THE QUEST FOR 'SECURITY' – IS IT RATIONAL, HAS IT ACTUALLY MADE US SAFER, AND AT WHAT COST?

Address to the Royal Society of Tasmania

by

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Introduction

I'd like to thank Her Excellency the Governor for hosting us this evening at her official residence, and to thank the Royal Society of Tasmania for inviting me, for the second time, to speak to their members and guests assembled here.

On the previous occasion when I spoke to a Royal Society gathering, now just over twelve years ago (Eslake 2005), I discussed what I described as 'three seemingly unrelated propositions concerning Australia's identity and economic performance'. They were:

- First, that a country's tax system says something important about the kind of society it wants to be, and has an important influence on the kind of society it is – and that Australia's tax system, by favouring the accumulation of wealth through borrowing and speculating as opposed to working and saving, sends the wrong messages and has perverse consequences.
- Second, that there was something uncomfortably reminiscent of the former East Germany about the way in which Australia holds up success in sport as somehow indicative of the superiority of our way of life – and that we pay a price for the fact that we don't regard success in other fields as similarly worthy of support, encouragement or pride.
- Third, that Australian governments had responded (not at all uniquely) to two of the great shocks of the early part of this century – namely, terrorism and corporate malfeasance – in ways that have adversely affected the Australian economy and corroded our values, without materially reducing the threat posed by either of these developments.

I think that, by and large, these propositions remain as valid today as they were twelve years ago.

This evening I want to go into one particular aspect of the third of these propositions in rather more detail than I did then, namely, Australia's responses to the threats posed by terrorism.

More specifically, I want to pose, and attempt to answer, three questions:

- How significant a risk is the threat of terrorism in Australia, both in absolute terms and relative to some of the other risks and threats on our horizon?
- How effective in reducing that risk have the various measures enacted in the name of 'security' actually been? and
- How does whatever reduction in the risks posed by terrorism which has been obtained compare with the costs, broadly defined, of those measures?

I believe that these are questions worth exploring because, all too often (in my view), the mere mention of the word 'security' is widely seen, especially but not exclusively by those responsible for 'security', as an indication that the rest of us should suspend all of our critical faculties, and accept without demur whatever is deemed to be necessary in the interests of 'security'.

We don't do this in other areas of policy-making, and I don't see why we should do it in this context.

How significant is the threat of terrorism?

Terrorism – the pre-meditated use of violence by non-state actors in pursuit of political or ideological objectives, and with the intention of creating widespread fear – has a long history.

Although the word itself entered the English language during the French Revolution, following the 'Reign of Terror' instituted by Maximilien Robespierre, the term 'terrorist' could have been applied readily enough to Guy Fawkes and his fellow 'Gunpowder Plotters', who were caught in the act of seeking to blow up the Houses of Parliament at Westminster on 5th November 1605. From the perspective of today it is interesting to note that although the plotters received the most severe sentence possible under English law at that time (hanging, drawing and quartering), it was not thought necessary to erect 'security barriers' around the Houses of Parliament; nor were any of the legal rights and privileges of English citizens, such as they were at the time, watered down in the interests of 'security'[1].

In December 1867, members of the so-called Fenian Brotherhood, which had been founded in America nine years earlier with the aim of overthrowing British rule in Ireland and establishing an Irish republic, detonated a bomb at London's Clerkenwell prison, in an attempt to free one of their members who was being held on remand there. The bomb killed at least six people and injured 120, as well as damaging more than 400 houses (Bonner 2007, p. 9). Julia Baird (2006, p. 345) relates that Queen Victoria advised her ministers to suspend *habeas corpus*, so that people could be arrested or detained without cause, but they (her Ministers) 'considered this inappropriate'.

This was of course a precursor of the terrorist campaigns perpetrated by the IRA, and by so-called 'loyalist' paramilitaries on the other side of 'the troubles' in Northern Ireland, a century later – in which at least 2,000 civilians were killed (Kelters 2013). It's interesting to note that successive US Administrations, and Americans more generally, took a rather different view of terrorism financing when the IRA was raising money in the bars of Boston and New York in order to kill British and Irish civilians, than they did after September 11th, 2001 (Applebaum 2005).

That wasn't New York's first experience of terrorism. Almost exactly 81 years earlier, on September 16th, 1920, a bomb, carried in a horse-drawn wagon, detonated outside the offices of JP Morgan in Wall Street, killing 38 people and injuring at least 300. Suspicion initially fell on Communist sympathizers, although subsequent investigations concluded that it was more likely to have been the work of a group of Italian-American anarchists known as Galleanists (Gage 2009; Andrews 2015).

Again, it's interesting to note that this act of terrorism did not lead to a flurry of legislative or other measures with the aim of enhancing 'security'. Wall Street was not closed to pedestrian or vehicular traffic, nor was there any legislation granting additional powers to law enforcement agencies.

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[1] Parliament did pass the *Popish Recusants Act* 1606, which required Catholics to take an Oath of Allegiance abjuring the 'heresy' that 'princes excommunicated by the Pope could be deposed or assassinated', as the Gunpowder Plotters had believed. But Catholics were not further deprived of any legal rights or privileges (see Haynes 2005).

On the contrary, just three months later, Congress repealed the so-called 'Sedition Act', a series of amendments to *Espionage Act* in 1917 which had made it an offence punishable by up to 20 years' imprisonment to use 'disloyal, profane, scurrilous, or abusive language' about the US Government, its flag or its military (Stone 2004, p. 230).

Since the terrorist attacks on New York and Washington of September 11th, 2001, it has become almost commonplace to describe the risks posed by terrorists in apocalyptic terms, as an 'existential threat' (Mueller and Stewart 2016, pp. 24-26).

How soundly based are these kinds of assertions?

At first glance, it seems unarguable that terrorist incidents are occurring more frequently, and more people are losing their lives as a result of them, in recent years than previously. According to the Global Terrorism Database maintained by the National Consortium for the Study of Terrorism and Responses to Terrorism at the University of Maryland (which is funded by the US Department of Homeland Security), there were almost 66,000 separate terrorist incidents across the world in the five years 2012 through 2016 (Chart 1); and these resulted in over 154,000 deaths (Chart 2). In each case these were more than over the previous twenty years.

