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# Protecting Queensland's Surface Transport Systems: The Transport Security (Counter-Terrorism) Bill 2008 (Qld)

*The threat of terrorism in the community has become very real since the attacks on the United States in September 2001. The July 2005 bombing of London's underground rail network and bus service, and the attacks on the Madrid rail system in March 2004, and on the Mumbai rail system in July 2006 are just a few examples of how transport services and systems can be targets for terrorists. This may be because transport systems – public transport in particular – are open and accessible, attract numbers of commuters, and are inherently difficult to protect. In addition, transport hubs often combine mass gatherings and critical infrastructure in a single location.*

*This Research Brief provides an overview of various counter-terrorism arrangements made by Commonwealth, state and territory governments, with particular focus on measures designed to protect our surface transport systems – which include trains, ferries and buses. The Queensland Government recently introduced the **Transport Security (Counter-Terrorism) Bill 2008 (Qld)** which seeks to provide for the increased preparedness of certain surface transport systems regarded to be at elevated risk of terrorist attacks or threats. The Bill introduces a regulatory regime and mechanisms requiring those surface transport operations to put into place risk management plans and to ensure that these are regularly audited, reviewed and tested.*

Nicolee Dixon

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## **EXECUTIVE SUMMARY**

This Research Brief provides an overview of various counter-terrorism arrangements made by Commonwealth, state and territory governments, with particular focus on measures designed to protect Queensland's surface transport systems – which include trains, ferries and buses. On 29 April 2008, the Queensland Government introduced the **Transport Security (Counter-Terrorism) Bill 2008 (Qld)** which seeks to provide for the increased preparedness of certain surface transport systems regarded to be at elevated risk of terrorist attacks or threats.

The threat of terrorism in the community has become very real since the attacks on the United States in September 2001. The July 2005 bombing of London's underground rail network and bus services, and the attacks on the Madrid rail system in March 2004, and on the Mumbai rail system in July 2006 are just a few examples of how transport services and systems can be targets for terrorists. This may be because transport systems – public transport in particular – are open and accessible, attract numbers of commuters, and are inherently difficult to protect. Unlike at airports, baggage screening cannot be easily or conveniently carried out at railway stations and bus stations. Transport systems often combine mass gatherings and critical infrastructure in a single location. The aforementioned issues are just some of those which make coordination of security and emergency responses quite difficult: **section 1**.

To provide a national context, this Research Brief begins, in **section 1.1**, with a short discussion of the various **national security measures** implemented by the Commonwealth Government to protect Australia against a terrorist attack.

**Section 2** then briefly considers some of **Queensland's counter-terrorism measures**. Under the *Intergovernmental Agreement on Australia's National Counter-Terrorism Arrangements*, the Queensland Government has primary responsibility for managing terrorist situations inside Queensland and it has, accordingly, developed the Queensland Counter-Terrorism Plan to support the *National Counter-Terrorism Plan*. In addition, Queensland has agreed to establish effective counter-terrorism arrangements and cooperation, coordination and consultation between all relevant agencies in all jurisdictions. The Queensland Government is also represented on the National Counter-Terrorism Committee. In general, Queensland's counter-terrorism initiatives are set out in the *Queensland Counter-Terrorism Strategy 2008-2010*, which is considered in **section 2.1**.

Other protection plans implemented in Queensland include the *Queensland Plan for the Protection of Critical Infrastructure from Terrorism* (covering the State's critical infrastructure operators and owners, such as water and energy suppliers; information and communication systems; health services and transportation) which requires those operators and owners to develop risk management plans. The *Queensland Plan for the Protection of Mass Gatherings and Events from Terrorism* (covering sporting venues and stadiums, shopping centres, business precincts, tourist attractions and other places where numbers of people gather) guides Queensland owners and operators of places of mass gathering and event

organisers to safeguard people and places potentially at risk from terrorism. In terms of surface transport security, the focus of this Research Brief, the *Queensland Plan for the Protection of Surface Transport Operations from Terrorism* fits under the *Queensland Counter-Terrorism Strategy 2008-2010* and seeks to reduce the risk of harm produced by terrorism acts or threats on the State's surface transport system: **section 2.2**.

In **section 3** of this Brief, a broad overview of **surface transport operations** and security is provided together with a discussion of the *Intergovernmental Agreement on Surface Transport Security* approved by the Council of Australian Governments (COAG) in June 2005 (in **section 3.1**).

Attention then turns to the **Transport Security (Counter-Terrorism) Bill 2008 (Qld)**. The *Explanatory Notes* state that the Bill seeks to significantly progress Queensland's responsibilities under the *Intergovernmental Agreement* and aims to ensure that certain surface transport systems identified to be at 'elevated risk' of terrorist attack have considered the risk of terrorism to their operations and have mitigated the risk accordingly. To achieve this, the Bill introduces a regulatory framework for establishing and maintaining counter-terrorism preparedness through the development of risk management plans. It also provides for mechanisms for risk management plans to remain valid and compliant through audits and reviews and testing at regular intervals. The main features of the Bill are outlined in **section 4**.

Another important response measure recently undertaken in Queensland is the **Major Transport Precinct Project** designed to improve coordination of security plans and measures and communication between the various tenants and operators at major transport precincts, such as the Roma Street Transit Centre. Such precincts tend to encompass not just transport operations, but also shops, cafes, hotels and residential complexes: **section 5**.

Various other related counter-terrorism measures, such as closed circuit television at railway and bus stations and public awareness campaigns are briefly considered in **section 6**.

Finally, the Brief, in **section 7**, turns to a short consideration of the measures being adopted in other Australian jurisdictions to deal with possible terrorist acts upon and threats to surface transport systems.

## **1 BACKGROUND**

The threat of terrorism in the community has become very real since the attacks on the United States in September 2001. The July 2005 bombing of London's underground rail network and bus services, and the attacks on the Madrid rail system in March 2004, and on the Mumbai rail system in July 2006 are just a few examples of how transport services and systems can be targets for terrorists. This may be because transport systems – public transport in particular – are open and accessible, attract numbers of commuters, and are inherently difficult to protect.<sup>1</sup> Unlike at airports, baggage screening cannot be easily or conveniently carried out at railway and bus stations. In addition, transport hubs often combine mass gatherings and critical infrastructure in a single location and are often situated near – often next to, above, or below – retail outlets, commercial offices and hotels. The aforementioned issues are just some of those which make coordination of security and emergency responses quite difficult.<sup>2</sup>

A taste of what a real terrorist attack on Brisbane's public transport could mean occurred in November 2005 when a 46 year old truck driver made a series of bomb hoax calls, bringing the city's buses and trains to a standstill twice in the one day.<sup>3</sup>

In an address to the Australian Transport Ministers' meeting in February 2007, the Director-General of the Australian Security Intelligence Organisation (ASIO) said that mass urban transport facilities, particularly rail networks, are favoured terrorist targets because attacks can be undertaken at low financial cost through a small number of operatives using simple logistics. Such actions also have the potential to cause economic damage and strike considerable fear into the general community.<sup>4</sup> A 2005 Rail Industry Safety Conference held in the United States was reportedly told by security experts that there had been more than 181 attacks on trains and related rail targets throughout the world between 1998 and 2003 in countries such as Columbia, Spain, India, Pakistan, the United Kingdom, the US and Venezuela.<sup>5</sup>

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<sup>1</sup> G Miller, Deputy-Director of Transport Security, Queensland Transport, 'Queensland's Major Transport Precinct Project', Transit Security and Infrastructure Design 2008 Conference, 1 April 2008, Brisbane, p 3.

<sup>2</sup> G Miller, Abstract.

<sup>3</sup> Sean Parnell, 'Bomb hoax brings Brisbane to a halt', *Australian*, 19 November 2005, p 31.

<sup>4</sup> Mr P O'Sullivan, ASIO Director-General's Address to the Australian Transport Ministers' Meeting, *Australia's Security Environment*, ASIO Speeches, 28 February 2007.

<sup>5</sup> Kathryn Westcott, 'Transport systems as terror targets', BBC News, 7 July 2005.

The ASIO Director-General noted that in 1997, prior to the 2001 terrorist attacks in the US, an attempt was made to bomb a Sydney ferry by leaving an explosive device under a seat. Fortunately, it failed to explode.<sup>6</sup>

It has been estimated that around 1.5 billion tonnes of freight is transported on Australian roads every year. As well as large amounts of freight, rail also moves more than 550 million passengers each year, with 97% or more of them using urban rail networks.<sup>7</sup>

The ASIO Director-General explained that attacks can be carried out on a particular target, not necessarily because of its strategic importance but, rather, on the basis of the attacks having a high chance of success. In particular, he noted, rail systems with extended layouts, multiple points of access, their importance to the economy and the speed and ease with which attacks on them can be implemented have an appeal to terrorists. The Director-General considered that ferry and bus systems had similar vulnerabilities, having many access points, lots of passengers and a lack of screening. These systems are often regarded as ‘soft’ targets: highly vulnerable and easier to attack than well-secured targets.<sup>8</sup>

However, commented the Director-General, while surface transport might be susceptible to attack, it does not mean that all modes should have the same level of preventative and protective measures. The very limitations on resources that governments face mean that sensible risk management decisions based on sound assessments of threat have to be made. In addition, any counter-terrorism strategies require regular review and evaluation of their effectiveness against an increasingly sophisticated threat. Terrorists are adjusting their activities to make detection harder which means that more effort is needed to adapt our responses quickly.<sup>9</sup>

In December 2006, Mr Phil Reeves MP, Parliamentary Secretary to the Queensland Premier, told a Mass Transit Security Conference in Brisbane that safety and security of our transport systems is fundamental to the security of our citizens, our way of life and our economic stability. He said that to make our transport systems as robust and resilient as possible, we must use and coordinate the experience and expertise of many organisations and people. We must also share information and

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<sup>6</sup> Director-General’s Address to the Australian Transport Ministers’ Meeting.

