National Counter-Terrorism PLAN

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Chapter 1

Preface

Preface

1. The National Counter-Terrorism Plan (NCTP) outlines responsibilities, authorities and the mechanisms to prevent, or if they occur, manage acts of terrorism and their consequences within Australia. The NCTP will be updated as required and reviewed by the National Counter-Terrorism Committee (NCTC) at least every three years, as part of the review of counter-terrorism arrangements. A National Counter-Terrorism Handbook (the Handbook), which sets out in detail relevant procedures and protocols, supports the NCTP. The Handbook will be amended as required, with the authority of the NCTC.

2. The NCTP relies on strong cooperative, coordinated and consultative relationships among the Australian Government and State and Territory governments, departments and agencies. These departments and agencies will also maintain effective relationships with owners and operators of critical infrastructure to enable industry to adopt appropriate preventive measures to mitigate against the threat of terrorism. The Australian Government and State and Territory governments, departments and agencies acting to prevent, respond to, investigate or manage the consequences of terrorism in Australia will base their plans on the NCTP. Acts of terrorism occurring within Australia will be met by these bodies acting in cooperation, with defined responsibilities and authority.

3. Public confidence in the ability of all Australian governments to deal with the threat of terrorism is vital. The national counter-terrorism arrangements provide wide ranging and extensive communication and media strategies to ensure effective and timely provision of accurate information to the public.

4. The Department of Foreign Affairs and Trade (DFAT) coordinates the arrangements to deal with terrorist incidents involving Australians or Australian interests overseas. The NCTP does not cover these arrangements, although elements of the NCTP may be activated to assist the response to overseas incidents.

Chapter 2

Legal and administrative framework

Legal and administrative framework

5. A 'terrorist act' is defined under Australian law as an act or threat, intended to advance a political, ideological or religious cause by coercing or intimidating an Australian or foreign government or the public, by causing serious harm to people or property, creating a serious risk to the health and safety to the public, or seriously disrupting trade, critical infrastructure or electronic systems. *(Criminal Code Act 1995 [Cwlth])*

   A 'terrorist incident' is a combination of circumstances or conditions which may lead to or result from a terrorist act, and which require preventative and/or responsive action.

6. Terrorist activity can be prosecuted under a range of Australian Government, State and Territory legislation. Jurisdictional differences in the laws of criminal procedure may affect prosecutions and will be considered at the outset of an investigation. If deaths are involved in an incident, legislation within the different jurisdictions covering coronial inquiries will also need to be taken into account. Jurisdictions will cooperate to ensure that terrorist activity does not escape prosecution. The NCTC will maintain a compendium of relevant legislation to assist the development of complementary legislation across all jurisdictions.

7. The nature of terrorism means that its implications may cross jurisdictional boundaries. This, and the range of preventive measures and capabilities that may be required, necessitates that Australia maintain a national, cooperative approach to counter terrorism. Coordination and consultation between jurisdictions is formalised by the Inter-governmental Agreement on Australia's National Counter-Terrorism Arrangements of 24 October 2002 and is managed through the mechanisms outlined in this chapter.

Relevant responsibilities

8. The Australian Government:

   - maintains counter-terrorism capabilities within the agencies listed in Annex A;
   - maintains national counter-terrorism and related policies, legislation and plans;
   - determines Australian Government prevention strategies and Australian Government operational responses to threats;
   - supports the States and Territories in responding to terrorism within their jurisdictions;
   - leads the management of intelligence;
   - determines and promulgates the national counter-terrorism alert level;
   - where appropriate, in the event of terrorist incident or threat, declares a National Terrorist Situation, with the agreement of the affected States or Territories; and
   - in a National Terrorist Situation, determines policy and broad strategies in close consultation with affected States or Territories.

9. The State and Territory governments:

   - maintain counter-terrorism and related policies, legislation and plans within their jurisdictions;
   - maintain counter-terrorism and consequence management capabilities in the agencies listed in Annex A;
   - have primary operational responsibility to respond to terrorist incidents within their jurisdiction;
   - determine prevention strategies and operational responses to threats;

- may seek assistance from, or provide assistance to, other jurisdictions;
- in the event of a terrorist incident or threat, actively consider the requirement for the declaration of a National Terrorist Situation; and
- in a National Terrorist Situation, contribute to the national strategy.

10. Within this inter-governmental framework, the following bodies have significant responsibilities for strategic-level coordination of counter-terrorism policy and related security response.

Australian Government coordination

National Security Committee of Cabinet (NSC), chaired by the Prime Minister, determines policy, strategy and resources relevant to Australian national security interests and responsibilities, including in the event of a National Terrorist Situation.

Secretaries Committee on National Security (SCNS), chaired by the Secretary of the Department of the Prime Minister and Cabinet (PM&C), advises the NSC.

National Crisis Committee (NCC), chaired by a senior official from PM&C, would be convened in a terrorist incident to coordinate information exchange within the Australian Government and with the States and Territories, and to support the SCNS and the NSC.

Australian Government Counter-Terrorism Policy Committee (AGCTPC), chaired by a senior official from PM&C, ensures that the development of Australian Government counter-terrorism policy is timely and coordinated from a whole-of-government perspective.

Australian Government Counter-Terrorism Committee (AGCTC), chaired by the Protective Security Coordination Centre (PSCC), shares relevant information among member agencies and reviews the level of national counter-terrorism alert.

State and Territory coordination

State or Territory ministerial level coordination determines State or Territory security and consequence management policy and broad strategy.

State or Territory security coordination body comprises relevant senior officials and supports relevant ministers and determines State or Territory whole-of-government responses to terrorism.

State or Territory Crisis Centre (S/TCC) is established by a State or Territory when an incident occurs or a significant threat is manifest to centralise information, support ministerial and state government policy making and coordinate inter-jurisdictional assistance. The S/TCC will also coordinate public information arrangements with other States/Territories and the Australian Government.

Inter-jurisdictional coordination arrangements

Council of Australian Governments (COAG), chaired by the Prime Minister and comprising the Premiers and Chief Ministers from each State and Territory and the President of the Australian Local Government Association, is Australia's peak inter-governmental forum. COAG's role is to increase cooperation among governments in the national interest, including in relation to counter-terrorism.

