outside the public sector seemed based on the understanding that the SECC had a more 'on-the-ground' role than it has in reality.[85]

As we note later in this chapter, we welcome the creation of SECC; however, we encourage the Government to clarify its composition and function for those stakeholders working outside of the public sector. Effective counter-terrorism requires all stakeholders to buy into the process. This, in turn, relies on stakeholders having a clear understanding of the environment in which they are expected to work.

Finding 9

The creation of the Security and Emergency Committee of Cabinet is known to various stakeholders outside the public sector; however, actual knowledge of its composition and function is not fully understood by all stakeholders.

Other jurisdictions' strategic documents

The *New South Wales counter terrorism plan* offers a possible way to clarify the counter-terrorism roles and responsibilities of all WA stakeholders. Released by the New South Wales (NSW) Government in late December 2018, its purpose is to 'inform

83 Submission 7A, Security Agents Institute of Western Australia (SAIWA), p. 3.
84 DPC, *Cabinet Handbook 2017*, DPC, Perth, 2017, p. 1.
85 Submission 46A, closed submission, pp. 3, 4, 5.

the general public, business, those working in the counter terrorism field and government about NSW's counter terrorism arrangements.'[86] For example, it explains the national and state counter-terrorism frameworks, which would reduce stakeholders' confusion about the role of key bodies such as the SECC should a similar approach be adopted in WA.

The plan also 'outlines responsibilities, authorities and the mechanisms to prevent, prepare for, respond to and recover from acts of terrorism within NSW.'[87] Although some of its statements avoid guaranteeing that government agencies will assist all owners and operators of crowded places to strengthen the resilience of their sites, it nevertheless recognises the role played by NSW government agencies in protecting crowded places, particularly in relation to the planning process.

The Victorian Government has a similar document, the *Counter-terrorism statement 2017*. This 'outlines the arrangements that are in place to protect and support Victorians before, during and after an act of terrorism' and 'provides guidance on how to stay informed and engaged.' It enshrines the principle of shared responsibility, noting 'the best defence against terrorism is a strong and connected community.'[88]

Developing a publicly available statement or plan similar to the Victorian and NSW governments may have several benefits. It may:

- Clarify stakeholders' counter-terrorism roles and responsibilities.
- Clarify the complex counter-terrorism arrangements in WA.
- Reduce the tendency of risk-averse state agencies to avoid taking on any role for which they feel under-resourced and under-equipped.
- Reduce the risk of blame avoidance and buck-passing.

Finding 10

Western Australia does not have a publicly available state counter-terrorism plan. It is therefore unclear who is responsible for what activities, which causes unnecessary confusion and increases the risk of key roles or responsibilities going unfulfilled.

86 New South Wales (NSW) Government, *New South Wales counter terrorism plan*, 2018, p. 3.
87 *ibid*.
88 State of Victoria, *Counter-terrorism statement 2017*, Department of Premier and Cabinet, Melbourne, 2017, pp. 3, 4.

Recommendation 7

That the Premier and Cabinet develop a public plan or statement to clarify Western Australian counter-terrorism arrangements; stakeholder roles and responsibilities; and the mechanisms to prevent, prepare for, respond to and recover from acts of terrorism in Western Australia.

A state government entity to provide support and security advice

In our initial report, we identified two areas in which owners and operators sought further assistance from state government agencies: in the navigation of compliance and approval processes associated with organising large, outdoor events; and in the provision of protective security advice. We foreshadowed our agreement with the owners and operators calling for greater assistance from government agencies.[89]

Inquiry participants were divided about which entities could fulfil the coordination function. Some indicated the existing processes provided adequate coordination. The Department of Fire and Emergency Services (DFES) said local governments should work through the local, district and state emergency management committees that make up the emergency management framework 'to ensure a coordinated approach and that adequate terrorism mitigations are in place.'[90] The City of Perth, meanwhile, said local governments are the key stakeholder in event approval process and should therefore 'lead the discussion on events impacting the area they manage.' The City already coordinates meetings about major events in its local government area, and as this 'seems to work well … another formalized committee may be considered unnecessary.'[91]

Others in the local government sector disagreed with this assessment, particularly in relation to their responsibilities as outlined in *Australia's strategy for protecting crowded places from terrorism* (the Strategy). WALGA said the local government sector would welcome 'one lead or coordinating body' for the Strategy. It said WA Police is currently providing 'initial guidance and a point of contact' but:

> *It is the level of detail below once trying to implement the strategy that the conflicts of who can provide what advice, who is the credible expert and who can provide definitive guidance that appears to be missing.*

WALGA said should local governments be expected to provide this function, 'then the State needs to be cognisant that not all local governments are equipped with the skills, expertise or budgets to undertake this role.'[92] The City of Joondalup similarly said that

89 CDJSC, *Near enough is not good enough: An initial report on the protection of crowded places in Western Australia*, Parliament of Western Australia, Perth, 2018, pp. 38–39, 70–72.
90 Submission 27A, Department of Fire and Emergency Services, p. 2.
91 Submission 33D, City of Perth, p. 2.
92 Submission 51A, WALGA, p. 4.

should the local government sector become the 'single point of contact', it would require additional resourcing.[93]

According to another inquiry participant, a state government entity would 'streamline public safety considerations' and support a consistent state-wide approach to risk management. If it distributed grant funding to event organisers and provided additional support through risk assessment tools and expertise, the entity would become a 'one stop shop' for event management and may be able to ensure that appropriate risk analysis and treatments were undertaken across WA.[94]

The possibility of centralising the event approval process through the Interagency Event Approval Committee, which we discussed in our initial report, gained some support. Using the committee in this way would:

- Take the 'onus off the event organiser to coordinate and manage such a high level working group'.
- Bring greater efficiency to the approval process 'as there would be a unified and consistent understanding of the event complexities'.
- '[O]ffer a forum for agencies to review event details, offer advice, intervene when required and give initial approval.'[95]

It is clear from evidence received from state agencies represented on the Interagency Event Approval Committee that it would not take on this role without direction from the Government. The committee's purpose is to ensure no new, large-scale events are approved without considering their effect on other stakeholders. Its primary focus is on traffic management and transport issues.[96] It is less concerned with how it could better support event organisers, as evidenced by the fact the organisers of two prominent Perth events, Perth Festival and Perth Fringe World Festival, were unaware of the committee's existence prior to reading our initial report.[97]

> If a centralised interagency approval model is adopted; these terrorism risks can be shared across the relevant agencies with the opportunity for all to comment on and advise the event manager on the best course of action; again removing confusion of where one agency's jurisdiction ends and another's begins.
>
> - *Mr Garry Ferguson, Head of Production, and Mr Elliot Chambers, Production Manager, Perth Festival.*

93 Submission 13A, City of Joondalup, p. 4.
94 Submission 15A, City of Bunbury, p. 3.
95 Submission 6A, Perth Festival, p. 1.
96 Submission 42A, WA Police, p. 3.
97 Submission 6A, Perth Festival, p. 1; Submission 64, Artrage, p. 2.

Some state agencies were concerned that increasing the support provided to owners and operators would transfer the responsibility for protecting crowded places and the associated risk to the agencies providing that support. The DPC expressed this position in response to our suggestion that a government agency could act as a coordinating body to assist event managers navigating the various compliance and approval processes.[98] WA Police similarly worried providing any assurance role in relation to the security management plans of crowded places may 'transfer the risk to WA Police.'[99]

We disagree this would occur, should the appropriate steps be taken. In the United Kingdom (UK), counter-terrorism security advisers routinely provide advice to the owners and operators of crowded places. Coordinated and trained by the National Counter Terrorism Security Office (NaCTSO) but stationed with police agencies throughout the UK, the advisers assess venues that may be at risk of terrorist attack within their region. They then work with the owners and operators to identify and understand the threat, survey vulnerable points, and develop the appropriate protective security plans to minimise impact. The advisers maintain contact with the owners and operators, meeting regularly to monitor their progress in implementing the plans.[100]

When asked how they avoid taking on the owners and operators' responsibility for protecting crowded places, the counter-terrorism security advisers with whom we met said any plan they develop clearly states:

- The risk continues to be owned by the owners and operators.
- It is the responsibility of the owners or operators to implement the protective security measures identified in the plan.[101]

If its counter-terrorism strategy is any indication, Victoria Police also does not share WA Police or DPC fears. The strategy states Victoria Police intends to 'develop, implement and coordinate a Victoria Police Counter Terrorism Liaison Officer Network'. This network will 'facilitate increased opportunities for local-level engagement between police, other areas of government and industry' and 'provide local stakeholders support and "best practice" guidance on protecting and enhancing the resilience of the crowded places sectors.'[102]

98 Submission 32A from DPC, p. 4.
99 Mr Paul Zanetti, Assistant Commissioner, Specialist and Support Services, WA Police, *Transcript of Evidence*, 9 May 2018, p. 4.
100 *Briefing,* 3 December 2018.
101 *ibid.*; *Briefing*, 5 December 2018.
102 Victoria Police, *Counter Terrorism Strategy 2018–2021*, Victoria Police, Melbourne, 2018, p. 10.

Victoria Police will also 'explore the development of a Protective Security Advisory (PSA) Capability':

> *The PSA Capability will enhance the provision of nationally-consistent security advice provided by government agencies. This security advice, to be provided to owners and operators of critical infrastructure and crowded places, will focus on reducing vulnerability in a 'whole life plan', with an emphasis on longevity and sustainability.*[103]

The ANZCTC Crowded Places Advisory Group (CPAG) has prioritised the 'development of a new training regime to establish a national protective security advice capability in jurisdictional police services.' It is envisioned this training will 'strengthen the ability of State and Territory police to assist owners and operators in protecting their crowded places'.[104]

However, whether WA Police will ultimately use this training to support the private sector remains to be seen. Counterterrorism and Emergency Response Commander Craig 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.[105]

We are of the opinion that serious consideration should be given to the creation of a state government entity to support the owners and operators of crowded places (regardless of whether they are part of the private sector or public sector) to conduct security risk assessments and implement the appropriate mitigations. Its functions could also include the distribution of funding for local government or owners and operators' counter-terrorism activities.

WA Police may be best placed to provide protective security advice as some WA Police representatives have already attended the protective security course provided by Australian Security Intelligence Organisation T4.[106] We note, however, that police are not generally considered experts in protective security and security risk management. A large number of UK counter-terrorism security advisers are in fact civilian or ex-military staff from cyber or counter-terrorism security backgrounds.[107] There is therefore no requirement for protective security advice to be provided by sworn police officers.

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103 Victoria Police, *Counter Terrorism Strategy 2018–2021*, Victoria Police, Melbourne, 2018, p. 10.
104 Submission 66, Department of Home Affairs, p. 1.
105 Mr Craig Donaldson, Commander, Counterterrorism and Emergency Response, WA Police, *Transcript of Evidence*, 20 August 2018, p. 11.
106 Submission 54, closed submission, p. 4.
107 *Briefing*, 5 December 2018.

Yet there is nevertheless an expectation amongst the public and owners and operators of crowded places that the protective security advisory capability should sit with WA Police. The CPAG's development of a training regime to establish a national protective security advice capability in jurisdictional police services also indicates the responsibility for providing security advice will fall to WA Police in the near future.

Those benefitting from WA Police protective security advice should cover any associated costs. In our initial report, we recognised how positively a similar fee-for-service arrangement (introduced under the *Police (Fees and Charges) Regulations 2018*) had been received in relation to policing major events.[108]

Under this 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. 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.[109]

Technically, owners and operators should access support from private security consultants; however, as we describe in chapter 5, many owners and operators lack the capabilities to identify reliable security advice and, given the problems facing the security industry, many private security companies would be unable to provide it. Until Australia develops nationally consistent security licensing arrangements or WA strengthens its own security regime, a stop-gap must be created to ensure a consistent approach to the Strategy and avoid the implementation of costly or ineffective protective security measures.

The second area in which owners and operators of crowded places sought assistance (the navigation of compliance and approval processes associated with organising large, outdoor events) may be addressed through the environmental health model put forward by the Metropolitan Environmental Health Managers Group (see below).

108 CDJSC, *Near enough is not good enough: An initial report on the protection of crowded places in Western Australia*, Parliament of Western Australia, Perth, 2018, pp. 33–34.

109 Submission No. 42, WA Police, pp. 6–7; Major Events Coordination Unit, 'Policing major events: charging policy, v1.0', WA Police, January 2018, p. 7.

Recommendation 8

That the Minister for Police considers developing a fee-for-service protective security advisory capability within the Western Australia Police Force to support the owners and operators of crowded places to conduct security risk assessments and implement the appropriate mitigations.

Is legislative change required to ensure owners and operators consider counter-terrorism?

The protection of crowded places relies on owners and operators being driven to protect their sites in the interests of their reputation and assets—a risky assumption, given the primary aim of most privately owned crowded places is profit maximisation.

Several owners and operators of crowded places who provided evidence to this inquiry recognised the reputational (and, in turn, financial) impact a terrorist incident could have on their businesses and responded accordingly. The owners and operators of large or high profile venues and events in particular sought to protect their reputations by implementing robust protective security measures, exercising and testing their security plans regularly, and implementing emerging security technology. They also employed individuals with considerable experience and expertise to manage their security strategies.[110]

However, implementing proportional security and mitigation measures can be costly and—importantly—reduce the profit generated.[111] As one inquiry participant pointed out:

> *Any costs for additional protective security measures have no value in terms of marketability of the venue/event. In fact, these protective security measures are wherever possible concealed so that attendees are not consciously aware of the existence of a threat being mitigated.*[112]

The Strategy does not set out a mechanism by which owners and operators can be compelled to fulfil their responsibility to protect their crowded place. This may become a problem should owners or operators weigh the quantifiable costs of implementing security measures against the less well-defined costs arising from non-implementation (i.e. reputational, asset damage, public safety) and decide not to invest in its security. It may be particularly concerning should the owners or operators' assessment of risk be

110 Submission 28, Crown Perth, p. 2; Mr Malcolm Reed, Regional Asset Manager WA, Lendlease, *Transcript of Evidence*, 21 March 2018, pp. 3–4; Submission 29, Transport Portfolio, pp. 5–6; Mr Steve Furmedge, Director, Security Services, Public Transport Authority, *Transcript of Evidence*, 21 February 2018, pp. 4–5; Submission 17, Scentre Group, p. 2.

111 Submission 6, Perth Festival, 12 March 2018, p. 1.

112 Submission 44A, City of Cockburn, p. 8.

at odds with that of police or the local government environmental health officers assessing an application for event approval.

We therefore investigated in our initial report whether there was a need to legislate the responsibility of owners and operators to protect their crowded place, and sought further comment from stakeholders.[113]

Minimum standard of protective security

Inquiry participants were divided on whether a minimum standard of protection was needed. The majority who responded to our request for comment said setting a minimum standard and then enforcing its implementation through legislation would not increase the resilience of crowded places. Their preference was instead for the risk-based approach currently advanced by the Strategy.[114] As the Queensland Police Service said:

> *identifying a minimum standard of protection would result in the general adoption of that standard. Without a risk-based approach, owners/operators would likely to be either under-protected or would be required to implement unreasonable measures.*[115]

Those indicating support for a prescribed minimum standard tended to be the owners and operators of crowded places who felt they did not have the skills or knowledge to either implement adequate protective security measures or identify consultants who could do it on their behalf.[116]

One security consultant with extensive experience in security management also supported the introduction of a minimum standard of protection. She suggested the standard be developed through Standards Australia then legislated, with a government regulator (the creation of which we discuss in chapter 5) to provide the necessary guidance with regard to its implementation. According to the consultant, this type of approach has been used within the maritime and aviation security sectors and improved their security and maturity over time.[117]

We believe the debate around security standards reinforces the need for owners and operators to be able to identify and engage qualified, experienced and skilled security

113 CDJSC, *Near enough is not good enough: An initial report on the protection of crowded places in Western Australia*, Parliament of Western Australia, Perth, 2018, pp. 87–96.

114 Submission 3A, closed submission, p. 2; Submission 4A, Mr Donald Williams, pp. 4–5; Submission 60, Queensland Police Service (QPS), p. 2; Submission 42A, WA Police, p. 4; Submission 16A, Mr Chris Cubbage, p. 2; Submission 63, Department of Justice, p. 2; Submission 40A, VenuesLive (Optus Stadium), p. 3; Submission 20A, closed submission, p. 6.

115 Submission 60, QPS, p. 2.

116 Submission 22A, closed submission, p. 2; Submission 13A, City of Joondalup, 22 November 2018, pp. 6–7; Submission 6A, Perth Festival, p. 3.

117 Submission 53A, closed submission, pp. 3–4.

consultants who will ensure risk assessments (and any subsequent implementation of recommendations) are appropriate and commensurate with the circumstances. We discuss this further in chapter 5.

Power to compel the consideration and implementation of protective security measures

Some Australian Standards are already incorporated into the *Health (Public Buildings) Regulations 1992* (WA). As we explained in our initial report, events with an expected attendance of 1,000 or more people must include a risk management plan that meets *AS/NZS ISO 31000:2009—Risk management—principles and guidelines* when submitting an application for event approval to local government.[118] This standard is a process-based standard of preparation. We can surmise, therefore, that those inquiry participants who preferred a risk-based approach to protective security would support this use of *AS/NZS ISO 31000:2009.*

There is a major limitation in the current regime, however: there is no way for local governments to compel event organisers to implement protective security measures. While local governments can require applicants to have a risk management plan and make suggestions about how they can improve the plan, they have no statutory authority to compel organisers to change their plan, even if there is an identified need to mitigate against the threat of terrorism.[119] Under the current event approval process, local governments can refuse to issue a certificate of approval for an event,[120] close public buildings and events and, if an event was advertised before approval was given, to prosecute.[121] Yet this may not necessarily act as a deterrent. The City of Perth said the maximum penalty that can be imposed under the *Health (Miscellaneous Provisions) Act 1911* (WA) is $15,000 and it is therefore a 'commercial decision' for the event organiser whether to proceed with the event without a certificate of approval.[122]

Manager Environmental Health for the City of Cockburn and Metropolitan Environmental Health Managers Group Chairperson Nick Jones said, to his knowledge, owners and operators have responded to WA Police suggestions for increased security with 'some level of willingness' and allocated resources accordingly. But he said

118 *Health (Public Buildings) Regulations 1992* (WA), s4 refers to *AS/NZS 4360:1999—Risk Management*, which was jointly revised and redesignated as *AS/NZS ISO 31000:2009.* Since the publication of the initial report, this standard was revised and redesignated as *AS ISO 31000:2018—Risk management—guidelines.* See SAI Global, *ASO ISO 31000:2018*, accessed 11 March 2019, <infostore.saiglobal.com>.

119 Submission 33D, City of Perth, pp. 3–4; Submission 13A, City of Joondalup, pp. 7–8.

120 Submission 33D, City of Perth, p. 4.

121 Submission 44A, City of Cockburn, p. 6.

122 Submission 33D, City of Perth, p. 4.

'ultimately someone must have the power to force protective security measures on an event organiser.'[123]

It is expected the *Health (Public Buildings) Regulations 1992* will be replaced by new regulations within three years. Some stakeholders saw this an opportunity to incorporate a new approach to the consideration of terrorism risks.[124] However, the Department of Health said counter-terrorism has 'not currently been addressed in the Event Regulation Discussion Paper that is due to go out for consultation shortly, as this has been seen as primarily the domain of WA Police.'[125]

If the ability to enforce compliance with the Strategy is not introduced, the only alternative is to use existing event and planning approval processes to educate owners and operators about their responsibility to protect their crowded places.

Finding 11

Australia's strategy for protecting crowded places from terrorism is not linked to any legislation or Western Australian policy framework. Consequently, owners and operators of crowded places cannot to be compelled to implement any protective security measures, even if they are assessed as being an attractive target for attack.

Recommendation 9

That the Minister for Local Government and Minister for Health review the existing regime for event approvals and introduce legislation that empowers local government authorities to compel the owners and operators of crowded places to implement protective security measures, should a local government authority—in conjunction with the Western Australia Police Force—deem it necessary. It is essential that any such powers are exercised proportionately; create a simple, easy-to-follow framework; and are consistent across all local government authorities.

Environmental health model and event approval processes

In our initial report, we noted existing event approval processes could be—and in some instances, are already being—used to ensure owners or operators at least consider the risk of terrorism to their events. The use of event approvals in this way has been driven largely by the Metropolitan Environmental Health Managers Group (MEHMG), which comprises public health managers from all Perth metropolitan councils and Bunbury and Busselton.[126]

123 Submission 44A, City of Cockburn, p. 7.
124 *ibid.*, p. 4; Submission 51A, WALGA, p. 6.
125 Submission 39A, Department of Health, p. 2.
126 See CDJSC, *Near enough is not good enough: An initial report on the protection of crowded places in Western Australia*, Parliament of Western Australia, Perth, 2018, pp. 66–67, 92.

In 2018, the MEHMG realised the Strategy was being applied inconsistently through the event approval process. A small number of local governments were requiring all events to consider terrorism, even those 'which very obviously did not need to consider the threat of terrorism'.[127] In response, the MEHMG adopted a 'common sense approach', utilising the existing environmental health structure. The MEHMG recommended its members have their principal environmental health officers (PEHOs) use the ANZCTC *Crowded places self-assessment tool* to assess all events within their local government area. Mr Jones said 'a very small number of events' would 'trigger any action' and smaller events (such as suburban festivals or community concerts) would not 'justify any response unless otherwise advised by WA Police.'[128] He continued:

> *This means that PEHOs can be comfortable in the knowledge that the industry standard response for the vast majority of events is to not consider the risk of a terrorist attack. There is no need for an increased budget to address this risk in most Councils and there is no need for event organisers, community associations, volunteers and the like to consider terrorist threats at their event or sending their members for training on this subject.*[129]

Mr Jones submitted the success of this approach relied on every local government employing an environmental health officer who is aware of the Strategy and able to implement it at the local level. He submitted these officers should be:

- Trained within six months.
- Connected to WA Police in order to share information.
- Able to decide whether a crowded place requires protective security measures.
- Know what to do if the national terrorism threat level increases.[130]

The network of environmental health officers could provide a system by which 'permanent crowded places' could also be systematically assessed. Under this model, environmental health officers would identify venues within their local government area that 'justify protective security measures' and refer them to WA Police for assessment.[131]

127 Submission 44A, City of Cockburn, p. 2.
128 *ibid.*, p. 3.
129 *ibid*.
130 *ibid*.
131 *ibid.*, p. 9.

Figure 2.1: 'Boorna Waanginy: The Trees Speak' at Kings Park

Source: Jessica Wylde. Photo supplied by Perth Festival.

