
Southern Response Earthquake Services Limited

Threat Assessment

12 April 2016



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Summary:

- No immediate or serious threats of violence or harm have been identified to Southern Response Earthquake Services Limited's staff, facilities, premises, or operations.
- Since the previous Thompson+Clark Threat Assessment published on 11 March 2014, the identified priority of risk has shifted from one predominantly from protest, to one posed by highly disaffected individuals acting in isolation.
- There have been a small number of isolated incidents where very angry people have either behaved threateningly or made threatening statements towards Southern Response staff. These have historically not resulted in an escalated response against the offender, and improved systems are now capturing, and documenting such incidents more effectively.
- Priorities of risk in terms of staff and personnel safety is: firstly, those staff who have to interact directly with any highly disaffected, disputatious, or quarrelsome clients. Secondly, management who may be required to engage as a secondary line of recourse with such individuals. Thirdly, the Board, who is frequently seen by such individuals as a focus for escalation in terms of their behaviour and pursuing their demands when they feel frustrated dealing at a lower level.
- There has not been concern raised in terms of threats against premises and facilities (eg: bomb hoaxes, vandalism, arson, etc).

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THREAT ASSESSMENT ©

Client: Southern Response Earthquake Services Limited

Location: Christchurch

Date: 12 April 2016



1. Threat Level and Response

1.1 At 17:00hrs, 12 April 2016, the Threat Level to Southern Response's staff, personnel, operations and facilities from identified areas of concern (involving incidents of concern; threats to property and facilities; threats to, or endangerment of staff and personnel; wilful damage; intimidation; and trespass) was assessed as being:

- Risks to, or endangerment of staff and personnel: **MODERATE**, with a Threat Rating of 6/10 (Likelihood Rating: 2/5 - Success Rating: 4/5). The likelihood of such risks was assessed as warranting best practice protective security measures appropriate to the identified risk as they occur, or are identified.
- Threats involving events of concern; to property and facilities; wilful damage, intimidation, and trespass: **MODERATE**, with a Threat Rating of 5/10 (Likelihood Rating: 2/5; Success Rating: 3/5). The likelihood of such risk was assessed as warranting routine protective security measures appropriate to the circumstances.
- Any protective security measures should be scaled to mitigate the broad nature of the threat. They should factor practicalities of the particular event and its efficient management, while recognising that informed and specific operational judgements and geographical vulnerabilities may require at times a level of acceptable risk (see Section 9.0 for further information on the threat assessment process).

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2. Background

- 2.1 Southern Response Earthquake Services Limited ('Southern Response') is a New Zealand Government-owned company responsible for settling claims by AMI Insurance policyholders for Canterbury earthquake damage which occurred before 05 April 2012 (the date AMI was sold to insurance company IAG).
- 2.2 Established in 2012, Southern Response as a Crown-owned company has a Board of Directors appointed by the Crown, and which is its sole shareholder. Southern Response is incorporated under the Companies Act 1993 and is listed in Schedule 4 of the Public Finance Act 1989. The company's shareholders are the Ministers of Finance and Earthquake Recovery.
- 2.3 Because of the unprecedented cost of Canterbury earthquake claims, in April 2011 AMI received capital support from the New Zealand Government to ensure the interests of all AMI policyholders were protected and all claims would continue to be met under the terms of their policies.
- 2.3 On 05 April 2012, AMI was separated into two companies: Southern Response and AMI Insurance. The 'new' AMI company was acquired by IAG Insurance. It kept the AMI name and logo and continues to provide day-to-day insurance to clients. AMI is responsible for all claims for any damage (including earthquake damage) which occur after 05 April 2012. AMI policyholders with earthquake-related claims continue to be customers of both the 'new AMI' company and Southern Response until their earthquake claim is settled.
- 2.4 Southern Response is in essence the new name for AMI's former Earthquake Claims Management Team. Southern Response is also responsible for a small number of claims resultant from other natural events, such as the Nelson floods and some snow damage claims which were not part of IAG's purchase of AMI (although these claims continue to be managed by AMI).
- 2.5 As at 29 February 2016, Southern Response had completed 5,488 settlements; with 1,553 in progress. However, a report in the Christchurch Press, dated 22 March 2016 claimed it could take until 2019 for Southern Response to settle all earthquake

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claims, despite the company being on track to settle 90 percent of all claims by the middle of 2017. 'The Press' claimed that the time frame for settling claims had been pushed out mainly because of "newly-reported over cap claims" from the Earthquake Commission (EQC) and the complexity of many claims. The same report documented that one of the challenges Southern Response faced was dealing with the 800 new claims from the EQC since January 2014 - and a 300 more estimated still to come.