National Counter-Terrorism Committee (NCTC) is co-chaired by a senior Australian Government and a State or Territory official and comprises senior representation from relevant Australian Government agencies, First Ministers' departments and police services from each jurisdiction. It was established by the Inter-

governmental Agreement on Australia's National Counter-Terrorism Arrangements to:

- provide strategic and policy advice to heads of government and relevant ministers;
- coordinate an effective nation-wide counter-terrorism capability;
- maintain effective arrangements for sharing appropriate intelligence and information between all relevant agencies in all jurisdictions;
- provide advice in relation to the administration of NCTC funds; and
- maintain the NCTP and associated documentation.

Protective Security Coordination Centre (PSCC) is a division of the Australian Government Attorney-General's Department (AGD), which coordinates protective security and counter-terrorism arrangements between Australian Government, State and Territory agencies. As a member of the NCC, the PSCC channels communications between the Australian Government and States and Territories, including during a terrorist incident. During a terrorist incident the PSCC will provide authoritative reports to jurisdictions in the form of situation reports.

Inter-jurisdictional police coordination occurs through consultation between the relevant Commissioners of Police, including the Commissioner of the Australian Federal Police (AFP), to determine the national police response to terrorism, including any resulting investigation.

Inter-jurisdictional emergency management coordination occurs through consultation between the relevant agencies, including representatives from the Australian Emergency Management Committee (AEMC) and the Director-General of Emergency Management Australia (EMA), to determine the national recovery and consequence management arrangements.

Inter-jurisdictional health response coordination occurs through the Australian Health Disaster Management Policy Committee which comprises the Australian Chief Medical Officer and all State and Territory chief health/medical officers as well as high-level membership from EMA and the Australian Defence Force (ADF).

Inter-jurisdictional transport security coordination is managed by the Transport Security Working Group (TSWG) of the Standing Committee on Transport. The TSWG is the main forum for Australian Government and State and Territory governments to progress transport security work, principally to improve the preventive security of Australia's transport system.

Security intelligence relating to terrorism is coordinated by the Australian Security Intelligence Organisation (ASIO). In the event of terrorist incident, ASIO would establish the National Intelligence Group (NIG) to coordinate security intelligence relevant to the incident.

Information security

11. A secure national communications network facilitates the flow of classified information between agencies to assist prevention, crisis management, response and recovery. Use of the network is subject to memoranda of understanding between the Australian Government and the States and Territories.

12. Australian Government and State and Territory agencies are responsible for ensuring that the appropriate standards for the transmission, storage and handling of security classified material, outlined in the Australian Government *Protective Security Manual* (PSM), are maintained at all times – in particular that the security clearances of staff are maintained at an appropriate level.

Chapter 3

Prevention and preparedness

Prevention and preparedness

13. Australia relies upon a strong intelligence-led prevention and preparedness regime to support its counter-terrorism strategy. This strategy encompasses targeted prevention and preparedness measures based on risk management principles and the maintenance of a range of capabilities to manage various types of terrorist incidents and their consequences.

Intelligence and investigation

14. Intelligence and criminal investigations are ongoing and carried out in order to prevent, respond to and investigate terrorist threats and attacks in Australia.

15. ASIO conducts intelligence investigations into terrorist threats to Australia. In doing so it collects, analyses and distributes information on threats to national security to relevant Australian Government agencies and State and Territory police. This advice helps these agencies manage the threat in order to prevent terrorism, including through criminal prosecution.

16. Police maintain investigative capabilities to generate intelligence relevant to preventive activity and collect evidence that may allow prosecutions for terrorism and related criminal offences. Police will, where appropriate, adopt a multi-jurisdictional approach (that may take the form of joint task forces) to the criminal investigation of terrorism.

17. Law enforcement agencies and ASIO share relevant information throughout the intelligence cycle. ASIO provides the primary interface between other Australian Government intelligence agencies and the States and Territories.

18. ASIO, other Australian Government intelligence agencies and the AFP maintain overseas liaison channels to gather intelligence and to pursue investigations. ASIO also maintains a 24-hour monitoring and alert unit. Relevant Australian Government agencies provide the interface with overseas security, intelligence and police agencies, as part of international counter-terrorism efforts.

Threat assessment

19. ASIO's National Threat Assessment Centre (NTAC) issues Threat Assessments in relation to specific people, places, events, sectors and interests. Threat Assessments are part of the material on which jurisdictions and agencies make risk management decisions to determine how best to respond to the threat and, where appropriate, to implement protective measures to lower risk to an acceptable level.

National counter-terrorism alert levels

20. The four national counter-terrorism levels of alert are:

- **low**
  terrorist attack is not expected
- **medium**
  terrorist attack could occur
- **high**
  terrorist attack is likely
- **extreme**
  terrorist attack is imminent or has occurred

21. The national counter-terrorism alert level guides national preparation and planning and dictates levels of precaution and vigilance to minimise the risk of a terrorist

incident occurring. It is also the basis of public discussion of the risk of the terrorist threat to Australia.

22. The AGCTC regularly reviews the level of national counter-terrorism alert, based on ASIO assessments of the threat environment. Any recommendation to change the national counter-terrorism alert level requires the agreement of relevant Australian Government ministers including, wherever practicable the NSC.

23. At any particular time, the national counter-terrorism alert level may be higher or lower than ASIO threat assessment levels in relation to specific people, places, industry sectors, major events or foreign interests in Australia. Accordingly, the security measures that are implemented at a particular level of alert may vary across jurisdictions or sectors.

Jurisdictional responses

24. Jurisdictions use relevant intelligence information, the national counter-terrorism alert level and risk assessment to determine the appropriate security responses for specific sectors, events or individuals within their jurisdictions.

25. Organisers of major events will be encouraged to consider terrorism as part of their initial risk assessment process and to discuss security arrangements with government authorities early in the event planning process. Government support may be provided on the basis of assessed threat. This will be coordinated, in the first instance, by the relevant police (and the PSCC or a task force, if Australian Government action is required).

Public awareness

26. In some circumstances issuing a public alert is an appropriate strategy. Relevant State or Territory authorities may issue public alerts specific to their responsibilities. A national public alert may be issued at the discretion of the Prime Minister, Australian Government Attorney-General or other senior Australian Government minister, wherever possible in consultation with the States and Territories. Such an alert will be issued after notification to the States and Territories, whenever possible, so that States and Territories are able to respond effectively to the alert and manage any community concerns. Any public alerts will draw upon agreed strategies to inform the public of appropriate responses and handle public information and inquiries.

27. Similarly, information on any precautionary activities likely to come to public attention will be shared between NCTC members and relevant agencies prior to deployment to ensure that public and media inquiries are met with clear and consistent information.