<sup>7</sup> Commonwealth Department of Prime Minister and Cabinet, *Protecting Australia Against Terrorism 2006*, Part II: Australia’s counter-terrorism capability – prevention and preparedness, p 58.

<sup>8</sup> Director-General’s Address to the Australian Transport Ministers’ Meeting.

<sup>9</sup> Director-General’s Address to the Australian Transport Ministers’ Meeting.

work in partnership. Mr Reeves noted that consistency of approach across jurisdictions was also important.<sup>10</sup>

In terms of the transport security challenge in Queensland, Mr Reeves noted that, as of December 2006, Queensland had almost 10,000 km of rail corridor, 181,000 km of major roads, 130 airports, 16 regulated shipping ports, and 5,000 accredited transport operators. Each year, around 616 million tonnes of Queensland freight is moved by road, rail, sea and air.<sup>11</sup> While the transport systems of each state and territory have differences, those systems are interconnected and require a united approach to their security.<sup>12</sup>

At the December 2006 conference, Mr Reeves foreshadowed the development of both a Queensland Surface Transport Security Plan in accordance with the 2005 *Intergovernmental Agreement on Surface Transport Security* (discussed below) and new legislation to regulate surface transport operations seen to be at elevated risk of attack. This legislation has now been introduced as the Transport Security (Counter-Terrorism) Bill 2008 (Qld) and is discussed at some length in this Research Brief. Mr Reeves contemplated that the new laws would comprise a requirement for those operations deemed to be at 'elevated risk' to undertake risk assessments and to develop risk management plans for preventing, responding to, and recovering from potential terrorist attacks. It would also be necessary to audit and test those security arrangements on an annual basis, and to provide the Queensland Government with regular assurance statements.<sup>13</sup> Mr Reeves noted that concurrent with the development of the Plan and the Bill would be the progression of the Major Transport Precinct Project (which is also discussed in this Brief).

In actual fact, while there is a jurisdictional demarcation between governments regarding the security of Australia's surface transport networks, effective security depends on strong cooperation between not only all levels of government but also among business, industry employees, and the general public.<sup>14</sup>

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<sup>10</sup> Mr Phil Reeves MP, Parliamentary Secretary to the Premier of Queensland, 'State transport security measures and the future of the Commonwealth and State involvement in urban transport security', Mass Transit Security Conference, 4 December 2006, Brisbane, p 1.

<sup>11</sup> Mr Phil Reeves MP, pp 1-2.

<sup>12</sup> Mr Phil Reeves MP, p 3.

<sup>13</sup> Mr Phil Reeves MP, p 3.

<sup>14</sup> Commonwealth Department of Prime Minister and Cabinet, *Protecting Australia Against Terrorism 2006*, p 57.

## 1.1 NATIONAL SECURITY MEASURES

In terms of transport security, the focus of this Brief, maritime and aviation transport are Commonwealth Government responsibilities but security of surface transport, such as rail, buses and ferries, is the responsibility of the state or territory in which the particular transport operation is situated. Nevertheless, the Commonwealth Government works with state and territory governments to assist them to establish a consistent and coordinated approach to surface transport security. More of the respective roles and responsibilities in this regard are considered later in the context of the discussion of the *Intergovernmental Agreement on Surface Transport Security*, finalised in 2005.

To provide a national context, this Research Brief begins with a short discussion of the various national security measures implemented by the Commonwealth Government to protect Australia against a terrorist attack.

The Commonwealth Attorney-General's Department (Commonwealth AGD) is the main agency responsible for the operational coordination of national security issues and for developing and implementing measures to effectively counter terrorism.<sup>15</sup> The Commonwealth AGD is working to protect Australia against terrorism on a number of fronts. A National Security Public Information Campaign works to remind Australians to be vigilant and to report possible signs of terrorism via the National Security Hotline. In addition, the National Counter-Terrorism Alert Level System (which is currently *medium*) was established to help with security preparation and planning.<sup>16</sup> The Commonwealth Government has also established the [Disaster Assist](#) website to provide information to all Australians about the recovery assistance and support that is provided to individuals, families and communities following onshore and offshore disasters (not just limited to terrorism).<sup>17</sup>

Measures that have been, or are being, implemented by the Commonwealth Government include, but are by no means limited, to those considered under the headings which follow.

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<sup>15</sup> Commonwealth Department of the Attorney-General, *Security Environment Update 2007-08*, [http://www.nationalsecurity.gov.au/agd/WWW/rwpattach.nsf/VAP/\(CFD7369FCAE9B8F32F341DBE097801FF\)~200000SecurityEnvironmentUpdate2007-2008\(Budget2007\).pdf/\\$file/200000SecurityEnvironmentUpdate2007-2008\(Budget2007\).pdf](http://www.nationalsecurity.gov.au/agd/WWW/rwpattach.nsf/VAP/(CFD7369FCAE9B8F32F341DBE097801FF)~200000SecurityEnvironmentUpdate2007-2008(Budget2007).pdf/$file/200000SecurityEnvironmentUpdate2007-2008(Budget2007).pdf).

<sup>16</sup> Commonwealth AGD, Australian National Security – Information for Individuals website, <http://www.nationalsecurity.gov.au/agd/www/nationalsecurity.nsf/AllDocs/ED018421FAFB289ACA256FAA001E7F8F?OpenDocument>.

<sup>17</sup> Commonwealth AGD, 'Disaster Assist', <http://www.disasterassist.gov.au/>.

### 1.1.1 Protection of Critical Information and Communication Infrastructure

It has been identified that sophisticated, targeted and malicious online attacks are emerging as a serious threat. Online attacks are a major risk to identity of users and can affect the delivery of critical government and industry services. To address these online threat risks, the Australian Federal Police (AFP) and the AGD have received funding to implement initiatives such as securing Commonwealth Government information and communications systems; improving the protection of critical infrastructure from e-security risks; and enhancing the protection of home and small to medium business users from online attacks.<sup>18</sup>

### 1.1.2 Protection of Critical Infrastructure

Australia's 'critical infrastructure' includes its energy and water supplies; banking and finance systems; communications; the food chain; transport services and infrastructure; and health services, most of which is privately owned or commercially operated. The Commonwealth AGD provides strategic leadership to business and across governments on critical infrastructure protection issues to ensure that strong cooperation occurs between owners, operators and all governments.<sup>19</sup>

The AGD has developed, in conjunction with other government and business bodies, a number of initiatives and projects in this area. For instance, the Trusted Information Sharing Network for Critical Infrastructure Protection comprises advisory groups across key infrastructure sectors to bring business and government together to share information about threats and vulnerabilities and to discuss ways of dealing with them. In January 2007, the Commonwealth Government released a booklet – *Good Security-Good Business* – to emphasise the importance of small to medium sized businesses being prepared to deal with a range of hazards, including terrorism, and the value of having risk management plans to respond to and recover from such events quickly.<sup>20</sup>

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<sup>18</sup> Commonwealth AGD, *Security Environment Update 2007-08*, pp 1-2. For instance the AFP is receiving \$15.6 million over four years to establish specialised capacity to identify and investigate complex technology-enabled crimes posing threats to critical infrastructure. The Australian Government Computer Emergency Readiness Team (GovCert.au) is tasked with informing the defence industry and those running critical infrastructure about electronic threats.

<sup>19</sup> Commonwealth AGD, *Security Environment Update 2007-08*, p 2.

<sup>20</sup> Commonwealth AGD, *Security Environment Update 2007-08*, p 2. The Australian Security Intelligence Organisation's (ASIO) helps businesses in developing such plans by providing business security reports to help in the planning process by providing national security related information on each industry sector.

### 1.1.3 Supporting Law Enforcement

The Commonwealth Government's 2007-08 Budget included funding and initiatives to ensure that law enforcement officers have the resources and skills to carry out their tasks. An example of this is the establishment of a new Chemical, Biological, Radiological and Nuclear (CBRN) Data Centre to provide technical advice and intelligence to relevant law enforcement, intelligence and emergency service agencies across Australia about dealing with CBRN threats.<sup>21</sup>

### 1.1.4 Supporting Intelligence Efforts to Combat Threats to National Security

Since the September 2001 terrorist attacks in the US, the Commonwealth Government has committed additional resources to ASIO to assist it in threat assessment, monitoring and border security operations. ASIO also engages with international and Australian intelligence and law enforcement agencies and outreach to the private sector.<sup>22</sup>

### 1.1.5 Maintaining a Strong Legislative Framework

In recent years, the Commonwealth Government has, along with state and territory governments, passed laws to deal with terrorism threats. Examples include the *Anti-Terrorism Act (No 2) 2005* (Cth) and the *National Security Information (Criminal and Civil Proceedings) Act 2004* (Cth). Funding has been provided to the AFP to operate the control order and preventative detention regimes under the legislation and to relevant courts and tribunals to ensure that the requirements of the laws are properly observed.<sup>23</sup> During 2007, Australia's arrangements for international extradition and mutual assistance in transnational crime and terrorism underwent review to ensure that Australia has appropriate legislation to facilitate cooperation and mutual assistance in such matters with other countries.<sup>24</sup>

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<sup>21</sup> Commonwealth AGD, *Security Environment Update 2007-08*, p 3.

<sup>22</sup> Commonwealth AGD, *Security Environment Update 2007-08*, p 4.

<sup>23</sup> Commonwealth AGD, *Security Environment Update 2007-08*, pp 4-5.

<sup>24</sup> Which may result in changes to the *Extradition Act 1988* (Cth) and the *Mutual Assistance in Criminal Matters Act 1987* (Cth).