Chart 1: Number of terrorist incidents, world total, 1970-2016

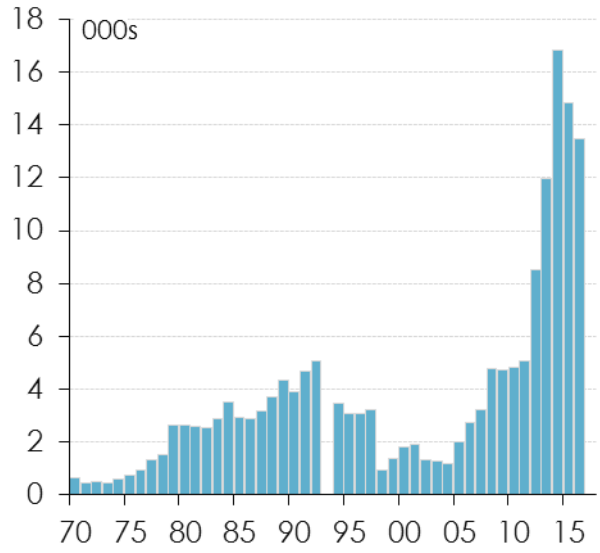
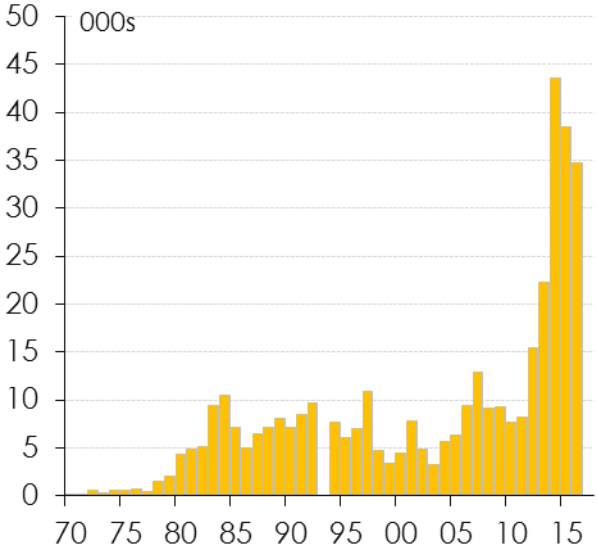


Chart 2: Number of deaths from terrorist incidents, world total, 1970-2016



Note: data not available for 1993. *Source:* Global Terrorism Database, University of Maryland.

However, 72% of the terrorist incidents, and 83% of the deaths resulting from those incidents, during the five years to 2016 occurred in just ten countries – Iraq, Afghanistan, Nigeria, Syria, Pakistan, Yemen, Somalia, India, South Sudan and the Philippines. The first five of these countries accounted for 54% of the incidents and 72% of the deaths from terrorism during the five years to 2016.

By contrast, although there has been some increase in the number of terrorist incidents in 'Western' countries over the past five years, by comparison with the first decade of this century, there were fewer such incidents in 'Western' countries in the five years to 2016 than in any five-year period between 1970 and 2000 (Chart 3).

And with the conspicuous exception of 2001, the number of terrorism-related deaths in 'Western' countries has been lower, on average, so far this century than it was in the 1970s and 1980s (Chart 4). The increase in the number of deaths due to terrorism in 'Western' countries in 2015 is largely attributable to a series of attacks in France in that year; while the increase in 2016 is almost entirely accounted for by attacks in France, Greece and Belgium.

Chart 3: Number of terrorist incidents in 'Western' countries, 1970-2016

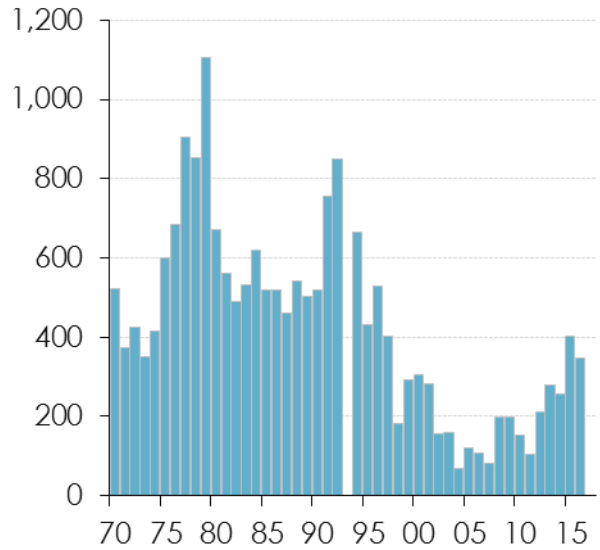
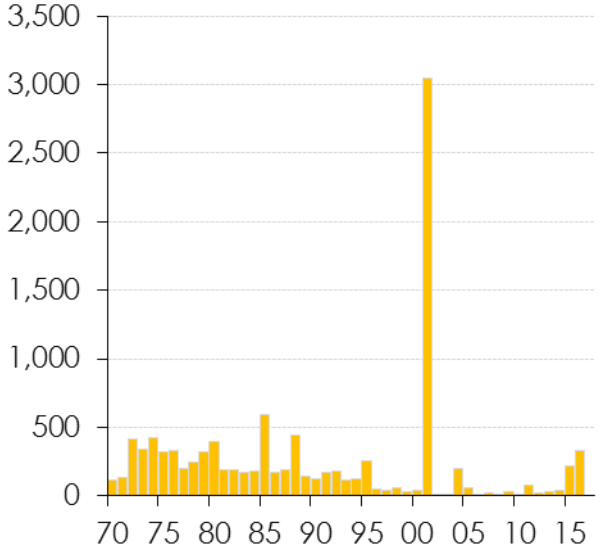


Chart 4: Number of deaths from terrorist incidents in 'Western' countries, 1970-2016



Note: 'Western' countries comprises Western Europe, United States, Canada, Japan, Korea, Australia and New Zealand. Data not available for 1993. *Source:* Global Terrorism Database, University of Maryland.

The fact that there may be fewer of these deaths, in 'Western' countries than there were a few decades ago does not, of course, mean that they are any less shocking or tragic – for the individuals and families directly affected, and for the communities and nations in which they occurred[2].

But I nonetheless find it hard *not* to be struck by the difference in the public, and political, reaction to incidents of terrorism, and the casualties which result from them, to the corresponding reactions (or lack of them) to other incidents which no less tragic loss of lives, or life-changing injuries, rather more frequently than terrorism does.

This has been particularly apparent in the United States in recent years. Over the last five years, 954 people have been killed in the United States in 'mass shootings', (which American statistics commonly define as incidents involving four or more deaths resulting from gunfire) – compared with 164 people being killed in terrorist incidents (Charts 5 and 6). In other words, Americans have in recent years been almost six times as likely to be killed by another American with a gun, as they have been to be killed by a terrorist.

[2] Nor should it diminish the far greater number of tragedies which are occurring in other parts of the world, in particular in the Middle East, Northern and Western Africa, and in South Asia – but which are far less extensively covered in the 'western' media.