28. The Prime Minister or the Attorney-General will be the primary source of media comment from the Australian Government. Premiers and Chief Ministers or their designated spokespersons will perform this role for the States and Territories. Coordination and consultation is conducted through the AGD Public Affairs Unit and relevant agencies in each State and Territory.

Information management

29. Information management is a key function in the successful conduct of all phases from investigations from prevention and response to prevention and recovery management. Australia's counter-terrorism strategy is predicated on two broad, but interrelated, information flows between the Australian

Government and State and Territory governments and, in some cases, non-government bodies for all phases of the NCTP.

Border control

30. The Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) assists counter-terrorism efforts by ensuring that all non-citizens seeking visas, passage and entry to Australia are checked against the Movement Alert List (MAL) of known individuals or profiles of security concern. DIMIA manages the MAL and associated systems, and accesses MAL on behalf of ASIO and law enforcement agencies, to check terrorist profiles and assist counter-terrorism investigations.

31. The Australian Customs Service (Customs) (including through Coastwatch surveillance) monitors the entry and exit of vessels, aircraft, goods and people including in support of counter-terrorism activities. Customs performs the primary immigration function at air and sea ports and maintains an alert list of persons of security or law enforcement interest. DIMIA and Customs will respond to any increase in the national counter-terrorism alert level through additional vigilance and any measures relevant to the threat information.

32. The Australian Quarantine and Inspection Service (AQIS) works closely with other border agencies, industry stakeholders and the public in identifying and intercepting quarantine material at the Australian border. The Australian Chief Medical Officer in the Department of Health and Ageing (DOHA) is responsible for human quarantine policy.

Transport security

33. The Office of Transport Security (OTS) within the Department of Transport and Regional Services (DOTARS) is the security regulator of aviation and maritime security (and related freight). States and Territories regulate the security of surface transport and dangerous goods.

Aviation

34. The *Aviation Transport Security Act 2004 (Cwlth)* (ATSA) establishes a regulatory framework to safeguard against acts of unlawful interference with aviation, in respect of Australian registered aircraft in Australian airspace and airports.

35. Security at Australian airports is the responsibility of the airport operator. For those airports which the Secretary of DOTARS has declared to be security controlled airports under the ATSA the operator is required to prepare a Transport Security Program (TSP) and must comply with their approved TSP and the Aviation Transport Security Act and Regulations. ATSA makes provision for Aviation Security Inspectors to issue specific directions to aircraft which are not in flight to ensure their compliance with the legislation. It also provides for action by the Secretary of DOTARS or his delegate to take specific measures to address special circumstances or aviation security incidents. DOTARS and relevant police services have the authority to order the closure of airport terminals and airport operations and to detain aircraft on the ground during an incident.

36. At selected airports the Australian Federal Police (AFP) Counter-Terrorism First Response (CTFR) team will provide initial response to an incident, pending State or Territory police attendance. The AFP also operates the Air Security Officer program, which places officers on selected flights to counter terrorist threats. Relevant airport operators maintain Airport Security Incident

Support Teams to provide logistical assistance to Police Commanders in the event of an incident.

37. The AFP Regional Rapid Deployment Teams (RRDT) are based at selected major metropolitan airports to undertake threat based and pre-planned deployments to regional airports consistent with jurisdictional arrangements. The RRDTs work closely with the aviation industry and local police.

Maritime

38. The Australian Government regulates the security arrangements of Australian ports, port facilities, ships, and offshore oil and gas facilities through the *Maritime Transport and Offshore Facilities Security Act 2003 (Cwlth)*, administered by DOTARS. Under this regulatory framework, States and the Northern Territory are responsible for counter-terrorism incident response and security arrangements within port limits.

39. The Australian Government has direct responsibility for offshore maritime counter-terrorism prevention and response (that is seaward of the territorial sea baseline), including the protection of oil and gas facilities and the interdiction of ships. Responsibility for counter-terrorism prevention and response in relation to areas or facilities of national security significance that lie within the internal waters of a State or the Northern Territory, with the exception of ports, may be subject to formal agreements between the Australian Government and the relevant jurisdiction, with a view to the Australian Government assuming responsibility for counter-terrorism prevention and response in relation to these areas or facilities.

40. The Joint Offshore Protection Command (JOPC) is the lead agency with respect to offshore maritime security. The Commander JOPC has joint command responsibilities, being accountable to the Chief Executive Officer of Customs for its civil surveillance and regulatory functions and the Chief of the Defence Force (CDF) for its military offshore maritime protection functions.

Surface transport

41. Surface transport security cooperation, particularly in prevention and preparedness, is guided by an Inter-governmental Agreement on Surface Transport Security. As the Australian Government does not have primary carriage of surface transport security issues, the agreement stipulates that States and Territories are to determine security identified surface transport operations. This action includes security risk assessment and security planning that incorporates measures that correspond to the four national counter-terrorism alert levels.

Dignitary and foreign mission protection

42. The PSCC coordinates the protection of Australian high office holders, foreign diplomatic and consular staff and premises, internationally protected persons and other international dignitaries. The PSCC, in consultation with relevant agencies, determines a risk management strategy based on the Threat Assessment, the capabilities of protection providers and the interests of affected parties.

43. The AFP and State and Territory police services share responsibility for the security of Australian high office holders, diplomatic and consular officials, visiting dignitaries, internationally protected persons and other individuals assessed to be at risk. The AFP provides close personal protection teams to the Prime Minister,

Governor-General, diplomats and other individuals as required, supported by State and Territory resources. State and Territory police also have responsibility for protecting resident members of the consular corps and those foreign dignitaries and resident members of the consular corps assessed as being at threat, assisted as required by AFP Security Liaison Officers.

44. The AFP also provides protective security services to Australian Government facilities on a user-pays basis and to relevant foreign interests in Australia.

Critical infrastructure protection

45. The protection of critical infrastructure is a shared responsibility of business and the Australian Government, State and Territory governments. The NCTC has primary responsibility for the oversight of the protection of critical infrastructure from terrorism. The NCTC has produced the *National Guidelines for Protecting Critical Infrastructure from Terrorism* to provide a framework for national consistency in the provision of advice on protection of critical infrastructure from terrorism for Australian governments.

46. State and Territory governments identify critical infrastructure within their jurisdiction, recognising the interdependence between some aspects of infrastructure. State and Territory governments are responsible for establishing arrangements to ensure or encourage the implementation of appropriate protective security. These processes will complement risk management strategies, business continuity plans and emergency response plans that operators of infrastructure should maintain in accordance with good governance.