- 2.6 On 11 March 2014, Thompson+Clark published an initial Threat Assessment which addressed the prominent threat identified at that time, which was protest by disgruntled AMI insurance policy holders who had begun organising themselves and had begun holding protest events, some of which had resulted in a high level of emotional outpouring and frustration.
- 2.7 The threat level at that time was at **HIGH** (now rated as Elevated), with a Threat Rating of 7/10 (Likelihood Rating: 4/5 - Success Rating: 3/5). This level of assessment factored incidents of emotive protest and threats to the safety of Southern Response senior personnel, but not to wider staff. This latest assessment addresses this gap.

3. Primary Areas of Risk

Threats of Violence and Abusive Behaviour

- 3.1 The primary concern in terms of risk is the risk to Southern Response staff and other personnel (eg: Board Members) from highly disaffected and disputatious individuals dissatisfied with their insurance claim or progress towards resolving it. This has fortunately to date predominately manifested in threats, as opposed to actual physical acts of violence, although there has been one recent incident of abusive behaviour by a female visitor and who was dealt with satisfactorily by security personnel.
- 3.2 There continues to exist a small, but worrying regular occurrence of incidents where Southern Response staff are exposed to abusive and aggressive behaviour in the course of working with clients. This year, there has been at least one documented incident when an irate caller made a death threat and which was referred to the police for investigation.
- 3.3 While there have not been any major incidents of concern where actual harm has occurred, there have been a small number of incidents where a scenario similar to the

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one which tragically occurred in the September 2014 Work and Income NZ shootings in Ashburton could have possibly have played out. For example, the October 2014 threat by a disgruntled individual to carry out a copy-cat scenario of the Ashburton shootings and which resulted in the cancelation of scheduled meeting in Christchurch between Southern Response staff and unhappy insurance claimants.

See: www.newstalkzb.co.nz/news/christchurch/security-threat-behind-cancelled-meeting-revealed/

Protest

3.4 Since publication of the last Threat Assessment on 11 March 2014, the risk from protest, particularly at Southern Response premises, has reduced substantially to where it is assessed such a risk is assessed as being moderate. This is assessed due to a combination of factors involving changes in the personal circumstances of some of those previously driving the protests; increasing resolution of claims; the existence of other outlets for frustration (such as the class action); and successful mitigation efforts by Southern Response to engage with dissatisfied individuals.

3.5 This has, however, still not eliminated individual and unpredictable behaviour by some individuals, such as the assault on the Minister of Earthquake Recovery Minister at this year's February memorial service for the Christchurch Earthquake victims. On this occasion, a 41-year-old man whose teenage son died in the 22 February 2011 earthquake was arrested for pouring a container of muck over the Minister and later sentenced to community service. This act was, however, unrelated to Southern Response but illustrates the high level of emotional behaviour that can still manifest five years after the event.

See: www.msn.com/en-nz/news/national/community-work-for-brownlee-muck-thrower/ar-BBqsJv9

Social Media 'Protest'

3.6 The primary source of 'protest' has since the last Threat Assessment shifted from physical events to predominately social media protest. This continues to be focussed on the SouthernNoResponse Facebook page, which has attracted a total of 795 'likes'.

3.7 SouthernNoResponse itself has wound down its physical activities, such as protest, and its previous practice of organising educational seminars for claimants and now currently only exists as a social media forum.

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3.8 A reputational concern exists for Southern Response in terms of social media management, if its staff and contractors engaging in their own monitoring, commenting on and even infiltration of anti-Southern Responses social media pages. This is especially relevant because of the reputational damage that could occur to Southern Response if this was detected and used against the company as an “illustration” of its business practices.

