# Australian Civilian Corps Amendment Bill 2013

Dr Cameron Hill  
Foreign Affairs, Defence and Security Section

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## Date introduced
20 November 2013

## House
House of Representatives

## Portfolio
Foreign Affairs and Trade

## Commencement
On Royal Assent.

## Links

When Bills have been passed and have received Royal Assent, they become Acts, which can be found at the ComLaw website at [http://www.comlaw.gov.au/](http://www.comlaw.gov.au/).
The Bills Digest at a glance

The Australian Civilian Corps Amendment Bill 2013 (the Bill) reflects the decision by the Government on 18 September 2013 to integrate into the Department of Foreign Affairs and Trade (DFAT) the agency responsible for administering Australia’s international development assistance programs—the Australian Agency for International Development (AusAID). According to the Government, this change is aimed at ‘enabling the aid and diplomatic arms of Australia’s international policy agenda to be more closely aligned’.

As part of this change, the Bill shifts the administrative responsibilities surrounding the deployment of the Australian Civilian Corps (ACC), a program previously administered by AusAID under the Australian Civilian Corps Act 2011, to DFAT.

Purpose of the Bill

The Bill amends the Australian Civilian Corps Act by:

- transferring the powers and functions of the Director-General of AusAID under the Australian Civilian Corps Act to the Secretary of DFAT and
- substituting other references to AusAID and the Director-General of AusAID with DFAT and the Secretary of DFAT, respectively.

Structure of the Bill

The Bill comprises five parts:

1. Part 1 – amendment of the Australian Civilian Corps Act
2. Part 2 – amendment of the Australian Civilian Corps Regulations 2011
3. Part 3 – amendment of the Prime Minister’s Australian Civilian Corps Directions 2012
4. Part 4 – amendment of the Director-General’s Australian Civilian Corps Directions 2011 and
5. Part 5 – transitional provisions.

Background

The ACC was formed in 2011 and ‘is designed to provide a flexible and timely Australian response that bridges the gap between humanitarian and emergency relief and long-term development programs’. ACC personnel are a group of experienced civilian specialists who provide stabilisation and recovery assistance to fragile states and countries experiencing or emerging from conflict or natural disaster. According to the Government, since 2011 more than 55 ACC personnel have been deployed in eleven countries across the Pacific, Asia, Africa and Latin America. The ACC is one of the few Australian overseas aid programs governed by specific legislation.

The proposed amendments illustrate some of the issues involved in the Government’s decision to abolish AusAID and integrate its functions into DFAT. This change took effect on 1 November 2013 when AusAID was abolished as an Executive Agency. Australia’s international development assistance programs encompass the deployment of hundreds of Australian Government officials, technical advisors, volunteers, contractors, and ACC deployees across the countries that receive our aid. They also involve the specialised administration of thousands of individual commercial contracts, grant funding arrangements, and country-to-country

4. Prime Minister’s Australian Civilian Corps Directions 2012, accessed 29 November 2013
7. Ibid.
agreements. The complexity and risks surrounding the merging of these established systems with DFAT’s corporate structures will be significant, challenges acknowledged by DFAT at recent Senate Estimates hearings.

These administrative changes come alongside the Government’s announcement prior to the 2013 election that it would reduce planned aid expenditure over the forward estimates by $4.5 billion, including $656 million this financial year. It has defended these funding reductions on the grounds that Australia ‘can’t continue to fund a massive increase in foreign aid at the expense of investment in the Australian economy’. The Government has yet to specify which country and global programs will be affected by these reductions.

The Government has recently stated that it remains committed to increased transparency and effectiveness in the delivery of Australia’s aid program, including through the establishment of specific performance benchmarks. While the Government has signalled a strong economic growth and trade focus for Australia’s aid programs, it has yet to release a comprehensive aid policy.

Committee consideration

Senate Standing Committee for the Scrutiny of Bills
At the time of writing this Bills Digest, the Committee had not published comments on this Bill.

Parliamentary Joint Committee on Human Rights
At the time of writing this Bills Digest, the Committee had not published comments on this Bill.

Policy position of non-government parties/independents
The non-government parties and independents have not stated their position on the Bill.

The Opposition and the Australian Greens have criticised the Government’s proposed reductions to the aid budget and the decision to abolish AusAID, as well as the recent cancellation of the aid program’s 2014 graduate intake.

Position of major interest groups

The Bill, itself, has not been the subject of public debate. Some aid groups and experts have, however, criticised the Government’s proposed aid funding reductions and the decision to abolish AusAID. World Vision Australia’s Chief Executive Officer, Tim Costello, has described the Coalition’s reductions to aid as ‘a tragedy for the world’s poorest people’ and ‘truly devastating’. Referring to Australia’s seat on the United Nations Security Council and Australia’s hosting of the G20 Summit in 2014, the Chairman of the Australian Catholic Social Justice Council, Christopher Saunders, has stated:

> Our nation has a historic opportunity to be a force for peace and generosity. The government’s proposal to cut $4.5 billion from the forward estimates for foreign aid represents a serious departure from Australia’s commitment.

Annmaree O’Keeffe, Lowy Institute Fellow and former AusAID Deputy Director–General, has argued that with the abolition of AusAID:

10. Ibid.
17. Ibid.
... the temptation to use AusAID as a diplomatic ATM will be greater than ever. And the cost won’t be registered against the Foreign Affairs budget or DFAT’s reputation but against the effectiveness of the development program and the contribution it has made as one of Australia’s most potent soft power tools.  

**Financial implications**
There is no financial impact from this Bill.  

**Statement of Compatibility with Human Rights**
As required under Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* (Cth), the Government has assessed the Bill’s compatibility with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of that Act. The Government considers that the Bill is compatible.  

**Key issues and provisions**
Items 2 and 3 in Part 1 of the Bill repeal the definitions of *AusAID* and *Director-General* (of AusAID) respectively in the *Australia Civilian Corps Act*. Item 4 inserts the new definition of *Secretary* (of DFAT).  

The remaining items in Part 1 of the Bill reflect the shift in responsibility for the administration the ACC program from the ‘Director-General of AusAID’ and ‘AusAID’ to the ‘Secretary of the Department’ and ‘the Department’ respectively.  

Parts 2–4 of the Bill make changes in equivalent terms to the Australian Civilian Corps Regulations 2011, the Prime Minister’s Australian Civilian Corps Directions 2012 and to the Director-General’s Australian Civilian Corps Directions 2011.  

**Other provisions**
Part 5 of the Bill makes provision for transitional arrangements in respect of actions taken by AusAID or directions issued by the Director-General in the period before the Bill is enacted.  

**Concluding comments**
While elements of the Government’s broader changes to Australia’s overseas aid program have been the subject of public debate, the Bill itself is largely mechanical in purpose.

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18. Ibid.  
20. The Statement of Compatibility with Human Rights can be found at page 21 of the Explanatory Memorandum to the Bill.