



Government of **Western Australia**
Department of **Justice**
Office of the Director General

All enquiries: Leigh Quealy

Our Ref: A444415

Mr P A Katsambanis MLA
Chairman
Community Development and Justice Standing Committee
Parliament House
4 Harvest Terrace
WEST PERTH WA 6005

Dear Mr Katsambanis

Inquiry into the protection of crowded places in Western Australia from terrorist acts

Thank you for your letter of 18 October 2018 inviting the Department of Justice's response to item numbers 1, 3, 10 and 22.

Please find attached the Department's response to these issues. The Department has also provided a response to item number 20.

Yours sincerely

Dr Adam Tomison
DIRECTOR GENERAL

26 November 2018



Item number	Issue for further comment	Department of Justice Response
1.	<p>The SECC and senior officials group are new bodies, established after this inquiry had commenced. Prior to their establishment, we were concerned that WA did not have a governance body overseeing or guiding the state's combined security and emergency management arrangements. The primary agency for counter-terrorism, WA Police, and peak emergency management body, the State Emergency Management Committee (see below), report to different ministers and, without a formal body such as the SECC, accountability and coordination gaps may have emerged.</p> <p>We are pleased some of the matters raised in this inquiry have also been brought to the attention of Government and are being acted on.</p> <p>We would welcome comment on the functioning of these oversight and coordination bodies and suggestions for improvement in the future.</p>	<p>The establishment of the Security and Emergency Committee of Cabinet (SECC) and Security and Emergency Committee of Cabinet Senior Officials Group (ECCSOG) is instrumental in providing a pragmatic approach to planning counter terrorism arrangements. Once fully functional the ECCSOG will provide state agencies and departments with increased access and guidance to improve resilience, greater preparedness and planning opportunities that link into the strategic objectives of the SECC.</p>
3.	<p>We note that a function of the SECC is to provide direction to relevant agencies on measures to enhance the state's security. It is anticipated that its establishment will lead to stronger counter-terrorism policy in WA, particularly related to the protection of crowded places. We would welcome further comment about how this may be achieved in the future.</p>	<p>The establishment of the SECC will provide state agencies and departments with 'purpose and direction' in respect to counter terrorism matters. The arrangement will lead to stronger counter-terrorism 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.</p>

10.	We would welcome further comment as to whether numbers-based definitions of a crowded place are useful in identifying risk in what is a dynamic and rapidly evolving space and in the context of the broader definition contained in the Strategy.	<p>The Strategy defines a crowded place as a location that is 'easily accessible by large numbers of people on a predictable basis'. It includes public transport, pedestrian malls, places of worship, stadiums, and shopping malls. Crowded places do not necessarily have large crowds at all times but may vary depending on the event, time, or season.</p> <p>Whilst the definition of a crowded place is silent on public institutions such as courts and tribunals consideration should be given to their inclusion as some courts in Western Australia fall outside the definition due to their regional or remote location.</p>
20.	The lack of a prescribed standard for protective security measures may make it harder for owners and operators to understand their protective security responsibilities. We welcome comment on whether a minimum standard of protection is desirable, and if so, what form this should take.	<p>Court and Tribunal Services utilises the Australian Standard AS/NZS ISO 31000:2018 risk management principles and guidelines (as amended) to establish a context, risk identification, risk analysis, risk evaluation and treatment. The adoption of this process allows for a security response that can be scaled up or down based upon the prevailing environment.</p> <p>The process also allows CEO's, executive heads and others who have a good understanding of their business weaknesses and vulnerabilities to design a plan that best meets their strategic, business and commercial needs.</p>
22.	In addition to local emergency management arrangements and local government approval processes, there may be further legislative requirements that are relevant to the preparedness and protection of crowded places from terrorist acts. We welcome information about any additional legislative requirements for risk assessment and risk management processes or protective security measures.	This issue is best directed to the Department of Premier and Cabinet in its capacity as the Chair of the SECC Senior Officials Group, which supports the SECC.