47. The Australian Government is responsible for identifying critical infrastructure of national importance and maintaining a database on nationally significant critical infrastructure. In addition, the Australian Government ensures the protection of its own assets and that protective arrangements are in place for Australian Government regulated sectors of industry. The Australian Government, State and Territory governments coordinate their arrangements, including those for passing relevant threat information to appropriate sectors and infrastructure operators. State and Territory police are responsible for processing that information and disseminating the intelligence. The information is shared laterally with other State and Territory jurisdictions and is provided to relevant Australian Government agencies.

48. Critical infrastructure protection is implemented through a range of inter-governmental and business-government consultative mechanisms. The Trusted Information Sharing Network (TISN) has been established by the Australian Government, and is a network of groups where owners and operators of critical infrastructure are able to share information on security and other related topics.

49. Arrangements to protect Australia's information infrastructure from attack are coordinated by the Attorney-General's Department of the Australian Government.

Regulation of hazardous material

50. States, Territories and the Australian Government will maintain strong and consistent regimes to secure hazardous materials and prevent their exploitation by terrorists.

51. All Australian governments have agreed on a national approach to ban access to

ammonium nitrate for other than specifically authorised users and the legislative arrangements for the licensing regime.

Preparing for consequence management

52. States, Territories and the Australian Government will maintain capabilities to respond to terrorist incidents. These are based, as far as possible, on the all-hazard emergency management principle (that is, the capabilities are established for response to all emergencies regardless of cause, recognising that a terrorist incident is but one of a number of possible emergencies).

53. The PSCC will coordinate the national exercise program that tests, maintains and strengthens counter-terrorism and consequence management capabilities, command and control and interoperability. Jurisdictions will conduct additional exercises and training as required. Recommendations arising from the conduct of national and jurisdictional exercises and training programs will be considered by the NCTC.

54. The NCTC will ensure that equipment purchased provides for fully interoperable specialist capabilities between the States and Territories, the AFP and, where appropriate, the ADF. Where practicable, interoperability should also be considered in the jurisdictions' own equipment purchases.

55. Where civilian authorities determine that their resources and capabilities are insufficient to manage the threat or incident and the use of force is envisaged, the Governor-General can authorise the use of ADF resources under the provisions of Defence Force Aid to Civilian Authorities (DFACA) (Part IIIAAA of the *Defence Act 1903* or section 61 of the Australian Constitution). Where force is not required, the ADF can assist under the provisions of Defence Assistance to the Civil Community (DACC).

Chemical, biological, radiological and nuclear response

56. The States and Territories have responsibility for the development, implementation and maintenance of disaster/emergency management plans that include capabilities to prevent and manage consequences of chemical, biological and radiological (CBR) incidents and conduct subsequent investigations. These plans should be integrated with State and Territory counter-terrorism arrangements.

57. EMA maintains a Crisis Advisory Panel of Experts list. Information will be shared with senior State and Territory emergency management personnel, and accessible through the PSCC. These experts can provide CBR and nuclear analysis and advice.

58. DOHA will maintain a stockpile of antidotes, antibiotics, vaccines and treatments to be mobilised to aid in the management of a chemical or biological incident. In the event of a terrorist incident or other emergency, the Australian Government, in close collaboration with State and Territory Chief Health Officers, may direct the distribution of elements of the stockpile.

59. The ADF maintains the Incident Response Regiment (IRR), which may be deployed to assess and respond to CBR and nuclear incidents.

60. The Australian Safeguards and Non-proliferation Office (ASNO) regulates nuclear materials, technology and facilities

and specified chemical materials to meet international non-proliferation and security obligations. The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) regulates the safety and security of Australia's nuclear facilities and, with State and Territory control bodies, radioactive sources. ARPANSA would also provide specialist advice and support in the event of an incident.

Explosive devices

61. Police will maintain a capability to detect, assess and render safe improvised explosive devices (IED) and to conduct post-blast examinations. The Australian Bomb Data Centre (ABDC), an element of the AFP, provides technical intelligence and advice in relation to devices and components. The AFP also maintains an IED appraisal capability deployed with CTFR teams. This capability does not include render safe.

62. The ADF will maintain IED and military ordnance disposal capability.

Technical support

63. Each police service maintains a technical support capability. ASIO maintains a dedicated national capability in its Technical Support Unit (TSU) which may be deployed at the request of the State or Territory police services and with the agreement of the Director General of Security, for use under the command of either the relevant police service or the ADF.

Siege management

64. Australia's policy is, wherever possible and appropriate, to resolve terrorist incidents through negotiation to minimise the risk to life. Australia will not make concessions in response to terrorist demands. However, in siege/hostage situations, minor concessions may be made to further the comfort and health of hostages.

Negotiators: Police will maintain a cadre of trained negotiators.

Use of force: Police will maintain a containment and deliberate/emergency action capability. The ADF also maintains such a capability that may be called upon under the provisions of DFACA.

Postal security

65. Each State and Territory maintains a Mail Bomb Response Committee to provide specialist advice and services in the event of a mail bombing. These groups draw together Australia Post, the ABDC, relevant police services, ASIO and other agencies as required.

Consequence management

66. State and Territory emergency services and other agencies, supported by EMA, develop, implement and maintain plans to deal with the consequences of a range of disasters, including CBR hazards, mass casualty incidents, and those that require evacuation or urban search and rescue techniques.

67. State and Territory police pass relevant information to other emergency services in their State or Territory to assist appropriate preparation (including training and equipment purchases) for managing the consequences of terrorist incidents. ASIO will provide EMA with relevant intelligence.

68. Where appropriate, plans for management of, and recovery from, disasters will be implemented in conjunction with the NCTP and Handbook.

Chapter 4

Response

Response

69. The ramifications of any terrorist incident will necessitate high level decision-making within the Australian Government, States and Territories, taking into account public anxiety and any international dimension of the incident. The scale or complexity of the incident may also dictate special cooperative responses. Throughout the response, minimising loss of life, preventing further incidents and recovery are primary goals.

70. State and Territory governments and their agencies are responsible for the operational response to a terrorist incident in their jurisdiction. This response is in cooperation with Australian Government agencies as appropriate. Operational responses to terrorist incidents will largely replicate responses to other criminal acts or disasters.

71. The circumstances of a terrorist incident will determine whether or not it is declared a National Terrorist Situation.