3.9 The dangers of employees taking on an active counter role to the activities of activists was highlighted earlier this year in the case of the US marine park, SeaWorld, in San Diego. Substantial reputational damage was caused to the owners of the marine park when they were forced to admit in February this year that some of the park’s employees had posed as animal rights activists to monitor animal rights groups opposed to the park keeping and showing marine mammals for public entertainment. The admission followed accusations from the animal rights group People for the Ethical Treatment of Animals (PETA) in July 2015 who had detected some SeaWorld employees were monitoring the social media posts of animal rights activists that opposed its theme parks by embedding themselves on social media pages and engaging in other activities while pretending to be activists.

See: www.csmonitor.com/USA/2016/0225/SeaWorld-admits-employees-posed-as-activists-citing-security-concerns-video

3.10 There are a number of current social media and websites of relevance. Notably:

- The Christchurch Fiasco (blog)
<https://thechristchurchfiasco.wordpress.com/>
- Southern Response Class Action (website and blog)
www.srca.co.nz/
- Southern No Response (795 likes) established in November 2012, open page
www.facebook.com/SouthernNoResponse
- Earthquake Services Ltd (2,366 likes) established 2011, open page
www.facebook.com/EQEast/timeline
- Christchurch Earthquake Dodgy Repairs (2,280 members) closed group
www.facebook.com/groups/467180420033997/
- TC3 Residents (2,297 members) closed group
www.facebook.com/groups/TC3Residents/
- TC3 Rebuild Group (814 members) closed group
www.facebook.com/groups/345077335576867/

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- EQC Group Action (430 likes) open page
www.facebook.com/eqcgroupaction
- Quake Outcasts NZ (203 likes) established September 2013, open page
www.facebook.com/quake.outcasts/timeline
- Southern Response Woes (15 members) closed group
www.facebook.com/groups/549165131834611/

3.11 In May 2013, an employee of IAG Insurance was expelled from the TC3 Residents closed Facebook group for alleged spying. The group claimed despite being a member of the page for nine months she had been an inactive member and believed she was in fact reporting posts the public would not normally be able to view to her employers. The employee denied the allegations.

See: www.stuff.co.nz/the-press/news/8639162/IAG-rep-tossed-off-TC3-forum

Class Action

3.12 Efforts to mount a class action against Southern Response are not seen as posing any security risks and appear to have provided another channel for the small element of disaffected clients needing an outlet for their frustrations. This has not gone as smoothly as some involved would have hoped since it was mooted in November 2015. This has manifest the existence of some disharmony amongst the claimants, with some now wanting to withdraw following the High Court's initial rejection of the litigation. However, the lawyer acting for the 46 individuals taking the class action has expressed confidence in being able refile the claim in an amended form acceptable to the court.

See: www.nbr.co.nz/article/high-court-rules-no-representative-action-against-southern-response-b-185315

4. Behaviours of Concern

Threatening Behaviour

4.1 Southern Response has documented behaviour from a small number of disaffected individuals whose claim is under consideration and whose behaviour has given rise to concern. This has necessitated the sending of a cautionary letter to about six individuals from the Chief Executive pointing out the concerns the behaviour has raised. There is now an intention to provide the Board with a monthly report relating to incidents of aggressive and abusive behaviour directed at Southern Response staff. Visitor access control has been enhanced in response to the small number of incidents when visitors to Southern Response have behaved inappropriately and given cause for concern.

Disputatious Individuals

- 4.2 Southern Response has provided Thompson+Clark with a schedule of disputatious individuals whose behaviour at times could led to heightened safety concerns. This currently identifies 19 separate individuals or couples whose past behaviour has justified identification requiring appropriate measures on how staff interact with them and how they should be managed. One of these individuals is thought to have a partner who is alleged to “hoards guns”. Although this has not been substantiated, it raises obvious concerns and which have been relayed to the police to make appropriate enquiries.

Protest

- 4.3 Protest has gone from being a primary concern in 2014 at the time of the formation of the issue motivated group SouthernNoResponse, to one of considerably lesser priority. The most recent protest within the physical vicinity of Southern Response attracting only a small handful of supporters and who behaved peacefully. Protest is still very much a feature of the manifest behaviour of unhappy insurance claimants, but much of the ‘heat’ directed in the early days of SouthernNoResponse has burnt out - as also it seems much of the group’s initial leadership.