Chart 5: Incidents of and deaths from 'mass shootings' in the United States

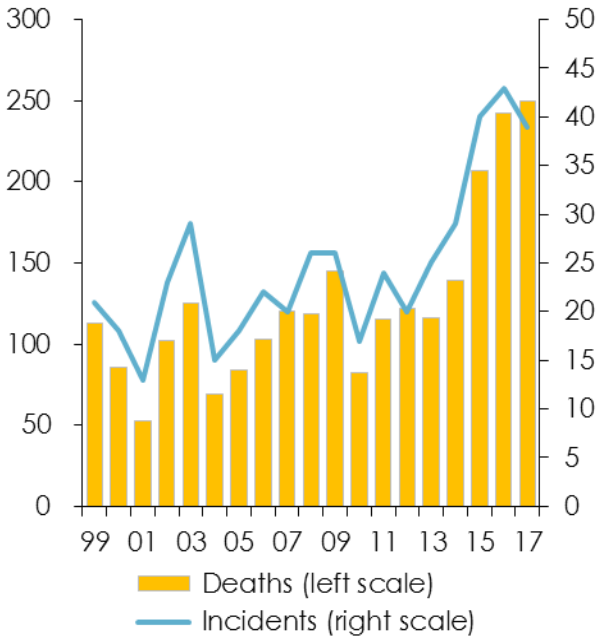
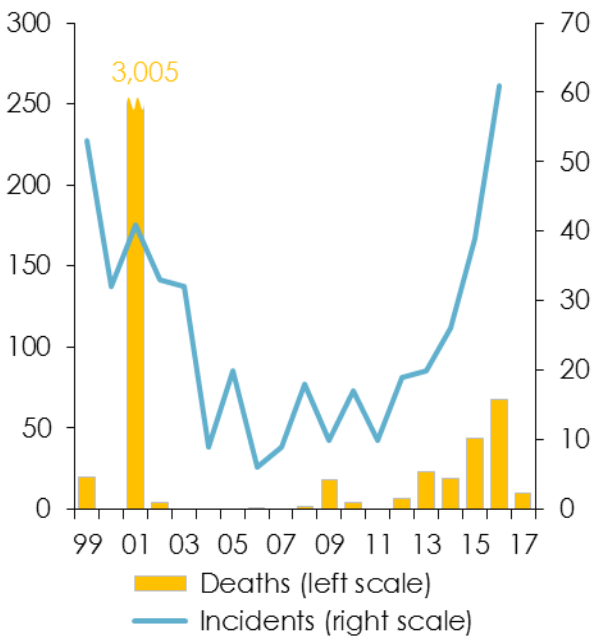


Chart 6: Incidents of and deaths from terrorism in the United States



Note: 'Mass shootings' defined as incidents resulting in four or more death by shooting.
Sources: Krouse and Richardson (2015); MassShootingTracker.org (for data on mass shootings after 2013); Global Terrorism Database, University of Maryland.

Yet while billions of dollars have been spent, new 'security' procedures have been introduced, tighter restrictions on both visitors and immigrants to the United States have been imposed, and enhanced powers conferred on security and law enforcement agencies with a view to reducing the risk of terrorism, nothing at all has been done to reduce the ability of people with a history of mental illness, people who nurture grievances against estranged family members, or people affiliated with domestic extremist groups, from procuring weapons whose sole purpose is killing.

According to the *Washington Post*, more than 2,800 people have been shot and killed by the police in the United States during the past three years (including 847 so far this year). That's more than 100 times the number of people who have been killed by terrorists. But, again, very little if anything seems to have been done to reduce the incidence of shootings by police.

Here in Australia our police are, thankfully, much better trained, and much more restrained, in their use of firearms than their American counterparts[3]. And the Howard Government, to its great credit, was prepared to tighten Australia's gun laws (even at the risk of alienating some of its core supporters) in the aftermath of the Port Arthur massacre in 1996 – and subsequent governments have, for the most part, resisted intermittent pressure to water down those laws. Largely as a result, there haven't been any more mass shooting deaths in Australia since then.

[3] 19 people have died in Australia as a result of 'legal intervention' in the three years to 2015-16 (ABS 2017). Allowing for the fact that the US' population is more than 13 times larger than Australia's, this means that, statistically, an American is 11 times more likely to be killed by a police officer than an Australian.

Nonetheless, we too in Australia have something of a double standard in how we respond to different causes, actual and potential, of death and injury.

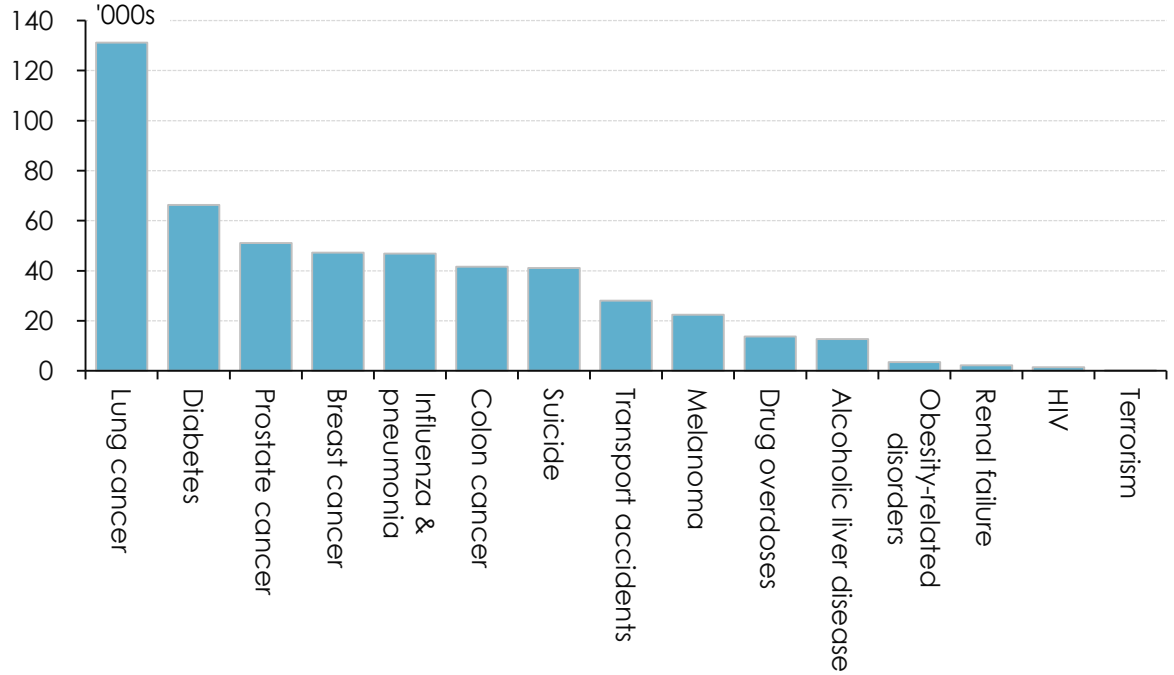
According to the University of Maryland's Global Terrorism Database, there were 47 terrorist incidents in Australia in the eighteen years from 1982 through 1999, resulting in eight deaths. In the eighteen years so far of this century, there have been 43 terrorist incidents in Australia (including counting two in 2017 which are not included in the GTD) – that is, fewer than in the preceding 18 years – resulting in five deaths – again, fewer than in the previous 18 years[4]. Police claim to have foiled 15 terror attacks in the past three years (Palin 2017), although it is difficult to verify or evaluate those claims, nor to know how many deaths may have resulted from them had they not been 'foiled'.

Again, eight deaths are eight tragedies, eight 'too many' – as are the life-changing injuries that have been suffered in terrorist incidents.

But in deciding how we as a society should respond to these deaths, we seem to be no less prone than the United States, or other countries, in applying a sense of proportion to them.

