



**ATTORNEY-GENERAL
THE HON PHILIP RUDDOCK MP**

TRANSCRIPT

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I thank the Australian Homeland Security Research Centre along with the *Australian Defence Business Review* and Booz Allen Hamilton for inviting me to take part in this series. And in that context I acknowledge the Chair Richard Hodge, Athol Yates, Trevor Thomas representing the other sponsoring bodies and Zed Seselja who I understand may be here... Shadow Minister for Planning and Infrastructure in the ACT.

Well the first responsibility ladies and gentlemen of the Australian government of course is to protect the security of Australia and its people and its interests. And it's a challenging and complex task.

The government and the Australian people are now facing challenges of the sort that we have never really faced before. We're confronted by some groups of people united by inhumane ideology who hold contempt for our most basic values including the one that I attach primacy and that is the right to life, safety and personal security.

I often describe it in context that if people are wanting to change you, which people in the past when they've wanted to do that they've often done through acts of war. Where you don a uniform and you accept certain responsibilities you obey certain conventions. You conduct yourself in accordance with rules of war.

But we are now threatened by people who are not prepared to don a uniform, don't accept what we understand as the rules of war and engage in inhumane

activity and are very much difficult in the sense for us to either understand or deal with.

And the threat is global and here in Australia while we make think we have been immune, we are not. We've been targets since before September 11 and we continue to be so.

And as Director-General of ASIO Paul O'Sullivan told the Senate Committee recently and I quote '*Australia continues to face challenging dynamic security environment. We continue to be a terrorist target and the threat of attacks is likely to be with us for many years. An attack in Australia remains feasible and could well occur.*'

I take people through a series of terrible acts that have impacted upon us. Noting they started long before 2001 of Jemaah Islamiyah in Singapore where they attempted to attack our mission and others... right through to the Bali bombings, the attack on our mission in Jakarta.

And there's been an event in way or another impacting on Australia and Australians every year this century. And of course we have two people convicted of terrorist offences here in Australia; Another 22 on trial.

These matters progress slowly. You don't focus on them immediately but it's real. And it will become even more so when the evidence is laid out in relation to some of the matters that are before the courts where it has been determined by the preliminary proceedings that the individuals have a case to answer.

And the allegations here are particularly serious if true. And when people see it laid out I think an understanding of what could potentially happen here is even clearer.

So we as a government do have a duty to protect our citizens using all the means available within a western liberal democracy while at the same time ensuring that we don't ignore the principles which underpin our culture, our civilisation.

I've been talking about that in other venues today reminding people that we are an inclusive society and we don't blame people of any particular religion or people of any particular race or culture. We look at behaviour.

Much of the work that we're doing here in Australia falls within my portfolio and that has been mentioned and I take those responsibilities very seriously. But I should emphasise that national security is not just about preventing a terrorist attack.

We have to be prepared to face a range of other challenges which are potentially just as significant. Natural disaster, pandemic, the failure of critical infrastructure pose an equal threat to the security of our people and our nation.

And that's why we do have what I call a multi layered multi faceted approach to national security. Our approach is both comprehensive and robust and since September 11 we've allocated more than \$10 billion Australian to around 240 domestic and regional security measures to help keep us safe.

It combines an effective system of laws with law enforcement and national defence, border control with aviation and maritime security. It draws together protective security, emergency management and strategies to enhance national and international cooperation.

We work closely with all those who have a part to play and that includes those within government, states and territories, with our business leaders, with academia and with the community. We work to develop and test arrangements that prepare us for the range of possible events that might impact upon us.

This is on top of other measures such as those for natural disasters that provide additional safety and security benefits. Our work in the areas of counter terrorism, emergency management, border security and business liaison demonstrate how far we have already come and how we are preparing for the future.

But today I want to outline to you the measures that we've taken since September 11. The threat from Al-Qaeda and those who share its beliefs or who are inspired by its ideology continue to evolve. And terrorist groups of which we are aware are constantly re-evaluating their methods using new technologies and looking for new opportunities.

Governments therefore need to be equally flexible and we must continually reassess our strategy to ensure that we are not out-manoeuvred. To achieve this, our counter-terrorism arrangements must be cooperative, well coordinated at a national level.

The National Counter-Terrorism Committee which was established in October 2002 is the key to this. The Committee is a sub committee of Cabinet includes the Prime Minister, the Deputy Prime Minister, the Treasurer and Ministers for Defence, Foreign Affairs and myself. It relies on cooperation and it does so with a wide range of Commonwealth organisations.