### **1.1.6 Border Security**

The Commonwealth Government attempts to ensure that Australia has sufficient resources to protect our borders at airports and at the coastline. Border security agencies such as the Australian Customs Service and the Border Protection Command (an organisation bringing together the resources and expertise of Defence and Customs) seek to protect Australia's maritime operations from various threats and to increase security of our air borders at airports (e.g. inspection of air cargo using detector dog teams and x-ray vans).<sup>25</sup>

### **1.1.7 Preparedness of Response Against Threats of Attack**

The Commonwealth Government seeks to ensure that counter-terrorism arrangements are well tested and agencies are ready to respond. Regular exercises are undertaken involving simulated terrorist incidents to test key agencies' responses in various scenarios. The effectiveness of coordination of arrangements between the Commonwealth, states and territories is also tested from time to time.<sup>26</sup> In addition, the Commonwealth Government supports (including through funding) communities, local governments and volunteer organisations to improve community safety and training for volunteers involved in emergency management.<sup>27</sup>

### **1.1.8 Countering Terrorism Through International Relationships**

Based on the belief that Australia's relations with our neighbours and international partners play an important part in protecting Australia's people, infrastructure and assets from terrorism, Australia's international counter-terrorism arrangements seek to increase regional understanding of the nature of terrorist threats and to deny terrorists the environment in which to plan and carry out attacks. Australia also aims to disrupt terrorist networks and to strengthen the counter-terrorism capabilities of our international partners and allies. The AFP International Liaison

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<sup>25</sup> Commonwealth AGD, *Security Environment Update 2007-08*, p 5.

<sup>26</sup> For example, as part of Australia's preparations to host APEC 2007, major APEC-themed exercises were conducted in NSW, SA, Tas, Qld and the NT. The exercises brought together personnel from a range of Commonwealth, State and Territory government agencies to test security arrangements and communications protocols put in place for APEC 2007: see Commonwealth AGD, *Security Environment Update 2007-08*, p 6.

<sup>27</sup> Commonwealth AGD, *Security Environment Update 2007-08*, p 6. This is through Emergency Management Australia, a Commonwealth Government body established to assist in Australia's preparedness for, and response to, disasters.

Network is instrumental in this and comprises 80 or so officers in posts across many countries.<sup>28</sup> The Commonwealth AGD portfolio agencies have also developed a number of initiatives to build regional capacity to counter terrorism.<sup>29</sup>

## 2 QUEENSLAND'S COUNTER-TERRORISM MEASURES

The Queensland Government has agreed, under the *Intergovernmental Agreement on Australia's National Counter-Terrorism Arrangements*, to establish effective counter-terrorism arrangements and effective cooperation, coordination and consultation between all relevant agencies in all jurisdictions. The Queensland Government is also represented on the National Counter-Terrorism Committee, a high-level national body which is responsible for implementing the aforementioned Agreement. Under the Agreement, the Queensland Government has primary responsibility for managing terrorist situations within Queensland.

In general, Queensland's counter-terrorism initiatives are set out in the [Queensland Counter-Terrorism Strategy 2008-2010](#) (the Strategy).<sup>30</sup> The Queensland Government's [Counter-Terrorism](#) website states that the Government is focused on making Queenslanders aware of counter-terrorism issues and providing guidance in preparing against the impact of terrorism. The website notes that the Security Planning and Coordination Unit (a unit within the Department of the Premier and Cabinet, established in 2003), the Counter-Terrorism Policy Branch of the QPS, and other government agencies work with business and industry groups to counteract terrorism.<sup>31</sup>

The Queensland Premier, the Hon Anna Bligh MP, recently commented that Queensland's counter-terrorism capabilities have continued to grow and mature over the past five years and the State has continued to develop its abilities to

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<sup>28</sup> Commonwealth AGD, *Security Environment Update 2007-08*, p 6.

<sup>29</sup> A number of these are listed on pp 7-8 of the Commonwealth AGD, *Security Environment Update 2007-08* and include AUSTRAC and the AGD's Anti-Money Laundering Assistance Team.

<sup>30</sup> This Strategy supersedes the *Queensland Counter-Terrorism Strategy* first released in 2005.

<sup>31</sup> The Queensland Counter-Terrorism Committee is the main forum for coordination and information sharing amongst Queensland agencies to achieve the development and maintenance of an effective statewide counter-terrorism capability. It also provides strategic policy advice to the Queensland Government: see *Queensland Counter-Terrorism Strategy 2008-2010*, p 6.

prevent, prepare for, respond to, and recover from terrorism by working in partnership with local, state and Commonwealth governments and industry.<sup>32</sup>

## **2.1 QUEENSLAND COUNTER-TERRORISM STRATEGY 2008-2010**

The [\*Queensland Counter-Terrorism Strategy 2008-2010\*](#), published in October 2007, is the second Queensland Government counter-terrorism strategy.<sup>33</sup> The Strategy's vision is to safeguard the community against terrorist attacks by strengthening counter-terrorism arrangements and ensuring that Queensland communities are strong and resilient. The approach it adopts is that of sustaining counter-terrorism efforts by making them part of everyday business and planning. The Strategy recognises that all Queenslanders have the right to live in safety and harmony.<sup>34</sup> It is provided that the Government will deliver the Strategy in a way that ensures that counter-terrorism arrangements are proportionate to the assessed threat of terrorism; that they are based on partnerships between the Government, industry and the community; and that the measures attempt to support the resilience of the State's economy.<sup>35</sup>

Five strategies designed to support the development of counter-terrorism arrangements are set out. These are:<sup>36</sup>

- promoting education and involvement of the community in preventing, preparing, responding and recovering from terrorism. This is through a number of initiatives, such as providing information and training to first responders and key stakeholders, and developing public and industry awareness campaigns;
- strengthening counter-terrorism arrangements by communicating, coordinating and collaborating with stakeholders (government and non-government) to develop integrated response and recovery arrangements;
- enhancing initiatives for the detection and deterrence of terrorist threats and for the protection of key assets across the State. Ways to achieve this include

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<sup>32</sup> *Queensland Counter-Terrorism Strategy 2008-2010*, October 2007, 'Message from the Premier', p 1.

<sup>33</sup> The *Queensland Counter-Terrorism Strategy 2008-2010* is available at [http://www.premiers.qld.gov.au/Security\\_planning/Counter-terrorism\\_and\\_pandemic\\_influenza/Queensland\\_Government\\_counter-terrorism\\_priorities/Queensland\\_Government\\_strategy\\_and\\_planning\\_documents/](http://www.premiers.qld.gov.au/Security_planning/Counter-terrorism_and_pandemic_influenza/Queensland_Government_counter-terrorism_priorities/Queensland_Government_strategy_and_planning_documents/).

<sup>34</sup> *Queensland Counter-Terrorism Strategy 2008-2010*, p 1.

<sup>35</sup> *Queensland Counter-Terrorism Strategy 2008-2010*, p 2.

<sup>36</sup> *Queensland Counter-Terrorism Strategy 2008-2010*, pp 2-5.

strengthening the security of mass passenger surface transport operations; improving maritime security; enhancing the security of places of mass gathering, critical infrastructure and Government assets; reviewing counter-terrorism laws and policies; protecting national security information; encouraging protective planning for special events; and focusing on hazardous materials;

- practising and testing counter-terrorism responsibilities and arrangements through regular and effective exercises that involve Government and other stakeholders. This might be achieved through measures such as training stakeholders, providing exercises based on emerging threats, and finding lessons and actions to incorporate into counter-terrorism arrangements; and
- developing strengthened community and industry response and recovery arrangements through initiatives such as reviewing plans and arrangements to ensure that they are sufficiently robust. This is particularly so in relation to arrangements for managing mass casualties and incidents involving a chemical, biological or radiological attack.

The Queensland Government has developed the *Queensland Counter-Terrorism Plan* (the Plan) to support the [National Counter-Terrorism Plan](#).<sup>37</sup> The Plan outlines the arrangements and responsibilities for managing acts of terrorism in Queensland. It provides a centralised framework to ensure that a coordinated whole-of-government approach is adopted regarding terrorism preparedness, prevention, response and recovery. The Plan is not available to the public but much of it is based on the arrangements agreed to by all Governments under the [National Counter-Terrorism Plan](#).<sup>38</sup>

Lead agencies in Queensland have been given responsibility for developing a particular counter-terrorism measure using the *Queensland Counter-Terrorism Strategy 2008-2010* as a guide. The QPS has operational responsibility for preventing and responding to terrorism in Queensland and it will investigate

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<sup>37</sup> *Queensland Counter-Terrorism Strategy 2008-2010*, p 6. *The National Counter-Terrorism Plan*, September 2005 (2<sup>nd</sup> ed.), [http://www.nationalsecurity.gov.au/agd/WWW/rwpattach.nsf/VAP/\(5738DF09EBC4B7EAE52BF217B46ED3DA\)~NCTP\\_Sept\\_2005.pdf/\\$file/NCTP\\_Sept\\_2005.pdf](http://www.nationalsecurity.gov.au/agd/WWW/rwpattach.nsf/VAP/(5738DF09EBC4B7EAE52BF217B46ED3DA)~NCTP_Sept_2005.pdf/$file/NCTP_Sept_2005.pdf).