A 'specialist subgroup' made up of representatives from local governments that commonly host large, high-risk events; WA Police; and other stakeholders such as Main Roads could also consider the need for 'substantial protective security measures', such as investing in assets like heavy vehicle security barriers.[132]

Creating a central source of hostile vehicle mitigation assets for deployment across WA may increase protective security while simultaneously decreasing some of the inefficiencies affecting the sourcing of barriers at high periods of demand.[133] Precedents for this approach exist. The UK has the National Barrier Asset, a portable security system that can protect events and venues from hostile vehicle attack. Managed by Sussex Police on behalf of the Home Office, the barrier is maintained through grant funding from the Home Office.[134] Perth Festival supported a similar approach, stating local governments could purchase mitigation assets to be hired out to events.[135] In looking at sharing equipment, a specific focus should be to ensure that such equipment could be made available in regional areas.

132 Submission 44A, City of Cockburn, p. 4.
133 See CDJSC, *Near enough is not good enough: An initial report on the protection of crowded places in Western Australia*, Parliament of Western Australia, Perth, 2018, p. 63.
134 'Who, What, Why: What exactly is the UK's National Barrier Asset?', *BBC News* (web-based), 30 June 2015, accessed 4 February 2018, < www.bbc.com>; *Briefing*, 4 December 2018.
135 Submission 6A, Perth Festival, p. 2.

The suggested subgroup could also consider a proposal put forward by the City of Perth: the prioritisation of sites by the state according to their attractiveness to terrorists and allocation of funding to address the risks in accordance with the Strategy. The City pointed out sites such as Kings Park (see figure 2.1), which regularly holds high profile or culturally significant events, had a higher risk and should 'be looked at outside of existing grant funding opportunities'.[136]

Using the MEHMG's environmental health model may also avoid alienating large sections of the community. Some inquiry participants pointed out that the requirement to implement measures such as closed-circuit television (CCTV) systems may actually cause local communities to disengage and undermine the creation of community connections and wellbeing that often motivate events hosted by associations, community groups or clubs.[137] Tasking local governments with the responsibility for assessing all events within their area may avoid unfairly transferring risk to these groups or forcing them to implement unnecessary and costly measures.[138]

However, there are also indications not all local governments would agree with the approach suggested by MEHMG. One local government challenged suggestions made in our initial report that terrorism risks be managed through local government event approval processes or local government emergency management arrangements. 'The protection of crowded places in Western Australia from terrorist acts should not be the responsibility of local government,' it submitted. 'Any attempt to mandate this is setting the regulatory system up to fail, with many local governments lacking the resources or expertise to address this issue in this way.'[139]

Another local government made the point that the management of terrorism risk is highly complex:

> *[L]ocal governments may not necessarily be aware of all emerging risks and their potential impacts. This would make it very difficult for local governments to inform owners/operators and/or event organisers on terrorism risks.*[140]

We agree requiring every local government to assess terrorism risk through the event approval process is not realistic, given the diversity of local governments throughout WA. While terrorism can and has affected regional centres or towns overseas,[141] in WA the local government areas represented in the MEHMG arguably contain the crowded

136 Submission 33D, City of Perth, p. 2.
137 Submission 46A, closed submission, pp. 7, 13; Submission 51A, WALGA, pp. 1, 3.
138 Submission 51A, WALGA, p. 6.
139 Submission 56, closed submission, p. 1.
140 Submission 15A, City of Bunbury, p. 4.
141 Jacinta Carroll and Ashley Collingburn, *CT Quick Look: Bastille Day terrorist attack in Nice, 14 July 2016*, 31 August 2016, accessed 4 February 2019, <www.aspi.org.au>.

places that are most attractive to terrorists. Mr Jones's evidence indicates the MEHMG is taking this threat seriously and establishing the necessary mechanisms in response. Enshrining these mechanisms in health regulations may place unnecessary stress on other local governments, forcing them to use resources they do not have to address a risk that barely exists.

Instead, we believe the greatest benefit lies in supporting the MEHMG to continue on the path it has established. Further consideration should be given to how government agencies can support the environmental health model through the training of environmental health officers or coordination of the proposed specialist subgroup. Later in the chapter, we discuss the cross-entity agreement that may need to be established between the network of environmental health officers and WA Police to formalise their relationship.

Finding 12

Mandating the environmental health model to address terrorism risk may place undue strain on the capacity of some local governments.

Recommendation 10

That the Minister for Police ensures the Western Australia Police Force work with the Department of Local Government, Sport and Cultural Industries (in conjunction with key stakeholders such as the Western Australian Local Government Authority and Metropolitan Environmental Health Managers Group) to develop a standardised approach to the assessment of risk in relation to crowded places and ascertain the best method to support its implementation.

Planning approval

Throughout the inquiry, the importance of integrating protective security into the design of a crowded place before the construction phase was repeatedly raised. Integrating security measures into the design of a crowded place enables the measures to fit with the site's aesthetic, can reduce any perceptions of hostility in the built environment, and avoids the cost and disruption that accompanies retro-fitting.[142]

By incorporating protective security principles into the state planning framework, developers may be asked to address how proposed crowded places could be protected against threats such as terrorism in their applications for planning approval. In response to our request for information about how developers of new crowded places could be encouraged to adopt security measures, the Department for Planning, Lands, and Heritage pointed to State Planning Policy 7.0: Design of the Built Environment. This policy includes safety as one of ten design principles (see box 2.1) and will become

142 See CDJSC, *Near enough is not good enough: An initial report on the protection of crowded places in Western Australia*, Parliament of Western Australia, Perth, 2018, pp. 30–32.

operational in May 2019.[143] The department said that, 'as a State Planning Policy, it is applicable for all facets of planning design, assessment and decision making.'[144]

Box 2.1: Design principles of State Planning Policy 7.0 'Design of the Built Environment.'

1. **Context and character**
   Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.
2. **Landscape quality**
   Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.
3. **Built form and scale**
   Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.
4. **Functionality and build quality**
   Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life-cycle.
5. **Sustainability**
   Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.
6. **Amenity**
   Good design provides successful places that offer a variety of uses and activities while optimising internal and external amenity for occupants, visitors and neighbours, providing environments that are comfortable, productive and healthy.
7. **Legibility**
   Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.
8. **Safety**
   Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.
9. **Community**
   Good design responds to local community needs as well as the wider social context, providing buildings and spaces that support a diverse range of people and facilitate social interaction.
10. **Aesthetics**
    Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.

Source: Department of Planning, Lands and Heritage and Western Australian Planning Commission, 'State Planning Policy 7.0: Design of the Built Environment', February 2019, pp. 8–11.

143 Department of Planning, Lands and Heritage, *Design WA*, 26 February 2019, accessed 11 March 2019, <www.dplh.wa.gov.au>.

144 Submission 59, Department of Planning, Lands and Heritage, pp. 1–2.

Although such state planning policies are not binding, local governments must give them due regard when preparing and amending their local planning scheme.[145] Local planning schemes contain planning provisions and controls such as development standards, and local governments use their local planning schemes to reach planning decisions.[146] The inclusion of safety in State Planning Policy 7.0 therefore reinforces the need for local government and, by extension, developers, to consider security at the design stages of a proposed crowded place.

Effective implementation of the security principle requires local governments to assess what and how it should be incorporated alongside other design factors such as 'landscape quality, amenity, wealth protection and shading, and serviceability.'[147] In another jurisdiction, a local government previously approved the installation of bollards around public spaces without realising their impact on emergency services' access.[148] We received evidence that similar design problems were also affecting one Perth crowded place. Decorative street features had been installed that reduced the egress speed of attendees from the venue in question. Without proper guidance, such actions can result in ineffective protective security measures being deployed (and then removed) and, ultimately, the inefficient use of funds.

The Department of Planning, Lands and Heritage acknowledged there was a need for additional guidance or expert input into the design and management of public spaces:

> *As the design and long term management of many of these public realm areas are with Local Government, the provision of guidelines and specialist technical expertise to provide input and commentary on proposed or remodelled places of public gathering may be appropriate – determining when and where enhanced protective measures may be necessary.*

It is unclear from the department's submission, however, who exactly should provide this guidance. As we noted in our first report, the Western Australian Planning Commission (WAPC) has one set of guidelines, *Designing out crime planning guidelines*, that advise about design principles and criteria that can be used to deter criminal behaviour. Released in 2006, they are outdated and have little applicability to the protection of crowded places from terrorism.[149]

145 Western Australian Planning Commission, *Introduction to the Western Australian planning system,* Department of Planning, Perth, 2014, p. 12.
146 *ibid.*, p. 4.
147 Submission 59, Department of Planning, Lands and Heritage, p. 2.
148 *Briefing*, 30 April 2018.
149 CDJSC, *Near enough is not good enough: An initial report on the protection of crowded places in Western Australia*, Parliament of Western Australia, Perth, 2018, p. 32.

Box 2.2: How can government agencies encourage the private sector to adopt protective security measures?

Without the power to compel the implementation of protective security measures at privately owned crowded places, international experience has shown government agencies have to employ other methods to encourage owners and operators to protect their sites from terrorism.

The United Kingdom's (UK) Centre for the Protection of National Infrastructure (CPNI) is the national technical authority for physical and personnel protective security matters and seeks to develop and promote protective security measures with dual/multiple purposes. This increases the cost-effectiveness of the measures for owners and operators of crowded places and therefore their likelihood of implementation. As examples, with good planning, hostile vehicle mitigation measures can be embedded seamlessly in the landscape architecture and street furniture to reduce clutter; and laminated glass reduces the effects of, and injuries caused by, a bomb blast, and can have positive environmental implications for the building and its occupants.

The Joint Security and Resilience Centre (JSaRC) (a unit within the Home Office) and the CPNI also support the development and adoption of new security products by funding their testing in privately owned venues. Although security companies are not paid for contributing their products to the trials, they nevertheless benefit because they can test their products in real-life situations, outside of the laboratory. Venue owners, meanwhile, are able to assure themselves that measures such as new screening solutions work effectively in high footfall areas and enhance the customer experience. Such tests also provide venue owners with the opportunity to train their staff in the new measures before they are deployed on site.

The JSaRC has also funded a market shaping report, due for release in March 2019, to inform venue owners that 'there are smarter ways to secure their venues.' The CPNI and police agencies are also contributing to the document's development. The report reassures owners that:

- There are commercial models for security that will match their needs.
- There are products that will strengthen the security of their venues.
- The public is reassured by the implementation of these security measures.

To avoid breaching basic procurement practices and to maintain impartiality, the report will not name the specific companies providing the security solutions but will identify the specific technology.

The UK is yet to determine how to incentivise local governments to implement permanent protective security measures. To date, the National Barrier Asset (see chapter 2) has been provided free of charge to local governments. The Office for Security and Counter-Terrorism, which funds the National Barrier Asset, reasoned that this ensures greater protection for attendees of local government events; however, it also acknowledged that it reduces the impetus for local governments to purchase their own protective security assets. Why should local governments use their funds on vehicle security barriers when the National Barrier Asset can be provided at no cost?

Sources: *Briefing*, 3 December 2018; *Briefings*, 4 December 2018.

Figure 2.2: Sculpture as vehicle security barriers

Source: The Arsenal Football Club, *Local Residents' Information*, 1 Jun 2017, accessed 13 February 2019, <www.arsenal.com>.

The Department of Planning, Lands and Heritage said 'significant advancements have occurred where environmental design considerations have been integrated into planning and development controls' since the WAPC guidelines were released. Other than State Planning Policy 7.0, the department did not provide us with specific examples of the controls to which it was referring.[150]

The City of Perth is in the midst of developing a 'Safer Spaces Guide', which incorporates Crime Prevention through Environmental Design (CPTED) principles. CPTED is an approach whereby built environments are developed in a way to deter criminal behaviour (i.e. structuring sites so access to unmonitored areas is restricted by fences, walls, landscaping or lighting). Once completed, the City will encourage developers to use the guide when developing public or private spaces.[151]

From a state-wide perspective, we question whether it should be left up to individual local governments to produce their own CPTED guidelines. Is it the most efficient and effective approach? While it enables each local government to address matters specific to their local planning scheme, it is unlikely many local governments would have the resources, knowledge, willingness or confidence to draft such guidelines. The City of Bunbury called on the WA Government to assist local government and owners and operators by incorporating protective security measures into CPTED 'advisory and statutory planning processes, for new public place proposals' and developing 'contemporary tools such as checklists to be used in the design of venues and the risk

150 Submission 59, Department of Planning, Lands and Heritage, p. 1.
151 Submission 33D, City of Perth, p. 1.

planning for and delivery of events.'[152] Without such assistance, there is a risk the majority of the state will be left without up-to-date advice about integrating CPTED principles into the design of crowded places.

Finding 13

Few local governments have the resources, knowledge, willingness or confidence to draft guidelines that encourage developers to consider Crime Prevention through Environmental Design principles.

Recommendation 11

That the Minister for Planning ensures the Western Australian Planning Commission updates the *Designing out crime planning guidelines* to ensure there is a specific focus on protective security for a range of threats, including terrorism.

Cross-entity agreements as the basis for efficient resource use

As at July 2018, WA Police and DPC said they had not developed any Memorandums of Understanding or service level agreements related to the protection of crowded places from terrorism.[153] This is concerning because the protection of crowded places relies on the principle of shared responsibility and multiple government and non-government agencies working together to achieve this objective.

Memorandums of Understanding (MOUs) and service level agreements are types of cross-entity arrangements, generally used when several government and non-government entities are required to develop and implement policy. MOUs are arguably the most commonly used cross-entity arrangement. As the National Audit Office has stated, each MOU

> *establishes a foundation for a working relationship, setting out essential roles and responsibilities, and defining agency obligations in terms of governance, performance expectations, and reporting arrangements. The agreements also contain agreed specifications for particular services or deliverables, including quality measures and timeframes.*[154]

MOUs tend to be non-binding but there is an expectation all parties will comply with the agreed terms.[155]

152 Submission 15A, City of Bunbury, p. 1.
153 Mr Chris Dawson, Commissioner of Police, WA Police, letter, 18 July 2018; Mr Darren Foster, Director General, DPC, letter, 17 July 2018.
154 Australian National Audit Office, *Effective cross-agency agreements*, Commonwealth of Australia, Barton, 2010, p. 13.
155 *ibid.*, p. 14.

Despite WA Police and DPC claims, we found evidence of past and current MOUs that, in our opinion, contributed to the protection of crowded places. Presumably, WA Police and DPC did not identify them as relevant to this inquiry because, strictly speaking, they were originally developed for crime prevention or broader risk and emergency management and have only recently been employed to strengthen the resilience of crowded places.

WA Police has an MOU, for example, with the Public Transport Authority (PTA) setting out information sharing protocols between the agencies.[156] WA Police has another MOU with WALGA enabling it to provide monthly crime statistics to WALGA for distribution to all local governments.[157] There is also an MOU between the Minister for Police and 24 local governments setting out the arrangements for sharing data from public-facing CCTV cameras with some state and national emergency services, including WA Police.[158]

Other stakeholders have also developed MOUs to formalise aspects of their relationships. The PTA has an MOU with DFES to provide 'surveillance monitoring' from its train and bus stations to the DFES Operations Centre in the event of an emergency.[159] The City of Perth, meanwhile, is seeking to develop MOUs with its neighbouring local governments to share resources during, and while recovering from, an emergency.[160]

Such MOUs may reduce the duplication of activities and resources. By accessing local government CCTV cameras, emergency services do not have to deploy their own cameras during significant events to monitor the public realm. As WALGA pointed out, MOUs like those being developed by the City of Perth also help local governments to pool their resources and knowledge and thereby respond to the surge of capacity and capability that results from an emergency.[161]

Some stakeholders identified other areas in which MOUs would support the efficient use of resources. For example, Mr Jones said the MEHMG's environmental health model required a 'protocol' to be established between the network of environmental health officers responsible for assessing events in their local government area and WA Police (see box 2.3).[162] Once this relationship had been formalised and environmental health officers properly trained, Mr Jones said the cost of responding to terrorism risk

156 Submission 29, Transport Portfolio, p. 5.
157 Submission 51A, WALGA, p. 3.
158 *ibid.*, p. 4.
159 Submission 29, Transport Portfolio, p. 7.
160 Submission 33B, City of Perth, item 2, p. 124.
161 Submission 51A from WALGA, p. 5.
162 Submission 44A, City of Cockburn, p. 4.

would be 'negligible'. Rather than creating an entirely new system to address terrorism risk, the MEHMG approach would draw on existing entities and processes.[163]

Approximately 15 years ago, the Security Agents Institute of Western Australia (SAIWA) and WA Police developed an MOU to allow the security industry and police 'to collaborate on contingency and emergency response planning and encourage cooperation, communication and coordination.' It addressed:

1. *The exchange of information about policies and strategies for consequence and emergency management.*
2. *The exchange of information and strategies about the effective use of the security industry, in support of government contingency planning.*
3. *The exchange of appropriate intelligence to assist management understanding, planning, training and skills development.*
4. *Industry collaboration on contingency planning strategies.*[164]

This MOU was never signed nor implemented. Its demise, according to SAIWA, was at least partly caused by the departure of key contacts within WA Police.[165] SAIWA called for the reprisal of 'the close ties and mutual recognition' between it and WA Police, believing 'any outcomes could only improve the overall provision of protective security in WA.'[166]

Finding 14

Memorandums of Understanding are a useful tool for protecting crowded places from terrorism by establishing the roles and responsibilities of stakeholders and decreasing the possibility of the duplication of activities.

Recommendation 12

That the Minister for Police ensures the Western Australia Police Force work with the Metropolitan Environmental Health Managers Group to develop a cross-entity agreement to support the proposed environmental health model.

163 Submission 44A, City of Cockburn, p. 8.
164 Submission 7, SAIWA, pp. 19–20.
165 Mr Ronald Adams, Executive Officer, SAIWA, *Transcript of Evidence*, 14 March 2018, p. 14.
166 Submission 7A, SAIWA, p. 3.

Recommendation 13

That the Minister for Police ensures the Western Australia Police Force work with the Security Agents Institute of Western Australia to investigate the need for a new Memorandum of Understanding between the two entities.

These agreements should be centrally stored and easily accessible on an operational basis when required to be implemented in an emergency situation.

Box 2.3: Draft protocol between local government and Western Australia Police Force, proposed by the Metropolitan Environmental Health Managers Group

1. This protocol will be updated when the national terrorist threat level changes.
2. A local government and WA Police working group on crowded places strategy and guidance including hostile vehicle mitigation and criteria to trigger protective security measures will be formed and at least one meeting will be held every six months.
3. The relevant contact person for hostile vehicle mitigation at each local government is the Principle Environmental Health Officer (PEHO).
4. The relevant contact persons for hostile vehicle mitigation at WA Police is the Protective Security Office.
5. In view of the national current terrorist threat level (probable), terrorism will only be considered at events when the PEHO determines it is necessary in which case the local government will work with the event organiser.
6. Where specific intelligence indicates a localised increased threat, WA Police will directly contact and liaise with the relevant local government PEHO.
7. Where a local government PEHO considers an event may represent a risk of terrorist threat including hostile vehicle mitigation, they should consult WA Police via their local events branch.
8. Where hostile vehicle mitigation measures are deemed to be necessary, the relevant guidance is on the national security website, www.nationalsecurity.gov.au, which displays a list of strategies for protecting crowded places from terrorism.
9. Where protective security measures to deter terrorist threats are deemed necessary, the relevant guidance is in supplementary guidelines published by the Australia-New Zealand Counter-Terrorism Committee, the national security website, www.nationalsecurity.gov.au, which displays a list of strategies for protecting crowded places from terrorism.
10. Local government wishing to consider hostile vehicle mitigation in crowded places other than events should consult WA Police for advice over the next 12 months, noting that more complex places or venues are likely to need expert advice.
11. Each local government will ensure that EHO's and other officers as necessary are aware of, and trained in, the crowded places strategy and guidance within six months and as it develops into the future.

Source: Submission 44A, City of Cockburn, pp. 4–5.

Other framework matters raised in this inquiry

Difficulty assessing the Security and Emergency Committee of Cabinet's impact

The relative infancy of the Security and Emergency Committee of Cabinet (SECC) and its senior officials group makes it difficult to determine its current or future contribution to counter-terrorism policy in WA. The SECC was established in 2018, after this inquiry had commenced. (The DPC advised that the proposal for the SECC was initiated after the Premier's attendance at the special Council of Australian Governments' (COAG) meeting on counter-terrorism in October 2017).[167] We outlined the composition of the SECC and its functions in our initial report.[168]

We view the establishment of the SECC as a positive step that can reduce accountability and coordination gaps resulting from the lead agency for counter-terrorism, WA Police, and peak emergency management body, the State Emergency Management Committee (SEMC), reporting to different ministers.