We also have the Committee of National Counter- Terrorism that relies on cooperation between Australian state and territory governments. And those representatives from policy, law enforcement, security, intelligence and emergency management sectors.

And that committee is responsible for developing our National Counter-Terrorism Plan and supporting documentation and keeping it up to date. And this includes outlining the responsibilities of all the key stakeholders including federal, state and territory and private sector bodies, including the owners and operators of critical infrastructure and places like airports.

These arrangements have served us well in the aftermath of September 11 and the Bali, Jakarta, Madrid and London bombings and they've continued to serve us well in the wake of incidents here in the - or incidents that have taken place in the United Kingdom in the past month and the related investigations here.

We're not continuing... – or continuing to be looking for opportunities to test and strengthen our ability to deal with threats and acts of terrorism and we do

this through the National Counter-Terrorism Committee that runs counter-terror exercise - exercises as part of a regular program.

And the program tests all aspects of decision making and coordination across all levels of government including security, law enforcement, intelligence and emergency management services.

And the Australian Government has committed funds in the order of \$53.6 million since July 2003 to strengthen this program which is arguably the most comprehensive that we have anywhere in the world. Every year that exercise program attracts international observers who come to see what we do and how we do it.

We have improved our legal framework and formulating our terrorism legislation that recognises and upholds the dual goals of security and justice. For example, we have enacted the specific terrorism offences which make it illegal to commit a terrorist act or prepare for or facilitate a terrorist act including the funding of terrorists.

We have also strengthened the powers of intelligence and law enforcement agencies so that they are better equipped to prevent and investigate and prosecute terrorist acts. In that context, I might say, the most recent changes which were implemented the preventative detention regime, the questioning regime and control orders. Control orders were the subject of an appeal to the High Court and I welcome the decision today of the High Court in relation to control orders.

The decision gives us certainty and has allowed us to move forward in protecting security. It is a decision which the Commonwealth sought to have, I guess, under-challenge, it sought to defend the control order regime and argued that it is not an infringement of the separation of powers and that the Commonwealth had power under provisions dealing with defence to legislate in this area and the High Court has held it - these measures well within the defence power and that they did not infringe the separation of powers doctrine.

These laws of course have not only a role in protecting us from physical attack; they also have a role in shielding human rights and civil liberties. I say that because it is very important to understand when you are legislating in the areas like this, the need to get the balance right and sometimes people misunderstand human rights. They think when they are expressed they are an absolute. There are very few that are absolute. Even that which I cite: the *Right to Life*, safety and personal security is challenged by the doctrine of a just war... and people do.

I often remind people that whilst we certainly have freedom of movement, that the most significant constraints on your freedom of movement are to the side of the road in which you drive. And it is perfectly obvious why you need to balance it... to protect people's safety, with respecting why freedom of movement is important to us all.

A former Canadian Attorney General and Human Rights lawyer Irwin Cottler told a Canadian Parliamentary committee, and I might say, if you do not know of Irwin Cottler, he was one of Nelson Mandela's erstwhile defenders, a professor of law in Canada who came into public life in the Canadian Liberal Government just defeated and he has a very sterling reputation.

He said, and I quote: *'An examination of the legislative frame work of other free and democratic societies, supports the view that not only is antiterrorism legislation representative of free and democratic societies, but its purpose is to ensure that such societies remain free and democratic while the rights of its citizenry to live in peace and security are safeguarded.'*

You may not be surprised, I agree.

I believe there is an appropriate balance that needs to be struck between national security and human rights and I would assert that we have achieved just this.

If you look at some of the recent events. One of the reasons that our people dealing with the Haneef matter were under so much pressure, whereas unlike the United Kingdom where they can detain people for 28 days and question, you can only question people in Australia with the oversight of a judicial officer.

One of the reasons the police were operating under so much pressure was that continuing oversight was there.

So it is a very different regime. It is also different in that I understand if you go to France they can detain you for three years for questioning. I have not heard the subject of any robust condemnation either.

But there are balances that you seek to strike and with as much of the measures that we were pursuing were debating throughout parliament, striking the right balance was always something that was very much in the mind of those who participated in debates.

Border protection duties of course here in Australia were carried out in a coordinated, effective and highly professional manner by the Border Protection Command, the Australian Customs Service and the Australian Defence Force.