<sup>38</sup> See Department of the Premier and Cabinet, Security Planning, *Queensland Counter-Terrorism Plan*, [http://www.premiers.qld.gov.au/Security\\_planning/Counter-terrorism\\_and\\_pandemic\\_influenza/Government\\_preparedness\\_and\\_response/Queensland\\_counter-terrorism\\_plan/](http://www.premiers.qld.gov.au/Security_planning/Counter-terrorism_and_pandemic_influenza/Government_preparedness_and_response/Queensland_counter-terrorism_plan/). The website states: 'as a classified document, the Plan is not available to the public. The Plan is made available to relevant agencies, including first response agencies.'

terrorist activity, threats and incidents.<sup>39</sup> Other lead agencies with particular responsibilities are the Department of the Premier and Cabinet (protective planning arrangements for assets, networks, services, mass gathering places, regulatory issues, public information and community engagement, crisis governance and communication arrangements); the Department of Emergency Services (special operations response and support etc.); Queensland Health (health services and biological and radiological response); Queensland Transport (transport services); and the Department of Primary Industry (animal and agricultural diseases).<sup>40</sup>

## 2.2 OTHER PLANS AND MEASURES

The [\*Queensland Infrastructure Protection and Resilience Framework\*](#) provides general principles and structural elements to guide the development of protection plans for different categories of infrastructure. These plans include the *Queensland Plan for the Protection of Critical Infrastructure from Terrorism*, the *Queensland Plan for the Protection of Mass Gatherings and Events from Terrorism*, and the *Queensland Surface Transport Security Plan*.<sup>41</sup> The structural elements relate to processes to identify and assess risk, strategies for protection and resilience against attack, and mechanisms to assure that protection strategies have been implemented.

The *Queensland Plan for the Protection of Critical Infrastructure from Terrorism* (covering the operators and owners of the State's critical infrastructure, such as water and energy supplies; information and communication systems; health services and transportation) was released in July 2005. Among other measures, critical infrastructure owners and operators are required to have risk management and business arrangements.<sup>42</sup>

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<sup>39</sup> Department of the Premier and Cabinet, Security Planning, Counter-Terrorism, 'Government preparedness and response', [http://www.premiers.qld.gov.au/Security\\_planning/Counter-terrorism\\_and\\_pandemic\\_influenza/Government\\_preparedness\\_and\\_response/](http://www.premiers.qld.gov.au/Security_planning/Counter-terrorism_and_pandemic_influenza/Government_preparedness_and_response/).

<sup>40</sup> *Queensland Counter-Terrorism Strategy 2008-2010*, p 7. Lead agencies are also assisted by Multicultural Affairs Queensland and the Department of Communities.

<sup>41</sup> *Queensland Infrastructure Protection and Resilience Framework*, July 2005, p 4, [http://www.premiers.qld.gov.au/Security\\_planning/Counter-terrorism\\_and\\_pandemic\\_influenza/Protecting\\_places\\_people\\_and\\_events/Queensland Infrastructure Protection and Resilience Framework/](http://www.premiers.qld.gov.au/Security_planning/Counter-terrorism_and_pandemic_influenza/Protecting_places_people_and_events/Queensland_Infrastructure_Protection_and_Resilience_Framework/). The *Government Asset Protection Plan* is also part of the preparedness and response framework.

<sup>42</sup> Queensland Department of the Premier and Cabinet, Security Planning, Counter-Terrorism, 'Critical Infrastructure', [http://www.premiers.qld.gov.au/Security\\_planning/Counter-terrorism\\_and\\_pandemic\\_influenza/Protecting\\_places\\_people\\_and\\_events/Critical\\_infrastructure/](http://www.premiers.qld.gov.au/Security_planning/Counter-terrorism_and_pandemic_influenza/Protecting_places_people_and_events/Critical_infrastructure/). The Plan is provided to critical infrastructure owners and operators but is not a public document.

The *Queensland Plan for the Protection of Mass Gatherings and Events from Terrorism* (covering sporting venues and stadiums, shopping centres, business precincts, tourist attractions and other places where numbers of people gather) guides Queensland owners and operators of places of mass gatherings and event organisers to safeguard people and places potentially at risk from terrorism.

In terms of surface transport security, the *Queensland Plan for the Protection of Surface Transport Operations from Terrorism*, together with the new Transport Security (Counter-Terrorism) Bill 2008 (Qld) (recently introduced into the Queensland Parliament), seeks to reduce the risk of harm produced by terrorism acts or threats to the State's surface transport systems.

### 3 SURFACE TRANSPORT SECURITY

Australia's states and territories have agreed on various priorities for improving transport security, including making the travelling public more aware of the risks and what they can do to report suspicious things or behaviour.

Queensland Transport's [Security and Safety](#) webpage states that Queensland is not immune to the terrorism threats faced by the rest of the world.<sup>43</sup> There is no reason to believe that an attack similar to that on London's underground rail network and bus services in July 2005 could not happen in Queensland. In November 2005, there were a number of bomb hoaxes in Brisbane which shut down the transport system twice in one day. The Queensland Minister for Transport, the Hon John Mickel MP,<sup>44</sup> recently commented that these incidents '*demonstrated the impact of such an incident on the functionality of Brisbane's transport system or, indeed, operations anywhere in the state*'.<sup>45</sup>

Surface transport, such as trains, buses, ferries, freight vehicles and associated infrastructure, is a potential terrorist target for a number of reasons. Firstly, large numbers of people are often concentrated in a predictable manner.<sup>46</sup> Airport type security would not be feasible on trains and buses because of their need to be accessible and economically operated, and because of the sheer number of

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<sup>43</sup> Queensland Transport, Security and Safety webpage, <http://www.transport.qld.gov.au/Home/Safety/Rail/Security/>.

<sup>44</sup> The Hon RJ Mickel MP is also Minister for Trade, Employment and Industrial Relations.

<sup>45</sup> Hon RJ Mickel MP, Second Reading Speech, Transport Security (Counter-Terrorism) Bill 2008 (Qld), *Queensland Parliamentary Debates*, 29 April 2008, pp 1235-1236, p 1235.

<sup>46</sup> Intergovernmental Agreement, para 2.1.

commuters using them.<sup>47</sup> In addition, surface transport systems can be used to transport weapons or to carry certain goods or materials (e.g. explosives) capable of causing widespread damage if they fall into the wrong hands and are used for unlawful purposes.<sup>48</sup> Governments have recognised that a terrorist attack on the surface transport system may ‘*result in considerable injury and death as well as significant economic and social impact on Australian society and Australian interests*’.<sup>49</sup>

Since the attacks on London’s public transport services, the British Government has adopted measures to ensure that transport services have implemented plans to mitigate the risk of terrorism. While sophisticated security technology has been deployed, security experts appear to consider that the best approach to safety could lie in an approach using some technology but also basic measures such as making sure that staff are properly trained and that equipment is tested adequately. It is also the case that the London Underground is a major user of CCTV.<sup>50</sup> As part of counter-terrorism and general security planning, more staff have been moved from administrative positions and onto platforms and stations while police numbers have also been increased. Security experts also appear to believe that one of the most important lessons from the attacks in Madrid, London and other places was the importance of planning – of having procedures in place, holding exercise drills, and keeping these under constant review. Mr Tim O’Toole, managing director of the London Underground, has commented that planning exercises held in the United Kingdom before the July 2005 attacks had been very worthwhile because they ‘*created a shared knowledge as to who would do what*’ which meant that the network was back running relatively quickly after the attacks.<sup>51</sup>

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<sup>47</sup> As noted by a European Commission security expert at an International Association of Public Transport conference in London during November 2005, as reported by Jenny Matthews of BBC News, ‘Hi-tech, high transport security?’ 14 November 2005, <http://news.bbc.co.uk/1/hi/uk/4435998.stm>.

<sup>48</sup> Council of Australian Governments (COAG) approved the [\*Intergovernmental Agreement on Surface Transport Security\*](#) (*Intergovernmental Agreement*), 3 June 2005, para 2.1, [http://www.coag.gov.au/intergov\\_agreements/docs/transport\\_security.pdf](http://www.coag.gov.au/intergov_agreements/docs/transport_security.pdf), para 2.1.

<sup>49</sup> *Intergovernmental Agreement*, para 2.1

<sup>50</sup> Jenny Matthews.

<sup>51</sup> Jenny Matthews, quoting Mr Tim O’Toole, London Underground Managing Director.

Risk management for surface transport operations is aimed not so much at stopping all movement but at being aware of what could happen and putting plans in place for mitigation and continuity of operations for when something does happen.<sup>52</sup>

On 3 June 2005, the Council of Australian Governments (COAG) approved the [Intergovernmental Agreement on Surface Transport Security](#) (*Intergovernmental Agreement*), discussed below. The *Intergovernmental Agreement* gives the states and territories responsibility for identifying those surface transport operations – buses, trains, ferries, freight and associated infrastructure – considered to be at an ‘elevated risk’ of terrorist attacks (called ‘security-identified surface transport operations’ (SISTOs)), and for ensuring that those SISTOs develop and implement preventative security measures. Parties must also review their legislative arrangements to make sure that they are sufficient to support the transport security measures.<sup>53</sup>

The [Explanatory Notes](#) to the [Transport Security \(Counter-Terrorism\) Bill 2008 \(Qld\)](#) (the Bill) state that the Bill seeks to significantly progress Queensland’s responsibilities under the *Intergovernmental Agreement* and aims to ensure that SISTOs have considered the risk of terrorism to their operations and have mitigated the risk accordingly. To achieve this, the Bill introduces a regulatory framework for establishing and maintaining counter-terrorism preparedness through the development of risk management plans. It also provides for mechanisms for risk management plans to remain valid and compliant.<sup>54</sup> The Bill is discussed at some length later in this Brief.

### **3.1 INTERGOVERNMENTAL AGREEMENT ON SURFACE TRANSPORT SECURITY**

The development of the *Intergovernmental Agreement* was endorsed by COAG following recommendations of the Australian Transport Council and the National Counter-Terrorism Committee. It was signed by the governments of the Commonwealth, the states and the Australian Capital Territory on 3 June 2005. The *Intergovernmental Agreement* was regarded to be necessary because whole-of-government cooperation within jurisdictions, national coordination across

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<sup>52</sup> R Cowan, ‘Communication the key to surface transport security’, *Security Insider*, March 2007, pp 16-20, p 18, referring to comments by Mr Len Neist who is the head of the international consulting firm Booz Allen Hamilton’s assurance and resilience functional capability in Australia.

