

TERRORISM (SURFACE TRANSPORT SECURITY) BILL – March 8, 2011

Adjourned debate on second reading.

(Continued from 9 February 2011.)

Mr PEDERICK (Hammond) (11:13): I too rise to speak to the Terrorism (Surface Transport Security) Bill 2011, which was introduced to this house by the Minister for Transport on 9 February this year. The intention of the bill is to require certain surface transport operators to implement counterterrorism plans and assist in raising security awareness in South Australia.

As we all know, with ongoing conflicts overseas for quite a few years now, especially in the Middle East and Afghanistan, the threat of terrorism is always there. I salute our armed forces who are serving both here and overseas. Many of them do many rotations in war zones, and I salute them all. My brother, as I have mentioned in this place before, served in Iraq from September 2005 to March 2006. I certainly salute all the soldiers who have lost their lives in the war against terror and note the sad passing of Sapper Jamie Larcombe in the last few weeks.

As I said, terrorism is something we need to be extremely aware of in Australia. It is good that there are provisions being put in place so that the population can take some responsibility for their activities. Here today we are talking about people involved in transport industries across Australia in that vein.

Targets of terrorism could include mass passenger transport systems because of the potential for a significant level of harm, which could include a large number of casualties, injuries and large economic and social impacts. COAG endorsed an intergovernmental agreement on surface transport security with the primary aim being to implement nationally consistent arrangements to protect the community through strengthening security measures on surface transport systems. Victoria and Queensland have already enacted similar legislation, and South Australia's legislation has been drafted based on the Victorian model. Western Australia is looking to draft legislation based on what comes out of this parliament.

The bill provides the minister with the power to identify operators at risk of a terrorist attack, for example, due to their size, location, iconic status and the number of passengers using the operation. Examples in this state include operations such as Great Southern Rail, SeaLink, AAMI Stadium (Football Park), Westfield, Adelaide City Council and TransAdelaide. All identified operators will have a responsibility under the act to prepare a security plan. The plan does not have to be provided to the minister for analysis and approval. However, there will be provision in the act for the minister to acquire the plan if required.

Many companies already have the requirement to provide a security plan as part of existing contractual agreements with the state government. For example, major metropolitan public transport providers are already required under their contracts with the state government to introduce and maintain counterterrorism measures that match the requirements of this legislation. The safety and regulation division within DTEI is responsible for ensuring transport operators are meeting their contractual obligations.

It is good to see that support in developing effective security plans will be available through the department. This is particularly important to help smaller

operators who may not have the staffing levels to cope with the extra compliance required under this legislation; however, it is probably doubtful that operators of that size will be targeted.

Measures are also in place to keep security plans confidential. They will be kept as classified documents and have exemption from freedom of information requests. I believe there has been large consultation with key transport industry players, including operators at risk—as I mentioned previously, operators such as Great Southern Rail, SeaLink, AAMI Stadium, Westfield, Adelaide City Council and TransAdelaide—and there is general support for the bill.

I note that some of the penalty provisions in the bill are significant, that is, up to \$50,000 for some breaches if this act is passed, and that will help ensure that people comply. It is also interesting to note that this is not just about deterring terrorism, but companies need to have a plan in place if an attack occurs so they can recover vehicles and equipment and assist people and passengers, for example, in a passenger rail situation in the event of an attack.

Some people may think terrorism is a long way away, but the world is a very small place. We have seen incidents recently in Asia and bombings in London and other places such as New York. So it can happen anywhere, and we are probably very fortunate in that we live on a very large island, but that does not deter terrorism, so we must be ever vigilant. With those few words, I indicate support for the bill.

The Hon. R.B. SUCH (Fisher) (11:19): I will make a brief contribution. It is not the appropriate time to talk about the bigger issue of terrorism per se, but I think it is fair to say that some of the Western nations, in particular the United States, have created their own terrorism problem with their approach, particularly in areas such as the Middle East where they have not been even-handed and where they are perceived as anti-Islam. I think we need to address that particular strategy. We cannot do it for the United States, but we should be seen as being even-handed in our approach to affairs in the Middle East and in the way that we treat and respect people who follow Islam.

As members may know, I am a great train user. I have travelled many times on the interstate trains, and I have always been puzzled as to why security is so open-ended when you travel by train. Once, when I was on the *Overland*, there were gangsters on board—and that is not including myself!—going to a funeral in Melbourne. The reason they travelled on the train was so that they could take their firearms with them, which is very difficult if you fly, and if you go by road you might get pulled over by one of our vigilant police officers. So, we had these characters on the train, who I would describe as gangsters in suits, and they had their firearms with them. At times, there have also been undercover police on the train.

Anyone can walk on to any of those trains carrying whatever they like. You can walk straight into your cabin, or you can walk straight into the seating compartment, and carry whatever you like. That has always surprised me, and I have raised it before but nothing ever seems to be done about it. Likewise, I think a similar situation exists with the bus terminal. It is more difficult on an aircraft because of our security arrangements, but when it comes to rail and bus it is almost open slather.

I think something needs to happen in terms of being more vigilant. We do not want to create a situation where it becomes too costly or oppressive, or too draconian for the ordinary citizen. When I first came to this place, people could walk straight in from North Terrace up to the premier's office. We have had to change our ways here. I know it is painful at times with all of the security, but the reality is that the days of: trust us, and trust anyone coming in, have gone. So, now we do not have people walking straight in from North Terrace and up to the premier's office without going through some security arrangement.

I think this is a necessary measure. As I say, I hope it does not lead to too costly a burden on the operators. It needs to be sensible and not too draconian. One of the great things about Australia is that we do not live in anything remotely like a police state, but we should not be so naive as to think that there are not evil people and fanatics out there, whether they be religious or otherwise, who might wish to do harm to others. I think it is time, particularly for the bus services and interstate trains, that we take a close look at what people can take on board because, on my observation over many years and many trips, there is no restriction on what people can carry and do when they travel by bus or train.