Operational arrangements

72. Police and other emergency services will respond first to an incident, which may subsequently be identified as the result of a terrorist act. As soon as there is a reasonable suspicion that the incident is terrorism related, police will assume control and notify the PSCC. At locations where the AFP maintains or has in place a CTFR capability, the first response will be provided by attending Protective Service Officers until incident control can be passed to attending Police.

73. A Police Forward Command Post, under the control of a Police Forward Commander, may be established where an incident site has been identified. Other responding services will work closely with the Police Forward Commander.

74. The Police Forward Commander in conjunction with emergency services, will seek to minimise loss of life and further risk to the community, and will manage the on-site investigation. To this end, the Police Forward Commander will, in accordance with local procedures, exercise control over, and share information with, other responding services and agencies.

75. The Police Forward Commander reports to the Police Commander who will establish a Police Operations Centre (POC). The POC will draw upon liaison staff and other specialist support as necessary to manage the overall incident and investigation.

76. Other consequence managers must take police operational requirements into account when protecting public health and safety, restoring essential services and providing emergency relief to individuals.

77. A Joint Intelligence Group will be established by the responsible State/Territory in support of the POC to provide all possible intelligence support to operational commanders and will include at least ADF, AFP and ASIO liaison officers.

78. The Australian Government may also provide other operational support from agencies such as ASIO, AFP, ADF (under DFACA or DACC arrangements), DIMIA, DOTARS, ARPANSA and Customs.

Coordination arrangements

State and Territory coordination

79. Each State and Territory government will determine its response to a terrorist incident based on an assessment of the

risk to that jurisdiction. This may include activating a S/TCC. The S/TCC will provide the communications link between the police command, the State/Territory strategic decision-makers and the Australian Government (through the NCC/PSCC Watch Office). States and Territories may also activate their emergency coordination arrangements.

80. Affected jurisdictions may seek any assistance that may be required from the Australian Government, State and Territory agencies.

Australian Government coordination

81. After the PSCC is notified of a terrorist incident, it will advise other Australian Government, State and Territory agencies and activate Australian Government crisis coordination arrangements, which may include convening the NCC.

82. The NCC will support the NSC and the SCNS. It will liaise directly with S/TCC(s). Following consultation, the States and Territories may, if appropriate, send representatives to the NCC.

83. The National Intelligence Group (NIG), established by ASIO and involving all relevant agencies, coordinates and disseminates intelligence relevant to the incident.

84. In the first instance consequence management needs and resources will be coordinated between EMA and State and Territory authorities according to existing plans, threats and requirements. EMA will coordinate Australian Government assistance when State and Territory resources are insufficient or inappropriate to manage the emergency. If the resources required exceed those available through this mechanism, inter-governmental negotiation will be required.

National Terrorist Situation

85. A terrorist incident or threat may be declared a National Terrorist Situation. The Australian Government will consult and seek agreement from the affected States and Territories before any National Terrorist Situation is declared and States and Territories agree not to withhold unreasonably such agreement. The decision, with reasons, responsibilities and parameters will be recorded and all States and Territories notified.

86. Factors that may lead to the declaration of a national terrorist situation include the:

- scale and nature of the incident, including the use of CBR and nuclear materials;
- involvement of multiple jurisdictions;
- involvement of Australian Government interests;
- significance of the threat;
- impact of a threat involving civil aviation or maritime operations;
- involvement of critical infrastructure; and
- involvement of foreign or international interests.

87. If a National Terrorist Situation is declared, overall responsibility for policy and broad strategy in relation to that situation transfers to the Australian Government, in close consultation with affected States or Territories. This may involve determining overall policy objectives, setting priorities between policy objectives where resources are inadequate, pre-positioning resources, international liaison, and determining public communication messages. The Australian Government's role does not include operational management and deployment of

emergency services. This is the responsibility of the States and Territories.

88. The Police Commissioners, including the Commissioner of the AFP, will determine the command and resourcing of the national police response.

89. In other respects the management arrangements in a National Terrorist Situation will replicate those in other terrorist incidents. (see diagrams on pages 5:4 and 5:5.)

Media liaison

90. All national security agencies have an ongoing role in ensuring that information and media liaison activities work to:

- improve the understanding of the public of Australia's national security organisations and systems;
- generate confidence in Australia's ability to respond to any terrorist threat or activity; and
- create public trust that governments and national security agencies are open and accountable, and will release all information possible within the confines of operational and security considerations.

91. The police are responsible for liaising with the media according to their standing arrangements, in consultation with the affected agencies or organisations. Once an S/TCC is operating, media comment will be coordinated between the police, the S/TCC and the Australian Government.

Criminal investigation

92. All Australian Police agencies have a critical role to play in detecting, preventing and investigating terrorist conduct, including as first responders in the event of a terrorist incident. Terrorism is an offence under national, State and Territory criminal codes and as such Federal and State and Territory police agencies have mutually agreed to cooperate and coordinate in all cases where jurisdictional considerations overlap. This is already reflected in the establishment of Joint Counter-Terrorism Teams (JCTT) which now exist in all States and Territories.

93. The investigation of a terrorist incident is the primary responsibility of the police service in whose jurisdiction the incident has occurred. However, criminal investigations relevant to a terrorist incident will, where appropriate, be conducted in line with the *Memorandum of Understanding for the Conduct of a Multi-jurisdictional Major Crime Investigation, including a Terrorism Investigation*, in Australia and New Zealand.

94. In the event of loss of life, the police investigation will form the basis of a coronial inquest. The Senior Investigating Officer must ensure that all relevant information and evidence acquired in the course of the investigation is managed in accordance with agreed investigative arrangements. Other agencies involved in the incident will also need to maintain detailed records of events, decisions, plans and arrangements and provide these to police for purposes of resulting investigations. In addition, any personnel may be required as witnesses. Jurisdictions or agencies may make appropriate applications to suppress the publication of evidence from, or identities of, operational officers.

Chapter 5

Recovery

Recovery

95. Recovery is the coordinated process of supporting disaster-affected communities in the reconstruction of the physical infrastructure and restoration of emotional, social, economic and physical well-being. This involves a broad spectrum of functional services including public and environmental health, hospitals and health services, social and financial services and a range of engineering or public works services. This work will commence as quickly as practicable and will focus on restoring essential services and public confidence.

96. Any recovery program will be based on a comprehensive needs assessment. The five key aspects of recovery that need to be considered are:

- community recovery;
- psycho-social and health recovery;
- infrastructure recovery;
- economic recovery; and
- environmental recovery.