Chart 7 shows the number of deaths in Australia from a range of causes so far this century. I've selected these – from among the more than 1,900 different causes of death listed in the ABS publication from which I sourced them – for two reasons: first, because a large number of Australians have died from (most of) them; and second, because the number of people who die from them could be reduced (or reduced further), in some cases considerably, if we were sufficiently committed to so doing.

Chart 7: Selected causes of death in Australia, 2000 to 2016



Source: ABS (2017b).

[4] These figures don't include four terrorists who were killed in the course of their attacks. Nor do they include Australians killed in terrorist attacks overseas – such as the10 killed in the attacks on New York and Washington on September 11th, 2001; the 88 killed in the Bali bombings of 12th October 2002; and the 2 killed in the London attacks on 5th June this year.

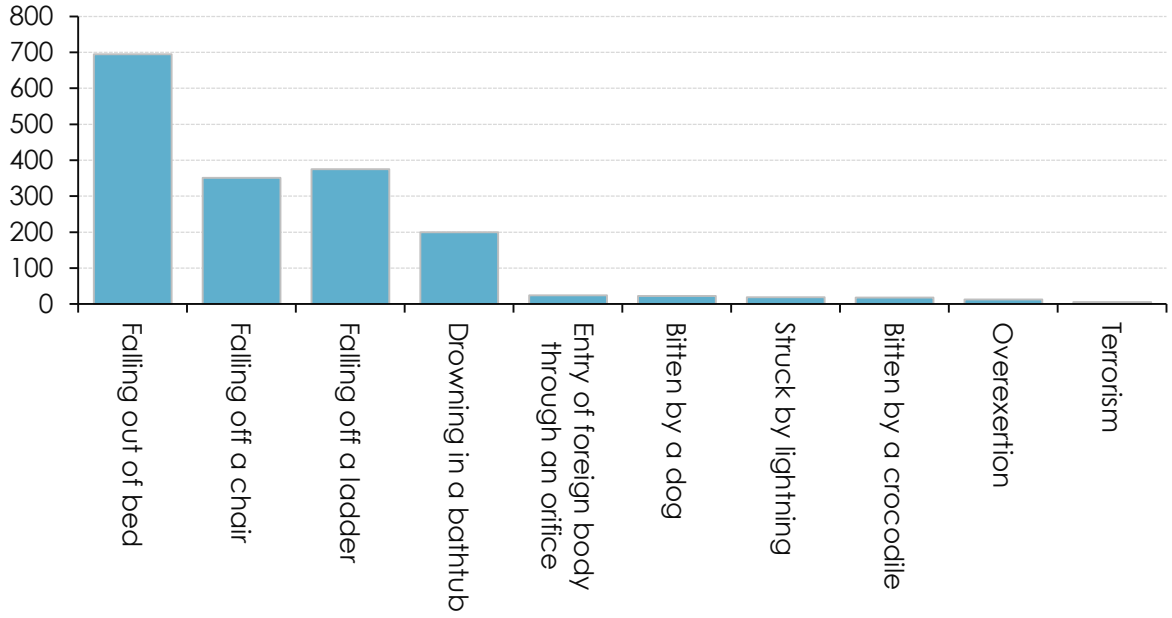
None of the more than 130,000 deaths from lung cancer over the last 16 years, the more than 66,000 from diabetes-related illnesses, the slightly more and slightly less than 50,000 from prostate and breast cancer, the more than 40, 000 suicides, the more than 28,000 deaths from transport accidents, down to the just over 2,000 deaths from kidney failure are any less tragic – and up to a point no less preventable – than the six deaths resulting from terrorist attacks during this period.

Not shown in Chart 7 is another significant cause of deaths in Australia – domestic violence. That's because domestic violence isn't separately identified in the ABS publication from which Chart 7 was sourced. However other ABS data suggests that at least 420 people have been killed by family members in the past seven years (and that a further 224,000 people have been assaulted by family members during the same period) – and, moreover, that these are under-estimates (ABS 2017a)[5].

I'm not suggesting that we as a society, and our governments, aren't doing *anything* about these and other causes of large numbers of Australian deaths. Rather, my point is that we could, if we chose to, do more: and that it's highly likely that we could prevent more deaths than we have prevented by doing all the things we have done to reduce the risks posed by terrorism.

Chart 8 shows the number of deaths in Australia over the last sixteen years from a different range of causes.

Chart 8: Some other selected causes of death in Australia, 2000 to 2016



Source: ABS (2017b).

Chart 8 shows that many more Australians have died falling out of bed, off chairs, or from ladders than have been killed by terrorists over the past sixteen years. Dogs and crocodiles have each killed more Australians so far this century than terrorists have. Statistically, Australians have been more likely to have been struck by lightning, and died as a result, than to have been killed by terrorists since 2000.

[5] These figures are under-estimates because some states do not provide data on the relationship status of offenders and victims.

I'm not trying to be flippant here: Barack Obama made exactly the same point about the relative probabilities of being killed by terrorists and drowning in bathtubs in his last year in office (Goldberg 2016). Nor am I suggesting that a large number of Australian lives could or should be saved by applying a large amount of effort to making chairs or bathtubs safer, or sheltering us from lightning strikes.

What I am trying to highlight is how difficult it seems to be for us as a people, and for our governments, to calibrate the probabilities associated with terrorism in a calm, sensible and rational manner.

I want to suggest that there are two principal reasons for this.

The first is what psychologists call the 'availability heuristic'[6]. As defined by Amos Tversky and Daniel Kahneman (1973), people "evaluate … the probability of events by availability, ie, by the ease with which relevant instances come to mind"[7]. Put differently, the easier it is to think of something, the more likely you think it is to happen.

The high-profile and extensive media coverage of terrorist incidents – particularly those which occur in 'Western' countries – has been a major contributor to the inflated probabilities which people attach to the risk of terrorism (Dalal 2017). So too has been the hyperbolic rhetoric from governments, including in Australia, about how likely a terrorist attack is to occur (see eg Le Grand 2017; Mueller and Stewart 2016, pp. 21-34).

A related concept is what Harvard Law School's Cass Sunstein (2003) calls 'probability neglect', which refers to the tendency of people to ignore probabilities in instances where there is a high emotional content. As he puts it, "It is predictable that in the aftermath of a terrorist attack, the public will alter its behaviour and demand a substantial governmental response—even if the magnitude of the risk does not warrant that response, and even if the danger is far less than that presented by other hazards that do not greatly concern people" (Sunstein 2003, p. 122).

The second reason – which goes to the heart of why governments, who one might expect to be less subject to these failures of reasoning than individuals, have reacted as they have to the risks posed by terrorism – is that if a terrorist incident does result in a large number of deaths, people will blame governments; whereas people do not, in general, blame governments for the much larger number of deaths which continue to occur for the various reasons I noted earlier.

Put differently, statistically you're much more likely to be killed in a road accident on your way to the airport than you are as a result of anything that might happen after you get there. But if something does happen to you on the way to the airport, blame will be sheeted home to your driving, someone else's driving, the condition of the road, or the weather; whereas if you happen to die as a result of a terrorist attack on the airport, or on the plane you're flying on, much of the resulting blame will be assigned to the government.