State agencies also welcomed the SECC's creation. WA Police Deputy Commissioner Stephen Brown told us it provides WA Police with a mechanism through which it can alert the Premier and relevant ministers to any gaps, risks and associated issues.[169] The Department of Justice said information flowed from the SECC to state agencies and departments, providing them with '"purpose and direction" in respect to counter-terrorism matters.' It continued:

> *The arrangement will lead to stronger counterterrorism policy and in addition will provide improved understanding of policy arrangements and of the required commitment by local and state agencies. This approach will also strengthen relationships and information sharing thus improving the quality of existing planning and preparedness arrangements.*[170]

However, some of those from whom we received evidence were concerned the composition of the senior officials group, which supports the SECC, could result in the SECC receiving narrow or subjective information that excluded the perspectives of other groups with responsibilities for protecting crowded places. An inquiry participant who worked as a senior policy adviser in the multicultural community sector in another Australian jurisdiction said, in his experience, inter-agency competition for counter-terrorism funding could cause government agencies to ignore the perspectives of key

167 Submission 32A, DPC, p. 2.
168 CDJSC, *Near enough is not good enough: An initial report on the protection of crowded places in Western Australia*, Parliament of Western Australia, Perth, 2018, pp. 12–14.
169 Mr Stephen Brown, Deputy Commissioner, WA Police, *Transcript of Evidence*, closed session, 20 August 2018, p. 9.
170 Submission 63, Department of Justice, p. 1.

community groups.[171] Others noted the security industry, local government sector, and managers of crowded places were not represented.[172]

Former WA Police superintendent John Lindley said the SECC and senior officials groups' structure risked duplicating the function of the SEMC. He suggested that, rather than being made up of the usual department heads, the senior officials group focused on crowded places' public safety and broadened its membership to include anti-terrorist experts, the security industry, and a public advocate.[173] The DPC stressed, however, that the remit of the SECC is broader than the SEMC as it 'is not limited to preparedness for the hazards prescribed in the EM [Emergency Management] Act and Regulations.'[174]

It was striking that the few comments we received from government departments about the SECC centred on its benefit to their day-to-day business rather than WA more generally.[175] Although the SECC will lead—we hope—to better planning and preparedness strategies and arrangements that will support non-government stakeholders with responsibilities for protecting crowded places, it is still too early to evaluate its impact. Having identified the absence of the shared responsibility principle in what we understand to be the state's one formal counter-terrorism document, we believe there is a risk of the SECC perpetuating an inwards-looking approach to state security that focuses on state agencies and excludes community and private sector contributions.

We acknowledge that the SECC is a committee of Cabinet with all the associated Cabinet protocols and confidentiality requirements, which necessitates a strong focus on balancing these requirements with the need to access specialist advice outside the WA government framework.

Finding 15

The relative infancy of the Security and Emergency Committee of Cabinet means it is difficult to assess its impact on the counter-terrorism preparedness of Western Australia.

Finding 16

The composition of the Security and Emergency Committee of Cabinet and its senior officials group requires the Security and Emergency Committee of Cabinet to have a strong focus on not perpetuating the existing exclusive approach to counter-terrorism.

171 Submission 46A, closed submission, pp. 3–4.
172 Submission 7A, SAIWA, p. 3; Submission 13A, City of Joondalup, pp. 1, 2.
173 Submission 9A, Mr John Lindley, p. 1.
174 Submission 32A, DPC, p. 2.
175 Submission 65, Department of Local Government, Sport and Cultural Industries, p. 1; Submission 63, Department of Justice, p. 1; Submission 32A, DPC, p. 2.

Is the CCTV Strategy effective and efficient?

The State CCTV Strategy, as outlined in our initial report, is not a specific counter-terrorism strategy but nevertheless has some counter-terrorism implications. Because of evidence we received early in the inquiry, we raised questions about the effectiveness of the State CCTV Strategy.[176] Stakeholder feedback was wide-ranging, some of which highlighted the benefits of a well-managed and -coordinated CCTV infrastructure.[177]

Some respondents identified specific issues with the CCTV strategy and sharing of data. Concerns were raised, for example, about the cost and technical difficulties associated with creating and managing a central security information system from which WA Police can monitor CCTV data from multiple cameras.[178] SAIWA said the system may also prove costly for donors of CCTV data as they may have to obtain legal advice, upgrade their equipment to a different standard in order to add their CCTV cameras to any 'joined-up approach', and spend money on ongoing maintenance.[179] Further, one local government told us of its reluctance to join the State CCTV Register because of ongoing questions about the governance measures and security of shared data.[180]

SAIWA expressed its concern that the efficiency and effectiveness of the CCTV strategy is unclear. In particular, it said the ongoing operating costs of the State CCTV Register are 'yet to be clearly identified more than three years since the release of the strategy.'[181]

We understand that, since the publication of our initial report, the CCTV strategy has lapsed. A new strategy is yet to be released.

Finding 17

There are reported issues with the implementation of the State CCTV Strategy.

Recommendation 14

That the Minister for Police initiates a review of the effectiveness and efficiency of the (now lapsed) State CCTV Strategy and CCTV Register with a particular focus on the incursion of costs by participants, ongoing operating costs, and governance and security of shared data.

176 CDJSC, *Near enough is not good enough: An initial report on the protection of crowded places in Western Australia*, Parliament of Western Australia, Perth, 2018, pp. 34–35.
177 Submission 40A from VenuesLive (Optus Stadium), p. 1; Submission 13A, City of Joondalup, p. 3; Submission 64, Artrage, p. 1; Submission 29A, Transport Portfolio, p. 1.
178 Submission 7A, SAIWA, p. 5; Submission 40A, VenuesLive (Optus Stadium), p. 1.
179 Submission 7A, SAIWA, p. 5.
180 Submission 33D, City of Perth, p. 1.
181 Submission 7A, SAIWA, p. 6.

Chapter 3

Assurance and oversight in Western Australia

The effective functioning of our democracy requires police agencies to be subject to strong oversight and accountability mechanisms. The community needs assurance that police, as has been stated in relation to intelligence agencies, are not only acting in their interests but with 'propriety, legality and proportionality, are responsive to Ministerial direction and control, and are accountable for their activities.'[182] However, the increased counter-terrorism roles of the Western Australia Police Force (WA Police) and other agencies with associated responsibilities have not been accompanied by a similar increase in oversight arrangements (with the exception of the formation of the Security and Emergency Committee of Cabinet (SECC)), causing the obvious question to arise: 'who is policing the police in its counter-terrorism role?'

Historically, responsibility for the identification of terrorist threats in Australia lay with the national intelligence agencies, such as the Australian Security Intelligence Organisation (ASIO). In the aftermath of 11 September 2001, however, amendments to the Commonwealth Criminal Code introduced terrorist offences as a crime and increased the role of state and territory police in counter-terrorism.[183] This has created a situation, as the *2017 Independent Intelligence Review* noted, in which 'many of the traditional distinctions between intelligence and law enforcement in the Australian context are less comprehensive and definitive than in the past'.[184]

Here we discuss how the confidentiality traditionally surrounding the activities of intelligence services now extends to the counter-terrorism activities undertaken by WA Police. The shared responsibility of stakeholders to protect crowded places against terrorism further complicates matters. Can we assure ourselves Western Australia (WA) is prepared for a terrorist attack when there are so many stakeholders to oversee?

182 Department of the Prime Minister and Cabinet, *2017 Independent Intelligence Review*, Commonwealth of Australia, Canberra, 2017, p. 111.

183 State Coroner of New South Wales (NSW), *Inquest into the deaths arising from the Lindt Café siege: Findings and recommendations*, Coroners Court of NSW, Glebe, 2017, p. 105.

184 Department of the Prime Minister and Cabinet, *2017 Independent Intelligence Review*, Commonwealth of Australia, Canberra, 2017, p. 38.

Chapter 3

Oversight of Western Australian emergency management is unresolved

WA does not currently have an independent oversight body that regularly assesses the preparedness of the state emergency management sector. This means WA's counter-terrorism preparedness is also largely unscrutinised as terrorist acts are managed under the state emergency management framework along with 26 other hazards identified as posing a risk to WA.

The annual state emergency preparedness report has limitations

The peak emergency management body in WA, the State Emergency Management Committee (SEMC), monitors emergency management preparedness via an annual report. Each year, the SEMC sends surveys to agencies and organisations with emergency management roles. (In 2018, for example, 169 surveys were distributed and all but nine returned).[185] The SEMC collates the survey responses according to the core capabilities identified in the WA emergency management capability framework (see figure 3.1) and identifies strengths and gaps affecting the sector. These findings are published in the annual state emergency preparedness report. However, there was no evidence of quality assurance of the survey results.

Figure 3.1: WA emergency management capability framework

Source: State Emergency Management Committee, *Emergency preparedness report 2018,* Government of Western Australia, Perth, 2018, p. 46.

Although the first preparedness report was published seven years ago, 2018 was the first time the SEMC could see 'year-on-year changes'.[186] This may be because the SEMC only fully embraced its assurance role in recent years. The Office of Emergency Management (which supports the SEMC to deliver on its strategic goals and is, in essence, its secretariat) was only

185 State Emergency Management Committee (SEMC), *Emergency preparedness report 2018*, Government of Western Australia, Perth, 2018, p. 26.

186 *ibid.*, p. 6.

given an explicit assurance role in December 2016.[187] Adjustments were subsequently made to the reporting process, which meant direct comparisons to previous years was not possible.[188] SEMC Chairman Ron Edwards told us the approach of the preparedness report had changed from 'What have we got and what do we do?' in 2012 to 'Where are we and what can we anticipate down the track?' more recently.[189]

The advantage of the preparedness reports, according to WA Assistant Auditor General Jason Beeley, is that they provide 'persistent oversight', which leads to improvement within the sector 'potentially more quickly or more demonstrably' than more infrequent reviews or evaluations.[190] It also provides a form of system level assurance necessary in a robust assurance and oversight model (see chapter 4).[191]

However, preparedness reports alone cannot assure the public or Parliament that the emergency management sector is prepared for a terrorist act. The reports' conclusions rely on agencies providing accurate information in their survey documentation. This, as the SEMC itself has noted, does not always occur. For example, in 2017 local governments reported high levels of compliance with emergency management policies but the SEMC found that 'arrangements in reality are highly variable.'[192]

The SEMC also does not work to auditing standards.[193] It is therefore not obliged to undertake its assurance role with the same levels of accuracy, consistency and verifiability as some oversight bodies, such as the Office of the Auditor General.

The SEMC is also too intertwined with the state emergency management framework to fulfil a truly independent assurance role. Although three of the 11 members on the SEMC are independent and do not represent any agency (including the Chairman),[194] the SEMC nevertheless manages the state emergency management framework, overseeing the development of state policies and plans that

> … having the prospect of a public report that essentially is a scorecard on how you are doing can focus the mind, as can an event. It brings that into focus and prioritisation.
>
> - *Ms Caroline Spencer, Auditor General*

187 This followed the recommendation of the special inquiry into the January 2016 Waroona Fire. See SEMC, *SEMC Communiqué: 6 December 2016 meeting highlights*, Government of Western Australia, Perth, 2016, p. 1.
188 SEMC, *Emergency preparedness report 2017*, Government of Western Australia, Perth, 2017, p. 42.
189 Dr Ronald Edwards, Chairman, SEMC, *Transcript of Evidence*, 16 May 2018, p. 2.
190 Mr Jason Beeley, Assistant Auditor General, Office of the Auditor General (OAG), *Transcript of Evidence*, 10 October 2018, p. 6.
191 Ms Caroline Spencer, Auditor General, OAG, *Transcript of Evidence*, 10 October 2018, p. 3.
192 SEMC, *Emergency preparedness report 2017*, Government of Western Australia, Perth, 2017, p. 45.
193 Mr Jason Beeley, Assistant Auditor General, OAG, *Transcript of Evidence*, 10 October 2018, p. 7.
194 SEMC, *SEMC members*, accessed 4 February 2019, <www.semc.wa.gov.au>.

coordinate the emergency management efforts of government, non-government, volunteer and private sector organisations. As the Victorian Inspector-General for Emergency Management put it when explaining a similar situation in Victoria, there is at least a perception the fox is managing the chook shed.[195]

Significantly for this inquiry, it is also unlikely the SEMC can assess the state's preparedness for a terrorist act without the explicit cooperation of WA Police. When asked how the SEMC can be sure of the adequacy of the state plan for a terrorist act, SEMC Executive Officer Malcolm Cronstedt said it received 'reports that the plan is exercised and post-incident reports about what has happened.' But he also said the SEMC relied on assurances from WA Police and the Department of the Premier and Cabinet 'that things are in place.'[196]

Finding 18

While the State Emergency Management Committee fulfils an important assurance role, it lacks the independence and rigour necessary to provide robust oversight of emergency management preparedness in Western Australia.

Auditor General emergency management sector audits are infrequent

Section 18 of the *Auditor General Act 2006* (WA) gives the Auditor General a broad remit to review the performance of agency functions, including the compliance of state and local government agencies with relevant legislative provisions.[197] Any review undertaken by the Office of the Auditor General (OAG) would not be restricted by the complex counter-terrorism environment with its shared responsibilities and overlapping national and state arrangements. As the OAG submitted, it is 'well placed to provide oversight across State and local government entities, and to assess the performance of State agencies in interacting with Federal programs or strategies.'[198] (It did note, however, the limitations of the Auditor General's remit with regard to state-federal relations were yet to be tested, particularly in relation to the OAG accessing sensitive information). [199]

Despite its largely unfettered ability to review the performance of the emergency management sector, the most recent audit of the WA emergency management framework was conducted by the OAG ten years ago.[200] Although not ideal, it is

195 Mr Tony Pearce, Inspector-General for Emergency Management (Victoria), *Transcript of Evidence*, 13 June 2018, p. 6.
196 Mr Malcolm Cronstedt, Executive Officer, SEMC, *Transcript of Evidence*, 16 May 2018, p. 7.
197 *Auditor General Act 2006* (WA), s18; Ms Caroline Spencer, Auditor General, OAG, *Transcript of Evidence*, 10 October 2018, p. 1.
198 Submission 5A, OAG, 3 December 2018, p. 1.
199 *ibid.*
200 The Public Accounts Committee (PAC) also followed-up the SEMC responses to the Auditor General's recommendations in 2009, 2011, and 2012. See Auditor General for Western Australia, *Coming, ready or not: Preparing for large-scale emergencies*, report 4, OAG, Perth, 2009; PAC,

understandable an audit has not been conducted more recently. The OAG has oversight of all public sector entities and their services. Each year, the Auditor General's discretionary performance audit budget is around $6 million.[201] Faced with unlimited topics but a limited budget, the OAG sets an audit program that seeks to balance 'its coverage, contains topics that matter to Parliament and the community, and that reflects how and where the state is spending taxpayer's money.'[202] In this environment, assessing WA's emergency management preparedness may not necessarily be a priority.

Finding 19

Western Australia's emergency management framework is not regularly reviewed by an independent oversight body.

Auditor General audits focus on compliance, not general preparedness

Since early 2018, the OAG and SEMC have been discussing whether the OAG could undertake a more regular review function in relation the emergency management sector. It is likely this function would focus on assuring the compliance of local government and government agencies against the *Emergency Management Act 2005*.[203] SEMC Executive Officer Malcolm Cronstedt told us 'someone needs to test the SEMC … and 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.'[204]

> … we push out over 20 performance audit products a year to prioritise with an existing budget, and I guess that is why I am concerned with resources. To prioritise a performance audit in emergency management every year or every two years, I would obviously be seeking some indication from Parliament that it prioritises that sort of review…
>
> - *Ms Caroline Spencer, Auditor General*

Auditor General Caroline Spencer said she preferred for this emergency management assurance role to be legislatively defined and accompanied by appropriate funding to reflect the expansion of her role.[205] She explained the estimated cost of an initial scoping audit of the emergency management sector is $500,000, or just over 8.3 per cent of the total performance

Review of the reports of the Auditor General 2008–2009, report 5, Parliament of Western Australia, Perth, 2009; PAC, *Review of the reports of the Auditor General 2009–2010,* report 10, Parliament of Western Australia, Perth, 2011; PAC, *Review of the reports of the Auditor General 2010–2011*, report 19, Parliament of Western Australia, Perth, 2012.

201 Ms Caroline Spencer, Auditor General, OAG, *Transcript of Evidence*, 10 October 2018, p. 6.

202 OAG, *Topic selection*, accessed 4 February 2018, <audit.wa.gov.au>.

203 Hon Francis Logan (Minister for Emergency Services), *Department restructure to benefit State's emergency services*, media release, 14 February 2018; Mr Malcolm Cronstedt, Executive Officer, SEMC, *Transcript of Evidence*, 16 May 2018, p. 13.

204 Mr Malcolm Cronstedt, Executive Officer, SEMC, *Transcript of Evidence*, 16 May 2018, p. 13.

205 Ms Caroline Spencer, Auditor General, OAG, *Transcript of Evidence*, 10 October 2018, pp. 2, 3.

audit budget. Considering the average amount spent on a performance audit is $300,000,[206] the estimated cost of the initial audit is significant. Expecting the OAG to fulfil a permanent assurance role without additional resources risks inadequate consideration of other, equally important, topics. As the Auditor General summarised,

> *… my performance audit program is funded by Parliamentary appropriation and needs to consider priorities across the whole of State and local government sectors. Any regular ongoing assurance role for my Office in the emergency management sector should therefore be a matter for the Parliament to consider.*[207]

If the OAG does undertake a regular review function in relation to the emergency management sector, it makes sense for this function to centre upon compliance assurance because, as Ms Spencer acknowledged, assessing compliance is one of its strengths:

> *Just on whether we are experts in security, I would say absolutely not; we are experts in audit. ... Certainly as a base level we start with what is the legislative framework, including regulatory framework, that is in place. Are entities meeting their obligations in relation to that? That is where we start as a starting point in terms of our audits.*[208]

Auditor General audits provide assurance that 'controls and arrangements are designed and implemented and working effectively'. However, carrying out its performance review functions is dependent on adequate resourcing. So while the Auditor General's 2009 review of the emergency management framework addressed whether emergency management plans had been prepared and whether agencies regularly tested their plans and adapted them accordingly, it did not assess whether, in the counter-terrorism context, such actions translated into first responders knowing how to resolve an incident in the safest, fastest and most appropriate manner.[209]

Finding 20

Any regular and ongoing assurance role that the Office of the Auditor General undertakes in relation to the emergency management sector is likely to focus on assuring the compliance of local government and government agencies against the *Emergency Management Act 2005*. Although this function is important, by itself it will not assure the preparedness of Western Australia for a terrorist attack on a crowded place.

206 Ms Caroline Spencer, Auditor General, OAG, *Transcript of Evidence*, 10 October 2018, p. 6.
207 Submission 5A, OAG, p. 2.
208 Ms Caroline Spencer, Auditor General, OAG, *Transcript of Evidence*, 10 October 2018, p. 10.
209 Auditor General for Western Australia, *Coming, ready or not: Preparing for large-scale emergencies*, report 4, OAG, Perth, 2009.

Private sector preparedness is not accurately assessed

As we discussed in chapter 2, *Australia's strategy for protecting crowded places from terrorism* (the Strategy) does not specify mechanisms to hold owners and operators to account for their responsibilities.[210]

Depending on the sector to which they belong, some owners and operators already have legislative obligations to protect and safeguard their sites or assets. Perth Airport, for example, is controlled under the *Aviation Transport Security Act 2004* (Cth). It is required to have a Transport Security Program 'to protect and safeguard civil aviation against unlawful acts of interference and sabotage.' This includes 'measures and procedures to detect, deter and respond to unlawful acts of interference against aviation, including unlawful acts which are commonly referred to as "terrorist acts"'.[211]

Some private sector entities may also be subject to the Auditor General's performance reviews. Should government agencies outsource some of their functions to private companies, the Auditor General's follow-the-dollar powers enable the review of their performance in providing these services.[212] As an example, VenuesWest has outsourced management of Perth Stadium to VenuesLive. Ms Spencer told us she 'would see those [VenuesLive] as a related party because they are delivering state services, so my follow-the-dollar powers would allow me to look at their delivery.'[213]

Similarly, events that have received sponsorship from Tourism Western Australia (Tourism WA) are required to submit a risk management plan prepared in accordance with Australian standards for risk management.[214] The event organiser must arrange for an 'independent risk management specialist' to certify that the risk management plan meets the specified standard. Although Tourism WA maintains 'no obligation' to review risk management plans and does not provide endorsement, the requirement for a certified risk management plan is one way in which the government entity can assure itself of the preparedness of at least some private sector entities.[215]

There is an assurance gap, however, in relation to owners and operators of crowded places that are neither the recipients of public funding nor covered by specific regulatory regimes.

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210 See also CDJSC, *Near enough is not good enough: An initial report on the protection of crowded places in Western Australia*, Parliament of Western Australia, Perth, 2018, pp. 87–96.
211 Submission 18, Perth Airport Pty Ltd, p. 1.
212 OAG, *What we do*, accessed 4 January 2018, <audit.wa.gov.au>.
213 Ms Caroline Spencer, Auditor General, OAG, *Transcript of Evidence*, 10 October 2018, p. 11.
214 Submission 52, Tourism Western Australia (Tourism WA), p. 1.
215 *ibid.*, attachment 1.

Finding 21

The existing processes by which private sector preparedness can be assessed are so ad hoc and fragmented that it is impossible to assess accurately the adequacy of private sector preparedness for a terrorist attack across Western Australia.

Independent oversight of state police preparedness is lacking

Despite the need for inter-agency cooperation, counter-terrorism is a core part of state policing responsibilities; therefore, assessing WA preparedness for a terrorist act necessarily requires scrutiny of WA Police counter-terrorism capabilities.

WA Police also receives significant public funding to develop and maintain counter-terrorism capabilities. By the end of May 2018, over $49 million (or 3.7 per cent of the WA Police total cost of services) had been directed to the Counter Terrorism and Emergency Response Command during 2017–18.[216] We are of the opinion that some assurance is required that this money is being used effectively and efficiently and ultimately increasing the state's counter-terrorism preparedness. However, the existing oversight mechanisms fail to provide this assurance to either Parliament or the public.

It is not the role of the ANZCTC to provide independent oversight

The Australia-New Zealand Counter-Terrorism Committee (ANZCTC) is too enmeshed in the strategic direction, coordination and annual assessment of police capabilities to provide independent oversight of the preparedness of each Australian policing jurisdiction. The ANZCTC is tasked with providing strategic advice to government and ministers and maintaining the *National counter-terrorism plan* and associated documents. Its Crowded Places Advisory Group is responsible for not only reviewing the Strategy on a regular basis but for 'maintaining a nationally consistent crowded places protective security capability across state and territory police forces.'[217]

WA Police explained it draws on the ANZCTC framework to evaluate its capabilities. ANZCTC-identified subject matter experts and experienced officers from other jurisdictions observe each counter-terrorism exercise undertaken by WA Police and 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. The report may be viewed by the ANZCTC Operational Response Capability Subcommittee or the Investigations Support Capability

216 Mr Chris Dawson, Commissioner of Police, WA Police, letter, 20 June 2018, p. 5.
217 ANZCTC, *Australia's strategy for protecting crowded places from terrorism*, Commonwealth of Australia, Barton, 2017, p. 8.