<sup>53</sup> [Transport Security \(Counter-Terrorism\) Bill 2008 \(Qld\)](#), *Explanatory Notes*, p 2.

<sup>54</sup> [Transport Security \(Counter-Terrorism\) Bill 2008 \(Qld\)](#), *Explanatory Notes*, p 1.

jurisdictions, and the support and cooperation of surface transport operators and the community was needed in order to achieve sound security outcomes.<sup>55</sup> It operates alongside the *Intergovernmental Agreement on Australia's Counter-Terrorism Arrangements* (mentioned earlier) which sets out a high level strategy to prevent and deal with terrorism acts in Australia.

The *Intergovernmental Agreement* aims to establish arrangements to protect the community and the surface transport<sup>56</sup> system by:

- reducing the likelihood that the system will be a target for terrorist and security threats;
- increasing the implementation of nationally consistent protective security planning and preventative measures in the surface transport system; and
- helping the surface transport sector to consistently and more effectively move to higher levels of alert when required.<sup>57</sup>

The value of national consistency in transport security was emphasised in terms of matters such as minimising the chance that terrorists will move from a high level security jurisdiction to another jurisdiction with a lower level of security preparedness, and to ensure that there is minimal disruption to trade and passenger movement due to differing security requirements between jurisdictions.<sup>58</sup>

The *Intergovernmental Agreement* recognises that the primary responsibility for surface transport security lies with state and territory governments. After outlining the responsibilities of the Commonwealth (in para 3.2.2), it was agreed that the states and the ACT will (see para 3.2.2):

- provide leadership and whole-of-government coordination to develop and implement a nationally consistent approach to preventative surface transport security within their jurisdictions;
- determine security identified surface transport operations (SISTOs) within their jurisdictions, taking into consideration Commonwealth, state and territory authorities' intelligence and risk assessments;
- ensure that appropriate action is undertaken by SISTOs within their jurisdictions such as:

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<sup>55</sup> *Intergovernmental Agreement*, para 1.5.

<sup>56</sup> Under the *Intergovernmental Agreement*, 'surface transport' is defined as 'any activity or system associated with or relating to the movement of people or goods by rail, road, or waterborne vessels not regulated under the *Maritime Transport Security Act 2003* (Cth).'

<sup>57</sup> *Intergovernmental Agreement*, para 2.2

<sup>58</sup> *Intergovernmental Agreement*, para 3.1

- conducting a security risk assessment in accordance with Standards Australia's risk management model;
- developing a security plan that incorporates measures corresponding to the four levels of National Counter-Terrorism Alert (i.e. low, medium, high and extreme); and
- implementing preventative security measures and reviewing them regularly;
- ensure that appropriate arrangements are in place to assess and audit SISTOs' security plans;
- provide guidance and educational material on security to SISTOs;
- provide SISTOs with access to guidance material to help implement consistent preventative security measures for surface transport;
- communicate relevant intelligence and surface transport security information to SISTOs;
- ensure that appropriate incident and suspicious activity reporting arrangements are in place; and
- ensure that response arrangements of state and territory governments are in place in accordance with the *National Counter-Terrorism Plan* and regularly conduct or participate in exercises involving surface transport security scenarios.

It was agreed that in relation to the work program to be maintained by Transport Ministers, through the Australian Transport Council,<sup>59</sup> initial priorities would include urban mass passenger surface transport security and the security of transportation of dangerous goods (para 3.3.3.).<sup>60</sup> Transport security officials from each jurisdiction have various priorities and a work program and this working group reports to the Council.

In November 2005, the Australian Transport Council requested the Inspector of Transport Security to assess surface transport security. The Inspector's Assessment was completed in November 2006 and Transport Ministers met in February 2007 to discuss the Assessment. The Assessment found that Australia's transport security strategies and practice were of world standard but that this did

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<sup>59</sup> The Australian Transport Council comprises Commonwealth, state, territory and New Zealand government Ministers responsible for transport, roads, marine and port issues and is chaired by the Commonwealth Minister responsible for transport.

<sup>60</sup> It was also agreed that the parties would develop and implement a strategy to address the security arrangements for SISTOs crossing state and territory borders, including an agreed approach to determining those SISTOs which cross such borders (para 3.4.1-3.4.2).

not mean that Australia should become complacent.<sup>61</sup> Counter-terrorism measures require on-going review, assessment and improvement. Accordingly, the Assessment made a number of recommendations, the main ones relating to further work to be done in the areas of security training for transport staff and security planning.<sup>62</sup> At the May 2008 meeting it was agreed that Ministers would continue to progress security work through the Transport Security Working Group

In the context of the Transport Security (Counter-Terrorism) Bill 2008 (Qld), to be discussed in this Research Brief, the parties agreed that each would review their legislative arrangements to make sure that *'they are sufficiently strong in support of the purpose'* (para 3.5).

At the national level, the Commonwealth Government has adopted risk based approaches (risk assessments and security plans) to transport security in the areas of aviation (under the *Aviation Transport Security Act 2004 (Cth)*)<sup>63</sup> and maritime transport (under the *Maritime Transport and Offshore Facilities Security Act 2003 (Cth)*).<sup>64</sup>

Another important feature of transport operations is that the private sector is increasingly playing a role in building and operating transport infrastructure, such as motorways and rail services. Some sea ports are also operated by private bodies and aviation infrastructure is run mainly by the private sector.<sup>65</sup>

It has been reported that while commuters are concerned about their safety and security, not everyone is pleased with the new transport security requirements now being imposed by Commonwealth, state and territory authorities.<sup>66</sup> Courier and shipping companies must submit security plans to the Commonwealth Department of Transport and Regional Security for auditing and approval and these can take

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<sup>61</sup> Commonwealth Government, Department of Transport, 'Surface Transport Security'. See also, ATC, Transport Ministers' Communiqué, 28 February 2007, Canberra.

<sup>62</sup> Commonwealth Government, Department of Transport, 'Surface Transport Security'. See also, ATC, Transport Ministers' Communiqué, 28 February 2007, Canberra.

<sup>63</sup> Security measures under this legislation include CCTV screening at airports, security training at regional airports, building public awareness, strengthened air cargo security including improved technology for detecting explosives, better security and crime information exchange arrangements within the sector, tighter background checking for staff, and improved policing at airports.

<sup>64</sup> Security measures in the maritime sector include Security Identification Cards for personnel who work in secure areas, and new offences regarding weapons of mass destruction.

<sup>65</sup> *Protecting Australia Against Terrorism 2006*, pp 53-54.

<sup>66</sup> R Cowan, p 18.

two weeks or more to prepare in some major centres.<sup>67</sup> In addition, there are claims that although information sharing is a crucial aspect of security, outside of government not everyone is happy to share information, particularly if it is commercially sensitive.<sup>68</sup>

#### **4 THE TRANSPORT SECURITY (COUNTER-TERRORISM) BILL 2008 (QLD)**

The [Transport Security \(Counter-Terrorism\) Bill 2008 \(Qld\)](#) (the Bill) was introduced into the Queensland Legislative Assembly on 29 April 2008. The Bill's main purpose is to provide for planning for the protection of particular surface transport operations and their users against significant adverse impacts associated with terrorist acts<sup>69</sup> involving those operations. This objective is sought to be achieved by providing for the declaration of certain surface transport operations as security identified surface transport operations – (SISTOs), defined below; and establishing a regulatory framework for the preparation, implementation and review of risk management plans that focus on risk mitigation and recovery and continuity of services in the event of a terrorist act: **cl 3**.

In **cl 4**, the Bill states that it has the following overall objectives:

- to achieve an appropriate balance in relation to the security of SISTOs, public confidence, and the cost of the Bill's requirements to SISTOs;
- to promote efficient and affordable counter-terrorism measures for SISTOs and an overall benefit for the community in the security-preparedness of SISTOs;
- to take into account relevant national and international best practice benchmarks;
- to promote consultation, communication and cooperation between the government, surface transport operations and the community; and
- to seek voluntary compliance rather than enforcement.

When presenting the Bill to the Queensland Parliament, the Minister for Transport, the Hon John Mickel MP, said that Queensland would be the first state to introduce a transport-specific counter-terrorism Bill.<sup>70</sup> He said that the Bill establishes a

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<sup>67</sup> R Cowan, p 18.

<sup>68</sup> R Cowan, p 18.

<sup>69</sup> As defined under the [Police Powers and Responsibilities Act 2000 \(Qld\)](#).

<sup>70</sup> Hon RJ Mickel MP, Second Reading Speech, p 1235.

regime to give the community further confidence that appropriate actions are being taken to combat any evolving threat to our transport system.<sup>71</sup>

A ‘**surface transport operation**’ is defined in **cl 8** as an activity or system for transporting passengers by high occupancy vehicles (i.e. designed to carry 10 or more adults, including the driver) or for transporting goods by high payload vehicles (i.e. with a payload of more than 20 tonnes). A ‘vehicle’ includes a barge, ferry and train (see Dictionary in the Schedule).

The Minister for Transport said that the Bill’s main emphasis was on risk assessment for those operations regarded to be at an elevated risk of being a target of threat or attack. Active and ongoing assessment of risk was seen as central to the concept of the Bill and the Hon John Mickel MP said that the Bill ‘*fosters forward thinking and the adoption of new, more efficient approaches and technologies wherever possible*’.<sup>72</sup>

When certain surface transport operations are declared to be at an elevated risk of being the target of a terrorist act, they have an obligation to conduct a counter-terrorism risk assessment and to prepare and implement a security risk management plan to address the identified risks. The Minister said that Queensland Transport proposed to work in partnership with industry to conduct the risk assessments and to develop and implement the plans, but the new laws operate on the premise that transport operators know their business best. Thus, if operators can find ways to mitigate risk in better and more efficient ways, they are able to do so under the Bill.<sup>73</sup>

The way in which the main purpose of the legislation is to be achieved is set out in **cl 3**, as explained under the headings which follow.

