AUSTRALIAN FEDERAL POLICE AMENDMENT BILL 1984

Date Introduced: 30 May 1984
House: House of Representatives
Presented by: Hon. M. Young, M.P., Special Minister of State

Purpose

To facilitate the separation of certain protective services from the scope of the Australian Federal Police (AFP) and their allocation to the Protective Services Division within the Department of Administrative Services.

Background

The Australian Federal Police (AFP) was formed following consideration during the 1970s of the functions of a federal police force. A report by the former head of the London Metropolitan Police, Sir Robert Mark G.B.R., Q.P.M. was commissioned following the Hilton bombing in Sydney in February 1978. The report recommended amalgamation of the ACT Police and the Commonwealth Police to form the AFP.[1] This was effected by the Australian Federal Police Act 1979. Section 6 provides for the AFP to be constituted by both police officers and protective service officers. The present Bill would amend the Act to remove the provision for membership of the AFP of protective service officers.

At the present time, the Protective Service Branch of the AFP, with the function of safeguarding Commonwealth property, carries out security policing at offices of the Departments of Defence and Defence Support, the RAN's Fyshwick Depot, the Government Printery and the Departments of Prime Minister and Cabinet, Foreign Affairs and Administrative Services.[2] Locations outside Canberra include Commonwealth sites in central Australia.

At the formation of the AFP on 19 October 1979 the protective services component consisted of 412 members. An authorized strength of 635 all ranks was reported in 1981-82, and 833 in 1982-83.[3,4]

Following the removal of all references to the protective services component from the Australian Federal Police Act 1979 by this Bill it is intended that members of
the protective services component of the AFP will be transferred to a separate protective service organization within the Department of Administrative Services, using legislative facilities already provided by Division 9F of the Public Service Act 1922.

Main Provisions

The Bill will commence on a date fixed by proclamation, except for provisions permitting the Commissioner to delegate his powers to Public Service support staff who are not actually members of the AFP, and the repeal of certain amendments made by the Statute Law (Miscellaneous Provisions) Acts (Nos. 1 & 2) of 1983. These provisions apply from the date of Royal Assent.

Section 6 of the Australian Federal Police Act 1979 is amended by deleting references to "protective service officers", as distinct from police officers, in membership of the AFP. Section 14 of the Act authorizes the Commissioner to issue General Orders and General Instructions. Section 7, which specifically authorized General Orders ascribing particular functions to the police and protective service components of the AFP, is repealed by clause 5. The termination of separate police and protective service components is also reflected in the repeal of section 10's prescription of powers and duties of members of the protective services component (clause 7), in clause 13's amendments of section 27 and clause 16's amendments of section 39.

Membership of the AFP, other than that of Commissioners and Deputy Commissioners, is dealt with in Division 2 of Part IV of the Act. By clause 10 of the Bill these provisions are altered to reflect AFP composition of police officers only. Clause 11 substitutes new sections 25 and 26, respectively relating to the appointment of commissioned police officers and of non-commissioned police officers.

Section 26A, added by the Australian Federal Police Amendment Act 1980, authorizes appointment, as either a commissioned or a non-commissioned officer of the AFP, of members of the Narcotics Enforcement Branch transferred from the Department of Business and Consumer Affairs on 7 November 1979. Clause 12 substitutes subsections 26A(2) and (3), reflecting the termination of AFP's separation into police and protective service components.

The 1980 amendments made provision for the certification of certain specific matters in section 68. Clause 17 amends matters relating to certification of rank
in the integrated police force, and clause 14 makes provision for the making of an oath or affirmation on appointment to the AFP.

Clauses 9 and 15 deal with other minor matters which the Minister states in his Second Reading Speech would have otherwise been provided for in a Statute Law (Miscellaneous Provisions) Bill. They authorize delegation of Commissioner functions to staff employed, under subsection 16(1), under Public Service conditions rather than as members of the AFP, and also vary section 36's provision for promotion selection to delete references to seniority.

Remarks

The removal of the protective services responsibility from the AFP has been indicated to be advantageous for the AFP. Reference was made in the 1981/82 Report of the AFP to the "need for... removal of the deadweight imposed by the need to provide a low-grade guarding function, often to little useful purpose".[5] Further comment by Commissioner Sir Colin Wood's successor Major-General R.A. Grey, indicates that the protective service requirement had continued to be a "source of discontent".[6]

For further information, if required, contact:

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References


4. 1982-83 Annual Report, p.3.