Subcommittee, before going before the Capability Steering Group and, ultimately, the ANZCTC.[218]

One inquiry participant submitted that 'those members who have specialist skills employed by ANZCTC to evaluate responses are best placed to do so' as they have the necessary knowledge to assess counter-terrorism preparedness.[219] The Queensland Police Service similarly said it was 'satisfied with the current oversight arrangements for CT preparedness at the national and interjurisdictional levels',[220] which presumably includes the reports produced by subject-matter experts.

Peer reviews of this sort are a critical part of a robust assurance and oversight model and their continued use should be encouraged. However, when not supported by external oversight, such peer reviews can fail to identify gaps. In the United Kingdom, Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) is an independent body that inspects, monitors and reports on the efficiency and effectiveness of police, fire and rescue services. HMICFRS Detective Chief Superintendent Andrew Buchan told us most police forces inspected by the HMICFRS had conducted peer reviews yet the HMICFRS still uncovered areas of improvement.[221]

Further, the ANZCTC is made up of police and policy representatives from all Australian jurisdictions. For example, WA Police and the Department of the Premier and Cabinet (DPC) represent WA on the ANZCTC. This composition alone disqualifies the ANZCTC from offering the necessary accountability or transparency expected of independent oversight bodies—should it take on an oversight function, the ANZCTC would essentially be overseeing constituent parts of itself. It should also be noted that a primary function of the ANZCTC is to promote best practice across jurisdictions, rather than performing an oversight role.

> The objectives of the ANZCTC are to contribute to the security of Australia and New Zealand. This includes coordinating an effective nation-wide counter-terrorism capability and maintaining effective arrangements for the sharing of relevant intelligence and information between all relevant agencies and jurisdictions.
>
> - *Mr Chris Dawson, WA Police Commissioner*

Indeed, WA Police does not consider that the ANZCTC has an oversight function in relation to its counter-terrorism preparedness. When questioned whether WA Police counter-terrorism exercises were independently reviewed or overseen, Counterterrorism and Emergency Response Commander Craig Donaldson outlined

218 Mr Craig Donaldson, Commander, Counterterrorism and Emergency Response, WA Police, *Transcript of Evidence*, closed session, 20 August 2018, pp. 3–4, 6.
219 Submission 9A, Mr John Lindley, p. 7.
220 Submission 60, Queensland Police Service (QPS), p. 2.
221 *Briefing,* 4 December 2018.

the ANZCTC exercise capability but stressed 'We do not use "oversight" as a term as such. We use "evaluation" as a term.'[222]

A degree of oversight may be provided by the Security and Emergency Committee of Cabinet (SECC). WA Police Deputy Commissioner Stephen Brown told us the SECC is a mechanism through which WA Police can alert the Premier and relevant ministers to any gaps, risks and associated issues.[223] At a minimum, this should include any gaps identified in counter-terrorism exercises. The SECC would then be able to follow-up and oversee the implementation of any recommendations arising from the evaluations.

Existing Commonwealth oversight arrangements have limitations

Two Commonwealth entities have some oversight of Australian counter-terrorism preparedness: the Parliamentary Joint Committee on Intelligence and Security (PJCIS) and the Inspector-General of Intelligence and Security (IGIS). The PJCIS is a committee of the Parliament of Australia, consisting of five senators and six members of the House of Representatives. The IGIS, meanwhile, is an independent statutory office holder with significant investigative powers akin to those of a royal commission.[224]

Neither entity is able to oversee the performance of state or territory police. Instead, they both oversee different aspects of the Australian intelligence community, which consists of six separate intelligence agencies.[225] The PJCIS oversees their administration and expenditure, while the IGIS reviews their operational activities. In addition, the PJCIS can monitor and review the performance of the Australian Federal Police in relation to its counter-terrorism functions (under Part 5.3 of the Commonwealth Criminal Code).

Although the PJCIS tables reports on its reviews in the Australian Parliament and publishes them online, much of its work is conducted behind closed doors through classified submissions and closed hearings. The degree of openness and transparency offered by the PJCIS to the public is therefore limited. As academics Keiran Hardy and George Williams said, 'This means that the public must often trust that the PJCIS is

222 Mr Craig Donaldson, Commander, Counterterrorism and Emergency Response, WA Police, *Transcript of Evidence*, closed session, 20 August 2018, p. 3.

223 Mr Stephen Brown, Deputy Commissioner, WA Police, *Transcript of Evidence*, closed session, 20 August 2018, p. 9.

224 Keiran Hardy and George Williams, 'Executive Oversight of Intelligence Agencies in Australia' in Zachary K. Goldman and Samuel J. Rascoff (eds.), *Global intelligence oversight: Governing security in the twenty-first century*, Oxford University Press, New York, 2016, p. 325.

225 These agencies are the Australian Intelligence Security Organisation, Australian Secret Intelligence Service, Office of National Assessments, Australian Signals Directorate, Australian Geospatial-Intelligence Organisation and the Defence Intelligence Organisation.

using its limited powers to hold the intelligence agencies to account, rather than knowing this to be the case.'[226]

The IGIS, meanwhile, provides inquiry reports to the responsible minister and, where relevant, the appropriate agency head. Sometimes unclassified versions of inquiry reports are published on the IGIS website, but this is not required.[227] The need for transparency is therefore balanced against the need to prevent any actions that would prejudice 'security, the defence of Australia, Australia's relations with other countries, law enforcement operations or the privacy of individuals.'[228]

There are limits to Parliament's ability to oversee this area

It is a central role of the WA Parliament to hold the executive arm of the government to account for the administration of its policies.[229] This includes how effectively and efficiently WA Police is managing preparedness for terrorist acts, particularly as it relates to the state emergency management framework. Parliaments, including WA, have a number of mechanisms to fulfil this role such as Question Time, debates, statutory agencies that report directly to parliament and carry out integrity functions (such as the Ombudsman and Auditor General), and parliamentary committees like the Community Development and Justice Standing Committee.

In practice, many of these mechanisms are inadequate in the face of a sensitive policy area like counter-terrorism. Below, we discuss some of the factors limiting parliamentary oversight, uncovered in the course of our inquiry.

Effective oversight by standing committees requires greater police cooperation

Arguably, the Community Development and Justice Standing Committee has a wider remit than the PJCIS to oversee the counter-terrorism capabilities of agencies under its purview. Unlike the PJCIS, there is no limitation to what this committee can look into so long as the subject being examined relates to its portfolio responsibilities.[230] This recognises the important roles of WA standing committees to review administration

226 Keiran Hardy and George Williams, 'Executive Oversight of Intelligence Agencies in Australia' in Zachary K. Goldman and Samuel J. Rascoff (eds.), *Global intelligence oversight: Governing security in the twenty-first century*, Oxford University Press, New York, 2016, p. 318.

227 Barker et al., 'Oversight of intelligence agencies: a comparison of the 'Five Eyes' nations', Research Paper Series, 2017–18, Parliament of Australia, Canberra, 2017, p. 16.

228 Inspector-General of Intelligence and Security, *Public reports*, accessed 4 January 2019, <www.igis.gov.au>.

229 Kate Burton, *Scrutiny or Secrecy?: Committee oversight of foreign and national security policy in the Australian Parliament*, Department of Parliamentary Services, Parliament of Australia, Canberra, 2005, p. 16.

230 See *Standing Orders of the Legislative Assembly of the Parliament of Western Australia*, SO 287(2).

and expenditure and hold the executive to account,[231] but often relies on the agencies being reviewed to assist a committee's enquiries.

Although WA Police was willing to meet with us, there was a reticence to provide the detailed information and documentation we considered important in fully informing ourselves about the preparedness about WA Police and WA more generally. It repeatedly recommended we direct our requests for specific documents to other agencies (see table 3.1) even though we believed this information to be in its possession. We recognise WA Police did not 'own' these documents and did not want to provide them to the inquiry without the approval of the relevant owner. However, as a member of all of the bodies identified in table 3.1, WA Police could have sought this approval on our behalf.

Table 3.1: Occasions WA Police directed CDJSC to contact other agencies

Requested information	WA Police response
Information provided to attendees at most recent crowded places forum	'The WA Police Force are not in a position to provide the presentations delivered by others. It is recommended the Committee engage the presenters directly.'
Information about bodies that oversee counter-terrorism arrangements: Security and Emergency Committee of Cabinet	'It is recommended the Inquiry engage the Department of the Premier and Cabinet to source any material relevant to the above.'
Information about bodies that oversee counter-terrorism arrangements: SEMC subcommittees	'Requests for documents for those subcommittees should be referred to the Chair of the SEMC.'
Information about bodies that oversee counter-terrorism arrangements: Interagency Event Approval Committee	'It is recommended the Committee engage MRWA [Main Roads WA] to source the terms of reference.'
Comment regarding the inclusion of figure 1 from the State hazard plan: Terrorist act in our initial report	'While the information conveyed by figure 1 itself appears benign, it is recommended to the Committee that the SEMC Chair be provided with the opportunity to comment on the proposed publication of Figure 1.'

Sources: Mr Chris Dawson, Commissioner of Police, WA Police, letter, 20 June 2018, pp. 2, 3–4; Mr Chris Dawson, Commission of Police, WA Police, letter, 3 October 2018, p. 1.

In addition, WA Police is only one of two agencies representing our state on the ANZCTC. From our perspective, this representation includes WA Police acting as a conduit for information between the high-level body and WA, particularly when that information assists Parliament in overseeing the activities of a state agency. By not providing the requested information and recommending we approach the ANZCTC directly, WA Police created a perception that it did not consider the Committee's work to be relevant.

231 Harry C.J. Phillips, *Parliamentary committees in the Western Australian Parliament: An overview of their evolution, functions and features, Volume 1: 1870–2000*, Parliament of Western Australia, Perth, 2017, p. 1.

WA Police interactions with this inquiry was marked by the 'need to know' approach to information sharing that, as we noted in our initial report, was a prominent feature of law enforcement culture in the past.[232] In a submission to the inquiry, WA Police said:

> *The WA Police Force is of the view that counter terrorism methodology, capabilities and any capability gaps identified during exercises, including those of the WA Police Force and partner agencies, should not be made publicly available.*[233]

We remind WA Police that information submitted to a parliamentary inquiry does not automatically become 'publicly available'—in fact, it can only be released if the committee resolves to do so.

Further, during this inquiry we explained to WA Police that it had the ability to submit information *in camera*. Such information becomes confidential and unable to be disclosed by the Committee without the written approval of the submitter. If disclosure is not authorised, the information can only be made public after 30 years.

The apparent reticence of WA Police to engage meaningfully with this inquiry was particularly evident when contrasted to some UK police services' purported responses to recent, independent reviews. Lord Toby Harris, who reviewed London's preparedness of a major terrorist incident at the request of London Mayor Sadiq Khan, told us he received 'unparalleled cooperation' from the Metropolitan Police as he conducted the review, including the secondment of a superintendent to act as his liaison officer. Lord Harris said this engagement was not altruistic but arose, in part, because the Metropolitan Police believed the review would add weight to their requests for further funding for their counter-terrorism efforts.[234]

The reticence of WA Police to cooperate with the inquiry also differed from the 'dare to share' approach to information-sharing that Victoria Police Deputy Commissioner Shane Patton told us he employed. While the law enforcement field used to be isolationist, he said he was committed to developing open and transparent relations with partners and stakeholders as far as possible.[235]

Accessing information requires ANZCTC authorisation

Assessing the adequacy of WA Police counter-terrorism preparedness relies on the WA Parliament accessing information; however, much of the relevant documentation (such as post-exercise debriefs) is owned by the ANZCTC and can only be released with its

232 CDJSC, *Near enough is not good enough: An initial report on the protection of crowded places in Western Australia*, Parliament of Western Australia, Perth, 2018, p. 49.
233 Submission 42A, Western Australia Police Force (WA Police), p. 2.
234 *Briefing*, 6 December 2018.
235 *Briefing*, 30 April 2018.

authorisation. The Queensland Police Service, which is a member of the ANZCTC along with WA Police, explained:

> *The ANZCTC fosters and maintains nation-wide counter-terrorism capabilities, so outcomes from one jurisdiction's exercise may impact other States and Territories. Impacts may include changes to procedures used by law enforcement and intelligence agencies as well as effectiveness of sensitive equipment and other capabilities. Accordingly, requests for the release of ANZCTC-owned information (e.g. Freedom of Information/Right to Information requests) are passed through all ANZCTC members for endorsement.*[236]

The requirement to seek approval from the ANZCTC—a creature of the Council of Australian Governments (COAG) and therefore outside the authority of the WA Parliament—reduces the effectiveness of the traditional vehicles for scrutiny. For example, in early 2018 WA Minister for Transport Rita Saffioti felt unable to answer questions on notice relating to counter-terrorism exercises using public transport infrastructure, explaining that 'the release of information with respect to Counter Terrorism must be authorised by the Australia-New Zealand Counter-Terrorism Committee in which the lead agency for Western Australia is Western Australia Police.'[237] (We note that the questions were re-directed to the Minister for Police and were answered more fully).[238]

Our oversight of WA Police preparedness for a terrorist attack on a crowded place was also limited by our inability to direct the ANZCTC to provide evidence. WA Police denied our request for the post-exercise reports of any exercise of the *Westplan: Terrorist act* or *State hazard plan: Terrorist act* 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'. [239]

Exercises are also 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

236 Submission 60, QPS, p. 1.
237 Hon Rita Saffioti, Minister for Transport, Legislative Assembly, *Hansard*, 13 February 2018, p. 154.
238 Hon Michelle Roberts, Minister for Police, Legislative Assembly, *Hansard*, 12 April 2018, p. 2064.
239 Mr Stephen Brown, Deputy Commissioner, WA Police, *Transcript of Evidence*, closed session, 20 August 2018, p. 2; Mr Chris Dawson, Commissioner of Police, WA Police, letter, 20 June 2018, pp. 1–2.

stakeholders.'[240] Therefore, we could not evaluate whether gaps existed in police capabilities that might have affected its ability to respond to a terrorist incident.

It is unclear whether all of the documents sought have been assessed as sensitive or classified information under the Australian Government protective security policy framework. It is our understanding that such classification only applies to documents that were generated by Australian Government entities.[241] Therefore, whether documents relating to exercises in which only agencies of the WA Government participated would gain this level of classification is questionable.

According to Ms Spencer, the absence of an information classification framework in WA may invalidate assertions from state agencies that sensitive information cannot be accessed by the Auditor General without a security clearance:

> *… I can imagine that there is potential for those claims to be made that there is sensitive information that requires a security clearance to be accessed, and particularly if it feeds into the national planning and security arrangements. But from a state sector in the absence of an information classification framework, then I do not know that those claims would be valid in the sense that my legislation allows me to see information within agencies. But, as I say, as it relates to national security information and the interrelationship of those, there may be valid claims around classification of information.*[242]

In our first report, we argued that even if the documents we sought were classified, they could have been declassified or information that could have damaged the national interest redacted.[243] WA Police redacted the *Westplan: Terrorist act* before releasing the document to us. (At the time of its release, the plan described the high-level arrangements for the prevention of, preparedness for, response to and recovery from terrorist acts in WA. It has since been converted into a state hazard plan).

In response to our comments, WA Police said the information we sought (but were refused access to) 'is likely to be that which would be redacted from any post exercise evaluation.'[244] Because the reports were not forthcoming, however, we were unable to test these claims of sensitivity. As Australian Parliamentary Fellow Kate Burton noted in her examination of foreign and national security policy oversight by committees of the

240 Mr Stephen Brown, Deputy Commissioner, WA Police, *Transcript of Evidence*, closed session, 20 August 2018, p. 2.
241 Attorney-General's Department, '8. Sensitive and classified information', Protective security policy framework, Australian Government, Canberra, p. 1.
242 Ms Caroline Spencer, Auditor General, OAG, *Transcript of Evidence*, 10 October 2018, p. 4.
243 CDJSC, *Near enough is not good enough: An initial report on the protection of crowded places in Western Australia*, Parliament of Western Australia, Perth, 2018, p. 27.
244 Submission 42A, WA Police, p. 2.

Australian Parliament, challenging such claims is difficult 'without knowing the nature of the information or of the threat that the disclosure might present.'[245] We found ourselves in catch-22 situation, wishing to access the document to assess its sensitivity but unable access the document because of its sensitivity.

We acknowledge WA Police may have to commit time and resources to facilitate the documents' release, but access to information is fundamental to the ability of Parliament to oversee this area on behalf of all Western Australians.

Finding 22

Existing oversight measures fall short when it comes to holding agencies across government in Western Australia to account for the administration of counter-terrorism policies, particularly in relation to state police preparedness.

Finding 23

There is no way to independently verify that state funding directed to the Counter Terrorism and Emergency Response Command of the Western Australia Police Force has actually led to increased preparedness for terrorism in Western Australia.

The unintended consequence of a national counter-terrorism approach

While we agree with the national approach to counter-terrorism, which emphasises national consistency and interoperability, it has had the unintended consequence of undermining WA's ability to oversee a core part of policing within its own borders. We are of the opinion that further attention is required to identify how WA can continue to contribute to a nationally consistent approach while balancing the need for WA Parliament and other oversight bodies (such as OAG) to assure the Western Australian public of the performance and accountability of agencies and organisations with emergency management roles, including WA Police.

Recommendation 15

That the Premier, as a matter of urgency, investigates ways to rectify the current lack of independent oversight in relation to the state's preparedness for a terrorist attack.

245 Kate Burton, *Scrutiny or Secrecy?: Committee oversight of foreign and national security policy in the Australian Parliament*, Department of Parliamentary Services, Parliament of Australia, Canberra, 2005, p. 8.

Chapter 4

Characteristics of effective oversight and assurance models

In chapter 3, we found there are a few mechanisms through which the Parliament of Western Australia, Government and public can receive independent assurance that Western Australia (WA) is adequately prepared for a terrorist attack on a crowded place. We strongly recommended the WA Government investigate ways to rectify this situation.

Here, we examine the characteristics an oversight model may need to ensure the Western Australia Police Force (WA Police) and other entities with counter-terrorism responsibilities are accountable for their activities. We posed the following questions:

1. What is required to assure the community that these entities are acting not only effectively and efficiently but also legally and with propriety?

2. What vehicles of scrutiny are required when the private sector (particularly owners and operators of crowded places) have such a central role in protecting crowded places from terrorism?

Throughout this inquiry, we sought evidence from statutory oversight bodies (sometimes referred to as integrity agencies) operating in WA, other Australian jurisdictions, and overseas. This chapter is a summary of what we learned, setting out the factors common to effective oversight and assurance models.

Types of scrutiny

It should be noted that inquiry participants often used the terms ‘oversight’, ‘assurance’ and ‘evaluation’ interchangeably when providing evidence. This is because there is a high degree of overlap between the three concepts.

Generally, oversight consists of third party assessment or monitoring. The third party may be connected to the program, structure, or entities in question but not be directly responsible for implementing the program or structure being assessed or monitored. The Security and Emergency Committee of Cabinet’s (SECC) potential monitoring of any state-specific recommended action arising from WA Police counter-terrorism exercises, which we discussed in chapter 3, would fall into this category. Some of the ministers on the SECC are part of the emergency management framework under which terrorism is managed but WA Police is primarily responsible for addressing any gaps identified

during the exercises. The compliance monitoring activities conducted by the United Kingdom's (UK) Department for Transport (see box 4.1) is also a form of oversight.

Independent oversight is conducted by third parties with no connection to the program, structure or entities being scrutinised. The Office of the Auditor General (OAG) provides a form of independent oversight, for example.

Assurance, meanwhile, is 'the expression of a conclusion that is intended to increase the confidence that users can place in a given subject matter or information.'[246] In the public sector, assurance activities are commonly associated with an auditor and therefore concern the efficient and effective use of public funds in accordance with Parliament's purposes. In the following chapter, however, the term 'assurance' is used in the broader sense put forward in the above quote.

Evaluation is the 'systematic collection and analysis of information to enable judgements about a program's effectiveness, appropriateness and efficiency.'[247] Evaluation requires the active participation from both the evaluators and the people being evaluated in an ongoing process of improvement. A pertinent example is the counter-terrorism exercises WA Police undertakes by drawing on the ANZCTC framework (see chapter 3).

A robust assurance and oversight model has multiple levels

We believe all types of scrutiny are required to strengthen WA's preparedness for a terrorist attack. A robust assurance and oversight model requires what Auditor General Caroline Spencer called multiple 'lines of defence'.[248] It has at least three levels, including:

1. **Organisational**—individual agencies or businesses evaluate their own performance.

2. **System**—a body assesses how a particular framework or sector is functioning (i.e. the interoperability of organisations within a sector or framework). When it comes to emergency management, system level assurance assesses 'how organisations work together before, during and after emergencies.'[249]

246 CPA Australia, *A guide to understanding auditing and assurance: Listed companies*, Southbank, 2014, p. 6.
247 Program Evaluation Unit, *Evaluation guide*, Department of Treasury, Government of Western Australia, Perth, 2015, p. 3.
248 Ms Caroline Spencer, Auditor General, Office of the Auditor General (OAG), *Transcript of Evidence*, 10 October 2018, p. 2.
249 Inspector-General for Emergency Management, *How we work*, 7 November 2018, accessed 4 February 2018, <www.igem.vic.gov.au>.

3. **Independent**—external audit or review, which may investigate a range of topics, including the performance of organisations within a sector or framework, and whether controls and arrangements are functioning effectively.

When taken together, the activities conducted at each level provide assurance to government and the community about the ability of a particular framework or system to fulfil its purpose and objectives. In particular, it provides assurance that relevant agencies and businesses are fulfilling their respective responsibilities.[250]

According to Ms Spencer, different assurance levels are equally important:

> *… having internal quality control and assurance is vitally important, because if they are relying on the external auditors or reviewers or parliamentary inquiries to get to the bottom, it is too late; usually things have fallen through cracks. For continuous improvement, you need both internal and external assurance.*[251]

Organisational evaluation or assurance

Several owners and operators of WA crowded places who participated in the inquiry had internal processes to evaluate their performance in a range of areas, including the security of their sites.[252] Such processes are generally overseen by boards, committees, or senior executive groups.[253]

As an example, the City of Perth has a 'three lines of defence assurance model' to manage risks to its deliverables and community:

250 Ms Caroline Spencer, Auditor General, OAG, *Transcript of Evidence*, 10 October 2018, pp. 2–3; Inspector-General for Emergency Management, *Monitoring and Assurance Framework for Emergency Management*, State Government Victoria, Melbourne, 2015.