#### **4.1 PROVIDING FOR THE DECLARATION OF A SECURITY IDENTIFIED SURFACE TRANSPORT OPERATION (SISTO)**

A ‘SISTO’ is defined in **cl 9** as a surface transport operation declared by the chief executive under **cl 11**. Under **cl 11**, the chief executive may make such a declaration (by way of a gazette notice stating specified details) if he or she has assessed the surface transport operation under **cl 10** as having an elevated risk of

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<sup>71</sup> Hon RJ Mickel MP, Second Reading Speech, p 1236.

<sup>72</sup> Hon RJ Mickel MP, Second Reading Speech, p 1235.

<sup>73</sup> Hon RJ Mickel MP, Second Reading Speech, p 1235.

being the target of a terrorist act. This declaration will provide the date at which the application of the new regulatory regime to the SISTO commences.<sup>74</sup>

**Clause 10** enables the chief executive to assess the surface transport operation's level of risk of being a target of a terrorist act taking into account various matters. These might include the location of the operation and the number of people accessing it at any one time.<sup>75</sup> The provision also sets out the information that the chief executive must take into account in assessing a surface transport operation's level of risk (i.e. relevant information related to risk given to the chief executive by a government agency or the entity carrying on a surface transport operation, or information that is publicly available). Relevant information may include intelligence information and matters such as the operation's location, the type of activities carried on by the operation, the type of goods it transports, and its size. The chief executive can also make a written request to the entity (i.e. the owner/operator or managing agent) carrying on the operation to provide stated relevant information about the operation and the entity has to comply or an offence will be committed, unless the entity has a reasonable excuse.

Once a declaration of a SISTO has been gazetted, notice of such must be given to the SISTO entity. Among other things, the notice must explain that the SISTO has obligations under the new legislation (particularly to prepare a risk management plan). It must also state the proximity to, or interaction of the SISTO with, other related SISTOs to ensure that SISTOs are aware of the risks posed by other SISTOs and that each has enough information about the other to be able to coordinate risk management plans: **cl 13**.<sup>76</sup>

The declaration may be revoked if the chief executive reasonably believes that the SISTO no longer has an elevated risk of being a target of a terrorist act because of intelligence or other information relating to the risk that indicates a decrease in the national counter-terrorism alert level<sup>77</sup> or the SISTO's level of risk. It may also be revoked on the basis of a change in the SISTO's circumstances (such as its location): **cl 14**.

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<sup>74</sup> Transport Security (Counter-Terrorism) Bill 2008 (Qld), *Explanatory Notes*, p 10. **Clause 12** explains when the chief executive may amend a declaration notice for a SISTO.

<sup>75</sup> Hon RJ Mickel MP, Second Reading Speech, p 1235.

<sup>76</sup> See also *Explanatory Notes*, p 11.

<sup>77</sup> The current level of alert for Australia of a terrorist attack as published by the Australian Government: see Dictionary in the Schedule.

## 4.2 PREPARATION OF A RISK MANAGEMENT PLAN

Once declared, a SISTO entity is obliged, under **cl 15**, to prepare a risk management plan (the plan) for the SISTO and give a copy to the chief executive within a prescribed period (within 3 months after being declared a SISTO unless a longer period is stated). Non-compliance will attract a maximum fine of \$22,500 for corporate SISTO entities.<sup>78</sup> The [Explanatory Notes](#) (p 13) state that a risk management plan builds the necessary processes for increasing preparedness for uncertain circumstances, such as a security incident.

**Clause 16** provides that the plan must be prepared in accordance with the prescribed Australian/New Zealand Standard (under a regulation) and to the extent that this standard does not provide for a matter, the specified Standard (AS/NZS 4360:2004) can be used. The various objectives of the plan are set out in **cl 16(2)** and are as follows:

- preventing or reducing the risks of a terrorist act involving the SISTO;
- lessening the effects on the SISTO of a terrorist act;
- providing for the recovery and continuity of the SISTO in the event of a terrorist act; and
- fostering communication and cooperation with related SISTO entities and with the owners or occupiers of neighbouring areas to the SISTO facility in relation to counter-terrorism measures.<sup>79</sup>

**Clause 17** states what the plan must contain. These are an assessment of the risk of a terrorist act to the SISTO; the measures to be taken to prevent or reduce the risks; and a range of measures to respond to changes in the national counter-terrorism alert level or the SISTO's level of risk.

The plan also must state the measures to be taken in the event of a particular security incident (which may be an incident such as an explosion that threatens security against a future terrorist act) and must contain procedures for a number of things, such as responding to and recovering from the security incident; providing

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<sup>78</sup> See s 181B of the [Penalties and Sentences Act 1992 \(Qld\)](#) providing that the maximum fine for a **corporation**, if not expressly stated, is 5 times that for a person (for a person one penalty unit is \$75 (see s 5) so the maximum penalty here for a person is \$4,500).

<sup>79</sup> See also **cl 16(3)** regarding existing risk management plans that may comprise an existing plan complying with cl 17 (e.g. an existing security plan) and addressing the threat and consequences of being a target of a terrorist act.

for continuity of operations; and communicating with the QPS, the chief executive, related SISTOs, and neighbouring occupiers and owners of facilities.<sup>80</sup>

In addition, the plan must state the frequency of, and other details about, training for SISO employees regarding procedures to follow in the event of a security incident, and a record of such training must be kept. The *Explanatory Notes* (p 14) state that well trained staff familiar with their local environment can contribute greatly towards the increased preparedness for security incidents, particularly through implementing security measures and by identifying, reacting and responding to suspicious or unusual activity. The training should also give staff a realistic understanding of what to do.

The plan must also contain details of persons with obligations under it and of the persons who are responsible for implementing the plan. It must also state the measures to be taken for keeping the plan and the SISO's auditable records secure.<sup>81</sup>

#### **4.3 IMPLEMENTATION, AUDIT AND REVIEW OF RISK MANAGEMENT PLAN**

**Clauses 19 to 28** provide for the implementation of risk management plans and for these to be audited and reviewed to ensure their ongoing compliance and validity. An annual exercise is also required to test the operation of the plan.

The plan has to be implemented as soon as possible after its preparation and the SISO entity must take reasonable steps to ensure that persons who have an obligation under the plan comply with it. Failure to comply in each case attracts a fine of up to \$18,750 for a corporation (\$3,750 for a person): **cl 19**.

The plan must be audited on an annual basis to ascertain whether the plan is being implemented and being complied with by SISO employees: **cl 20** (a record of audit must also be kept for 3 years: **cl 21**). The maximum penalty for a breach of the audit provisions is \$18,750 for a corporation (\$3,750 for a person).

SISTOs must review the plan to ensure continuing compliance with the Bill on the happening of any of the circumstances specified in **cl 22** (again, a record of the review must be kept in accordance with **cl 23**). A review will determine if the plan

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<sup>80</sup> The risk management plan must be coordinated with other plans required by other legislation such as disaster management plans under the *Disaster Management Act 2003* (Qld).

<sup>81</sup> The chief executive may provide guidelines to help with the preparation of plans: **cl 18**. If there are related SISTOs, the plans must include coordination arrangements between the plans (e.g. sharing emergency or evacuation and procedure plans).

is able to respond to the new circumstances.<sup>82</sup> Events triggering a review are when the SISTO receives an amended SISTO declaration; if the SISTO becomes aware of a systemic problem with the plan after an audit or a testing exercise; the SISTO's circumstances change affecting its level of risk; a security event happens involving the SISTO; or 5 years elapse since the plan was prepared or last reviewed. The maximum penalty for a breach of the review provisions is \$18,750 for a corporation (\$3,750 for a person). These requirements seek to ensure that the plans remain up to date with developments and changes in the nature of the transport operation, such as a new piece of a system being brought online or when two operations merge. A review might also need to occur if there is a change in the National Counter-Terrorism Alert Level.<sup>83</sup> The review results may well contain recommendations about certain actions that need to be implemented by the SISTO.

If the review reveals a deficiency in the plan, the entity must amend the plan to rectify the deficiency and give a copy of the amendment to the chief executive within 28 days of making it. Penalties are set out for not complying with either of these requirements: **cl 24**.

#### **4.4 TESTING OF THE RISK MANAGEMENT PLAN**

To make sure that any risk management plan actually works in practice, it is important that it is tested by way of an exercise. **Clause 25** requires that SISTOs test the operation of the plan at least once each year. The *Explanatory Notes* mention that the exercises are integral to training, developing and preparing personnel to carry out functions in real emergencies. They go on to say that an exercise to test the plan can be of either a desktop or operational variety but if a desktop scenario is used, the exercise needs to be sufficiently robust to test the actual adequacy of the plan under stress conditions.<sup>84</sup> The exercise does not need to test every aspect of the plan at one time, given that the tests can be expensive. Thus, different parts of the plan can be tested over consecutive years.<sup>85</sup>

Testing of the operation of the plan can be done in either of two ways. The first is planning and conducting one or more exercises complying with a prescribed standard or, if none is prescribed, then that specified by Emergency Management Australia (see cl 25(6)). The other way of testing the plan is by the entity

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<sup>82</sup> Hon RJ Mickel MP, Second Reading Speech, p 1236.

<sup>83</sup> Hon RJ Mickel MP, Second Reading Speech, p 1236.

<sup>84</sup> *Explanatory Notes*, p 16.

<sup>85</sup> *Explanatory Notes*, p 17.

contributing to the planning and conduct of at least one exercise by another entity, such as another SISTO, to test surface transport security plans and arrangements. Each person having an obligation under the plan should participate in at least one exercise testing that part of the plan relevant to the person's obligation. If the foregoing exercises do not occur, a \$22,500 fine (for a corporation) may be incurred.

