Short Digest of Bill

Purpose

To amend the Australian Federal Police Act 1979 to enable the appointment of selected former Narcotics Bureau staff as police officers of the Australian Federal Police (A.F.P.).

Background

In a statement on 6 November 1979, the Deputy Prime Minister, Mr. Anthony informed the House that the Government had decided to adopt the major recommendation of the Interim Report of the Australian Royal Commission of Inquiry into Drugs. This recommendation was to disband the Narcotics Bureau and, except for enforcement at the customs barrier, which would remain with the Bureau of Customs, to transfer the functions of the Bureau to the A.F.P.

Following the disbandment of the Bureau on 7 November 1979, its public service officers were transferred to the A.F.P. It was envisaged that when the A.F.P. Commissioner had established the appropriate organisation, the former staff of the Bureau whom the Commissioner considered were qualified and suitable for appointment would be appointed as police officers of the A.F.P. In the interim, those officers were appointed as special members of the A.F.P. under s.27 of the Principal Act. Those officers not considered suitable for the A.F.P. were to remain as officers in the Public Service.

The Principal Act provides for a legal preference to be extended to former members of the disbanded A.C.T and Commonwealth Police Forces for up to 5 years in respect of any appointment to a rank in the A.F.P. ahead of any person joining from outside (s.73). However, to facilitate the appointment of former Narcotics Bureau officers and to avoid an amendment to this preference provision, the Bill excludes the operation of this section in this particular case.
Main Provisions

Clause 3 inserts a new section 26A. New sub-section 26A(1) provides that the new section applies to former officers of the Enforcement Branch of the Operations Division of the Department of Business and Consumer Affairs (the Bureau).

New sub-sections 26A(2) and (3) stipulate that those officers may be appointed, as provided under the Act, as commissioned and non-commissioned officers respectively in the A.F.P. to hold such rank as in the Commissioner's opinion they are qualified to hold, having regard to their duties prior to appointment and aptitude to discharge the duties performed by members engaged in investigating narcotics offences. Both sub-sections also exclude the operation of s.73 of the Act relating to preferences to be afforded to former police officers in appointment to the A.F.P.

New sub-section 26A(4) ensures the professional standing of Bureau appointees by deeming that for all purposes of the Act and the Regulations, they are competent and qualified to hold rank in the A.F.P. and that, it shall be presumed, unless the contrary is proved, that the Commissioner has had regard, in forming his opinion as to the rank to which they are appointed, to the required matters.

Clause 4 substitutes a new sub-section 68(1) to provide that the Commissioner may certify an extensive list of matters relating to the appointment and position of a member of the police force to facilitate proof of such matters to a court of law.

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