251 Ms Caroline Spencer, Auditor General, OAG, *Transcript of Evidence*, 10 October 2018, p. 6.

252 Submission 17, Scentre Group, p. 3; Mr Martin Mileham, Chief Executive Officer (CEO), City of Perth, *Transcript of Evidence*, 14 February 2018, p. 5; Mr David Etherton, CEO, VenuesWest, *Transcript of Evidence*, 14 February 2018, p. 5; Mr Malcolm Reed, Regional Asset Manager WA, Lendlease, *Transcript of Evidence*, 21 March 2018, p. 9; Mr Patrick Quigley, Manager, Community, Culture and Recreation, City of South Perth, *Transcript of Evidence*, 21 February 2018, p. 4.

253 Mr David Etherton, CEO, VenuesWest, *Transcript of Evidence*, 14 February 2018, p. 7; Submission 33B, City of Perth, closed item 3, p. 243; Submission 30, Metropolitan Redevelopment Authority, closed attachment 2, p. 11.

Box 4.1: Compliance monitoring activities

In the United Kingdom (UK), the Department for Transport (DfT) regulates a number of land transport modes such as the London Underground. To maintain and enhance transport security standards, it conducts a program of compliance monitoring activities. This includes covert and overt inspections of security procedures, which may be conducted at any time. Transport for London told us, for example, that inspectors could leave suspicious-looking packages in stations to test how long it will take staff to notice them.

The DfT takes a risk-based approach to compliance monitoring, directing its resources 'where they can do most good.' In practice, this means DfT inspectors visit locations according to their threat level, size or profile, the amount of traffic and number of passengers, the compliance record of the location manager, and other associated factors.

When inspectors identify deficiencies in transport security standards and procedures, or that a location has failed to adhere to DfT requirements, the DfT follows a six-step approach that provides the transport organisation with several opportunities to address the identified problems while also emphasising the increasing severity with which non-compliance is viewed.

- **Advise:** An inspector advises an organisation how it is failing to meet DfT requirements and may indicate possible solutions. If deficiencies are unable to be corrected on the spot, the DfT then gives a 'reasonable time' to address any problems.
- **Persuade:** Where an initial approach has not resulted in the problem being rectified, inspectors may offer persuasive arguments explaining why action is needed. The inspector will confirm this advice in writing.
- **Deficiency notification:** A deficiency notification (or formal letter identifying the breaches of DfT requirements) may be given to the transport organisation. The strength of this step 'lies in the fact that it is only to be used in cases of serious, repeated or prolonged deficiency'. If it is used, the DfT will 'take robust follow-up action if timely compliance is not forthcoming.'
- **Formal interview:** The head of Land Transport Security Compliance (the DfT compliance team) can invite the organisation's senior management to the DfT to discuss the matter. At the interview, the organisation will be advised of its responsibilities and the DfT will point out the likely consequences of continued non-compliance, such as the serving of an enforcement notice.
- **Enforcement notice:** The Land Transport Security team (including inspectors) are able to issue enforcement notices against industry bodies that fail to comply with DfT requirements.
- **Prosecution:** The Land Transport Security team may bring a prosecution against an organisation when it has failed to comply with an enforcement notice.

It is rare for transport organisations not to implement the necessary changes at the early stages.

In its Land Transport Security Compliance Policy Framework, the DfT indicates it is seeking to move away from what it calls 'the traditional style of inspection' and towards a greater focus on 'management and supervisory systems within the industries than on the security activities themselves'. The DfT will presumably decrease its inspections of individual locations, with responsibility for monitoring security measures falling to the transport organisations themselves. In the longer term, the DfT is seeking to focus on the adequacy of these internal frameworks.

Sources: Department for Transport (UK), *Land transport security compliance policy framework*, Department for Transport, London, 2015; *Briefing*, 5 December 2018.

1. The first line is made up of its business units, which are responsible for ensuring risks are managed in accordance with council policy and relevant legislation and guidelines.

2. The second line is made up of the City's Governance Unit, which manages the risk management framework and supports the first line, 'including producing a transparent oversight of risk management and reporting on risk information.'

3. The third line consists of internal audits conducted by the City's internal auditor. Internal audits consider the adequacy and effectiveness of control processes and procedures. External audits of the City's financial statements also make up the third line of defence.

An audit and risk committee oversees this process, monitoring and reporting on the City's management of risk. This includes guiding and assisting the City of Perth with the focus and scope of audits.[254]

System level

The State Emergency Management Committee (SEMC), which is the peak emergency management body in WA, currently has a system level assurance role. It governs the state emergency management framework, which includes overseeing the requirement for local governments to develop local emergency management arrangements (LEMA) for their area.[255] LEMA identify emergencies that may affect the area, and set out emergency management policies, the roles and responsibilities of public authorities involved in emergency management, and how these authorities will coordinate their emergency operations.[256] As terrorism is a prescribed hazard in the *Emergency Management Act 2005* (WA) (the Act), local governments may consider terrorism risk in the development of LEMA.[257]

District emergency management advisers from the Office of Emergency Management 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 Act.[258] All LEMA must ultimately be brought before the SEMC for noting,[259] which enables the SEMC to identify local government compliance or non-compliance with the emergency

254 Submission 33B, City of Perth, closed item 3, pp. 250, 252
255 *Emergency Management Act 2005* (Western Australia), s41.
256 *ibid.*
257 *ibid.*, s3.
258 State Emergency Management Committee (SEMC), *State emergency management procedure*, Government of Western Australia, Perth, 2018, p. 36.
259 Ms Ricky Burges, CEO, Western Australian Local Government Association, letter, 23 July 2018, p. 1.

management framework. The SEMC provided us with information, for example, that showed 86.2 per cent of all local governments had current LEMA as at May 2018.[260]

The annual emergency preparedness report of the SEMC is also a form of system level assurance (see chapter 3). When we asked SEMC Executive Officer Malcolm Cronstedt how the SEMC assures itself that the arrangements are effective, he said the preparedness report provided the SEMC with 'a more incisive over time picture of what the reality is: do the plans work?':

> *That is an annual document that says, "Is the state ready?" Obviously, there is a great deal more detail behind that. The data that supports it is phenomenally large, so we can brief, for instance, government and agencies in much more detail about the detail behind it and ask those questions: "You say you're ready; are you really ready?" That data really supports our efforts in getting to the bottom of the surface.*[261]

Mr Cronstedt also said the SEMC was expanding its assurance role, increasingly testing some of the claims made by individual agencies and local governments in their survey responses collected for the preparedness report. While he said the SEMC cannot examine every single agency with emergency management responsibilities each year, 'you can choose to examine individual agencies or local governments and say, "Show us how you're going".'[262]

However, Assistant Auditor General Jason Beeley suggested this aspect of the SEMC assurance function was still developing, stating that 'assurance about whether what is reported is actually what is going on on the ground is possibly the bit that is missing at the moment.'[263]

Agencies with emergency management responsibilities and independent oversight bodies can both carry out system level assurance activities. In Victoria, the independent Inspector-General for Emergency Management and Emergency Management Victoria (EMV), a body with broadly similar functions to that of the SEMC, conduct such activities. While the EMV focuses on 'improving capability and capacity and setting performance standards and measures', the Inspector-General focuses on 'assessing the capacity, capability and performance of the sector against outcome measures.'[264]

260 Mr Malcolm Cronstedt, Executive Officer, SEMC, email, 13 July 2018, attachment 2.
261 Mr Malcolm Cronstedt, Executive Officer, SEMC, *Transcript of Evidence*, 16 May 2018, p. 4.
262 *ibid.*
263 Mr Jason Beeley, Assistant Auditor General, OAG, *Transcript of Evidence*, 10 October 2018, p. 11.
264 Inspector-General for Emergency Management, *Monitoring and Assurance Framework for Emergency Management*, State Government Victoria, Melbourne, 2015, p. 7.

Independent assurance

Many inquiry participants supported the need for any future body overseeing emergency management preparedness in WA to be independent of government. The importance of an external, independent body to review arrangements was summarised by Ms Spencer:

> *There is always value in a fresh set of eyes and independence where there is no either [sic] bias that arises from a particular role, or history and context, but can look across the system.*[265]

When Victoria first established the position of the Inspector-General for Emergency Management, it was not technically independent. The inaugural Inspector-General, Tony Pearce, was appointed through the *Public Administration Act 2004* (Vic) and functioned as part of the Department of Justice and Regulation.[266] Some Members of Parliament questioned this approach while debating the bill establishing the Inspector-General, but others were of the opinion that the primary role of the Inspector-General was to 'work collaboratively with various agencies and departments':

> *Therefore, as this work is within the public sector, it would be inappropriate for that individual not to be an appointee of the government. That person will need to have a thorough knowledge of the inner workings of all agencies and departments to ensure that they are best placed to bring together the skills, resources and capabilities of them all.*[267]

Mr Pearce told us that while the Victorian Government and coroner always respected the independence of his office, the arrangement 'certainly created the opportunity for some, such as some of our industrial bodies externally and some of the peak bodies … to question the level of independence when I am reviewing something'.[268] As a result, the Inspector-General's governing legislation was amended in late 2018 and the Inspector-General is now a Governor-in-Council appointment.[269]

Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) in the UK is also independent of government. Her Majesty's Inspectors are appointed by the Queen on the advice of the Home Secretary and the Prime Minister, and are

265 Ms Caroline Spencer, Auditor General, OAG, *Transcript of Evidence*, 10 October 2018, p. 6.
266 Mr Tony Pearce, Inspector-General for Emergency Management (Victoria), *Transcript of Evidence*, 13 June 2018, p. 3.
267 Mr Damian Drum, Legislative Council (Victoria), *Hansard*, 28 November 2013, p. 3906.
268 Mr Tony Pearce, Inspector-General for Emergency Management (Victoria), *Transcript of Evidence*, 13 June 2018, p. 3.
269 *ibid.*, p. 4.

neither civil servants nor police officers.[270] Although the Home Secretary can require the HMICFRS to carry out an inspection at any time, the bulk of its inspection program is made up of national thematic inspections of specific policing matters identified through its monitoring processes or other inspection activity and PEEL assessments (annual, all-force inspections addressing police effectiveness, efficiency and legitimacy).[271]

As discussed in chapter 3, WA does not have an independent body regularly assessing the preparedness of the state emergency management sector. While the Office of the Auditor General (OAG) and the SEMC have been discussing whether the OAG could take on an external assurance role, the parameters of this role were yet to be confirmed as at October 2018.[272]

Finding 24

A robust assurance and oversight model incorporates, at a minimum, organisational, system and independent assurance levels.

An oversight body requires a wide remit

Oversight of all emergency management preparedness

Accurately assessing preparedness for an attack on a crowded place requires an oversight body to be able to investigate the actions of all agencies with an emergency management role. This is because 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'.[273] Terrorism is just 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 4.1). This means the *State emergency management policy* and *State emergency management plan* focus on, and integrate, common emergency management elements that can be used in countering not only terrorism but also hazards such as fire or earthquake.

270 Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS), *Who we are*, 22 October 2018, accessed 10 January 2019, <www.justiceinspectorates.gov.uk>.

271 HMICFRS, *Policing inspection programme and framework 2018/19*, HMICFRS, London, 2018, pp. 8–9; HMICFRS, *Fire and rescue services inspection programme and framework 2018/19*, HMICFRS, London, 2018, p. 6.

272 Hon Francis Logan (Minister for Emergency Services), *Department restructure to benefit State's emergency services*, media release, 14 February 2018; Mr Malcolm Cronstedt, Executive Officer, SEMC, *Transcript of Evidence*, 16 May 2018, p. 13; Ms Caroline Spencer, Auditor General, OAG, *Transcript of Evidence*, 10 October 2018, pp. 1–2.

273 Office of Emergency Management, *Emergency management principles,* accessed 11 March 2019, <www.oem.wa.gov.au>.

Recent terrorist attacks overseas have also highlighted that personnel from multiple agencies respond when an incident occurs. For example, in the immediate aftermath of the May 2017 attack in the UK (in which a suicide bomber detonated a device just outside the Manchester Arena), arena staff, police, paramedics and members of the public assisted at the scene of the explosion. The fire service should have also responded; an independent review into the attack was critical of its delayed deployment.[274]

Recognising that responding to mass casualty events is not solely the purview of police, exercises conducted either under the state emergency management framework or to test the response to an emergency incident at particular locations are run as multi-agency exercises. An example is the exercise hosted at Perth Stadium in December 2017 to test 'interagency interoperability … and the response'.[275] In addition to WA Police, stadium manager VenuesLive, the Department of Fire and Emergency Services, St John Ambulance, the Public Transport Authority and Main Roads participated.[276]

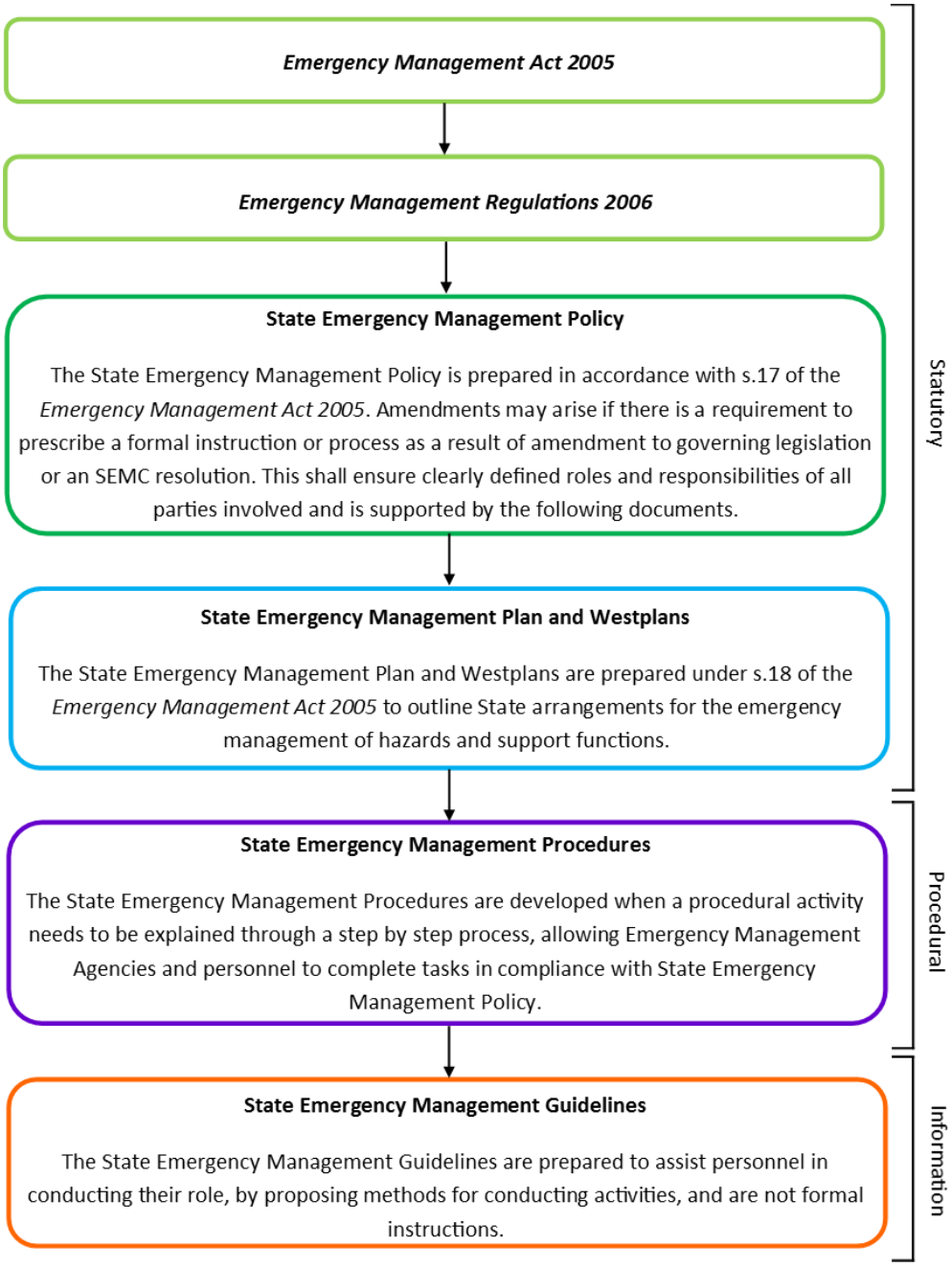
HMICFRS Detective Chief Superintendent Andrew Buchan agreed that any oversight body established should not focus on police alone but be empowered to investigate all response services.[277] Until 2017, what is now the HMICFRS was known as Her Majesty's Inspectorate of Constabulary and its remit was restricted to the assessment of policing in England and Wales; however, it was expanded to include England's fire and rescue services. The inspectorate is now known as Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services to reflect its role of monitoring and reporting on the efficiency and effectiveness of police, fire and rescue services.[278]

A possible model with the ability to oversee all emergency management arrangements is the Inspector-General for Emergency Management in Victoria. As Mr Pearce explained, it is his role to:

> *sit above the emergency management system, which includes all the operational agencies and our coordination functions and our planning arrangements, and to monitor the performance of those in the context of the outcomes that the government has decided are appropriate from the government perspective as well as the community outcomes…*[279]

274 *The Kerslake Report: An independent review into the preparedness for, and emergency response to, the Manchester Arena attack on 22nd May 2017*, United Kingdom, 2018, p. 8.
275 Mr Steve Furmedge, Director, Security Services, Public Transport Authority (PTA), *Transcript of Evidence*, 21 February 2018, p. 8.
276 *ibid.*
277 *Briefing,* 4 December 2018.
278 HMICFRS, *About us*, 5 June 2018, accessed 10 January 2019, <www.justiceinspectorates.gov.uk>.
279 Mr Tony Pearce, Inspector-General for Emergency Management (Victoria), *Transcript of Evidence*, 13 June 2018, p. 2.

Figure 4.1: Western Australian emergency management framework



Source: Office of Emergency Management, *Emergency management*, accessed 4 February 2019, <www.oem.wa.gov.au>.

However, the legislation governing the Inspector-General precludes him from reviewing counter-terrorism arrangements. Although Mr Pearce could conduct a 'consequence management review of the multiagency response to the consequences of the [terrorist] event', he would not review the 'preparatory or planning arrangements from a counter-terrorism perspective.'[280] He pointed out that, in contrast, the Victorian Office of the Auditor General did have the 'capacity to conduct reviews and investigate and inquire into arrangements and the way they are prepared.'[281]

Finding 25

Overseeing counter-terrorism preparedness requires an oversight body to have the ability to investigate all agencies and organisations with emergency management responsibilities.

Access to specialised knowledge of police capabilities

In addition to oversight across the emergency management sector, any future body responsible for assessing preparedness for an attack on a crowded place may need specialised knowledge of police capabilities or be able to contract such expertise. The *Intergovernmental agreement on Australia's national counter-terrorism arrangements*, which sets out the broad parameters of a national approach to counter-terrorism, states 'counter-terrorism is a core part of policing responsibilities';[282] therefore, any assessment of WA preparedness will likely involve assessing police capabilities in this area.

As noted in our initial report, assessing the adequacy of police counter-terrorism capabilities requires an understanding of the standards against which they 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 Australia-New Zealand Counter-Terrorism Committee (ANZCTC). 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.[283]

280 Mr Tony Pearce, Inspector-General for Emergency Management (Victoria), *Transcript of Evidence*, 13 June 2018, pp. 4–5.
281 *ibid.*, p. 5.
282 *Intergovernmental Agreement on Australia's National Counter-Terrorism Arrangements,* Council of Australian Governments, 2017, p. 4.
283 Mr Chris Dawson, Commissioner of Police, WA Police, letter, 20 June 2018, p. 3.

Former New South Wales Coroner Michael Barnes, who conducted the coronial inquiry into the Lindt café siege, said a national oversight body would be best-placed to oversee the efficiency and effectiveness of police capability in part because 'none of the states is likely to have sufficient expertise' to discharge the role.[284]

Conversely, we note that despite the rather narrow focus of the HMICFRS on policing and fire and rescue services, not all of its staff come to the HMICFRS with extensive experience in these sectors. HMICFRS consists of approximately 230 staff from a range of backgrounds: civil servants, police officers and staff secondees.[285] Her Majesty's Inspectors are also primarily from legal backgrounds.[286]

If the HMICFRS does not have the skills or experience within its existing workforce to conduct a particular inspection, it will contract the necessary expertise.[287] The composition of the HMICFRS reflects what it regards as one of its primary roles: assessing the efficiency and effectiveness of police forces in *the public interest*. The HMICFRS states it 'will always try to see policing and fire and rescue through the public's eyes.'[288]

Finding 26

A body overseeing counter-terrorism preparedness requires an in-depth understanding of counter-terrorism activities and the related police capabilities. This expertise can be retained in-house or contracted when necessary.

Unconstrained by the interjurisdictional nature of counter-terrorism arrangements

Given the interjurisdictional nature of counter-terrorism arrangements in Australia, some inquiry participants suggested any oversight body set up to review state preparedness could be either established at the national level or undertaken with significant interjurisdictional coordination.

Mr Barnes suggested a national oversight body would better serve interoperability than one based at the state level.[289] In contrast, the Ombudsman Western Australia submitted oversight could be 'undertaken within Western Australia, thus respecting state sovereignty'. It noted these oversight arrangements could involve

284 Mr Michael Barnes, Former New South Wales (NSW) Coroner, email, 11 May 2018, p. 1.
285 HMICFRS, *State of policing: The annual assessment of policing in England and Wales, 2017,* HMICFRS, London, 2018, p. 179.
286 HMICFRS, *Who we are*, 22 October 2018, accessed 10 January 2019, <www.justiceinspectorates.gov.uk>.
287 *Briefing,* 4 December 2018.
288 HMICFRS, *What we do*, 17 May 2018, accessed on 10 January 2019, <www.justiceinspectorates.gov.uk>.
289 Mr Michael Barnes, Former NSW Coroner, email, 11 May 2018, p. 1.

