DEFENCE AMENDMENT BILL 1985

(Private Senator's Bill)

Date Introduced: 18 April 1985
House: Senate
Presented by: Senator C.V.J. Mason

Short Digest of Bill

Purpose

To require Parliamentary approval for a decision to involve members of the Australian Defence Forces in overseas hostilities.

Background

The Governor-General is appointed Commander in Chief of the Australian Defence Forces by section 68 of the Constitution. This power, coupled with section 50C of the Defence Act 1903 (the Principal Act), which states that members of the forces may be required to serve in Australia or overseas, allows Australian forces to be engaged overseas without Parliamentary approval.

Outline

The Bill will require that when Australian combat forces are sent overseas, the Governor-General issue a proclamation declaring that an emergency exists which requires Australian forces to serve overseas. Parliament is to meet within 2 days of the issue of such a proclamation and, the day after Parliament meets, the proclamation will cease to have effect. As a result, Parliament must approve the use of Australian forces overseas before they are likely to be committed to combat.

Main Provisions

Changes to the procedure when Australian forces are sent overseas are contained in clause 3 of the Bill which substitutes a new section 50C of the Principal Act.

For further information, if required, contact:

2 July 1985

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