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[6] A heuristic is a 'mental short-cut'.

[7] Kahneman was awarded the Nobel Prize in Economics in 2002 for his work, together with Tversky (who had died in 1996), in behavioural economics.

That's why politicians say things like, "we don't want to look back tragically and say 'what could we have done to prevent something from happening", as New South Wales Premier Gladys Berejiklian said when agreeing a few months ago to hand over photographs of everyone in her State with a drivers' licence to the Commonwealth, so as to create a national database that can be combined with facial recognition technology to assist in the speedy identification of suspected terrorists (and, importantly, for other purposes) (Yaxley 2017).

I don't mean to single Ms Berejiklian out: other politicians, from both major parties, have expressed similar opinions. Nor am I criticizing politicians for seeking to reduce the threat of terrorism (although I will shortly be critical of many of the specific things that they have done ostensibly to that end).

Rather, my point is that you almost never hear or read of politicians saying that they wouldn't want to look back and wish that they had done more to reduce other, much greater, risks to the lives and well-being of their citizens – risks which they could do more to reduce, if they thought it was sufficiently important to do so.

On the contrary, some politicians appear to see some political advantage for themselves in exaggerating the threat of terrorism, and in suggesting that only they can be trusted to 'keep people safe'; while others fear that questioning either those exaggerated threats, or the necessity of actions proposed with the aim of reducing them, will result in them being portrayed as 'soft on terrorism'.

The American writer HL Mencken could have been foreshadowing this when he wrote, in 1921, "the whole aim of practical politics is to keep the populace alarmed (and hence clamorous to be led to safety) by menacing it with an endless series of hobgoblins" (Mencken 1949, p. 29).

Let me repeat that I am *not* suggesting that governments should have done nothing to reduce the risks posed by terrorists. What I am suggesting here is that we could and should have started with a clearer-headed assessment of how real those risks were.

And what we should also have had is more sensible ways of thinking about, and reviewing, what we have actually done with the intention of reducing them.

How effective have all the 'security' measures been in reducing the risks posed by terrorists?

Governments, including in Australia, have responded to the perceived heightened threat of terrorism in a variety of ways, including (most obviously) by mandating a range of 'security' procedures at airports and on aeroplanes, creating new types of offences and empowering courts to impose punishments for those found to have committed them, and giving law enforcement and 'security' agencies additional resources and powers to detect and intercept people suspected of planning or committing acts of terrorism[8].

[8] I am intentionally excluding from this discussion decisions to participate in military actions in Afghanistan, Iraq and elsewhere, as responses to the threat of terrorism, although many would argue that they (and their cost) should also be considered in this context.

Most of the measures which are visible to the public – such as those that people encounter at airports, or at major public events – have been imposed in reaction to things which terrorists have done, or attempted to do, irrespective of whether those attempts had been 'successful', from the terrorists' perspective.

In 2011 Mark Stewart, who is Professor of Civil Engineering at the University of Newcastle (in New South Wales) and who has 30 years' experience in probabilistic risk and vulnerability assessment of security systems, co-authored with John Mueller of Ohio State University (in the United States) an assessment of the effectiveness of the 'aviation security' measures that had been introduced over the previous decade, since the attacks of September 11th, 2001. They concluded (Mueller and Stewart 2011, pp. 137-158) that the only measures which had demonstrably and cost-effectively reduced the risks posed by terrorists to 'aviation security' were those requiring cockpit doors to be hardened, and lockable from the inside[9]. The least cost-effective measures, according to their analysis, were air marshals (that is, armed personnel flying in first or business class) and 'porno-scanners' (the ones which require you to stand in a glass cylinder with your arms raised, so that security personnel can see through your clothes).

Despite these and other similar findings (for example, Schneier 2004), air travellers throughout the world continue to be subjected to procedures which, in the words of 'Ask the Pilot' author Patrick Smith (2011), "waste our time, waste our money, and humiliate millions of us on a daily basis".

So why do we persist with what widely-respected American security technologist Bruce Schneier (2012) has termed "security theatre"?

Aside from the fact that it creates a lot of employment – which some people no doubt see as a benefit in and of itself – there are, I think, two reasons.

The first is, as Schneier suggests, the result of "politicians and government appointees capitulating to a public that demands that 'something must be done', even when nothing should be done; and a government bureaucracy that is more concerned about the security of their careers if they fail to secure against the last attack than what happens if they fail anticipate the next one" (2012).

We see evidence for this locally with the recurring demands made, by politicians from across the political spectrum, for armed Federal Police to be re-instated at Hobart Airport – even though the Federal Police have (presumably) made the judgement that the presence of their armed officers isn't required on 'security' grounds, in the same way that they're not deemed necessary at, say, Wynyard or Devonport Airports.

One local politician, not otherwise noted for his extremism on matters of 'security', earlier this year went so far as to say that the Prime Minister would "have blood on his hands" if anyone were to be hurt in a terrorist attack at Hobart Airport (Shine 2017).

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[9] And of course the second of these (the requirement that cockpit doors be locked from the inside) made it possible for the rogue pilot of Germanwings Flight 9525 from Barcelona to Düsseldorf on 24th March 2015 to commandeer the aircraft and crash it into the Alps, killing 144 passengers and six crew.

Politicians usually say, when they are announcing or defending the imposition of new 'security' requirements, that they're 'acting on advice from security agencies'.

But this example illustrates how politicians are willing to ignore that advice in order to show how 'tough' they are on terrorism.

Another recent example is provided by the response to the alleged terrorist plot to 'bring down a plane' in July this year. We now know that Australian Federal Police had become aware, on Thursday 27th July, of a plot to smuggle an explosive device inside a meat mincer onto an aircraft at Sydney Airport, and that, acting on that information, four men were arrested on Saturday 29th July (Mee et al 2017). During this interval, when security authorities were aware that the alleged plotters were still 'at large', no additional measures were put in place to 'keep people safe'. Rather, 'enhanced security measures' were only put in place *after* the alleged plotters had been arrested. And one of the consequences of those 'enhanced security measures' was of course that thousands of people had to mill around at airports, for periods of up to two hours, in order to pass through 'security' – presenting a prime target for any other terrorists who (unknown to police) might have been wanting to kill a large number of Australians[10].

A second reason why we persist with 'security theatre' may be that it helps to reinforce the belief on the part of the public that the threat of terrorism is greater than it really is, and thus helps to condition them to be more willing to acquiesce in other measures, including the provision of increased resources and greater powers (for example, of surveillance, arrest and detention) to security agencies, than would be the case otherwise.

Anthony Giddens, the progenitor of former British Prime Minister Tony Blair's 'third way', wrote (approvingly) of this strategy, asserting that "scaring people – getting them to see that the risk is real – may be the very condition of minimising or avoiding danger" (Giddens 2005).

There is of course no way for the general public to know whether arguments of this sort are actually used by those who do wish to gain more resources, or to shift the delicate balance between 'liberty' and 'security' in favour of the latter. But it is very clear that, if they have, it has been a highly effective strategy.