5.0: Incidents of Relevance

- 5.1 **08 April 2016:** About 100 people protested peacefully outside the Canterbury Museum, urging the Government to launch a royal commission of enquiry into how those with earthquake-damaged homes had been treated. They presented Labour Party leader Andrew Little with a petition signed by nearly 3000 people.
- 5.2 **03 April 2016:** A class action against Southern Response was set to return to court, but some members it was revealed have tried pulling out. In February, the High Court rejected a group action bid by 46 Canterbury homeowners claiming Southern Response had misrepresented policies imposed delays in processing and settling claims; and understated the true costs of rebuilds and repairs. The group’s lawyer said the ruling opened the door for new proceedings to be filed as they had “taken Christchurch lawyer also revealed three members of the group had asked whether they could leave the group action. “Those who have raised the issue have said ‘can we go without meeting our obligations from the funder?’ and the answer is no,” he is reported as saying.

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- 5.3 **21 February 2016:** On the eve of the fifth anniversary of the 2011 earthquake, about 1000 homeowners gathered in Christchurch's Cathedral Square in a show of solidarity and to voice their anger against the Earthquake Commission (EQC) and private insurance companies in the largest post-quake protest of its kind held to date. Some of the protesters made allegations about corruption, bullying and what they called "despicable behaviour" by insurance staff and cheered loudly when speakers called for legislation setting a deadline for outstanding claims to be settled. The event, however, although noisy, remained orderly.
- 5.4 **24 February 2016:** The Christchurch High Court rejected a group action by 46 disaffected Southern Response clients claiming the insurer had misrepresented policies, imposed delays in processing and settling claims and understated the true costs of rebuilds and repairs. In rejecting the claim, the court said it had struggled to define the commonality between their claims, and the statement of claim was too broad.
- 5.6 **27 January 2016:** SouthernNoResponse issued a request for video footage of two protests it organised outside Southern Response's Addington head office in December 2013. In particular, the group said it wanted video footage of statements made by Southern Response's CEO.
- 5.7 **30 March 2016:** Members of the closed Facebook group TC3 Residents began compiling and posting a 'Name and Shame' Board on the page where they listed the names of personnel involved in their insurance claim process whose conduct or performance they considered unsatisfactory. This 'Board of Shame' is believed to contain the names of at least three current Southern Response staff members working in the Repairs and Rebuilds Team.
- 5.8 **25 February 2016:** The High Court in Christchurch rejected an attempt by a group of Southern Response policyholders to bring a class action against the Crown-owned insurance company for breach of contract, saying their claims are too varied. The claimants alleged Southern Response systematically underestimated relevant costs and the scope of the work required on their homes. They accused it of mischaracterising policy options and setting out conditions inconsistent with the terms of the policy. They also argued Southern Response had failed to meet the policy requirement that the home

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be returned to "as new" status and employed inadequate repair techniques. However, Justice Mander ruled that the individuals' claims were too varied to be a representative action.

- 5.9 **30 November 2015:** A Parliamentary Select Committee considered the results of a 2014 survey of 359 Southern Response customers which revealed more than half of them found life to be a "struggle" and they felt "very bleak" about their future. The survey (which did not represent a wider community view and was outdated by the time the Committee got to consider it) recorded that almost 180 "disgruntled people" scored Southern Response's performance between zero and three, while 98 scored it between four and six and 84 people gave the insurer a seven or more.
- 5.10 **25 November 2015:** Southern Response is forced to cancel a meeting with claimants on grounds of staff and public safety after a male caller to Southern Response compared his situation with the insurer, to that of Ashburton Work and Income gunman Russell John Tully. The man said his only alternative to fighting his insurer would be to quote "do a Tully, and shoot people". Going on to say, if you can't win, you take them out.
- 5.11 **05 November 2015:** An abusive and highly profane letter sent to Southern Response threatened to horse whip employees and decapitate Board members. His gripe appeared to be over valuations set for properties and the rates paid to contract building workers.
- 5.12 **30 October 2015:** Only about half a dozen people responded to a call to hold a protest against "all insurance companies and the EQC". The peaceful protest organised by a claimant who has not previously organised such events was held at the entrance to Show Place, Riccarton, where Southern Response has its offices. The small number of protesters did not try to hold the protest any closer to Southern Response's premises.
- 5.13 **25 May 2015:** More 300 people gathered in the 'Transitional Cathedral to get advice about cash settlements for home and land earthquake repairs. Two Christchurch lawyers spoke to the group about the pitfalls of cash settlements from the Earthquake Commission (EQC) and insurers. One told the audience he feared many cash settlements would not be enough to cover repairs. The meeting was organised by a leading member of SouthernNoResponse in response to the rise in cash settlements by EQC and insurers.