We have officers and assets on the beat 24 hours a day every day. It is a tried and tested arrangement. The government has implemented key measures to increase border security. One hundred per cent of international checked luggage is now screened at major airports and as of yesterday 100 per cent of domestic checked bags are now also screened at major airports.

The government has committed \$15.4 million over four years to assist smaller airports to conduct explosive traced protection and x-ray screening.

To protect the Australian community we need to ensure that the business community is fully engaged as well. Australian businesses are a key part in the Government's counter to terrorism strategy. As part of a normal business practice, owners and operators have to consider a range of risks, including terrorism, natural disasters, accidents, malicious damage and even poor maintenance.

However businesses can only make informed decisions if they have accurate and timely information and this is where the government can be of help. ASIO's Business Liaison Unit provides businesses with relevant security information

and this is in addition to briefings provided to business on ASIO's threat assessments. I might say, on a needs to know basis.

The Australian Government is also an established, a Trusted Information Sharing Network for critical infrastructure protection. This is a forum so owners and operators of critical infrastructure can work together to share information on security issues. This network has been a great success.

It ensures that companies have access to information to better understand their risk, to benchmark their own arrangements and to access information about best security practice.

We have also established a high level business government advisory group on national security, which met here in Canberra a week or so ago. This group gives business leaders an opportunity to raise security issues at the highest levels with me, with our officials and other senior ministers.

The government is also leading the world in providing assistance to business on security. It does that through the Critical Infrastructure Protection Modelling Analysis Program. This program has allowed us to bring together scientific national security and commercial and sensitive information to build a single computer system that can model and test the resilience of our infrastructure, to a range of hazards including terrorism.

Its accuracy relies often on confidential information provided by those involved in the critical infrastructure sector including the banking, communications, energy and water industries. And I might say that modelling has been particularly useful in pointing to particular vulnerabilities that can be addressed by appropriate responses and investment.

The government is also helping computer users to protect themselves and their information from cyber attack.

The Australian Government has allocated \$73.6 million for a range of e-security initiatives under the new E-Security National Agenda. And we are working

together to protect vital electronic systems from those who want to damage and destroy them and I might say I am very proud of the strong relationship the Government enjoys with the business community.

We have developed a level of trust and cooperation, especially in relation to protecting critical infrastructure and when so much of it is in the hands of the private sector, that is so important.

I believe our arrangements are an envy to other nations who look at them.

Interestingly, the cooperation we receive from business mirrors that we get from the broader Australian community. For example, people around the country have responded strongly to the national's security hotline. I do not hear too much joking these days about fridge magnets.

The hotline was established around about four and a half years ago to reassure the public that they could phone in with information about possible terrorist activities.

The information hotline can be valuable for ASIO and the police in connection with their work and that's been confirmed on numbers of occasions already.

And almost a 100,000 calls have been received on the hotline since its inception and it's interesting that others have followed our model in relation to the hotline. As I said, terrorism is not the only threat for which we need to prepare.

Our multi-faceted approach to emergency management ensures that we prepare for any emergency, whatever its cause. These activities and programs build on a strong history of emergency response in the Australian community.

Robust, cooperative arrangements with state and territory emergency service organisations are at the heart of our ability to pull together whatever resources are necessary to help during and after disasters, not only here in Australia but also overseas.

Tropical Cyclone Larry highlighted how well these arrangements work. People looked at Larry after they saw what happened with Hurricane Katrina in the United States and focused on it. People have seen the way in which we've been able to put Australians in places like Indonesia after the tsunami, right through the Pacific after cyclones.

Our priority has always been to provide emergency relief to victims and then develop effective long term plans to rebuild communities. We showed that with Larry. Through Emergency Management Australia, a division of my department, the Australian Government provided a range of assistance in relation to Larry.

It included food, showers, medical personnel, sanitation facilities, aircraft controllers to monitor the increased flights into the Innisfail area and even two portable milking machines for dairy farmers on the Atherton Tablelands.

You may not understand the urgent need but I am told cows that are not milked are a problem and we sought to deal with it quickly and effectively. Emergency Management Australia's work continues to evolve to meet our future needs.

Now, there are some, you may have heard it here, that advocate the formation of a new bureaucracy to deal with these issues here in Australia and they have in mind something along the lines of the Department of Homeland Security.

Now, I can understand why an idea like that might conceptually be attractive. It suggests bringing together multiple functions under one roof and implies that this will improve our ability to keep Australia safe and secure.