Again I probably need to be clear – since if I'm not, someone will inevitably suggest otherwise – that I am *not* advocating that there be *no* security measures at airports, even though I have myself been perfectly willing to get on aircraft without passing through any security at all (for example, when travelling to and from Flinders Island, or in Madagascar).

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[10] I felt exactly the same way in France in July this year, when waiting outside the Louvre for almost an hour, 'skip the line ticket' in hand, to go through what turned out to be a fairly rudimentary 'security' inspection before being allowed into the glass pyramid that is the entrance to the museum. I readily acknowledge that there are good reasons for thinking about the risk of further terrorist attacks in France. But I felt more vulnerable standing around outside, where none of the hundreds of people in my immediate vicinity had been subjected to any kind of 'security' screening, than I would have had I been allowed to enter the Louvre directly without having to pass through 'security'.

But I do think we can and should be less anal about many of the things that we do at airports and elsewhere in the name of 'security' – including confiscating shaving cream and deodorants, requiring people to remove belts and footwear when passing through scanners, and the supposedly random waves of the 'magic wand' over people and bags who have already passed through scanners.

Has the 'benefit' of all this additional 'security' been worth the cost?

In this year's Budget Papers, the Australian Government said:

> "*All* government spending, whether for day-to-day operations (recurrent) or capital, should be closely scrutinised for its quality. This requires a strong commitment to rigorous project assessment and program evaluation to determine which spending generates the strongest public benefits" (Commonwealth of Australia 2017, p. 4-5; emphasis added).

The Productivity Commission's recent initial five-yearly review of Australia's productivity performance recommended that:

> "*No* policy areas should be immune from proper appraisal – ex ante and ex post" (Productivity Commission 2017, p205; emphasis added).

When it comes to matters of 'security', however, any idea of 'close scrutiny' or 'proper appraisal' seems to go entirely out the window – often accompanied by the suggestion that any suggestion that measures proposed with the aim of enhancing 'security' should be thus scrutinized is tantamount to treason or, at the very least, evidence of being 'soft on terrorism'.

The United States spends US$115bn a year deterring, disrupting or protecting against terrorism (Mueller and Stewart 2016, p. 135). Yet that spending has never been subject to any kind of analysis as to whether that represents money 'well spent' in terms of lives saved, injuries prevented and damage avoided.

I'm not aware of any comparable estimate of how much Australia spends on 'counter-terrorism'[11]. Spending on 'public order and safety' by the Commonwealth Government has risen by 230% since 2000-01 – a larger increase than in any other category of spending apart from transport and communications. Within that category, the Australian Security Intelligence Organization's budget has increased by 573% (from $76mn to $512mn); the Australian Secret Intelligence Service's budget has increased by 712% (from $43mn to $346mn); while the Australian Federal Police budget has grown, despite some cut-backs in the 2014-15 Budget, by 230% (from $584mn to $1.9bn). Total Commonwealth Government spending rose by 147% over the same period (Chart 9).

Not all of those increases are attributable to 'counter-terrorism' activities, of course; but some counter-terrorism activities come under other headings; and a good deal of counter-terrorism activities are funded by state governments.

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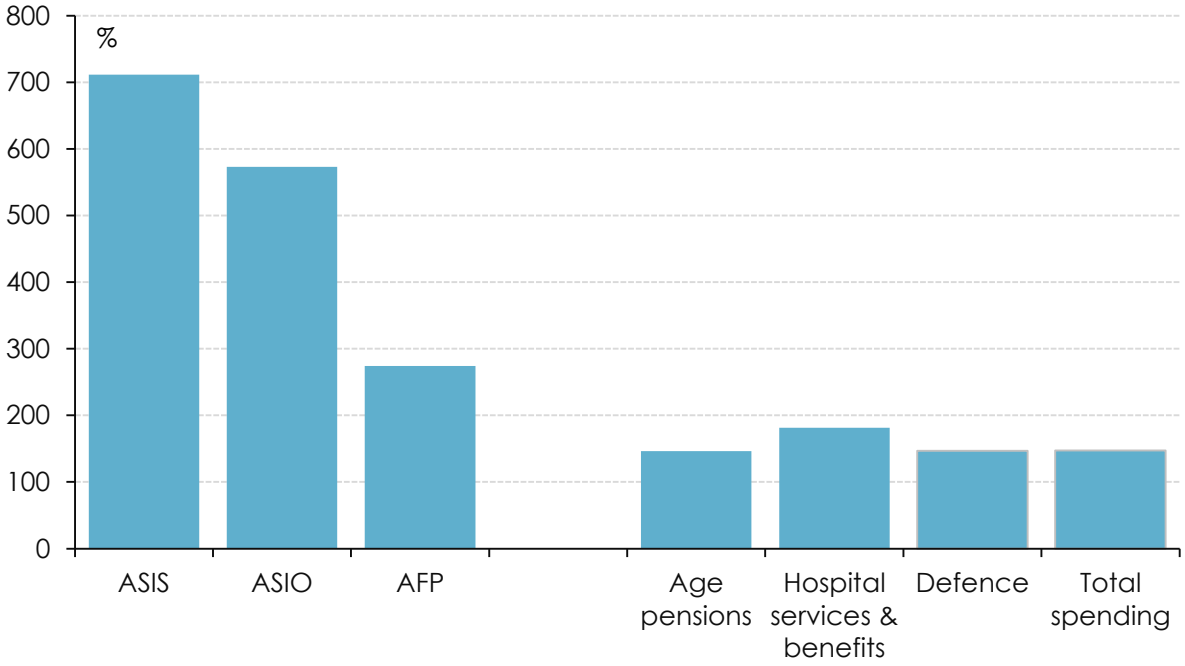
[11] One estimate, by Athol Yates of the Australian Security Research Centre in 2011, suggested that the Commonwealth, State and local governments and the private sector had spent a total of $16bn on 'homeland security' [sic] over the preceding decade (Hyland 2011).

Chart 9: Increase in Commonwealth Government spending on security agencies, and other selected areas, 2000-01 to 2016-17



Sources: Agency annual reports, Portfolio Budget Statements, and Budget Paper No. 1, 2000-01 through 2017-18.

In addition, and in contrast to the US, a good deal of the 'security' measures that are obvious to the general public, in particular at airports, are required to be funded by airport operators and airlines, rather than by a government department.

But to the best of my knowledge none of these measures has ever been subject to the sort of 'close scrutiny', or 'rigorous assessment … and evaluation', which the Government says should be applied to 'all government spending'.

Some might object that, since 'security' is about saving people's lives, it is not possible to subject 'security' measures to a 'cost-benefit' analysis – because how can you put a value on the lives (purportedly) saved by measures undertaken in order to 'make us safe'?

In fact, the Government *does* put a value on people's lives. In December 2014, the Office of Best Practice Regulation, a unit of the Department of Prime Minister and Cabinet, issued a 'Guidance Note' directing government agencies to value a life saved at $4.2mn, or $182,000 per annum in 2014 dollars, when estimating the benefits of reducing the risk of death. The Guidance Note goes directs users' attention to 'disability weights' published by the Australian Institute of Health and Welfare which can be used to assign a dollar value, for these purposes, to diseases and injuries.

