



Speech by

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TRANSPORT SECURITY (COUNTER-TERRORISM) BILL

Miss SIMPSON (Maroochydore—LNP) (8.54 pm): I rise to speak on the Transport Security (Counter-Terrorism) Bill 2008. We hope that Queensland never faces a terrorist attack in the future. However, it is the responsibility of the government to ensure that the right resources and legislative tools are in place to best protect public safety. The state opposition will be supporting this legislation, which has the primary purpose of improving the preparedness of high-risk surface transport operators in the event of a terrorist attack.

First and foremost, we want to see the prevention of potential attacks. However, there is also the need for good planning to encompass how to mitigate the impact of a possible event. Thus, this bill is designed to increase preparedness of surface transport operations against acts of terrorism by ensuring that the risks to the operations have been considered and catered for. It proposes to achieve this through a new legislative framework which mandates a process of risk assessment and operational training. This is quite involved, and I will come to some of these processes in a moment.

However, I would first like to acknowledge that this legislation is meeting the state's responsibilities as a signatory to the Intergovernmental Agreement on Surface Transport Security. This agreement says that states and territories are responsible for identifying security identified surface transport operations—SISTOs—including bus, train, ferry and freight operations and associated infrastructure that face an elevated risk of terrorism. It is complementary to the powers accorded to law enforcement agencies under the Police Powers and Responsibilities Act 2000 and the Public Safety Preservation Act 1986 but does not supersede them.

The Commonwealth government has already implemented similar risk based approaches to security for the aviation and maritime industries under the Maritime Transport and Offshore Facilities Security Act 2003 and the Aviation Transport Security Act 2004. These acts require transport operators to generate plans to address and mitigate security risks.

The Queensland Counter-Terrorism Strategy outlines how this state's approach integrates with the Commonwealth plan. Under the Queensland strategy is a document entitled *The Queensland Plan for the Protection of Surface Transport Operations from Terrorism* which specifically addresses this issue of mass transit and mass freight surface systems. This legislation helps enable this plan for systems which may face an 'elevated risk' of terrorism and which need to be prepared.

As I mentioned, this legislation is actually quite involved but it is recognised that the specific operators who are intended to be captured by this regulatory framework will be identified by the CEO of Transport as being high risk and thus working in an area with the potential for great public harm in the event of an attack. There are a number of steps in the process. Firstly, the CEO must provide for the assessment of risk to surface transport operations from terrorism, then he or she will issue a declaration of a security identified surface transport operation. This will require the security identified surface transport operations—or SISTOs—to undertake a risk assessment and in turn address their risk through the preparation of a risk management plan.

This plan must be subject to audits and reviews to ensure it is complied with and updated. In addition, there will be an annual exercise to test the operation of the risk management plan. SISTOs who comply with this are presented with an annual certificate. Strong penalties apply for offences under the legislation, which include 60 penalty points for refusing to ensure compliance. For individuals, this is equivalent to about \$4,500 but for corporations, which it would usually involve, that amount is larger.

A regime of inspection will be implemented to monitor compliance, including powers of entry. I want to mention some of the things which inspectors will be able to demand, as it gives a greater indication of the fairly prescriptive nature of this legislation. As I said, it is quite an involved process that the CEO must provide for in these plans. Clause 45 of the legislation provides an authorised officer with the power to require information or to produce documents under specified circumstances from a person in investigating an offence against this bill unless the person has a reasonable excuse.

I will outline some of the documents that may be employed to monitor compliance. They are a SISO risk management plan; a SISO risk management implementation plan; a SISO audit register; a SISO risk management plan audit report; a SISO risk management plan review register; SISO exercise records; a SISO emergency contact information register; a SISO training register; a SISO security and emergency equipment test register; security procedures listed in manuals, position descriptions, quick reference guides and pocket cards; security awareness information contained within organisational magazines, newsletters, brochures, notices; security coordination meetings including agendas, team meeting minutes, lists of representatives; closed-circuit television maintenance and monitoring records; purchase orders, invoices, payment advice records relating to hiring security consultants, security guards, security monitoring, security and emergency equipment; vehicle and person entry records including visitors registers and contractors registers; electronic access control system records; alarm system records; security patrol rosters; and security design documents with information relating to environmental design, building and surrounds maintenance.

I wanted to read that list because it is important to understand that we appreciate the intention of this legislation, but in the implementation there is quite a deal of prescription. In that process of seeing the implementation, I would appreciate the minister's advice as to how his department will be engaging with stakeholders so that effective plans are put in place. With that level of prescription, at the end of the day we want to see operational plans which are focused on the issues and a compliance regime which does not become unduly complicated. But I appreciate that, if you are talking about mass public transit systems and mass freight systems, the focus has to be on the risk management process. I hope the way the government implements that will ensure the focus continues to be on a risk management process which is taken into account first and foremost.

The definition in this bill of a surface transport operation is an activity transporting passengers in a vehicle designed to carry 10 or more passengers and an activity transporting goods in a vehicle with a payload in excess of 20 tonnes. The bill does have potential breaches of fundamental legislative principles. However, in this case the breaches have been considered essential in the public interest—a matter which has been noted by the minister in the processing of this legislation. As I said, this is quite complicated legislation. I think it is important to understand what the processes will be with the department as it takes this forward in the implementation.

It is stated in the explanatory notes that there will be costs. They are not specifically outlined here, and I would appreciate the minister's advice as to what estimates there have been of compliance costs. Certainly there will be administrative costs for Queensland Transport and there will certainly be administrative costs for the organisations that have to take these particular measures and implement them. I would appreciate the minister's advice as to what the assessment has been to those businesses in the implementation and the assessment of the whole-of-government approach.

With that in mind, we appreciate that the reasons for the bill are to strengthen the preparedness and the resilience of Queensland authorities and major organisations involved in surface transport operations against terrorism and to mitigate the impacts consequently upon that. We will be supporting the legislation, but I welcome the minister's advice in regard to those specific areas and his advice as to how the implementation will roll out from here.