However, putting an idea like that into practice can be far more problematic. For example, I think somebody had in mind emulating the United States. I suppose sometimes we take the view if it's done in the United States, it must be right and it must be best.

But the Department of Homeland Security in the United States was established in response to the specific problems identified in the United States after 9/11

where there were multiple, overlapping agencies that have developed over decades and working in silos. It was thought you needed to try and pull them together.

Homeland Security is often presented as a prime example of a single department responsible for all aspects of national security and counter-terrorism. However, this is not an accurate description. It's still the case in the United States that it relies on key agencies, separate agencies, to develop productive and cooperative relationships and work together in the national interest if they are going to be effectively protected.

And some of the US core national security functions still sit outside the Department of Homeland Security. For instance, the department does not include the National Security Branch of the FBI or the CIA, the Central Intelligence Agency.

Moreover, the Department of Homeland Security has undeniably faced some substantial hurdles in achieving its overall goals. Michael Chertoff, the Secretary of the department, said earlier this year over four years on since establishing the department and I quote: *'it is now headed in the direction of creating a unified, integrated and mature 21st century organisation.'*

Not that it has in four years done it. It's still headed in the direction. Now, as minister responsible for domestic, national security, I don't think it's desirable to undertake administrative reshuffles, only to be 'headed in the right direction' four years later.

Indeed, why would I when Australia has coordinated counter terrorism arrangements underpinned by a rigorous exercise program and a willingness at all levels to test and adapt those arrangements in response to developments.

In contrast to the United States, the United Kingdom, a country with many years of dealing with terrorism, does not have a Department of Homeland Security. Earlier this year, the Home Office's ability to deal with counter terrorism was strengthened by a restructure, which saw some of its counter or non-counter terrorism related functions devolved into a new Ministry of Justice.

However, they did not roll other key counter terrorism organisations, for example, MI5, transport security, emergency management agencies, into the Home Office. They remain separate, with separate responsibilities. Added to that, the new Prime Minister, Gordon Brown, announced only last week new border security arrangements.

Interestingly, if you read the detail of those arrangements, you will find that they are not dissimilar to ours, including electronic screening of passengers and a uniformed presence at entry points. I think they're going to include in that electronic screening now actually recording information on who actually leaves the United Kingdom.

They could never tell you how many people were there. Unlike Australia, which monitors everybody in and everybody out and there may be some issues about whether or not you'll get it entirely accurate. I tell you, it's a hell of lot better than having no information. And unless you record who's left, then you've got a pretty difficult task in establishing who actually is there and is entitled to be there.

Embarking on a homeland security type restructure, in my view, would create new vulnerabilities, which terrorists would exploit. Moreover, it comes at a very significant financial cost. In fact, given the likely substantial cost it's surprising the Leader of the Opposition did not foreshadow a financial commitment in order to be able to implement such a measure.

The costs of integration and separate agencies and departments would be substantial and yet those costs - these costs are not yet costs that have been outlined or foreshadowed. Thus I think the budgetary implications are far from clear.

National security comes at a cost and those costs must be met. However, the measures implemented need to be strategic, well thought out and appropriate to the cost. The government knows what security costs. After all, it spent \$10 billion since September 11 to enhance Australia's national security and counter terrorism measures.

The nature of possible threats to Australia's security is, of course, diverse and rather than looking to centralise our arrangements into a single, monolithic department, I think we should be looking to build on our strengths, to develop and to refine our strengths independently and to use our cooperative arrangements to ensure that these strengths work together.

Our national security strategies, and in particular our response to terrorism, has to be dynamic and evolutionary and experience has taught us that a disaster can strike anywhere at any time. Whether it's a cyclone in Far North Queensland, flooding in the Hunter Valley, terrorist attacks involving Australia, or Australia's interests or Australians, here or abroad, we need to be prepared to take action.

A dormant, stagnant national security policy can cease very quickly to achieve its purpose. That said, it would be dangerous to promote change for change's sake. Unnecessary or prematurely restructuring our national security arrangements would, in my view, expose vulnerabilities that could be exploited by others and would impede our ability to respond to hazards.

The key is to have a sound framework to ensure a secure future. By refining our legislative frameworks, strengthening our cooperative arrangements, empowering the business community and the community generally to protect themselves, I believe the Australian Government is giving Australia the solid footing to respond to the threats to its national security, whatever they may be. Thank you very much.