Such estimates are routinely used by government agencies to assist in determining how much it is appropriate to spend on enhancing the safety of a wide range of infrastructure assets, or in assessing the benefits of regulations directed towards improving public health.

There is no reason why they should not be used to assess the cost-effectiveness of measures aimed at enhancing 'security'. Indeed there is one security agency in the United States which does precisely that – the US Coast Guard. However, while the Government Accountability Office (the US equivalent of our Auditor-General) has described the Coast Guard's efforts as a 'positive step' which should be followed by other agencies, the Department of Homeland Security has refused to do so, on the grounds that it "did not feel that the risk reduction measure and its methodology would be understandable by the public" (Mueller and Stewart 2016, pp. 255-256).

It would seem that there is likewise little, if any, external review of the trade-offs which Australian governments have repeatedly made over the last sixteen years between 'security' and 'civil liberties'.

By some reckonings, Australia has passed more anti-terrorism laws than any other country (Williams 2017; Milliken 2014). And unlike other 'western' countries, Australia neither has any bill or charter of rights, nor has it incorporated the International Covenant on Civil and Political Rights into Australian legislation, which means there is no way for citizens to challenge the erosion of civil liberties through legal processes, as there is in other countries.

I don't blame security agencies for seeking additional powers – it's in their DNA. Rather, I worry about the unwillingness of our political leaders at least occasionally to 'push back' against those requests – and the lack of any mechanism for genuinely independent review of the decisions which political leaders make in this context.

In the United States, according to a 2013 statement by two Senators who were members of the Senate Committee on Intelligence, "it is up to Congress, the courts and the public to ask the tough questions and press even experienced intelligence officials to back their assertions up with actual evidence, rather than simply deferring to these officials' conclusions without challenging them" (Wyden and Udall 2013).

With very few exceptions – such as former Greens Senator Scott Ludlam, and Senator David Leyonhjelm – such 'tough questions' are rarely asked by Australian parliamentarians.

Far more commonplace are views such as that of Victorian Premier Dan Andrews, that civil liberties are "a luxury" in the face of the "very real terror threat" (Preiss 2017); or that of former Member for Bass, Andrew Nikolic, that the traditional debate between civil liberties and the protection of society is "redundant" (Wroe 2015)[12].

I'm old enough to remember that one of the reasons why reasons why we could be sure that the Soviets were the 'bad guys' was because they were the ones who tapped their citizens' phones and read their mail, who could arrest their citizens without charge, and detain them indefinitely without needing to prove them guilty of any crime – and 'we', by contrast, did not do any of those things. We didn't do them in the 1970s and 1980s when there were more terrorist incidents in 'western countries', and more deaths resulting from them, than there have been in recent years.

[12] Andrew Nikolic's view is all the more disconcerting given that, in the last Parliament, he was Chairman of the Joint Committee on Intelligence and Security, a committee which is meant to scrutinize the activities of security agencies, not act as a cheer-leader for them.

But now we do.

I find it particularly striking that the Liberal Party, which, for most of the past 40 years, has proclaimed the virtues of 'smaller government', has done so much to expand the powers of the state over individuals in the last sixteen years; and that the Labor Party, for whom the protection of civil liberties used to be a talisman, has more recently been so supine in their defence.

The seemingly never-ending expansion of methods of mass surveillance – from the mandatory collection and retention of communications metadata to, most recently, the combination of licence records with facial recognition technology – is worrying not only from a civil liberties perspective.

It's worrying first because the faith which security agencies and governments seem to put in mass surveillance doesn't appear to be justified, either in absolute terms or set against the costs involved. John Mueller and Mark Stewart, whose work I've mentioned earlier, cite a US study which concludes that "the contribution of the [US National Security Agency's] bulk surveillance programs to the known cases was minimal" (Mueller and Stewart 2016, p. 178).

The Australian Government's mass surveillance programs didn't prevent the Lindt Café terrorist from perpetrating his crimes, even though he was known to police for a number of other offences, and had previously written to the Attorney-General asking for permission to visit Islamic State in Iraq, among hundreds of other letters to Ministers and MPs (Lee 2015). The most recent plot to explode a bomb on a plane departing from Sydney Airport was foiled thanks to a tip-off from Lebanese police, not as a result of mass surveillance.

Second, mass surveillance can be, and is, abused and mis-used for other purposes. As Crikey's Bernard Keane has reported, "in the last two years there have been a string of prosecutions of Queensland police for misusing surveillance systems. A UK study in 2011 found hundreds of British police misusing police databases, including passing information to criminals. The misuse of the National Security Agency's highly intrusive surveillance powers by agency staff to stalk women has been admitted by the NSA" (Keane 2017).

Another disturbing instance of the mis-use of these powers came to light earlier this year when the Australian Federal Police admitted that a journalist's metadata was accessed by officers hunting down a leak, without obtaining a warrant as required by the mandatory data retention legislation. Apparently no action is to be taken against the officer involved, because it was the result of what the AFP Commissioner termed 'human error' (Taylor 2017). Try that one next time you're booked for exceeding the speed limit and see how far it gets you.

Third, we know that government agencies can't guarantee that the information contained in these databases won't be hacked or stolen by foreign governments, or criminals, or even left in rubbish dumps, as they have been, in Australia and overseas.

Finally, the use of mass surveillance is not going to be confined to counter-terrorism.

Justice Minister Michael Keenan has indicated that the new national facial recognition database will be available to police investigating any crime carrying a penalty of three years' jail or more (Woodley 2017).

That might be fair enough, to most people. But why should we believe it will stop there? In China, facial recognition technology is being used to identify and fine people caught jay-walking (Xinhua 2017; Chin and Lin 2017). Ultimately, China is seeking to build what the State Council calls a 'social credit ratings system', which will combine data from police, banks, government agencies, and internet and telecommunications companies so as to assign every citizen a 'credit score', which will then be used to determine at what price they can borrow money, if they can buy train tickets during busy holiday periods, work for the public service and whether they can send their children to private schools (Grigg and Murray 2017).

I'd like to think that Australia wouldn't go that far. But given how far we have already departed, as I noted earlier, from how we used to set the balance between 'liberty' and 'security' during the Cold War, I don't say that with a great deal of confidence. .

Conclusion

I will conclude by summarizing my answers to the three questions which I posed at the outset.

I don't deny for a moment that terrorism presents *a* threat to the safety and well-being of Australians. But I also believe that the magnitude of that threat has been greatly exaggerated. In Australia, as in most other 'western' countries, it is *less* of a threat than it was three and four decades ago – although the same cannot be said of a number of other parts of the world. It is also *less* of a threat than some of the other security issues about which security agencies are properly, in my view, concerned – including cyber-crime, and foreign espionage and influence-peddling.

Second, much of what is being done, ostensibly with a view to reducing the risks posed by terrorists, in fact does very little to reduce what is in reality a relatively small set of risks, and has instead had the effect (as it may indeed have been intended) of making people think the risks associated with terrorism are greater than they really are.