Recovery management

97. Recovery will be planned for and managed in a structured manner. The broad needs created by the impact of a terrorist incident on a community will only be met through a range of services. These may be provided by a variety of both government and non-government organisations.

Local level

98. The focus of recovery planning and management is on community input. Emergency planning must cater for local conditions and incorporate localised recovery planning to address the five key aspects of recovery.

99. Local government has responsibilities to provide and maintain physical services relevant to recovery. Most local government authorities also provide a range of human and community services to individuals and the community.

Regional/district level

100. Regional/district committees are necessary where services required in recovery management are administered and delivered on a regional or district basis. The role of regional or district recovery committees includes:

- preparing and regularly updating recovery management, detailing inter-agency arrangements and resourcing arrangements and responsibilities;
- monitoring local arrangements;
- ensuring adequate levels of agency preparedness; and
- providing regular training exercises and programs.

State/Territory level

101. State/Territory recovery committees comprise representatives from the Australian Government (in some jurisdictions), State/Territory and local government agencies and non-government organisations. The role of a State/Territory committee includes:

- developing policy on recovery management planning and operations;
- overseeing the implementation of recovery policy throughout the State/Territory;
- providing advice to government;
- preparing State/Territory plans; and
- monitoring agency preparedness.

102. Within each State and Territory, the community/human services/planning and environment departments are designated

as being responsible for recovery services. Departmental members work cooperatively on the Community Services Ministers' Advisory Council (CSMAC) Disaster Recovery Subcommittee. Relevant Australian Government departments and agencies are also represented on this subcommittee.

103. The CSMAC Disaster Recovery Subcommittee has responsibility for:

- reviewing disaster/emergency recovery policies, practices and procedures;
- examining other related matters; and
- reporting to CSMAC.

Commonwealth level

104. While primary responsibility for the protection of life, property and the environment rests with the States and Territories, the Australian Government is committed to supporting the States and Territories in developing their capacity for dealing with emergencies and disasters. When States or Territories cannot reasonably cope in an emergency, they may request physical assistance from the Australian Government. The Australian Government through EMA, supports a comprehensive approach to emergency management through two key mechanisms:

- **Australian Government Counter-Disaster Task Force (AGCDTF)** chaired by PM&C comprises representatives of Australian Government departments and agencies with a significant role in the provision of disaster/emergency relief or rehabilitation assistance; and
- **Australian Emergency Management Committee (AEMC)** is Australia's peak consultative emergency management forum, comprising chairpersons and executive officers of State and Territory emergency management committees. The AEMC provides advice and direction on the coordination and advancement of national and State/Territory interests in emergency management issues.