In addition, a SISTO entity must comply with any direction given by the chief executive to test the operation of the plan by participating in an exercise conducted by another entity. Queensland Transport officers can attend the exercises as observers which gives additional quality assurance about the operations.

The Minister has said that Queensland Transport will be encouraging SISTOs to include police and emergency services and any other relevant bodies (such as neighbours) in the testing of the plan.<sup>86</sup>

The remaining sub-clauses of **cl 25** cover other requirements about the testing of the plan and **cl 26** requires the SISTO to keep a record of each exercise containing specified matters for 3 years. Failure to keep a record incurs a fine.

#### **4.5 ANNUAL CERTIFICATES**

Each year, SISTOs must give the chief executive a certificate about the plan setting out the particulars and information specified in **cl 27(3)**, including information about its most recent audit, review and testing exercise. Again, a penalty applies for a breach of this requirement.

#### **4.6 MONITORING AND ENFORCEMENT**

**Clauses 29-35** provides for the appointment of 'authorised persons' – Queensland Transport officers or certain other persons who have the necessary experience or expertise for appointment. The appointment will be subject to conditions and certain limits on powers and each authorised officer must be issued with an identity card.

Pursuant to **cls 36-42**, authorised officers have a number of powers, similar to persons with monitoring and enforcement powers under other Queensland legislation, particularly that regarding health and safety issues.<sup>87</sup> Those powers

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<sup>86</sup> Hon RJ Mickel MP, Second Reading Speech, p 1236.

<sup>87</sup> For example, the [Disaster Management Act 2003 \(Qld\)](#); [Liquor Act 1992 \(Qld\)](#); [Public Health Act 2005 \(Qld\)](#).

include (but are not limited to) powers of entry to places and vehicles, including power to enter and observe a test exercise of a plan or to check that a plan is being complied with. Entry powers are subject to certain limitations. The *Explanatory Notes* comment that entry to certain vehicles may be necessary because some plans and documents may be kept on vehicles such as ferries.<sup>88</sup> Once entry to a place or vehicle occurs, authorised officers have available to them a range of powers such as inspecting, filming, photographing etc. things at the place or on the vehicle; taking copies or extracts of documents; and taking onto the place or vehicle certain necessary equipment and materials.<sup>89</sup>

Other powers given to authorised officers under **cls 43-45** are to require names and addresses of persons who may be connected with an offence under the Bill as well as to require information and documents (e.g. the risk management plan; audit reports, security procedures).<sup>90</sup> Penalties apply if these requirements are not complied with and the person does not have a reasonable excuse for not complying.

In addition, **cl 46** provides the chief executive with power to give a SISTO a written direction to comply with a prescribed provision within a stated time unless the controlling entity has a reasonable excuse. This power applies if the SISTO fails to comply with a prescribed provision. The prescribed provisions are **cls 15(1)** (preparing a risk management plan) **19** (implementing and complying with a risk management plan), **20** (annual audits of the plan), **22(1)** (reviewing the plan), or **24(1)** (amending the plan after review), **25(1),(2)** (testing the operation of the plan), **27(1)** (annual certificate about auditing, testing and reviewing operation of the plan); and **28(2)** (giving the chief executive and related SISTOs notice of any change to contact information).

If the direction is about compliance with certain provisions under the Bill: **cls 19** (implementing and complying with a risk management plan), **20** (annual audits of the plan), **22(1)** (reviewing the plan), or **24(1)** (amending the plan after review) and the entity does not comply with the direction, a penalty of up to \$37,500 for a person (\$187,500 for a corporation) will apply. Otherwise, if the direction relates to other provisions (in the previous paragraph), the fine is up to \$4,500 (\$22,500 for a corporation).

The *Explanatory Notes* comment that failure to implement and act on counter-terrorism measures or risk management plans may result in mass casualties, large

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<sup>88</sup> *Explanatory Notes*, p 20.

<sup>89</sup> Under **cl 50**, it is an offence to obstruct such officers in the exercise of their powers without reasonable excuse.

<sup>90</sup> The *Explanatory Notes*, pp 21-22 set out the documents that might be employed to manage compliance.

capital loss or infrastructure damage from one incident or coordinated incidents. The benefits of the new legislation coming from the increased preparedness of surface transport operations from the adverse impact of terrorism would be for nothing if SISTOs do not comply with it. The penalties provided are ‘*set to a level that is commensurate with the consequences to the community of non-compliance*’.<sup>91</sup> Indeed, the direction power is triggered only if the entity has already failed to comply with the relevant provision.<sup>92</sup>

Under **cl 47**, the chief executive can seek an order from the Supreme Court to suspend all or part of a SISTO for a specified time or until stated action has been taken (e.g. to amend a risk management plan to lessen a new risk). This power comes into play if the SISTO entity has persistently or repeatedly contravened one or more provisions of the Bill (and has been convicted at least once). The Supreme Court may make the order if satisfied that the SISTO’s continued operation presents an unacceptable risk of significant adverse impacts relating to the SISTO associated with a terrorist act involving the SISTO.

#### **4.7 LEGAL PROCEEDINGS**

Where a proceeding occurs under the Bill (such as summary proceedings for an offence under the Bill (see **cl 52**)), the court may make appropriate orders to prohibit the publication of all or part of the proceedings – for example, ordering the court to be closed: **cl 53**. Under **cl 54**, counter-terrorism information can also be protected during proceedings before a court or tribunal in certain circumstances.

### **5 QUEENSLAND’S MAJOR TRANSPORT PRECINCT PROJECT**

Many transport hubs and interchanges, examples being Central Station and Roma Street Station in Brisbane, are located adjacent to facilities such as hotels, cafes and residential apartments.

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<sup>91</sup> *Explanatory Notes*, p 6. The comment is also made that the maximum penalty of 500 units is proportionate with similar regulatory offences in Queensland legislation involving death or injury. For instance, s 24 of the *Workplace Health and Safety Act 1995* (Qld), regarding failure to discharge workplace health and safety obligations, imposes a maximum penalty of 1,000 penalty units or 2 years imprisonment if a death or grievous bodily injury occurs as a result.

<sup>92</sup> **Clause 55** provides that the executive officers of SISTO entity corporations must ensure that the corporation complies with the Bill and each of them will be taken to have committed an offence of failing to ensure compliance with the Bill if the corporation commits an offence. Defences are also available to such executive officers.

The nature of major transport precincts and their multi-tenanted environment is such that each organisation in a precinct may well have plans for security, emergency response and business recovery, but these are usually developed in isolation.<sup>93</sup> Thus, each plan may not support, or be consistent with, neighbouring organisations' plans. Also, security and emergency response arrangements can vary according to lines of demarcation between businesses. For instance, as a Queensland Transport Deputy-Director has explained, a suspicious package may be investigated on one side of a line but not on the other. There may be gaps such that individual plans may not cover all areas of the precinct such as shared loading areas and access lanes. In addition, there may be no central coordination of arrangements to manage incident responses or any formal information sharing arrangements about security issues and emergency responses.<sup>94</sup>

In 2006, the Queensland Transport developed a project to improve coordination and communication arrangements at its major transport precincts, the first stage of which had been fully implemented by April 2008.<sup>95</sup> The project involves the Queensland Government and industry working together in partnership. The focus is on improving information sharing and communications; coordination arrangements; and environment design.

Queensland Transport engaged consultants to undertake counter-terrorism risk assessments at six major transport precincts<sup>96</sup> and to work with precinct representatives to develop overarching counter-terrorism arrangements for the protection of these precincts against terrorist threats or attacks.<sup>97</sup>

The project so far has involved a pilot trial at Roma Street Transit Centre before a roll-out to the five other precincts, using findings and lessons from the pilot trial. This roll-out is now complete and it appears that each precinct has improved communication and counter-terrorism arrangements in place.<sup>98</sup> As noted above, consultants were engaged to conduct a counter-terrorism risk assessment of each precinct. Committees were set up at each precinct to work with consultants on

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<sup>93</sup> G Miller, p 3.

<sup>94</sup> G Miller, p 3.

<sup>95</sup> Support is also provided by the QPS and the Department of Emergency Services.

<sup>96</sup> The six precincts are: Roma Street Transit Centre (Brisbane), Central Railway Station (Brisbane), Brunswick Street Railway Station (Fortitude Valley), Queen Street Bus Station (Brisbane), Port Douglas Marina, and the Reef Fleet Terminal (Cairns).

<sup>97</sup> G Miller, Abstract.

<sup>98</sup> G Miller, p 7.

counter-terrorism plans and implementation plans and to test security and response arrangements (through exercises, drills or live tests etc.). Training and awareness sessions at each precinct were conducted. It is recognised, however, that each organisation within each precinct is responsible for its own security and emergency response arrangements.<sup>99</sup> As a result of risk assessments at each precinct, areas for improvement were identified. For example, it was seen that the installation of vehicle barriers could mitigate the threat of attacks by vehicles carrying explosive devices entering the precinct and upgrades of Closed Circuit Television systems could be made to allow for number plate recordings.<sup>100</sup>

Some security measures recently put into place have included things such as ensuring that vehicle access to platforms is restricted; that luggage lockers are not located in open thoroughfares; that rubbish bins are blast designed and easily moved (wheelie bins as opposed to fixed bins); and that monitoring and access control to loading docks occurs.<sup>101</sup> In terms of response to incidents, large exits to minimise crowd crushes, triage facilities and effective communications are among the measures seen as necessary.<sup>102</sup> The next stage of the project will seek to develop ongoing relationships between the precinct committees and government stakeholders and to have a more robust framework for the effective implementation of the new arrangements.<sup>103</sup>

## **6 OTHER SECURITY MEASURES**

The headings below provide just some examples of other transport related security measures adopted by the Commonwealth and Queensland Governments.