The resources which have been committed to dealing with the inflated risk of terrorism are depriving us of opportunities to address other, more serious, issues adversely affecting the well-being and in many cases the lives of large numbers of Australians.

Third, I am dismayed at how lightly we in Australia, and people in so many other 'western' democracies, have acquiesced in the erosion of liberties and freedoms that we used to hold dear, that we say to ourselves were what our forebears have fought and died for in foreign fields, that distinguished us from our one-time adversaries.

Terrorism is a crime – some instances of it have been monstrous crimes. It would have been far better – it could still be far better – if we treated it as such, rather than allowing it to become, or become even more of, a political football.

References

Andrews, Evan (2015), 'The Mysterious Wall Street Bombing, 95 Years Ago', *History*, 14th September.

Applebaum, Anne (2005), 'The Discreet Charm of the Terrorist Cause', *Washington Post*, 3rd August.

Australian Bureau of Statistics (ABS) (2017a), *Recorded Crime - Victims, Australia, 2016* (catalogue no. 4510.0), Canberra, 6th July.

——————— (2017b), *Causes of Death, Australia, 2016* (catalogue no. 3303.0), Canberra, 27th September.

Baird, Julia (2016), *Victoria The Queen*, HarperCollins, Sydney.

Bonner, David (2007), *Executive Measures, Terrorism and National Security: Have the Rules of the Game Changed?*, Ashgate Publishing, London.

Chin, Josh, and Liza Lin (2017), 'China's All-Seeing Surveillance State Is Reading Its Citizens' Faces', *Wall Street Journal*, 26th June.

Commonwealth of Australia (2017), *Budget Strategy and Outlook*, Budget Paper No. 1, Canberra, 9th May.

Dalal, Nemil (2017), 'How Media Fuels our Fear of Terrorism', *Pricenomics.com*, 17th January.

Eslake, Saul (2005), 'Three Seemingly Unrelated Propositions Concerning Australia's Identity and Economic Performance', *Papers and Proceedings of the Royal Society of Tasmania,* Volume 139, pp. 53-60, September.

Gage, Beverly (2009), *The Day Wall Street Exploded: A Story of America in its First Age of Terror*, Oxford University Press, New York.

Giddens, Anthony (2005), 'Scaring people may be the only way to avoid the risk of new-style terrorism', *New Statesman*, 10th January.

Grigg, Angus, and Lisa Murray (2017), 'In Xi Jinping's scary new China, Big Brother meets big data', *Australian Financial Review*, 12th October.

Goldberg, Jeffrey (2016), 'The Obama Doctrine', *The Atlantic*, April.

Haynes, Alan (2005), *The Gunpowder Plot: Faith in Rebellion*, Hayes and Sutton, London.

Hyland, Tom (2011), 'Terror fight costs $30 billion', *Sydney Morning Herald*, 11th September.

Keane, Bernard (2017), 'Your surveilled life: no escape from the Politicians' Panopticon', *Crikey*, 5th October.

Kelters, Seamus (2013), 'Violence in the Troubles', BBC. February.

Krouse, William J., and Daniel J. Richardson (2015), *Mass Murder with Firearms: Incidents and Victims, 1999-2013*, US Congressional Research Service, Washington DC, 30th July.

Lee, Jane (2015), 'Not one, but all Man Haron Monis letters to Attorney-General's Department ministers overlooked', *Sydney Morning Herald*, 3rd August.

Le Grand, Chip (2017), 'Terror risk in Australia has "never been greater"', *The Australian*, 27th May.

Mee, Cameron, Nick Ralston, Rachel Olding and James Massola (2017), 'Sydney terrorism raids believed to relate to 'bomb plot involving aircraft'', *Sydney Morning Herald*, 30th July.

Mencken, Henry L (1949), *A Mencken Chrestomathy*, Alfred A. Knopf, New York.

Milliken, Robert (2014), 'Australia and terrorism: Pushing the limits', *The Economist*, 15th October.

Mueller, John and Mark G. Stewart (2011), *Terror, Security and Money: Balancing the Risks, Benefits and Costs of Homeland Security*, Oxford University Press, New York.

——————— (2016), *Chasing Ghosts: The Policing of Terrorism*, Oxford University Press, New York.

Office of Best Practice Regulation (2014), *Best Practice Regulation Guidance Note - Value of statistical life*, Department of Prime Minister and Cabinet, Canberra, December.

Palin, Megan (2017), 'The other imminent terror attacks Australia narrowly escaped', news.com.au, 31st July.

Preiss, Benjamin (2017), 'Daniel Andrews says detaining terror suspects is 'challenging but necessary'', *The Age*, 5th October.

Productivity Commission (2017), *Shifting the Dial: 5-year productivity review - Inquiry Report*, Canberra, 24th October.

Schneier, Bruce (2004), *Beyond Fear: Thinking Sensibly about Security in an Uncertain World*, Copernicus Books, New York.

——————— (2008), 'The psychology of security', *Schneier on Security*, 18th January.

——————— (2012), 'A waste of money and time', *New York Times*, 12th October.

Shine, Rhiannon (2017), 'PM warned "blood on his hands" if AFP not returned to Hobart Airport to prevent terrorist attacks', ABC News, 30th July.

Smith, Patrick (2011), 'Terminal Madness: What is Airport Security?', *Ask The Pilot .com*.

Stone, Geoffrey (2004), *Perilous Times: Free Speech in Wartime from the Sedition Act of 1798 to the War on Terrorism*, Norton & Company, New York.

Sunstein, Cass R. (2003), 'Terrorism and Probability Neglect', *Journal of Risk and Uncertainty*, Volume 26, Issue 2-3, March, pp. 121-136.

Taylor, Josh (2017), 'AFP admits to data breach involving journalist's phone records', *Crikey*, 28th April.

Tulich, Tamara, and Jessie Blackburn (2015), 'Reactive anti-terror laws risk further eroding freedoms without making us safer', *The Conversation*, 23rd November.

Tversky, Amos, and Daniel Kahneman (1973), 'Availability: a heuristic for judging frequency and probability', *Cognitive Psychology*, Volume 5, Issue 2, September.

Xinhua (2017), 'Chinese city uses facial recognition to tackle jaywalking', 25th September.

Williams, George (2017), 'Anti-Terror Laws and Australia', University of New South Wales Law School, 7th November.

Wolfendale, Jessica (2016), *The Narrative of Terrorism as an Existential Threat*, Routledge, New York.

Woodley, Naomi (2017), 'Facial recognition to be limited to serious offences: Keenan', AM, ABC Radio, 6th October.

Wroe, David (2015), 'Terror threat makes civil liberties debate 'redundant', Liberal MP Andrew Nikolic says', *Sydney Morning Herald,* 2nd December.

Wyden, Senator Ron, and Senator Mark Udall, Statement on the Disclosure of Bulk Email Records Collection Program, United States Senate, 2nd July (quoted in Mueller and Stewart 2016, p. 190).

Yaxley, Louise (2017), 'Malcolm Turnbull calls for driver's licence photos to be added to national database to help fight terrorism', ABC News, 4th October.