DIAGRAM: COUNTER-TERRORISM MANAGEMENT ARRANGEMENTS

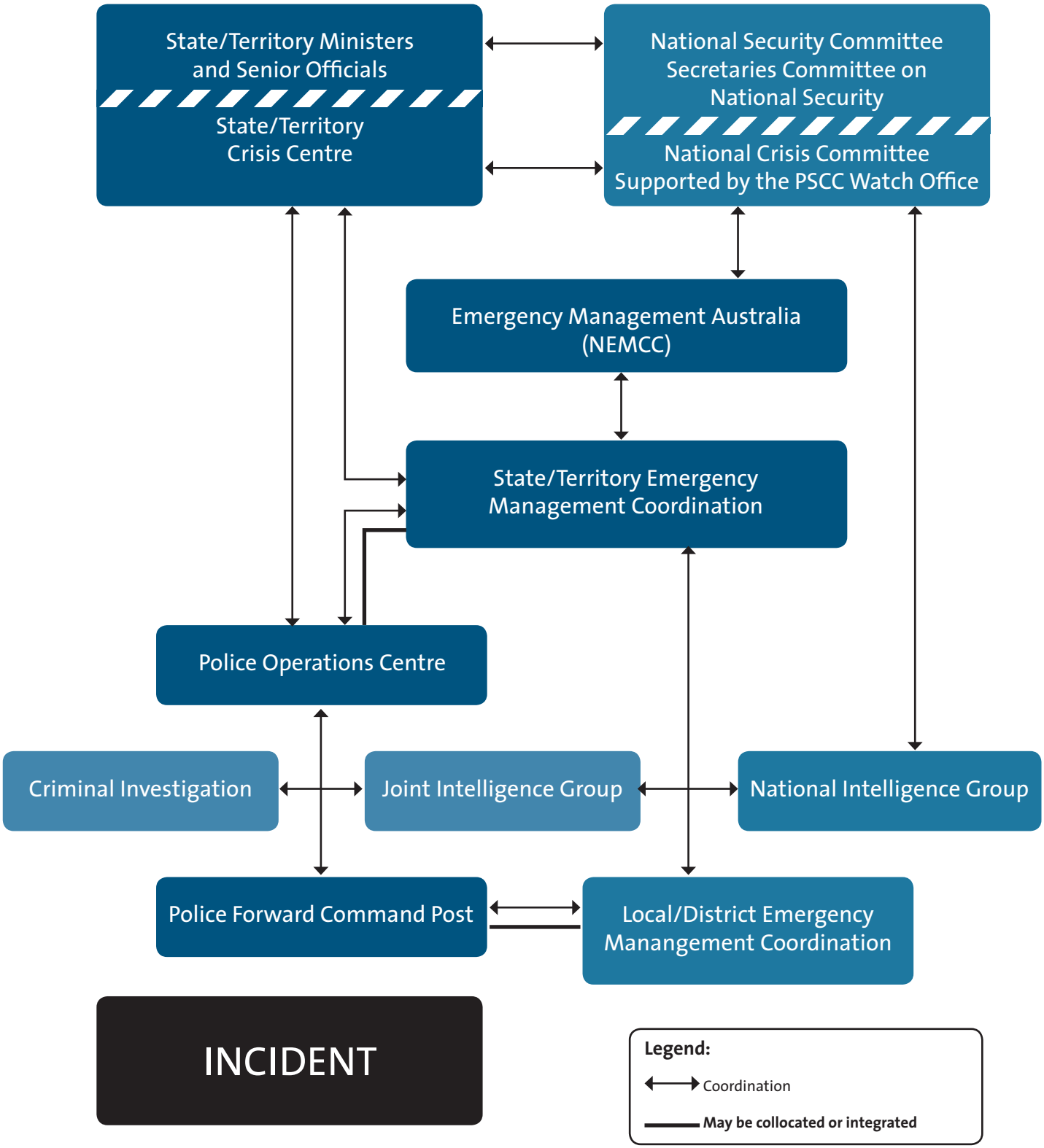
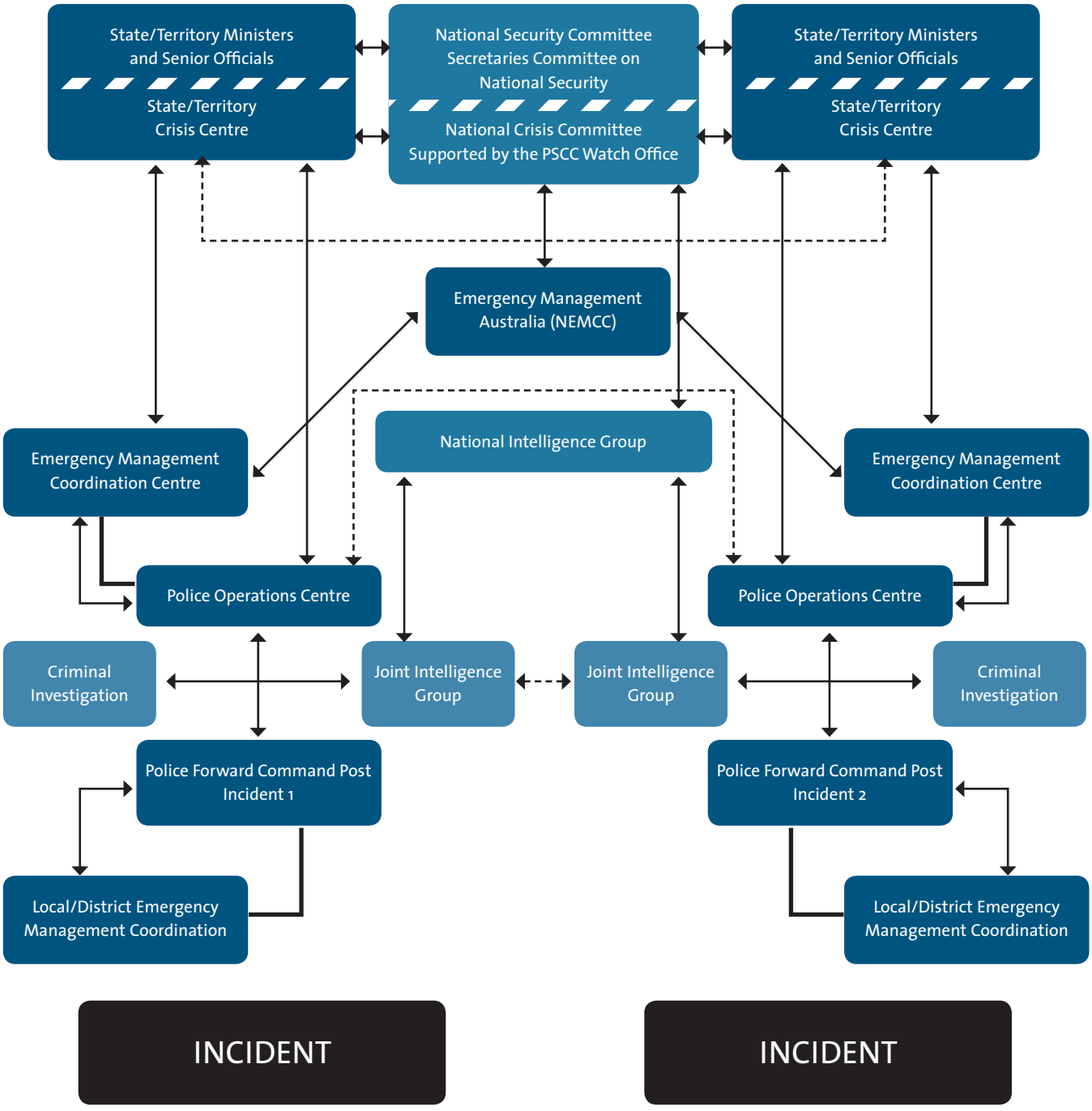


DIAGRAM: COUNTER-TERRORISM MANAGEMENT STRUCTURE: NATIONAL TERRORIST SITUATION MULTIPLE JURISDICTIONS



Note: In some circumstances some elements may be collocated or integrated

Chapter 6

Glossary

Glossary

ABCD: Australian Bomb Data Centre

ADF: Australian Defence Force

AEMC: Australian Emergency Management Committee

AFP: Australian Federal Police

AGCDTF: Australian Government Counter Disaster Task Force

AGCTC: Australian Government Counter-Terrorism Committee

AGCTPC: Australian Government Counter-Terrorism Policy Committee

AGD: Australian Government Attorney-General's Department

AHDMPC: Australian Health Disaster Management Policy Committee

AQIS: Australian Quarantine and Inspection Service

ARPANSA: Australian Radiation Protection and Nuclear Safety Agency

ASIO: Australian Security Intelligence Organisation

ASNO: Australian Safeguards and Non-proliferation Office

ASO: Air Security Officers

ATSA: Aviation Transport Security Act 2004

CAPE: Crisis Advisory Panel of Experts

CBR: chemical, biological and radiological

COAG: Council of Australian Governments

Critical infrastructure: infrastructure which, if destroyed, degraded or rendered unavailable for an extended period, will impact on social or economic well-being or affect national security or defence.

Consequence management: measures to protect public health and safety, restore essential government services and provide emergency relief and recovery to business and individuals affected by disasters.

CTFR: Counter-Terrorism First Response

CSMAC: Community Services Ministers' Advisory Council

Customs: Australian Customs Service

DACC: Defence Assistance to the Civil Community

DFACA: Defence Force Aid to Civilian Authorities

DFAT: Department of Foreign Affairs and Trade

DIMIA: Department of Immigration and Multicultural and Indigenous Affairs

DOHA: Department of Health and Ageing

DOTARS: Department of Transport and Regional Services

EMA: Emergency Management Australia

Exclusive Economic Zone (EEZ): is an area beyond and adjacent to the territorial sea. The outer limit of the EEZ cannot exceed 200 nautical miles from the territorial sea baseline.