### **6.1 NATIONAL CODE OF PRACTICE FOR CLOSED CIRCUIT TELEVISION**

In September 2005, a special meeting of COAG discussed mass passenger surface transport security issues in the wake of the July 2005 London bombings and a number of recommendations were made. One of those relates to the development of a National Code of Practice for Closed Circuit Television (CCTV) systems in

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<sup>99</sup> G Miller, pp 4-5.

<sup>100</sup> G Miller, p 7.

<sup>101</sup> G Miller, p 23.

<sup>102</sup> G Miller, p 23.

<sup>103</sup> G Miller, p 7.

the mass passenger transport sector as a counter-terrorism measure. The Code of Practice, adopted by COAG in July 2006, describes the desirable attributes of CCTV in order to guide future possible investments by states and territories in the technology. Its use is determined by each jurisdiction's transport security risk assessments and legislation.<sup>104</sup> The Code is voluntary and sets out how to use CCTV to support post-terrorist incident responses and investigation, allowing each jurisdiction to determine its own CCTV requirements based on appropriate risk assessment.<sup>105</sup>

As part of its involvement in the National Code of Practice, Queensland currently has approximately 7,000 CCTVs operating on trains, buses, platforms, walkways, carparks and busways,<sup>106</sup> the aim being to provide a safe travelling environment for passengers and members of the public. Queensland is also involved in a three year research project based on CCTV technology to improve the effectiveness of CCTV for counter-terrorism security.<sup>107</sup>

## 6.2 TRANSPORT SECURITY PACKAGE AND PUBLIC AWARENESS

As part of Queensland's response, the State Government has developed a transport security package to keep public transport safe. The package contains a public awareness campaign; security programs for public transport operators and workers; independent risk reviews; and involves consultation with peak bodies and unions to raise awareness. Its initial focus is on the busy south-east corner of the state and this commenced in September 2005.

Public transport security experts in the UK believe that, in terms of the London Underground, '*one of the best technologies we have available ... is the eyes and ears of our staff.*' Passengers also play a role in transport safety and should be prepared to report anything suspicious.<sup>108</sup>

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<sup>104</sup> Commonwealth Government, Department of Infrastructure, Transport, Regional Development and Local Government, 'Surface Transport Security', <http://www.infrastructure.gov.au/transport/security/surface.aspx>.

<sup>105</sup> *Protecting Australia Against Terrorism 2006*, p 58.

<sup>106</sup> Hon Paul Lucas MP, Deputy-Premier and Minister for Infrastructure and Planning, 'Security focus on transport infrastructure', *Queensland Media Statement*, 2 April 2008.

<sup>107</sup> Mr Phil Reeves MP, 'State transport security measures and the future of the Commonwealth and State involvement in urban transport security', p 5.

<sup>108</sup> Jenny Matthews, 'Hi-tech, high transport security?' referring to comments by the London Underground managing director and other executives.

The Queensland public awareness campaign (which comprises advertisements on buses, trains, ferries, at bus stops and interchanges, train stations and ferry terminals and in the media) urges those travelling on public transport to report suspicious items or behaviour to transport staff or by calling the national security hotline (1800 123 400). The advertisements advise that if '*something doesn't look or feel right, report it*'.

The [Transport Security and Safety](#) webpage states that when one calls the national security hotline, the call centre operator will help in getting one to provide as much information as possible. In particular, the person making the call should try to provide detail what it is about a person, place, vehicle or thing that seems suspicious. It is possible to remain anonymous but it is desirable if people can give a phone number so that investigators can contact them for further information. The information is passed on to the QPS and is kept strictly confidential.<sup>109</sup>

In conjunction with the public awareness campaign, a training DVD was provided to surface transport operators to educate staff on the action staff should take if faced with a suspicious package or behaviour.

### **6.3 INFRASTRUCTURE PLANNING AND DESIGN**

In April 2008, Deputy Premier and Minister for Infrastructure and Planning, the Hon Paul Lucas MP, told a Transit Security and Infrastructure Design conference in Brisbane that building better security into transport infrastructure right from the start was becoming increasingly important.<sup>110</sup> The Minister said that initiatives forming part of the Queensland Government's security planning include expanding CCTV coverage through to seemingly small measures such as using see-through rubbish bins in railway stations. In addition, there are 110 Translink Transit Officers and 53 QPS officers helping to improve the safety and security of passengers.<sup>111</sup>

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<sup>109</sup> Queensland Transport, Transport Security and Safety webpage, <http://www.transport.qld.gov.au/Home/Safety/Rail/Security/>.

<sup>110</sup> Hon Paul Lucas MP, 'Security focus on transport infrastructure'.

<sup>111</sup> Hon Paul Lucas MP, 'Security focus on transport infrastructure'.

## 7 OTHER STATES AND TERRITORIES

While Queensland appears to be the first Australian state or territory to have introduced transport-specific counter-terrorism legislation,<sup>112</sup> most jurisdictions have counter-terrorism plans and strategies in place which, among other matters, deal with security of surface transport operations.

For instance, the [New South Wales Counter Terrorism Plan](#) states that the NSW Surface Transport Security Management Framework guides NSW activity in taking responsibility for surface transport security within the state, including risk assessment and protective security planning and advice. The framework outlines the approach to such security, including the engagement of relevant agencies, operators, regulators and peak bodies.<sup>113</sup> A committee has been established, comprising representatives of key transport agencies, transport industry associations, NSW Police, regulators and the Department of Premier and Cabinet to develop a consistent strategic approach to security planning on both public and private transport systems. NSW has a 'precinct based' approach to transport security and has precinct committees set up at all major transport interchanges.<sup>114</sup>

In Victoria, public transport operators undertake continuous reviews and updates of their emergency management procedures to incorporate prevention, response and recovery plans to terrorist attacks. The Plans are being coordinated across various agencies within the Department of Infrastructure and certain other agencies as required.<sup>115</sup> Under Part 6 of the [Terrorism \(Community Protection\) Act 2003](#), certain transport can be 'declared essential service transport'. The operators of such are required by that Act to prepare risk management plans that take into account the threat of terrorism. During 2005, the Victorian Government undertook a Review of Security Risk Management of Victoria's Land Transport Industries to identify any weaknesses and gaps in security, develop risk management

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<sup>112</sup> Hon RJ Mickel MP, Second Reading Speech, p 1235.

<sup>113</sup> *New South Wales Counter Terrorism Plan*, May 2008, p 12, [http://www.secure.nsw.gov.au/Counter-terrorism-arrangements/Role-of-government/633453252592968750\\_NSW\\_CounterTerrorismPlan\\_May08.pdf](http://www.secure.nsw.gov.au/Counter-terrorism-arrangements/Role-of-government/633453252592968750_NSW_CounterTerrorismPlan_May08.pdf).

<sup>114</sup> *New South Wales Counter Terrorism Plan*, May 2008, p 12.

<sup>115</sup> See Victoria Department of Transport, 'Public Transport Industry Emergency/Incident and Counter-terrorism Management Response Plan – Guide', <http://www.transport.vic.gov.au/DOI/Internet/transport.nsf/AllDocs/19E76A1C65276891CA256F5600182F2E?OpenDocument>. The Counter-Terrorism Coordination Unit of Vic Police is also involved in ongoing liaison with the Government Regulator and public transport businesses in preparing plans meeting the requirements of the National Counter-Terrorism Plan.

benchmarks, and inform the making of any further orders under Part 6 of the aforementioned Act.<sup>116</sup> Similarly to other jurisdictions, a public awareness campaign has been conducted to encourage the travelling public to report suspicious items and behaviour to relevant authorities.<sup>117</sup>

The Northern Territory Government has developed a whole-of-government policy committee to deal with transport security issues and to work alongside the national Transport Security Working Group. The [\*Northern Territory Counter-Terrorism Plan\*](#) covers a range of issues, including transport security.<sup>118</sup>

Tasmania has a separate [\*State Transport Security Strategy\*](#), launched in November 2007.<sup>119</sup> It is premised on the fact that transport owners and operators, be they private or government, are those most appropriately placed and informed to accept responsibility for their own risk-assessed security arrangements. The objectives of the Strategy are to improve security arrangements for the state's transport systems in order to reduce the likelihood they will be a terrorist target; to advise and encourage implementation of nationally consistent preventative and protective security measures; and to provide awareness of the issues and response approach framework.<sup>120</sup> An intelligence-based risk assessment and management approach is central to the Strategy and the expectation is that Tasmanian transport owners and operators will assess their own security risks in accordance with Australian and New Zealand Risk Management Standards, prepare any necessary plans to manage the risks, and implement suitable measures to address them. Plans must be reviewed and updated regularly. It is also required that transport staff be appropriately trained.<sup>121</sup>

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<sup>116</sup> Victoria Department of Transport, 'Public Transport Industry Emergency/Incident and Counter-terrorism Management Response Plan – Guide'. Track managers and operators (e.g. Connex) must have established transport security plans and counter-terrorism response plans in place.

<sup>117</sup> Victorian Government, 'If you see something, say something', Fact Sheet.

<sup>118</sup> *Northern Territory Counter-Terrorism Plan*, October 2006, p 17, [http://www.nt.gov.au/pfes/police/images/nt\\_ct\\_plan.pdf](http://www.nt.gov.au/pfes/police/images/nt_ct_plan.pdf).

<sup>119</sup> *State Transport Security Strategy*, November 2007, [http://www.statesecurity.tas.gov.au/docs/Tas\\_Transport\\_Security\\_Strategy\\_07-11-12.doc](http://www.statesecurity.tas.gov.au/docs/Tas_Transport_Security_Strategy_07-11-12.doc).

<sup>120</sup> *State Transport Security Strategy*, November 2007, p 4.

<sup>121</sup> *State Transport Security Strategy*, November 2007, pp 11-12.





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