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5.14 **17 April 2015:** About 400 people attended a meeting at the Transitional Cathedral in Christchurch on to hear about the possibility of a group legal action against insurers. An Auckland-based litigation lawyer and a current director of a litigation funding company, told the audience that they were confident there was a case for the insurance companies to answer and were working to gather more information to inform any decision.

6.0: Issue Motivated Groups SouthernNoResponse

6.1 Southern No Response began as a Facebook page set up by a disgruntled Southern Response client in 2012 and after several like-minded individuals banded together to stage two angry protests outside Southern Responses Addington offices in December 2013. Since the move by SouthernNoResponse to put itself on a more organised footing, it is noted the frequency of protest has declined markedly first, in favour of lobbying, and now more recently social media commentary.

6.2 The group is believed to have a small core of leaders and all of whom are claimants. One is a member of the Christchurch City Council; another is a prominent local sporting personality. There appears no clear leadership, but a small group of about six people who can run the group collectively when required. It rapidly became the main pressure group for disgruntled claimants, moving away from direct confrontation and protest to organizing forums and information meetings designed to improve claimants' knowledge base. More recently, however, this has ceased and currently the group exists only as a social media entity.

See: www.facebook.com/SouthernNoResponse

6.3 One of the first initiatives of the group was to purchase a spare domain name for Southern Response, and which the group used as its web address for opposition activities against Southern Response. It has since relinquished this as part of its general decline in activity.

TC3 Groups

6.4 These exist primarily as two closed Facebook groups (TC3 Residents, and TC3 Rebuild Group) and so are not conducive for open source monitoring. Their membership however is greater than SouthernNoResponse' 795 Facebook 'likes' and combined total 3,110. TC3 land is land determined to have moderate to significant land damage from

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liquefaction is possible in future large earthquakes. Site-specific geotechnical investigation and specific engineering foundation design is required.

Quake Outcasts

- 6.5 The Quake Outcasts as they have titled themselves are a group of 160 uninsured or bare landowners who argue the Christchurch Red Zone was created illegally and want a full pay out for their earthquake-damaged land. They were initially offered 50 percent of the rateable value for their empty or uninsured sections. However the High Court found that offer was unjust and granted the locals, who banded together to fund a legal team, a judicial review of the decision. The Court of Appeal later backed the ruling, but overturned a finding that the creation of the Red Zone was illegal. The Outcasts appealed to the Supreme Court, and which found in March 2015 that the Government must reconsider its compensation offer to landowners in the residential red zone with vacant, commercial or uninsured properties.

Southern Response Woes

- 6.6 Southern Response Woes operates as a small closed Facebook forum group of only 15 members administered by [REDACTED] 9(2)(a) [REDACTED]. Persons wishing to join the group are required to provide details of their quake damaged property in order to keep membership limited purely to claimants.
- 6.7 The group says its forum exists to swap stories about members' experiences with Southern Response, and provide each other with advice, and air grievances in a supportive forum. The group was set up about three months ago. It operates as a forum only, has not taken on any new members since inception, and has been eclipsed by SouthernNoResponse in terms of activity.

EQC Class Action

- 6.8 Formed in November 2013, when about 150 hundred homeowners met discuss to joining legal proceedings against EQC, this group has now filed a class action claiming the EQC has failed to meet its statutory obligations. The 150 owners are seeking clarification from the court about the commission's statutory obligations under the Earthquake Commission Act. No claims are being made for damages; the court action is seeking clarification around the Act, and seeks three sets of declarations from the High Court

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that cover the extent of EQC's liability. This has resulted in the homeowners' claims being held on hold until the court rules on the declarations being sought.