Handbook: National Counter-Terrorism Handbook

IED: improvised explosive device

IGA: Inter-governmental Agreement

IRR: Incident Response Regiment

ISPS: International Ship and Port Facility Security Code

JIG: Joint Intelligence Group

JOPC: Joint Offshore Protection Command

MAL: Movement Alert List

MTOFSA: Maritime Transport and Offshore Facilities Security Act 2003

NCC: National Crisis Committee

NEMCC: National Emergency Management Coordination Centre

National information infrastructure: the information systems that underpin critical sectors of the economy, as well as critical government services, including defence and emergency services.

NTAC: National Threat Assessment Centre

NCTC: National Counter-Terrorism Committee

NCTP: National Counter-Terrorism Plan

NIG: National Intelligence Group

NSC: National Security Committee of Cabinet

OTS: Office of Transport Security

PM&C: the Department of the Prime Minister and Cabinet

PSCC: Protective Security Coordination Centre

PSM: Protective Security Manual

POC: Police Operations Centre

RRDT: Regional Rapid Deployment Teams

S/TCC: State or Territory Crisis Centre

SCNS: Secretaries Committee on National Security

SOLAS: International Convention for the Safety of Life at Sea, 1974

Terrorist incident: A combination of circumstances or conditions which may lead to or result from a terrorist act, and which require preventative and/or responsive action.

Threat Assessment: issued by ASIO, describes the threat to an event, facility, sector or individual.

TISN: Trusted Information Sharing Network

TSU: Technical Support Unit

TSWG: Transport Security Working Group

Chapter 7

Attachments

Annex A - Agency roles

States and Territories

Community Services departments and agencies assist individual and community recovery through the coordinated provision of emergency and ongoing assistance.

Dangerous goods and work cover agencies maintain standards for the security and transport of dangerous substances.

Emergency services provide consequence management in the event of a terrorist incident, consistent with State and Territory plans and structures.

Engineering services/public works departments assist the recovery of physical infrastructure.

First ministers' departments coordinate the whole of government preparedness and response.

Health departments participate in the development and maintenance of biological hazard plans, provide hospital treatment and on-going care for victims.

Police have operational responsibility for preventing and responding to terrorism and will investigate terrorist activity, threats and incidents.

Transport departments are responsible for coordinating surface transport operations and ensuring the implementation of security arrangements for those operations that are security identified.

Australian Government

Airservices Australia provides air traffic management, air navigation infrastructure services and aviation rescue and firefighting.

Attorney-General's Department provides legislative advice, and policy coordination of critical infrastructure protection, including national information infrastructure. The PSCC and EMA are divisions of the department.

Australian Customs Service facilitates and monitors the movement of people and goods across the border in a manner that protects the community, intercepts prohibited and restricted items, identifies illegal movement of people and maintains compliance with Australian law.

Australian Defence Force maintains capabilities to assist civil authorities in emergencies under Defence Assistance to the Civil Community and Defence Force Aid to Civilian Authorities arrangements (Part IIIAAA of the *Defence Act 1903*). DACC and DFACA may apply when a specific threat or incident is beyond the capabilities of the civil authorities. DACC applies where the use of force is not envisaged; DFACA, where force may be required. Call-out under DFACA must be authorised by the Governor-General, on the advice of the Federal Executive Council.

Australian Federal Police investigates Australian Government terrorist offences, is Australia's international law enforcement representative, provides protective services and performs a state policing function in the ACT. The AFP also provides physical protection services and counter-terrorism first response, and the ***Australian Bomb Data Centre***, which collects data and advises on the illegal use of explosives.

Australian Radiation Protection and Nuclear Safety Agency is responsible for protecting the health and safety of people, and the environment, from harmful effects of radiation.

Australian Safeguards and Non-proliferation Office, within DFAT, regulates nuclear safeguards within Australia to ensure that Australia meets non-proliferation and security treaty commitments

and implements the Chemical Weapons Convention and Comprehensive Test Ban Treaty. ASNO is also involved in the development of domestic verification arrangements for the Biological Weapons Convention.

Australian Secret Intelligence Service obtains intelligence on the capabilities, intentions and activities of people or organisations outside Australia.

Australian Security Intelligence Organisation is the national security intelligence body and the authority for assessing threats to security. It collects, analyses and distributes relevant intelligence. It manages the National Intelligence Group during an incident and maintains a Technical Support Unit to provide technical intelligence to police or the ADF at the scene of a terrorist incident and the National Threat Assessment Centre (NTAC).

Civil Aviation Safety Authority conducts the safety regulation of civil air operations in Australia and the operation of Australian aircraft outside Australia under the Civil Aviation Act 1988.

Department of Communications, Information Technology and the Arts is responsible for regulating elements of the communications sector, including interception, radio spectrum and submarine telecommunications cables.

Department of Foreign Affairs and Trade conducts international liaison that seeks to enhance international counter-terrorism arrangements and provides advice in relation to the protection of foreign dignitaries and ensures appropriate consultation with their governments.

Department of Health and Ageing maintains stockpiles of antidotes and vaccines and plans for dealing with disease outbreaks.

Department of Immigration and Multicultural and Indigenous Affairs maintains the Movement Alert List and administers Australia's visa regime.

Department of Industry, Tourism and Resources has particular policy responsibility for offshore petroleum infrastructure and installations and a strong coordinating role with respect to onshore energy infrastructure.

Department of the Prime Minister and Cabinet advises the Prime Minister on matters relating to countering terrorism, coordinates Australian Government policy responses to terrorism, chairs the NCTC, participates in risk management decisions on dignitary protection and provides the secretariat for SCNS and NSC.

Department of Transport and Regional Services coordinates national transport security policy and provides advice on the impact of security developments on the transport industry. It also regulates the security of airports, airlines, sea ports and, with State and Territory authorities, other forms of transport. DOTARS also works with the States and Territories to develop national standards for the regulation of other forms of transport.

Emergency Management Australia a division of AGD which coordinates emergency and consequence management assistance to States and Territories and maintains the Crisis Panel of Experts and a reserve of equipment.

Joint Offshore Protection Command is a combination of ADF and Customs assets, is responsible for the implementation, coordination and management of offshore maritime security.

Office of National Assessments provides intelligence assessments on terrorist activities outside Australia.

National Office of the Information Economy contributes to the protection of the national information infrastructure.

Protective Security Coordination Centre, a division of AGD which coordinates protective security and counter-terrorism arrangements between Australian Government, State and Territory agencies and channels communications between the Australian Government, States and Territories during an incident.

Welfare agencies assist community recovery through the provision of emergency and ongoing welfare assistance.