

# GOVERNMENT RESPONSE TO THE RECOMMENDATIONS OF THE 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

## **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.

### *Response*

Noted. Since 2017, the Western Australia Police Force has worked within the framework of Australia's *Strategy for Protecting Crowded Places from Terrorism 2017* (the Strategy). This strategy was developed by the Australia New Zealand Counter Terrorism Committee (ANZCTC), Australia's leading counter-terrorism coordinating body, which reports to the Council of Australian Governments (COAG).

The Strategy provides that '*Owners and operators of crowded places have the primary responsibility for protecting their sites, including a duty of care to take steps to protect people that work, use, or visit their site from a range of foreseeable threats, including terrorism.*'<sup>1</sup>. To promote and support the Strategy's implementation by owners and operators of crowded places, the Western Australia Police Force Protective Security Unit facilitate Crowded Places Forums in the metropolitan area on a quarterly basis and regular regional critical infrastructure forums. The Strategy is promoted at each of these forums, including the ANZCTC risk self-assessment tools.

## **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.

### *Response*

Agree in principle. Prior to the Report's release, work had commenced to prescribe a new hazard under the *Emergency Management Regulations 2006*. This would cover a range of hostile acts and give effect to the necessary powers in the *Emergency Management Act 2005*.

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<sup>1</sup> Australia's *Strategy for Protecting Crowded Places from Terrorism 2017*

**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.

*Response*

Agree in principle. At its December 2018 meeting, COAG acknowledged the need to combat the unlawful use of drones and agreed to develop both short-term and long-term measures to support law enforcement agencies in deploying counter-drone capabilities. To ensure a national approach, work is being progressed under the auspices of COAG; Western Australia is participating in this work.

The Western Australia Police Force is also investigating other complementary reform options to regulate the unlawful use of drones in Western Australia.

**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 (CASA).

*Response*

Noted. The Australia New Zealand Police Advisory Association has a mandate to examine regulation and jurisdictional requirements in regards to training and use of drones within policing. The Western Australia Police Force have been an active participant in this process. Please note the Western Australia Police Force currently deploys drones operationally in compliance with CASA regulations.

**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 State Emergency Management Committee and other relevant agencies.

*Response*

Agree in principle. The Western Australia Police Force website currently provides the National Security Hotline number, and a direct link to the Australian Government's national security website ([nationalsecurity.gov.au](http://nationalsecurity.gov.au)). The national security website provides national security information, guidance on identifying suspicious behaviour, and guidance on reporting suspicious behaviour. The content on the Western Australia Police Force website is periodically reviewed. Ongoing community based engagement activities also continue to raise awareness. Any new public awareness campaigns would need to be informed by advice from the national security agencies and the Western Australia Police Force; and be based on the National Terrorism Threat Level, intelligence holdings and outcomes of similar campaigns in other jurisdictions.

**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.

*Response*

Agree. The Western Australia Police Force is updating its website.

**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.

*Response*

Agree. The Department of the Premier and Cabinet will develop a statement about the State's counter-terrorism arrangements, roles and responsibilities, in consultation with the Western Australia Police Force and other relevant agencies. This will include information about the role and functions of the Security and Emergency Committee of Cabinet (SECC).

**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.

*Response*

Noted. The Western Australia Police Force advises this recommendation requires in-depth and careful consideration of practical and financial implications, with research and investigation required prior to consideration of implementation in Western Australia. Protective security advice is readily available from private companies at fee for service, and Western Australia Police Force currently assists owners and operators to identify their requirements and access appropriate advice.

**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.

*Response*

Agree in principle. It is planned to review the current regime for event approvals. Following this review, options and recommendations will be developed in consultation with key stakeholders, including the Western Australia Police Force, and the local government sector through the WA Local Government Association. However, the

recommendation that Local Government should "compel owners and operators of crowded places to implement protective security measures", is not supported.

**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.

*Response*

Noted. A protective security "Self-Assessment Tool" for crowded places currently exists on the National Security Australia website, and is promoted by the Western Australia Police Force to owners and operators.

It is advised that the Metropolitan Environmental Health Managers Group is not necessarily the appropriate forum solely to progress this work. The Western Australia Police Force will further consider the most appropriate and effective forums to promote and support risk assessment by owners and operators, for example through engagement with the Department of Local Government, Sport and Cultural Industries, the Department of Health, the Western Australian Local Government Authority and potentially Environmental Health Australia.

**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.

*Response*

Noted. The Western Australian Planning Commission is scheduled to commence reviewing the Designing Out Crime Planning Guidelines and the Liveable Neighbourhoods policy this year. That review will involve extensive public consultation.

**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.

*Response*

Noted. As per the response to Recommendation 10, this recommendation may be more appropriately and effectively progressed by the Western Australia Police Force engaging with the Department of Local Government, Sport and Cultural Industries, the Department of Health, the Western Australian Local Government Authority and potentially Environmental Health Australia.

**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.

*Response*

Agree. The Western Australia Police Force will engage with the Security Agents Institute of Western Australia to assess the need for a Memorandum of Understanding. Please also refer to the response to Recommendation 18.

**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.

*Response*

Agree in principle. The Western Australia Police Force has commenced consideration of the previous State CCTV Strategy and the CCTV Register to inform current and future actions around CCTV and the collection and use of digital evidence.

**Recommendations 15 and 16.**

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.

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 inter-jurisdictional 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.

*Response*

Noted. The recommendations will be referred to the SECC.

Established in 2018, one of the responsibilities of the SECC is overseeing Western Australia's state security and emergency management capabilities and arrangements. The SECC will consider the issues raised by the Committee and the mechanisms and processes to ensure appropriate oversight and assurance of the State's preparedness

for terrorist acts. The Government has allocated funding for independent assurance into emergency preparedness.

**Recommendation 17.**

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

*Response*

Noted. Any consideration by COAG of the issue of regulation of the private security industry will be informed by the outcome of the review being undertaken by the ANZCTC Crowded Places Advisory Group.

**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.

*Response*

Noted. The Western Australia Police Force will consider the outcomes of the ANZCTC Crowded Places Sub-Committee's examination into aspects of the Australian Private Security Industry Report as part of its review of security licensing in Western Australia.

**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.

*Response*

Noted. The Western Australia Police Force website currently publishes a list of all current licence holders governed by the *Security and Related Activities (Control) Act 1996* and the *Security and Related Activities (Control) Regulations 1997*. The website also publishes information providing security industry updates as and when required.