> *extensive interjurisdictional co-ordination, collaboration and consultation (as occurs with a range of functions which are presently undertaken at a state level, but also are of an interjurisdictional nature).*[290]

As noted in chapter 3, the OAG submitted it could 'assess the performance of State agencies in interacting with Federal programs or strategies,' but noted that the limitations to the Auditor General's remit with regard to state-federal relations were yet to be tested.[291]

Finding 27

A body overseeing counter-terrorism preparedness must have the ability to navigate the national approach to counter-terrorism and its interjurisdictional arrangements.

How to oversee private sector preparedness is unclear

Those oversight agencies from whom we received evidence were limited in their ability to assess preparedness of the private sector as a whole. For example, as we discussed in chapter 3, the Auditor General's follow-the-dollar powers enables her office to review the performance of private companies that have been employed by government agencies to fulfil some of their functions; however, owners and operators that are not the recipients of public funding would not be captured in these types of reviews.

The OAG submitted it could 'provide assurance over the nature and effectiveness of monitoring of compliance' as part of its performance audit work program, but the role to monitor compliance would first have to be conferred on state or local government entities.[292]

Finding 28

There is no operating model that clearly allows an oversight body to assess the counter-terrorism preparedness of private organisations that are subject neither to the Auditor General's follow-the-dollar powers nor to legislative obligations to protect their sites from risks such as terrorism.

290 Submission 49A, Ombudsman Western Australia, p. 2.
291 Submission 5A, OAG, p. 1.
292 *ibid.*, p. 2.

> The most pernicious of official attitudes is secrecy. Ministers and officials have developed a firm attitude that the general public are not entitled to know anything about what they are doing—even if their actions vitally affect the rights of citizens both individually and collectively.
>
> - *Enid Campbell and Harry Whitmore,* Freedom in Australia, *Sydney University Press, Sydney, 1966*

An oversight body requires access to information

Given the issues we experienced accessing sensitive information during this inquiry—and its subsequent impact on our ability to draw conclusions about the preparedness of WA—we believe it is vital that any future oversight body has unfettered access to all information. Any oversight body would require a very clear legislative mandate to prevent state agencies (as has been the case in this inquiry) from declining requests for information on the basis that it is owned by an entity like the ANZCTC, which functions outside the purview of state oversight bodies.

Security vetting may reduce barriers to parliamentary committees accessing information

In addition, the hesitancy of WA Police to provide sensitive information to parliamentary committees, which we discussed in chapter 3, may be overcome if members on committees with oversight of police matters (such as the Community Development and Justice Standing Committee) held security clearances. This may, in turn, improve the ability of existing scrutiny mechanisms to oversee counter-terrorism preparedness within WA.

Literature on parliamentary oversight of national security notes that although members of committees of the Australian Parliament do not technically need security clearances in order to call for classified information, holding a security clearance assures agencies that members take security seriously.[293]

Australian National University senior research fellow and Australian Strategic Policy Institute senior analyst Anthony Bergin has suggested committee members overseeing security matters should be subject to security vetting:

> *While some might argue that those excluded through this process would be unable to represent voters adequately, and thus this move would present a challenge to our democratic system, I'd argue that it doesn't. It simply excludes people without a clearance from accessing*

293 Kate Burton, *Scrutiny or Secrecy?: Committee oversight of foreign and national security policy in the Australian Parliament*, Department of Parliamentary Services, Parliament of Australia, Canberra, 2005, p. 47.

> *information that is sensitive, and given that this rule would now apply to everyone on the committee, this is surely a democratic outcome.*[294]

He noted members on UK and United States of America committees with oversight of intelligence and security agencies require security clearances.[295]

Finding 29

Access to all relevant information is required to assess state counter-terrorism preparedness.

Reporting options

Statutory oversight bodies in WA follow a variety of reporting processes, which is primarily determined by the function of their positions and primary purpose of their reports. The Auditor General for WA, for example, has been described as an 'ally of the people and Parliament' and is accordingly legislatively obliged to report publicly on any findings. The Auditor General only reports to Parliament. There is no provision for the Auditor General to provide written reports that are not then made public.[296]

In contrast, the *Corruption, Crime and Misconduct Act 2003* (WA) (the Act) recognises that some of the work of the Corruption and Crime Commission (CCC) is necessarily sensitive. In most instances, the CCC tables its reports in each House of the WA Parliament. The CCC is also able to report to the Minister for Police, another minister, or the parliamentary Joint Standing Committee on the Corruption and Crime Commission instead of to Parliament 'if, for any reason, the Commission considers it appropriate to do so.'[297]

In Victoria, the Inspector-General for Emergency Management submits all reports to the Minister for Police and Emergency Services. The minister must approve the release of the Inspector-General's reports before they can be made public (a process that often involves a government response and a media release).

There are advantages and disadvantages to each of these approaches. By reporting to Parliament, the Auditor General is assisting it to hold the executive arm of government to account. However, the moment a report is tabled in Parliament it becomes a public document; therefore, any reports would not be able to identify sensitive matters even if those matters were directly relevant to the efficiency and effectiveness of state and local government agencies. Reporting directly to the government executive, as the Inspector-General for Emergency Management does, reduces the accountability

294 Anthony Bergin, 'Parliament and national security: Challenges and opportunities', Australian Senate Occasional Lecture Series, 30 June 2017, p. 12.
295 *ibid.*
296 *Auditor General Act 2006* (Western Australia).
297 *Corruption, Crime and Misconduct Act 2003* (Western Australia), s89.

function of an oversight body. A minister may refuse to release reports critical of government, thereby undermining the effectiveness of the scrutiny mechanism. In the case of the CCC, it requires the oversight body to have a clear understanding of the implications of publicly releasing a report, and to remain resolutely neutral should a release have political implications.

Finding 30

Reporting about counter-terrorism preparedness in Western Australia requires accountability and transparency functions to be balanced against the need to prevent actions that would prejudice security, law enforcement operations or relations with other jurisdictions.

Recommendation 16

That the Premier, in investigating ways to rectify the current lack of independent oversight in relation to the state's preparedness for a terrorist attack, consider the factors required for effective oversight and assurance of this area, including:

- Organisational, system and independent assurance levels.
- The capacity to investigate all agencies and organisations with emergency management responsibilities.
- An in-depth understanding of counter-terrorism activities and related police capabilities.
- The ability to navigate the interjurisdictional nature of Australian counter-terrorism arrangements.
- The capability to assess private sector preparedness for a terrorist attack on a crowded place.
- Unfettered access to information.
- The need for security vetting.
- Reporting provisions that balance the need for accountability and transparency with the need to prevent actions that prejudice security, law enforcement operations or relations with other jurisdictions.

Chapter 5

Security industry

The private security sector plays a central role in the protection of crowded places.[298] Numerically, security personnel far surpass police officers. In Western Australia (WA) alone there were over 30,000 active security licences compared to approximately 6,800 police officers at June 2018.[299]

When deployed effectively, security personnel can bolster the security of crowded places. The industry's protective security functions range from the provision of risk assessments and advice by security consultants to the guarding of assets and events by security officers and crowd controllers. As the peak national body for security providers, the Australian Security Industry Association Limited (ASIAL), said, 'whether it is installing electronic security systems, physical defences or providing frontline security personnel, the private security industry is at the core'.[300]

Even in jurisdictions such as the United Kingdom (UK) where police play a more active role in the provision of counter-terrorism protective security advice, the security industry maintains an important function. Appropriately qualified, experienced and skilled security consultants are needed to assist the owners and operators of crowded places to implement any recommendations arising from police assessments of risk or protective security plans. Mark Tucknutt, Director of UK security consulting firm Toren Consulting, said consultants often find themselves in an advisory role between the property developer and police advisers. He said consultants interpret the 'generic advice from the police to suit the specific risks and design of a particular project.'[301]

In our initial report, we identified a number of issues affecting the ability of the security industry to fulfil its role in the protection of crowded places.[302] Here, we focus on solutions: how the WA Government can develop policies and processes to strengthen the security industry and ensure it can better support the resilience of crowded places in WA.

298 Australia-New Zealand Counter-Terrorism Committee (ANZCTC), *Australia's strategy for protecting crowded places from terrorism*, Commonwealth of Australia, Barton, 2017, p. 9.
299 Mr Chris Dawson, Commissioner of Police, Western Australia Police Force (WA Police), letter, 20 June 2018, p. 1; WA Police, *Annual report 2018*, WA Police, East Perth, 2018, p. 11.
300 Submission 14, Australian Security Industry Association Limited (ASIAL), p. 3.
301 *Briefing*, 4 December 2018.
302 Community Development and Justice Standing Committee (CDJSC), *Near enough is not good enough: An initial report on the protection of crowded places in Western Australia*, Parliament of Western Australia, Perth, 2018, pp. 97–113.

Chapter 5

Nationally consistent training and licensing arrangements are needed

The arrangements that currently exist around the training and licensing of the security industry are unsatisfactory. 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.[303]

Each state and territory has a distinct regulatory system. Some jurisdictions regulate through their police forces, while others operate through non-police government agencies.[304] Of those police forces that regulate the industry, some use sworn police officers to process security licences, while others use unsworn officers.[305]

The Commonwealth *Mutual Recognition Act 1992* allows people who are licensed security professionals in one Australian state or territory to practise in any jurisdiction. This means attempts by WA to strengthen its regulation of the security industry can be undermined by weaker standards in other jurisdictions.[306] Indeed, there are concerns some security personnel are undertaking training in other jurisdictions in order to bypass the tougher requirements in their home jurisdiction.[307]

As far back as 2007, the Council of Australian Governments (COAG) considered harmonising the 'regulation of the private security industry that focuses on improving the probity, skills and mobility of industry personnel across jurisdictions'.[308] Some improvements were made in relation to training (such as the introduction of nationally credited certificate level security courses);[309] however, more than a decade later, full harmonisation is still yet to be achieved.[310]

303 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, p. 183.
304 Tim Prenzler and Rick Sarre, *Private Security and Public Interest: Exploring Private Security Trends and Directions for Reform in the New Era of Plural Policing*, Australian Research Council, 2011, pp. 37–39.
305 WA Police, *Licensing Enforcement Division*, 12 March 2018, accessed 2 January 2019, <www.police.wa.gov.au>.
306 Submission 53, closed submission, p. 10.
307 Australian Skills Quality Authority, *Training in security programs in Australia*, Australian Government, Canberra, 2016, p. 4.
308 Council of Australian Governments (COAG), *Meeting Communique*, 13 April 2007, p. 8.
309 Tim Prenzler and Rick Sarre, 'The Evolution of Security Industry Regulation in Australia: A Critique', *International Journal for Crime, Justice, and Social Democracy*, vol. 1, no. 1, 2012, p. 33.
310 COAG, *Meeting communique*, Canberra, 3 July 2008, p. 11.

We acknowledge there are challenges to establishing an effective national system, such as:

- Difficulties in determining the required standard of licensing, regulation, accreditation and quality assurance. (Some jurisdictions may find the national standards too weak, while others could find them too onerous).
- State and territory concerns about federal government overreach.
- Determining the exact role and responsibilities of a national agency to oversee the security industry, including its role in relation to other federal and state or territory oversight agencies and police forces.
- Establishing relationships with relevant non-government industry bodies and unions.
- The reduction of local knowledge. The benefit of the current system is local police and state agencies have local expertise. This could be addressed by establishing local branches of any new national agency, or by requiring local police input into licence applications and audits.

Nevertheless, we believe it is time for COAG to resolve this issue and properly harness the security industry workforce in the counter-terrorism space. As a special report from the Australian Strategic Policy Institute (ASPI) recently stated:

> *The wholly state-based model, with light COAG coordination, has failed. Only through a national approach can the security industry be strengthened and professionalised to provide police and intelligence agencies with an invaluable partner in CT [counter-terrorism].*[311]

Greater national coordination of the security industry would not only prevent the watering-down of standards in WA but also enable Australia as a whole to better utilise security industry personnel. In doing so, a nationally consistent licensing system would further strengthen the resilience of crowded places to terrorism.[312]

Box 5.1 sets out what a national approach to the security industry may look like based on evidence we received from security industry professionals, our investigatory travel to the UK, and the recommendations of the ASPI special report.

311 Anthony Bergin, Donald Williams and Christopher Dixon, *Safety in numbers: Australia's private security guard force and counterterrorism*, Australian Strategic Policy Institute, Barton, 2018, p. 33.

312 *ibid.*, p. 7.

Box 5.1: A national approach to the security industry

We are of the opinion national harmonisation requires the establishment of a national security industry authority with the responsibility for the networking, innovation, assurance and governance of the Australian security industry.

Some of the specific functions that we believe could be carried out by the authority are detailed below.

Training

- Improve standards of Registered Training Organisations (RTOs) to ensure quality and consistency in training, and implement a national pre-licence competency assessment for all licence categories.
- Develop and monitor training delivery standards.
- Provide external confirmation of testing and competencies.
- Provide professional certification and development.

Licensing

- Issue security licences and enforce licensing compliance.
- Create a national online register of security professionals, recording licence information, qualifications, and infringements.
- Create nationally consistent licence categories, including different categories for security, risk management and emergency management practitioners.
- Investigate and prosecute licence infringements.
- Investigate and prosecute those practising without a licence.

Counter-terrorism

- Integrate the workforce in the private security sector into Australia's counter-terrorism strategy. The national authority could provide a central point of contact between the private security industry and national security agencies.
- Develop and promulgate additional counter-terrorism awareness and training information.
- Work with federal government departments to ensure security professionals have access to up-to-date information regarding current terrorism threats and trends, and counter-terrorism best practice.

Industry

- Establish and enforce industry standards.
- Develop and implement policy relating to the private security industry.
- Establish a national 'Approved Contractor' register like that in the UK, listing security agencies that have met stringent criteria, to benefit purchasers of security services.
- Work with current industry bodies and unions.
- Task approved security industry authorities with conducting regular audits of security agencies.
- Set consistent pre-employment criteria, including standards for proof of identity, 'fit and proper person' checks, criminal and security checks, and language skills.
- Provide opportunities for security staff networking and information sharing.
- Provide information to all security officers about minimum pay rates and entitlements, rights and responsibilities.

Finding 31

Any attempt by Western Australia to strengthen its security licensing requirements or the quality and integrity of training can be undermined by mutual recognition obligations.

The Crowded Place Advisory Group's review may recommend national harmonisation

There are indications COAG is aware of the urgency concerning a national approach to the licensing system. The Australia-New Zealand Counter-Terrorism Committee (ANZCTC) Crowded Places Advisory Group (CPAG) is reviewing the security industry in Australia and is due to report to the ANZCTC by the end of June 2019. The review will examine a range of matters affecting the security industry specifically to 'identify any counter-terrorism implications, issues or risks.' Areas for review include:

- 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.[313]

Until CPAG releases its report, we do not know what it will recommend, what the ANZCTC will recommend to COAG, or what COAG will adopt. However, we believe the WA Government should consider the CPAG report and recommendations (as well as our report and findings) with a view to supporting a national approach to regulating Australia's private security industry.

Recommendation 17

That the Premier advocates for a national approach to the regulation of Australia's security industry through the Council of Australian Governments.

Western Australia must bolster its regulatory regime in the interim

Even if COAG supports a nationally consistent approach to the security industry, it is unlikely this will be implemented any time soon because of the protracted negotiations that generally mark COAG business. In the interim, it is important for WA to reform its own security licensing regime. Indeed, we see a role for WA as a national leader in

313 Mr Geoffrey Smith, Head, Private Security Sector Review Working Group, ANZCTC Crowded Places Advisory Group, email, 28 May 2018.

security industry reform. A strong model in WA could become the blueprint for a new national regulatory framework.

Improving training and licensing arrangements

In our initial report, we identified a number of issues with WA's training and licensing arrangements, including the failure of training programs to keep pace with the rapidly changing security environment; the minimal training security officers and crowd controllers received in relation to counter-terrorism skills or awareness; and the brevity of training courses.[314] We also recognised that existing licence categories do not accurately reflect the range of services provided by security professionals, and sought comment on this matter.[315]

We believe WA training and licensing arrangements need to be reviewed to ensure:

1. The competency standards required for each type of licence result in personnel who are appropriately qualified for the services they provide.

2. Licence categories more accurately reflect the broad array of services provided by the security industry.

As with so much in this inquiry, achieving these objectives relies on activities at both the national and state levels. WA is not a helpless participant in this process. As we describe below, there are ways the state can influence the professionalism of the security industry.

Competency standards

In order to become licensed in some categories in WA, applicants must prove they meet minimum competency standards through their attainment of specified qualifications. A crowd controller or unarmed security officer, for example, must hold a Certificate II in Security Operations, which is the entry-level qualification for security work.

For most of our inquiry, Certificate II in Security Operations contained 12 units of competency made up of seven core units and five elective units and was identified by the code CPP20212.[316] All Australian jurisdictions required licence applicants to demonstrate they met these minimum competency standards; however, some jurisdictions required licence applicants to demonstrate they had attained additional units before they could become licensed. Table 5.1 illustrates how this looked in

314 CDJSC, *Near enough is not good enough: An initial report on the protection of crowded places in Western Australia*, Parliament of Western Australia, Perth, 2018, pp. 102–105.

315 *ibid.*, pp. 97–98.

316 Australian Government, *CPP20212 Certificate II in Security Operations*, release 3, Commonwealth of Australia, 2017, pp. 5–7.

practice, comparing the minimum standards in WA to New South Wales (NSW) for the comparable licence.

As we were conducting this inquiry, security operations qualifications— including Certificate II in Security Operations—were being reviewed at the federal level. The Australian Industry and Skills Committee, an industry-led body established by the COAG Industry and Skills Council, approved the review. An aim of the review was to 'support a more consistent regulatory approach between jurisdictions'.[317]

Table 5.1: Competency requirements for licensed security guards in WA and NSW

Western Australia	New South Wales
Core units	
CPPSEC2001A – Communicate effectively in the security industry	CPPSEC2001A – Communicate effectively in the security industry
CPPSEC2002A – Follow workplace safety procedures in the security industry	CPPSEC2002A – Follow workplace safety procedures in the security industry
CPPSEC2003B – Work effectively in the security industry	CPPSEC2003B – Work effectively in the security industry
CPPSEC2004B – Respond to security risk situation	CPPSEC2004B – Respond to security risk situation
CPPSEC2005A – Work as part of a security team	CPPSEC2005A – Work as part of a security team
CPPSEC2006B – Provide security services to clients	CPPSEC2006B – Provide security services to clients
HLTFA311A – Apply first aid	HLTAID003 – Provide first aid
Elective units	
CPPSEC2011B – Control access to and exit from premises	CPPSEC2011B – Control access to and exit from premises
CPPSEC2014A – Operate basic security equipment	CPPSEC2014A – Operate basic security equipment
CPPSEC2015A – Patrol premises	CPPSEC2015A – Patrol premises
CPPSEC2017A – Protect self and others using basic defensive tactics	CPPSEC2009A – Give evidence in court
TLIE2007A – Use communication systems	CPPSEC2010A – Protect safety of persons
	CPPSEC2012A – Monitor and control individual and crowd behaviour
	CPPSEC3002A – Manage conflict through negotiation
	TLIE2007 – Use communication systems

Sources: WA Police, *Training qualifications: Appendix A to Security Training Providers Conditions of Approval*, p. 1; NSW Police, *Competency requirements for class 1 licences*, 26 June 2017, p. 1.

317 Submission 14, Australian Security Industry Association Limited (ASIAL), p. 6.

Box 5.2: Security consultant licences

Under the *Security and Related Activities (Control) Regulations 1997*, security consultants are divided into four classes:

- Class 1: Consult in safes, vaults and locks of a kind prescribed in Regulation 6. No pre-licence test or training course is required.
- Class 2: Consult in security alarms, closed circuit television (CCTV) for security purposes, equipment and devices prescribed in Regulation 8. Must have completed an approved training course in Technical Security.
- Class 3: Consult in security doors as prescribed in Regulation 7. A pre-licence test based on AS5040 must be completed with a minimum of 80 per cent to pass the test.
- Class 4: Consult in matters relating to watching, guarding and protecting of property. Must have completed an approved training course prior to lodging an application.

Sources: WA Police, *Application for a Licence*, p. 1, accessed 7 January 2019, <www.police.wa.gov.au>; *Security and Related Activities (Control) Regulations 1997* (WA).

In early 2019, this resulted in the release of *CPP20218 Certificate II in Security Operations*, which superseded and replaced *CPP20212 Certificate II in Security Operations*. The new qualification consists of 14 units of competency, which according to ASIAL have been 'tailored to meet the requirements of the role performed by security officers'. They include the development of skills applicable to the deterrence or detection of terrorism, such as behavioural observation, situational awareness and suspicious items.[318] All units of competency are now core units.[319]

Presumably, the release of *CPP20218 Certificate II in Security Operations* means people seeking a licence as a security officer or crowd controller in WA will be required to demonstrate their competency against all 14 units. According to the Western Australia Police Force (WA Police) website, both CPP20218 and the superseded CPP20212 'can continue to be taught until 21 January 2020' and WA Police 'will accept either certificate (upon successful completion of the SAIWA competency test) until 31 July 2020.' From then on, 'only CPP20218 certificates will be accepted for new licence applications.'[320]

We believe, however, WA will still be able to influence the professionalism of the security industry by mandating minimum course duration and requiring licence applicants to demonstrate they have attained units beyond the minimum competency standards.

Jurisdictional differences also exist in relation to competency requirements for other licence categories. In WA, the highest level of qualification required of a security

318 Submission 14A, ASIAL, p. 3.
319 Submission 20, Mr Alan Wilson, p. 4.
320 WA Police, *Security*, 7 February 2019, accessed 11 March 2019, <www.police.wa.gov.au>.

consultant advising on watching or the protection of property (see box 5.2) is a Certificate IV in Security Risk Management.[321] There is no minimum experience requirement. In contrast, to receive the 2A security consultant licence in NSW, applicants must demonstrate they have 5 years' experience in the security industry.[322]

Box 5.3: 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, p. 1.

Licence categories

The appropriateness of existing licence categories and classes (see boxes 5.2 and 5.3) is closely aligned with the issue of competency standards. For example, security consultants installing alarms and CCTV and security consultants providing security management and risk management advice are required to hold the same class of licence. This means the same licensing requirements—including the same minimum competency standards—apply to both types of consultants even though these may not reflect their specialist skills and knowledge.