7. Threat Assessment Perimeters

- 7.1 In accordance with Thompson+Clark's standard terms of operation, this threat assessment has been prepared using predominately public and Open Source information, and with analysis of the risk based on this material and documented previous behaviour (including illegal behaviour) by issue motivated groups and individuals with grievances or issues of concern involving Southern Response.
- 7.2 This assessment complies with Thompson+Clark's Standards of Conduct in terms of collection of publicly available information and open source methods of collection and dissemination of information in accordance with Thompson+Clark's Terms of Engagement. The limitations of open and public sources of information places a restraint on the predictability of outcome, but it does, however, provide a basis on which to measure past and present behaviour and gauge threat predictability. Thompson+Clark can expand on any of the points or issues raised in this threat assessment, or provide further information in relation to any of the events or incidents documented.
- 7.3 This threat assessment gauges known intent of the identified threat weighed against the assessed capability of that threat. It involves the consolidation of data and information from public sources of information obtained during formation of the context, with a more detailed examination focusing on areas of concern. Including:
- Identification of the range of potential threats.
 - Examination of the ways in which these threats interact with critical assets and understanding the impacts or implications that could arise.
 - Determination of how likely and to what extent the identified threat may occur within a defined time frame or locality.
- 7.4 Intent is represented by the implicit or expressed aims, goals, objectives, desires, or directions of the threat itself. Capability considers the attributes of the threat, including such factors as skills; knowledge; access to human resources and equipment;

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existence of support networks; and access or opportunities that would allow the source of the threat to perpetrate an action if they had the intent to do so. In identifying the risks, this threat assessment examined such things as relevant past incidents; what is happening currently, including stated intentions and threats; and what may happen in the future.

8. Contact Point < Thompson+Clark Representative >

- 8.1 Gavin Clark 9(2)(a)
Director
Thompson+Clark
Ph. [REDACTED] (24hrs).

9. Attachments

- 9.1 Thompson+Clark Threat Assessment Methodology and Explanation[®]
9.2 Procedure
9.3 Likelihood
9.4 Success Rating
9.5 Threat Assessment Response Levels

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9.1 Thompson+Clark Threat Assessment Methodology[©]

Risk is a combination of:

- The existence of a threat
- The likelihood of the threat occurring
- An organisation's/venue's/event's/person's vulnerability to the threat
- The impact of threat realisation on the organisation/venue/event/ person

9.2 Procedure

The threat assessment procedure is:

STEP	DETAIL
1.	Identify threats to the organisation/venue/event/person.
2.	Determine the nature of the threat in terms of: <ul style="list-style-type: none">▶ Threat type▶ Threat source
3.	Describe the impact of realisation of the threat in terms of: <ul style="list-style-type: none">▶ Impact type▶ Impact severity
4.	Assign qualitative values with corresponding numerical factors to each threat for: <ul style="list-style-type: none">▶ The likelihood of the threat occurring: (Likelihood Rating)▶ The organisation's/venue's/event's/person's vulnerability to the threat: (Success Rating)
5.	Add numerical factors to produce a numerical Threat Rating (Likelihood Rating + Success Rating = Threat Level) eg: 1+1 = 2 (Low) 5+5 = 10 (Extreme).

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9.3 Likelihood of the Threat Occurring:

Qualitative Value	Meaning it	Factor
Extreme	Happens frequently	5
High	Will happen	4
Elevated	Likely to happen	3
Moderate	Could possibly happen	2
Low	Unlikely to happen	1

9.4 Plus (+) the Success Rating:

Qualitative Value	Meaning it	Factor
Extreme	Has every chance of succeeding	5
High	Is likely to succeed	4
Elevated	Has only a limited chance of succeeding	3
Moderate	Has minimal chance of succeeding	2
Low	Is very unlikely to succeed	1

*This methodology is based on that contained within Australian/New Zealand Standard AS/NZ ISO 31000:2009 and Matrix and Standards Australia Security Risk Management Handbook HB 167:2006.

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9.5 Response Levels

Security Assessment	Threat Level Colour Code	Required Response
1. Event of concern* is unlikely.	LOW (Green)	Normal Routine Protective Security measures are applied appropriate to the individual and circumstances.
2. Event of concern is possible.	MODERATE (Orange)	
3. Event of concern is likely to occur.	HIGH (Red)	Heightened Additional and sustainable Protective Security measures reflecting the broad nature of the threat combined with specific business and geographical vulnerabilities and judgements on acceptable risk.
4. Event of concern has been identified and is imminent.	EXTREME (Black)	Exceptional

* **Note:** Event of concern includes such things as: protest; threats to property and facilities; threats to, or endangerment of staff and personnel; wilful damage; intimidation; and trespass.

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