Foreign Bases (Pine Gap Base) Removal Bill 1987
(Private Senator's Bill)

Date Introduced: 1 April 1987
House: Senate
Presented by: Senator the Hon. Norman Sanders

Digest of Bill

Purpose
To provide for the removal of the joint defence facility located at Pine Gap.

Background
There are three important joint U.S. and Australian defence facilities in Australia, located at North-West Cape, Nurrungar and Pine Gap. The North-west Cape facility is part of the US defence communications network and its primary function is the transmission of orders to submarines in the Pacific and Indian Oceans. The facility at Nurrungar forms part of the US missile detection and early warning network. The Pine Gap facility is located 19km south-west of Alice Springs and receives satellite intelligence. The facility forms part of Project Rhyolite and receives information on Soviet and Chinese military communications, radar transmissions, data during Soviet missile tests and can intercept telephone and microwave communications.

The arguments in favour of the presence of the joint facilities generally center on the concept of deterrence to prevent nuclear war and the necessity to gather and communicate intelligence to allow the doctrine to work. The arguments against are based on the generally accepted view that the bases would be prime targets in any nuclear war and their possible use in any US first strike.

Under section 61 of the Constitution, the Executive power of the Commonwealth, which includes the right to make treaties, is vested in the Queen and is exercisable by the Governor-General. As the joint facilities operate under treaties, it is doubtful, particularly when the separation of powers doctrine is considered, that the Parliament can direct the Governor-General to order their removal as this would interfere with the exercise of the Executive power.

Main Provisions
‘Agreement’ is defined in clause 3 to be the agreement under which the Pine Gap facility operates, while ‘amending agreement’ is defined as the agreement amending and extending the Agreement and dated 19 October 1977.

Clause 4 will declare Parliament's intention that the Executive terminate the Agreement and not enter into further agreements altering or extending the agreement.
Clause 5 will require the Executive and responsible Minister to give notice to terminate the Agreement one year after the notice is given.

Upon termination of the Agreement, the US is to cease to have a right of access to the facility except to remove property that it is entitled to remove under the Agreement (clause 6).

Nothing in the Bill is to be taken to prevent the US removing its property or preventing the Executive from negotiating an agreement (that is subject to ratification by Parliament) for the winding up of the facility (clause 7).

For further information, if required, contact the Defence group.

21 August 1987

Bills Digest Service
Legislative Research Service

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

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