In its submission, the Security Agents Institute of Western Australia (SAIWA) recommended the creation of a class of consultants' licence that is explicitly for security risk management, separate to consulting in matters relating to watching, guarding and protecting property. This accreditation would be tied to a demonstration of competence, currency and experience in the field.[323] ASIAL agreed, submitting:

> *A consultant who identifies and analyses security risks and provides solutions and management strategies to minimise those security risks should require a different class of licence to someone who sells, installs, maintains, repairs and services, and provides advice in relation to, security equipment (including electronic security equipment and barrier equipment) and to act as a locksmith.*[324]

Some security positions also sit outside the security licensing regulations. As we noted in our initial report, in-house security managers do not require a security licence, which

321 WA Police, *Appendix B to security training providers conditions of approval*, accessed 4 February 2019, <www.police.wa.gov.au>.
322 New South Wales Police Force, *Application Forms and Fees*, accessed 18 January 2019, <www.police.nsw.gov.au>.
323 Submission 7A, Security Agents Institute WA (SAIWA), pp. 11-12.
324 Submission 14A, ASIAL, p. 7.

means they do not undergo police character checks or need to meet a minimum competency requirement.[325] The provision of private cyber security services in WA is also not regulated by security licensing arrangements.[326] Without a licence to confirm the competency of in-house security managers or providers of cyber security services, organisations must determine their suitability without assistance, as part of the recruitment or procurement processes.

We sought comment from stakeholders about whether in-house security managers should be required to work within the security regulations and obtain appropriate training and licensing.[327] Not all responses supported the idea on the grounds that not all organisations can afford a specialist security manager, and in such cases security responsibilities could be part of a broader facilities management position.[328] Concerns were also expressed that organisations could try to sidestep the requirement by renaming the position that has responsibility for security arrangements.[329]

Other submissions supported the proposal, stating the status quo leaves underqualified security managers vulnerable to being taken advantage of by contracted security agents.[330] One submitter said employers who do not have a sound understanding of security management are likely to hire people who are not adequately qualified, experienced, skilled or knowledgeable.[331]

Finding 32

Western Australian licence categories and related competency standards do not accurately reflect the range of services provided by security personnel.

Improving licensing enforcement and compliance activities

As stated in our initial report, questions have been raised about whether WA's security licensing authority, the WA Police Licensing Enforcement Division (LED), invests sufficient resources in compliance and enforcement activities.[332] The LED carries out important functions, including ensuring licensed members of the security industry and training providers comply with their licensing conditions, and ensuring security industry

325 CDJSC, *Near enough is not good enough: An initial report on the protection of crowded places in Western Australia*, Parliament of Western Australia, Perth, 2018, p. 98.
326 Anthony Bergin, Donald Williams and Christopher Dixon, *Safety in numbers: Australia's private security guard force and counterterrorism*, Australian Strategic Policy Institute, Barton, 2018, p. 12.
327 CDJSC, *Near enough is not good enough: An initial report on the protection of crowded places in Western Australia*, Parliament of Western Australia, Perth, 2018, p. 98.
328 Submission 4A, Mr Donald Williams, p. 5.
329 Submission 3A, closed submission, p. 3.
330 Submission 13A, City of Joondalup, p. 8.
331 Submission 53A, closed submission, p. 5.
332 CDJSC, *Near enough is not good enough: An initial report on the protection of crowded places in Western Australia*, Parliament of Western Australia, Perth, 2018, pp. 99–100; Mr Michael Dyer, President, SAIWA, *Transcript of Evidence*, 14 March 2018, p. 10.

members maintain a 'fit and proper' status at all times they hold their licence.[333] Yet it was described as 'a very small unit' with a 'lack of personnel'.[334] The WA Police Union, for example, estimated the workload for each officer in the division was 570 licences.[335]

While WA Police aims to audit 275 licence holders per year, only 100 people were audited between July 2017 and May 2018. WA Police noted that sometimes the audit target is not reached due to 'other policing priorities'.[336] Despite monitoring an industry with over 30,000 active security licences, WA Police issued no infringements in relation to the *Security and Related Activities (Control) Act 1996* (WA) between July 2017 and May 2018.[337] Considering the Australian security industry has an estimated annual growth rate of 2.7 per cent,[338] we can assume the proportion of the security industry subject to LED audits will continue to decrease without a greater deployment of resources.

A number of inquiry participants highlighted the problem of unlicensed practitioners operating in WA with no consequence.[339] In our initial report, we asked for suggestions about how to improve compliance monitoring in WA. While one participant simply advocated for increased government resourcing for the existing compliance model,[340] others suggested that a larger cost could be borne by the security industry.[341]

Finding 33

Compliance activities and the investigation of offences under the *Security and Related Activities (Control) Act 1996* (WA) are not being appropriately resourced.

Co-regulation as a potential solution

ASIAL submitted co-regulation was the only method by which a 'workable system of licensing, compliance audits and monitoring' could be effectively achieved:

> *It is apparent that existing regulatory resources directed to education, compliance and enforcement in WA are inadequate and that the WA Security Industry Regulator operates in isolation to the industry.*

333 Submission 42, WA Police, p. 8.
334 Mr Ronald Adams, Executive Officer, SAIWA, *Transcript of Evidence*, 14 March 2018, p. 9.
335 Submission 57, WA Police Union, p. 3.
336 Mr Chris Dawson, Commissioner of Police, WA Police, letter, 20 June 2018, p. 6.
337 *ibid.*, p. 7.
338 Submission 57, WA Police Union, p. 3.
339 Mr Michael Dyer, President, SAIWA, *Transcript of* Evidence, 14 March 2018, p. 2.
340 *ibid.*, p. 9.
341 Submission 42A, WA Police, p. 5; Submission 14, ASIAL, p. 9.

> *ASIAL strongly believes that improved compliance is best achieved through a collaborative regulatory approach between industry and the regulator.*[342]

ASIAL proposed a model in which membership of an approved industry association is a requirement of agents' licences. Every three years, security firms would be subject to industry-driven audits to ensure they are conducting their activities in a manner that promotes:

- Consumer and community confidence.
- The safety of the community and employees.
- Ethical and professional conduct.
- Compliance with applicable state and federal legislation.

Failure to meet these criteria would lead to the suspension or cancellation of the agent's association membership and, consequently, might result in the cancellation of the security firm's licence.

ASIAL said drawing on the resources of the regulator (in this case, WA Police) and industry associations would 'ensure the Regulator's limited resources are directed to more effective enforcement activities.'[343] It also said the co-regulation model has the potential for the following benefits:

- Improved consumer outcomes, due to the establishment of a robust customer complaints process.
- Higher standards of service delivery through development and enforcement of industry codes of practice.
- Improved training and development, including industry certification programs.
- Improved safety and reliability from the development of protocols.
- Improved trust and confidence in the industry stemming from independent compliance audits.[344]

Queensland currently has a model of co-regulation, wherein 'peak security industry bodies take on a compliance role to assist the Office of Fair Trading in its regulation of the private security industry'. All licensed security firms in Queensland are required to

342 Submission 14A, ASIAL, p. 9.
343 *ibid.*
344 Submission 14, ASIAL, p. 8.

be a member of an approved security industry association. The association is required to assess a member's compliance with its code of conduct at least once every three years. The security firm is required to cover the cost of conducting the audit.[345]

We note, however, that NSW abandoned the co-regulation model at around the same time it was adopted by Queensland.[346] The NSW Government cited serious weaknesses with the security industry, including allegations of violence and criminal infiltration, as reasons for the change. NSW Police became the sole regulatory authority. ASIAL Chief Executive Officer Bryan de Caires opposed the change, stating NSW Police would struggle to monitor this area with its limited resources. He also said that behavioural and cultural change needed to come from within the industry: 'As much as you can regulate it, that will only go so far and it has to change from within.'[347]

Removing the responsibility for licensing security personnel from WA Police

Shifting responsibility for security licensing from WA Police to another licensing authority may also lead to greater resourcing of compliance and enforcement duties. Only three Australian jurisdictions' licensing authorities are police: Victoria, NSW and WA. The remaining jurisdictions have used other government entities such as the Queensland Office of Fair Trading, South Australian Consumer and Business Services, and Tasmanian Consumer, Building and Occupational Services.

As we noted in our initial report, a basic comparison between the compliance and enforcement activities of WA Police and of the Queensland Office of Fair Trading seems to confirm the latter is more actively regulating the security industry. In the 2016–17 financial year, WA Police issued only five infringements, one summons, and 86 cautions in relation to the *Security and Related Activities (Control) Act 1996*.[348] The Queensland Office of Fair Trading has a similar number of active security licences as WA but issued a far greater number of infringements—55 infringement notices and 74 warnings—in the same period.[349] It is possible that greater resources are devoted to security licensing compliance and enforcement duties when the regulator is external to police.

WA Police does not examine non-compliance with visa conditions or workplace laws

As WA Police submitted, the primary issues concerning the security industry relate to security officers working contrary to a visa or employers not meeting workplace

345 ASIAL, *QLD Statutory Compliance Audit*, access 22 January 2019, <www.asial.com.au>.
346 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, p. 47.
347 Barbara Miller, 'NSW police seize control of private security industry', *ABC PM* (web-based), 1 September 2011, accessed 4 February 2019, <www.abc.net.au>.
348 Mr Chris Dawson, Commissioner of Police, WA Police, letter, 20 June 2018, p. 7.
349 Office of Fair Trading, *Outcomes Report 2016–17*, Queensland Government, Brisbane, 2017, p. 12.

obligations. Investigating these issues are not the responsibility of WA Police but instead fall to the Department of Home Affairs and the Fair Work Ombudsman respectively.[350] WA Police appropriately refers allegations of non-compliance with statutes outside its purview to the relevant investigative bodies, but recognises that 'a perceived lack of attention to these complaints appears to be a major source of frustration to the security industry.'[351]

In our opinion, non-compliance with workplace laws may be addressed through some of the other mechanisms or processes identified in this chapter. The professionalisation of the security industry, which we discuss below, or co-regulation may provide frameworks through which security agents can be held to account. Both the co-regulation model put forward by ASIAL and the professionalisation of the security industry would require security agents to join an approved industry association. Should they breach that association's code of conduct by failing to either comply with workplace laws or ensure any security officers in their employ are complying with the terms of their visa, they may face disciplinary action including the possible cancellation of their licence.

A cost recovery arrangement

Another solution to the under-resourcing of compliance and investigation activities may be to keep responsibility for security licensing and compliance monitoring with WA Police but introduce a cost recovery arrangement similar to that of the Queensland co-regulation model.

Amendments to the WA security licensing regime could require WA Police to assess the compliance of security agents with the WA security industry code of conduct every three years. As in Queensland, security agents would be expected to cover the cost of conducting the audit.

The professionalisation of the security industry

Strengthening the security industry cannot be left to government alone. As some inquiry participants said, responsibility for increasing the capacity of personnel to provide quality services lies with the security industry. This requires the professionalisation of the industry with particular focus on its 'professional end' (i.e. security consultants). Such professionalisation would provide additional assurance to both the public and owners and operators that those providing protective security advice to crowded places were adequately trained, competent, and acting with integrity.

350 Submission 42A, WA Police, p. 5.
351 *ibid.*

A profession generally includes the following features:

- Members able to demonstrate their specialist expertise through relevant experience in conjunction with formal qualifications or training.
- One or more professional associations to confirm the competence of members.
- Members able to demonstrate their commitment to ongoing professional development through, for example, their active involvement in professional associations or bodies, published works on areas of expertise and continuous professional development plans and records.
- Self-imposed rules of ethical conduct.[352]

The UK, for example, has established the Register of Security Engineers and Specialists (RSES) to provide 'a benchmark of professional quality' against which engineers, applied scientists, health professionals and specialists whose work relates to securing the built environment and infrastructure are assessed.[353] To be admitted to the RSES, applicants must be professionally qualified with specific professional institutions or able to demonstrate the appropriate competencies.

They must also show a commitment to professional development. Once registered, they may be asked to provide evidence of continuing professional development activities, and may be removed from the register if submitted documentation is incomplete or inadequate. Registrants are also required to accept a code of ethics; breaching the code may result in removal from the register.[354]

Individuals can apply for one of two RSES categories: either as a general security adviser, which requires a broad experience of security engineering, or as a specialist security adviser. When seeking admittance to the register as a specialist security adviser, applicants must demonstrate their specialist expertise in one of 10 sub-categories (see table 5.2).

352 Submission 4, Mr Donald Williams and Dr Anthony Bergin, pp. 14–15; Submission 4A, Mr Donald Williams, p. 4; Submission 14A, ASIAL, pp. 7–8, 9, attachment 4; *Briefing*, 1 May 2018; *Briefing*, 2 May 2018.

353 Institution of Civil Engineers (ICE), *Register of security engineers and specialists guidance,* ICE, Westminster, 2019*,* p. 3.

354 *ibid.*, p. 4.

Table 5.2: Register of Security Engineers and Specialists categories of specialist expertise

Category	Specialist expertise
A	Protection against the effects of weapons
B	Protection against the effects of blast
C	Electronic security systems
D	Chemical, biological, radiological and nuclear (CBRN)
E	Hostile vehicle mitigation
F	Protection against forced entry
G	Explosives and weapons search detection
H	Force protection engineering
I	Digital built environment
J	Personnel security (insider threat)
K	Personnel security (human factor)

Source: Institution of Civil Engineers (ICE), *Register of security engineers and specialists guidance*, ICE, Westminster, 2019, p. 5.

The RSES is a joint public sector and private sector initiative. The Centre for the Protection of National Infrastructure, a government authority that provides protective security advice to UK national infrastructure, sponsors the RSES while the Institute of Civil Engineers (ICE), a professional membership body, administers the register. The ICE assesses each application and, if approved, invites applicants to attend an interview with two ICE-appointed assessors. According to guidance released by ICE, each assessor is an 'experienced registrant' and at least one will be working in the sub-category in which the applicant is seeking to be registered.[355]

The UK also has the Register of Chartered Security Professionals, which is managed by the largest professional membership body for security professionals in the UK. Those who are admitted to the register are required to comply with a code of conduct and professional disciplinary code, and to complete annual continuous professional development.[356]

There have been efforts to increase the professional conduct of the Australian security industry. As an example, ASIAL coordinates an Individual Professional Recognition Program, which acknowledges a security professional's adherence to the ASIAL code of conduct and continuing professional development over an extended period.[357]

In WA, applicants seeking a security licence or licence renewal are legislatively required to sign a code of conduct that sets minimum standards for the 'persons engaged in the

355 ICE, *Register of security engineers and specialists guidance*, ICE, Westminster, 2019, p. 64.
356 *Register of chartered security professionals,* accessed 4 February 2019, <www.charteredsecurityprofessional.org>.
357 ASIAL, *Individual Professional Recognition Program*, accessed 7 January 2019, <www.asial.com.au>.

provision of security or related services' (see box 5.4). Any breach of the code can lead to disciplinary action,[358] although few cautions or infringements are issued in WA.

Industry body Security Professionals Australasia has established the Registry of Security Professionals—a peer-review system that recognises and endorses security professionals. Although it currently lists around 40 registrants, the register's growth has stagnated in recent years due to a lack of funds and waning commitment of those involved (those reviewing applications are volunteers). Security Professionals Australasia is seeking to align the register with similar organisations, but it does not appear that this has yet occurred.[359]

Other efforts to professionalise the Australian security industry have also failed to gain much traction. Tertiary qualifications in security risk management, protective security and emergency risk management are limited. Even those who do achieve a tertiary qualification in one or more of these areas may struggle with practical application. One inquiry participant said, 'Becoming an effective risk management consultant takes both knowledge and experience, and in many instances, it is experience which allows someone to adapt to new or emerging situations.'[360]

Part of the problem, as became evident as this inquiry progressed, is the security industry does not have an agreed approach to its professionalisation. As an example, peak security body ASIAL proposed strengthening Australia's national security capability by introducing more stringent licensing requirements for security firms, including the requirement that 'the applicant or nominated person' hold a 'tertiary qualification in a business, economics, accounting or law Degree or Diploma from Australia or New Zealand' or have completed specific units of competency.[361] SAIWA representatives, in contrast, said it did not believe 'having a degree makes anyone better at their job than someone with experience across numerous years.'[362]

There have been efforts to form a single security industry association representing both agents and employees in WA but, according to one submitter, these were thwarted due to 'the personal and professional differences between both agents and employees'.[363]

358 Government of Western Australia, *WA security industry code of conduct*, accessed 4 February 2019, <www.police.wa.gov.au>.
359 Submission 4, Mr Donald Williams and Dr Anthony Bergin, pp. 14–15; Submission 4A, Mr Donald Williams, p. 4; *Briefing*, 2 May 2018.
360 Submission 7A, SAIWA, p. 10.
361 Submission 14A, ASIAL, p. 8.
362 Submission 7A, SAIWA, p. 11.
363 Submission 20, Mr Alan Wilson, p. 1.

Box 5.4: WA Security Industry Code of Conduct

All licence applicants must sign this declaration.

This Code of Conduct is formulated under the provisions of Section 94 of the *Security and Related Activities (Control) Act 1996* and complies with Regulation 54A of the *Security and Related Activities (Control) Regulations 1997.*

The Code outlines the responsibilities for ALL licensees carrying out tasks relating to the provision of supplying, consultation, installation and management of security services in Western Australia. This Code of Conduct will:

- Promote consumer and community confidence;
- Improve the safety of the community and employees;
- Promote ethical and professional conduct;
- Ensure that operators comply with applicable Federal and Western Australian legislation, in particular the *Security and Related Activities (Control) Act 1996* and the *Security and Related Activities (Control) Regulations 1997.*

Minimum Standards of the Professional Code of Conduct

Persons engaged in the provision of security or related services as detailed above shall:

- Conduct their professional activities with respect to and promotion of the public interest;
- At all times act with integrity in their dealings with the regulatory authority, clients, suppliers, employees, fellow licence holders and the general public;
- Not intentionally disseminate false or misleading information, whether written, spoken or implied, nor conceal any relevant fact;
- Maintain truth, accuracy and good taste in advertising and sales promotion;
- Not represent conflicting or competing interests without the express consent of those concerned and only after full disclosure of all relevant facts to all interested parties;
- Refrain from knowingly associating with any organisation or industry participants who use unethical, improper or illegal methods for obtaining business;
- Not intentionally injure the professional reputation or practice of another person;
- In the event that evidence is obtained relating to another licensed person being guilty of unethical practices or noncompliance with the requirements of the Act or Regulations, inform either the Regulator and/or Security Industry Association of which they are a member.

I undertake to contribute to the body of knowledge for improvement of the profession by exchanging information and experience with industry participants.

I acknowledge, any breach of this Code may result in disciplinary action in accordance with section 67(1a) (d) of the *Security and Related Activities (Control) Act 1996*.

Source: Government of Western Australia, *WA security industry code of conduct*, accessed 4 February 2019, <www.police.wa.gov.au>.

How can the WA Government encourage the professionalisation of the security industry? Making membership of approved industry associations a requirement of higher licence categories, such as security consultants and security agents' licences, may help. Efforts may be further bolstered by public-private initiatives like the RSES. Such initiatives increase the exposure of security personnel to industry bodies, which can in turn reinforce professional standards and ongoing professional development.

Finding 34

While there is general agreement within the Australian security industry about the need to professionalise, previous efforts have been unsuccessful due to the industry's inability to reach an agreed approach to professionalisation.

Recommendation 18

That the Minister for Police urgently reviews the regulation of the Western Australian security industry. The review should consider:

- Whether licence categories and related competency standards result in personnel who are appropriately qualified for the services they provide.
- Alternative regulation models such as co-regulation, the establishment of a non-police regulator or a cost recovery arrangement.
- Ways to encourage the professionalisation of the Western Australian security industry.
- An appropriate investigation and enforcement model that is well-resourced and leads to increased compliance across the security industry.

Owners and operators struggle to procure suitable security services

Although *Australia's strategy for protecting crowded places from terrorism* (the Strategy) and its associated materials help owners and operators of crowded places to understand how attractive their location may be for a terrorist attack and identify security gaps requiring further action, they do not assist with the actual implementation of protective security measures. For this, they must employ specialist expertise.

In our initial report, we identified two key problems hindering owners and operators from procuring suitable security services: the low procurement capability of staff within crowded places and lack of mechanisms to assist owners and operators to identify qualified and reputable consultants.[364]

364 CDJSC, *Near enough is not good enough: An initial report on the protection of crowded places in Western Australia*, Parliament of Western Australia, Perth, 2018, pp. 109–111.

These problems have created an environment in which misconduct can occur. We received evidence that suggested practices such as 'sham contracting', illegal phoenix activity, and the underpayment and overworking of security staff were undermining the quality of security services provided and damaging the reputation of the industry as a whole.[365] Such practices are generally driven by the desire of security providers to maximise profit.

Finding 35

The owners and operators of crowded places often lack the skills, resources, and tools to identify qualified and reputable security providers. This has created an environment in which misconduct can occur.

Improving procurement practices by local government and state entities

Often procurers—especially those within the local government and public sectors—assume that, as Auditor General Caroline Spencer said, 'the cheapest price fits the value-for-money box':

> *that is what those procuring are told to do—achieve value for money for the state or for the local government on behalf of whom they are procuring because they are spending other people's money.*[366]

Unfortunately, procurers rarely receive true value for money by accepting the lowest tender because the services provided do not meet their needs. Ms Spencer summed it up well when she said, 'you get what you pay for, generally.'[367]

Local governments and state agencies have a responsibility and an opportunity to improve the private security industry as their contracts make up a large proportion of security work in WA. According to Ms Spencer:

> *This can be done through the conditions they specify in their contracts and using mechanisms like common use agreements which pre-qualify tenderers based on specified criteria. This can help drive standards across the industry, and assist procurement staff to make good decisions*.[368]

Ms Spencer encouraged state agencies and local governments to adhere to procurement principles 'rather than just following rules'.[369] She said a recent

365 CDJSC, *Near enough is not good enough: An initial report on the protection of crowded places in Western Australia*, Parliament of Western Australia, Perth, 2018, pp. 97–113.
366 Ms Caroline Spencer, Auditor General, Office of the Auditor General (OAG), *Transcript of Evidence*, 10 October 2018, p. 9.
367 *ibid.*
368 Submission 5A, OAG, p. 3.
369 Ms Caroline Spencer, Auditor General, OAG, *Transcript of Evidence*, 10 October 2018, p. 10.

performance audit by the Office of Auditor General into local government procurement found local governments generally contracted the lowest-priced provider and did not seek advice from potential suppliers when scoping their service specifications because 'they do not want to get in trouble.'[370] While this may avoid accusations of the misuse of public funds or a conflict of interest (providing professional advice during the request and specification phase of a procurement process may exclude potential suppliers from tendering for the work, for example), it also undermines procurers' understanding of their security requirements or how to assess the quality of proffered services. This, in turn, can leave crowded places unprotected and unnecessarily exposed.

Following its inquiry into local government procurement of security services, the Fair Work Ombudsman (FWO) identified several features common to strong tender documents. The FWO recommended local councils review and amend their tender documents so they:

- Enable full visibility and monitoring of the labour supply chain.
- Reflect best practice as contained in the 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 2009* (Cth).
- 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 2009* (the 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

370 Ms Caroline Spencer, Auditor General, OAG, *Transcript of Evidence*, 10 October 2018, p. 10.

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.[371]

An inquiry participant identified additional ways in which local government and state entities could deter misconduct, including seeking copies of agents' licences, requiring principal and subcontractors to be on a register of approved contractors, and conducting regular audits of timesheets and wages to ensure companies are meeting their all their taxation and superannuation requirements.[372]

It is in the interests of local government and state entities to increase their monitoring and oversight of the labour supply chain. Under the *Fair Work Act 2009*, they may be liable for the contravention of a workplace law by their contractors if it can be demonstrated the local government or state entities were 'knowingly involved in' those contraventions. The Act stipulates how a person can be 'involved in' a contravention. This includes if the person 'aided, abetted, counselled or procured or induced the contravention' or 'were in any way, by act or omission, directly or indirectly, knowingly concerned in or party to the contravention.' Local government and state entities cannot afford to 'turn a blind eye' to bad practices by contractors, or else they may be exposed to potential legal proceedings.[373]

We note, however, that the vast majority of identified misconduct is not detected by external or internal audits but rather by tip-offs from whistle-blowers. Mr Raymond Warnes, Chief Executive of the Corruption and Crime Commission, told the Joint Standing Committee on the Corruption and Crime Committee as part of its inquiry into public sector procurement of goods and services that external audits accounted for approximately eight per cent and internal audits around 16 per cent of detections. Whistle-blowers, meanwhile, were responsible around 47 per cent.[374]

Ms Spencer indicated the Office of the Auditor General was considering providing 'better practice guidance' to support improved procurement capability amongst state and local government entities:

371 Fair Work Ombudsman, *An inquiry into the procurement of security services by local governments*, Commonwealth of Australia, Canberra, 2018, p. 7.
372 Submission 3A, closed submission, p. 3.
373 Fair Work Ombudsman, *An inquiry into the procurement of security services by local governments*, Commonwealth of Australia, Canberra, 2018, p. 31.
374 Mr Raymond Warnes, Chief Executive, Corruption and Crime Commission, *Transcript of Evidence*, 10 October 2018, p. 10.

> *Certainly agencies need guidance on how to do their jobs, and having some consistency across the sector with the ability to apply fit-for-purpose approaches that still meet those overarching principles I just spoke of is important … Particularly around financial management and broader governance matters, we are experts in the frameworks. We know the framework, we audit against it, so why not share it with those entities in the form of better practice guidance so that they then can self-assess themselves, and then the conversation and our findings move to that next level of improvement rather than coming back to base level all the time.*[375]

It is questionable whether we can recommend any improvements to local government and public sector procurement practices that are not already being undertaken. In addition to the better practice guidance proposed by the Auditor General, the FWO, ASIAL and United Voice have undertaken a local government procurement project to encourage local governments to improve procurement practices for security services to ensure that providers within their supply chain comply with workplace laws.[376] The FWO also provides resources to assist with the procurement process, such as sample clauses for contracts and questions to ask service providers when evaluating tenders.[377]

More generally, the Joint Standing Committee on the Corruption and Crime Committee is scheduled to report on its inquiry into public sector procurement of goods and services and its vulnerability to corrupt practice in August 2019. The Public Accounts Committee is also conducting an inquiry into public sector contract management practices and intends to table the resulting report later in the year. These inquiries may result in recommendations applicable to the procurement of security services and we therefore await the reports.

Finding 36

Issues relating to local and state government procurement have been—or are being—examined by statutory agencies such as the Fair Work Ombudsman and Western Australian Auditor General as well as other parliamentary committees.

Mechanisms to identify qualified and reputable security service providers

Lists or registers of endorsed or accredited security consultants

Throughout this inquiry, owners and operators of crowded places called for additional assistance in identifying qualified and reputable security consultants. Some

375 Ms Caroline Spencer, Auditor General, OAG, *Transcript of Evidence*, 10 October 2018, p. 10.
376 Fair Work Ombudsman, *An inquiry into the procurement of security services by local governments*, Commonwealth of Australia, Canberra, 2018, p. 10.
377 Submission 61, Fair Work Ombudsman, pp. 2–3.

mechanisms already exist but for various reasons do not adequately support owners and operators in the search for appropriate protective security advice. The Security Professionals Australasia's Registry of Security Professionals, for example, is not widely used as it lists very few security professionals and lacks a profile amongst owners and operators.[378] Should this be developed further, it may fill the current gap by enabling the easy identification of endorsed or accredited professionals. We note by way of contrast that in the UK those admitted to the Register of Chartered Security Professionals are able to use CSyP as a post-nominal and an online, searchable list of CSyPs is available.[379]

The WA Local Government Association (WALGA) also manages a preferred supplier program, which identifies quality suppliers of security consultancy services, security management services and security monitoring services. The list of preferred suppliers (known as a Preferred Supply Panel) is developed via a public tender process. All companies on the market are able to respond to the request for tender. A group of local government officers, subject matter experts and technical experts from WA Police assess tenders received for compliance, technical capability and qualitative strength and the ability of the companies to 'offer a value for money proposition'.[380]

The focus and scope of the preferred supplier program, however, reduces its applicability to some owners and operators of crowded places. First, the preferred supplier program supports local government rather than owners and operators more generally. Second, 'value for money' is a primary focus of the program. It is unknown whether security providers that meet the minimum quality and technical specifications but refuse to offer reduced prices (i.e. fail to 'offer a value for money proposition') are ultimately added to the list of preferred suppliers.

The City of Perth said 'it would be good to see' the federal government develop a list of competent security consultants.[381] A similar model is in place in the UK. Its Security Industry Authority (described as a 'non-departmental public body reporting to the Home Secretary')[382] manages the voluntary approved contractor scheme. Organisations that meet the agreed standards may register as 'approved', and advertise themselves as such.[383] Buyers of security services can check which companies

378 *Briefing,* 2 May 2018.
379 *Register of Chartered Security Professionals*, January 2019, accessed 4 February 2019, <www.charteredsecurityprofessional.org>.
380 Ms Ricky Burges, Chief Executive Officer, Western Australian Local Government Association (WALGA), email, 23 July 2018.
381 Submission 33D, City of Perth, p. 3.
382 Home Office, *Security Industry Authority Framework Document*, accessed on 4 February 2019, <www.sia.homeoffice.gov.uk>.
383 Security Industry Authority UK, *FAQs - Approved Contractor Scheme (ACS)*, accessed 23 January 2019, <www.sia.homeoffice.gov.uk>.

are approved on a public register of approved contractors.[384] If the national security industry authority discussed in box 5.1 is established, it may be the most appropriate entity to oversee such a list.

A public record of infringements

Our initial report requested comment on whether publicly releasing information about the compliance of the security industry may assist procurement decisions and act as a deterrent to misconduct.[385]

We received support for this concept. Security consultant and researcher Donald Williams agreed with publishing details of compliance failings, provided the length of time an investigation took is also published. He said publicly releasing compliance information was of 'no value if a non-compliant company continues to operate for years while investigations are undertaken.'[386] The City of Joondalup stated that, as a manager of crowded places, it would welcome increased compliance measures as 'this is an outsourced service which has been historically difficult to evaluate'.[387]

The Auditor General agreed that 'more information about the performance of an entity being in the public domain is likely to increase the chance of regulatory compliance and quality of debate and consideration of community expectations around performance', yet cautioned that the rights of individuals and agencies would need to be respected.[388]

There is apparently no barrier to the public release of information about people charged under the *Security and Related Activities (Control) Act 1996* (WA). WA Police said there was no reason why it could not also release de-identified compliance information, and pointed out that similar information relating to pawnbrokers and second hand dealers was already published in the WA Police Force Annual Report.[389]

The UK Security Industry Authority publishes a list of the number of written warnings or improvement notices issued, and the number of licences revoked in the current financial year, which is updated monthly. It also publishes the number of criminal investigations being conducted.[390]

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384 Security Industry Authority UK, *FAQs - Approved Contractor Scheme (ACS)*, accessed 23 January 2019, <www.sia.homeoffice.gov.uk>.

385 CDJSC, *Near enough is not good enough: An initial report on the protection of crowded places in Western Australia*, Parliament of Western Australia, Perth, 2018, p. 101.

386 Submission 4A, Mr Donald Williams, p. 6.

387 Submission 13A, City of Joondalup, p. 9.

388 Submission 5A, OAG, p. 3.

389 Submission 42A, WA Police, p. 5.

390 Security Industry Authority, *Enforcement Activity*, accessed 23 January 2019, <www.sia.homeoffice.gov.uk>.

Chapter 5

Digital access to licence holder information

In our initial report, we sought opinions on the utility of an online searchable licence registry.[391] Currently the WA Police website has a series of PDF documents available for each licence category. Each document lists the name and licence number of current licence holders.[392] While this is adequate, a better format would be a fully searchable database that provided more information about the licence holder, including qualifications, length of time licensed, and infringements received. This would provide more information to those seeking private security services. Other jurisdictions such as the Australian Capital Territory, South Australia, Victoria and the UK already have online searchable databases.

We accept that such an update would require greater resources for the WA Police LED,[393] and note that WA Police is 'currently looking at options to change the licensing system for persons who hold licenses [*sic*] under the Act including a searchable online registry system'.[394]

Recommendation 19

That the Minister for Police ensures that the regulatory model for the security industry includes mechanisms that will assist owners and operators of crowded places to identify qualified and reputable security service providers, including:

- A searchable database of security licence holders and accredited professionals.
- The regular publication of compliance information.

MR P.A. KATSAMBANIS, MLA
CHAIRMAN

391 CDJSC, *Near enough is not good enough: An initial report on the protection of crowded places in Western Australia*, Parliament of Western Australia, Perth, 2018, p. 101.
392 WA Police, *Current Licence Holders*, accessed 22 January 2019, <www.police.wa.gov.au>.
393 Submission 57, WA Police Union, p. 3.
394 Submission 42A, WA Police, p. 5.

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
2A	Mr Stuart Jamieson	Manager Governance and Risk	City of Albany
3	Closed submission		
3A	Closed submission		
3B	Closed submission		
4	Mr Donald Williams	Security Consultant; Research Associate	
	Dr Anthony Bergin	Senior Analyst; Senior Research Fellow	
4A	Mr Donald Williams	Security Consultant; Research Associate	
5	Mr Colin Murphy	Auditor General	Office of the Auditor General Western Australia
5A	Ms Caroline Spencer	Auditor General	Office of the Auditor General Western Australia
6	Mr Garry Ferguson	Head of Production	Perth Festival
6A	Mr Garry Ferguson	Head of Production	Perth Festival
	Mr Elliot Chambers	Production Manager	Perth Festival
7	Mr Ronald Adams	Executive Officer	Security Agents Institute of Western Australia
7A	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		MJALSEC
9A	Mr John Lindley		MJALSEC
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 Garry Hunt PSM	Chief Executive Officer	City of Joondalup
13A	Mr Garry Hunt PSM	Chief Executive Officer	City of Joondalup

Appendix Three

14	Mr Bryan de Caires	Chief Executive Officer	Australian Security Industry Association Limited
14A	Mr Bryan de Caires	Chief Executive Officer	Australian Security Industry Association Limited
15	Mr Mal Osborne	Chief Executive Officer	City of Bunbury
15A	Mr Mal Osborne	Chief Executive Officer	City of Bunbury
16	Mr Chris Cubbage	Director	Amlec House
16A	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		
20A	Closed submission		
21	Mr Angus Nardi	Executive Director	Shopping Centre Council of Australia
21A	Mr Angus Nardi	Executive Director	Shopping Centre Council of Australia
22	Closed submission		
22A	Closed submission		
23	Mr Grahame Searle	Director General	Department of Communities
24	Mr Tony Ahern	Chief Executive Officer	St John Ambulance Western Australia
24A	Ms Michelle Fyfe APM	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 AFSM	Commissioner	Department of Fire and Emergency Services
27A	Mr Darren Klemm AFSM	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
29A	Mr Richard Sellers	Director General	Transport Portfolio
30	Mr Sean Henriques	Acting Chief Executive Officer	Metropolitan Redevelopment Authority
30A	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
32A	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
33D	Mr Konrad Seidl	Manager Community Amenity and Safety	City of Perth
34	Mr James Fidler	Director	Secure Events and Assets
35	Mr Mark Webb	Director General	Department of Biodiversity, Conservation and Attractions
35A	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
39A	Dr David Russell-Weisz	Director General	Department of Health
40	Mr Chris Loftus-Hills	General Manager—Events and Operations	VenuesLive (Optus Stadium)
40A	Mr Chris Loftus-Hills	General Manager—Events and Operations	VenuesLive (Optus Stadium)
41	Mr Bradley Woods	Chief Executive Officer	Australian Hotels Association Western Australia
42	Mr Chris Dawson	Commissioner	Western Australia Police Force
42A	Mr Chris Dawson	Commissioner	Western Australia Police Force
43	Mr John McKechnie	Commissioner	Corruption and Crime Commission

Appendix Three

44	Mr Nick Jones	Manager Environmental Health	City of Cockburn
44A	Mr Nick Jones	Manager Environmental Health	City of Cockburn
45	Mr Scott Mahony	Head of Risk and Compliance	Dexus
46	Closed submission		
46A	Closed submission		
47	Mr Cliff Frewing	Director Community and Commercial Services	City of Busselton
48	Dr Ron Edwards	Chair	State Emergency Management Committee
48A	Dr Ron Edwards	Chair	State Emergency Management Committee
49	Mr Chris Field	Ombudsman	Ombudsman Western Australia
49A	Mr Chris Field	Ombudsman	Ombudsman Western Australia
50	Closed submission		
51	Mr Wayne Scheggia	Acting Chief Executive Officer	Western Australian Local Government Association
51A	Ms Ricky Burges	Chief Executive Officer	Western Australia Local Government Association
52	Mr David Lowe	Acting Managing Director	Tourism Western Australia
53	Closed submission		
53A	Closed submission		
54	Closed submission		
55	Mr Rhys Wellstead		
56	Closed submission		
57	Mr George Tilbury	President	Western Australian Police Union
58	Associate Professor Douglas Tomkin	Development Director, Designing Out Crime Research Centre	University of Technology Sydney
59	Ms Gail McGowan	Director General	Department of Planning, Lands and Heritage
60	Mr Ian Stewart	Commissioner	Queensland Police Service

61	Mr Anthony Fogarty	Executive Director, Policy, Analysis and Reporting	Fair Work Ombudsman
62	Mr Vic Andrich	President	Environmental Health Australia (WA)
63	Dr Adam Tomison	Director General	Department of Justice
64	Mr Marcus Canning	Chief Executive Officer	Artrage
65	Mr Duncan Ord OAM	Director General	Department of Local Government, Sport and Cultural Industries
66	Ms Linda Geddes	Commonwealth Counter-Terrorism Coordinator	Department of Home Affairs
67	Ms Rebecca Brown	Director General	Department of Jobs, Tourism, Science and Innovation

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	

Appendix Four

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	
13 November 2018	Mr Ben McDevitt	Consultant	

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.

London, United Kingdom briefings

During the period 3 December and 7 December 2018, the Committee also undertook investigative travel to London, United Kingdom. It met with 31 people at 17 briefings.

Appendix Five

Acronyms and abbreviations

ABC	Australian Broadcasting Corporation
AFSM	Australian Fire Service Medal
ANZCTC	Australia-New Zealand Counter-Terrorism Committee
APM	Australian Police Medal
AS	Australian Standard
ASIAL	Australian Security Industry Association Limited
ASIO	Australian Security Intelligence Organisation
ASPI	Australian Strategic Policy Institute
BBC	British Broadcasting Corporation
BTP	British Transport Police
CBRN	Chemical, Biological, Radiological and Nuclear
CCC	Corruption and Crime Commission
CCTV	Closed-Circuit Television
CDJSC	Community Development and Justice Standing Committee
CEO	Chief Executive Officer
COAG	Council of Australian Governments
CPAG	Crowded Places Advisory Group
CPNI	Centre for the Protection of National Infrastructure
CPTED	Crime Prevention through Environmental Design
CSyP	Chartered Security Professional
CT	Counter-terrorism
Cth	Commonwealth
DBCA	Department of Biodiversity, Conservation and Attractions
DFES	Department of Fire and Emergency Services
DPC	Department of the Premier and Cabinet
EM	Emergency Management
EMV	Emergency Management Victoria
FWO	Fair Work Ombudsman
HMICFRS	Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services
ICE	Institute of Civil Engineers
IGIS	Inspector-General of Intelligence and Security
ISO	International Organisation for Standardisation
JCTT	Joint Counter-Terrorism Team
LED	Licensing Enforcement Division
LEMA	Local Emergency Management Arrangements
MCG	Melbourne Cricket Ground
MEHMG	Metropolitan Environmental Health Managers Group
MLA	Member of the Legislative Assembly
MOU	Memorandum of Understanding

Appendix Five

MRWA	Main Roads Western Australia
NaCTSO	National Counter Terrorism Security Office
NSW	New South Wales
NZS	New Zealand Standard
OAG	Office of the Auditor General
OAM	Medal of the Order of Australia
PAC	Public Accounts Committee
PDF	Portable Document Format
PEEL	Police Effectiveness, Efficiency and Legitimacy Program
PEHO	Principal Environmental Health Officer
PJCIS	Parliamentary Joint Committee on Intelligence and Security
PPRR	Prevention, preparedness, response and recovery
PSA	Protective security advisory
PSM	Public Service Medal
PTA	Public Transport Authority
QLD	Queensland
RSES	Register of Security Engineers and Specialists
RTO	Registered Training Organisation
SAIWA	Security Agents Institute of Western Australia
SBS	Special Broadcasting Service
SECC	Security and Emergency Committee of Cabinet
SEMC	State Emergency Management Committee
SO	Standing Order
The Strategy	*Australia's strategy for protecting crowded places from terrorism*
Tourism WA	Tourism Western Australia
Transport Portfolio	Department of Transport, Main Roads and Public Transport Authority
UK	United Kingdom
WA	Western Australia
WA Police	Western Australia Police Force
WALGA	Western Australian Local Government Association
WAPC	Western Australian Planning Commission

Appendix Six

Western Australian licensing requirements for security personnel (February 2019)

	Authority	Training	Pre-Licence Test
Security Agent	To advertise and supply the services of Security Officers, Security Bodyguards, Security Consultants or Security Installers.	None specified.	An applicant for a Security, Crowd Control or Inquiry Agent licence must demonstrate their knowledge and understanding of the obligations placed on them by the *Security and Related Activities (Control) Act 1996* & the *Security and Related Activities (Control) Regulations 1997* by successfully completing a pre-licence test based upon the Act and Regulations. This pre-licence test covers all aspects of the Agent's responsibilities under the Act, including records maintenance, licence conditions and required reporting.
Crowd Control Agent	Advertise and supply the services of Crowd Controllers.	None specified.	
Inquiry Agent	Advertise and supply the services of Investigators.	None specified.	
Security Officer	Watch, guard and protect property. Security Officers may be approved to carry firearms or batons only in certain situations.	Complete an approved training course prior to lodging their application.	Must pass a competency test prior to applying.
Security Officer – Control Room/Monitoring Centre Only	Control room/monitoring centre only	Applicants no longer need to complete a training course before submitting their application.	No pre-licence test is required.
Security Bodyguard	Escort another person as a guard or protector for remuneration.	Complete an approved training course prior to lodging their application.	No pre-licence test is required.
Crowd Controller	Monitor or control the behaviour of persons, screen persons for entry or remove people for behavioural reasons. This licence is required for licensed premises, places of entertainment and public or private events or functions.	Complete an approved training course prior to lodging their application.	Must pass a competency test prior to applying.
Security Consultant	Investigate and advise on matters relating to the watching, guarding and protection of property as well as going from place to place seeking out persons who may be prepared to enter into contracts for the supply of security equipment or services.		
	Class 1: Consult in safes, vaults and locks of a kind prescribed in Regulation 6.	No training course is required.	No pre-licence test is required.
	Class 2: Consult in security alarms, closed circuit television for security purposes, equipment and devices prescribed in Regulation 8.	Must have completed an approved training course in Technical Security.	No pre-licence test required

Appendix Six

	Class 3: Consult in security doors as prescribed in Regulation 7.	N/A	A pre-licence test based on AS5040 must be completed with a minimum of 80 per cent to pass the test.
	Class 4: Consult in matters relating to watching, guarding or protecting of property.	Must have completed an approved training course prior to lodging an application.	No pre-licence test required
Security Installer	Install, maintain and repair security equipment controlled by the Act.		
	Class 1: Install, maintain and repair safes, vaults and locks of a kind prescribed in Regulation 6.	Must have completed an approved training course in Locksmithing.	No pre-licence test is required.
	Class 2: Install, maintain and repair security alarms, closed circuit television for security purposes, equipment and devices prescribed in Regulation 8.	Must have completed an approved training course in Technical Security.	No pre-licence test is required.
	Class 3: Install, maintain and repair security doors as prescribed in Regulation 7.	N/A	A pre-licence test based on *AS5040* must be completed with a minimum of 80 per cent to pass the test.
	Class 4: Install locks of a kind referred to in Regulation 6.	No training course is required.	No pre-licence test is required.
Investigator	Investigate the conduct of individuals or corporations or the character of individuals, perform surveillance work or investigate missing persons.	Must have completed an approved training course prior to lodging their application	No pre-licence test is required.

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