Date Introduced: 10 May 1979
House: House of Representatives

Short Digest of Bill

Purpose

To create the Australian Federal Police by incorporating the Australian Capital Territory and Commonwealth Police Forces.

Background

The idea of establishing an Australian Police Force was put forward by the Labor Government in 1973. Mr. A.T. Carmody, then the Comptroller-General of Customs, carried out enquiries into the proposal to establish a federal law enforcement agency. His report, dated 17 April 1974, recommended the establishment of such a force with wide-ranging responsibilities. The Government accepted Carmody's recommendations and the Department of Police and Customs was created in March 1975. Administratively, the Australia Police became operational, however it was never formally established. The Australia Police Bill was introduced in Parliament on 30 October 1975 but had not been passed when Parliament was dissolved on 11 November 1975. The arrangements for the Australia Police were disbanded by the Liberal-Country Party Government following the December 1975 election.


Main Provisions

The Bill is divided into 7 Parts. The main provisions in each part are specified.
Part I - Preliminary (cl. 1-5).

Clause 3 repeals the Commonwealth Police Act 1957.

Clause 5 specifies that a reference to Commonwealth Police or ACT Police in any law of the Commonwealth or the ACT will be read as a reference to the AFP.

Part II - Establishment, Functions and Powers of the Australian Federal Police (cl. 6-12).

Clause 6 establishes the AFP with two components consisting of (i) police officers and (ii) protective service officers. Clauses 7, 9 and 10 relate to the powers and duties of the two components. Clause 8 specifies the functions of the AFP as being the provision of police services in relation to (1) the ACT, (2) the laws of the Commonwealth, (3) the property of the Commonwealth, (4) the safeguarding of Commonwealth interests and (5) any matters incidental to these functions. The provision of police services in a Commonwealth place in a State is to be by arrangement between the AFP Commissioner and the State Police Commissioner (cl. 8(2)).

Part III - Administration (cl. 13-16).

The general administration and control of the operations of the AFP is in the hands of the Commissioner. However, the Minister may, after obtaining advice from the Commissioner and the Secretary of the Department, give directions to the Commissioner with respect to general policy or the provision of common services in conjunction with a State Police Force (cl. 13).

Part IV - Appointment and Service of Members (cl. 17-28).

Clause 17 provides for the appointment of a Commissioner, for a period not exceeding 7 years, and a Deputy Commissioner of Police. There is provision for a 60 years retiring age, however, this may be extended to 65 years in special circumstances.

Clause 23 provides for both commissioned and non-commissioned ranks of the AFP. The Minister determines the number appointed to each rank (cl. 24). Clauses 25 and 26 set out the appointment, promotion and transfer of commissioned and non-commissioned officers.

Part V - Terms and Conditions of Service (cl. 29-59).

The Minister is empowered to determine the terms and conditions of service of members (cl. 30), or to make an
agreement with a police association relating to such terms and conditions (cl. 31). Clauses 33 and 34 allow members of the AFP to be seconded or granted special leave to work with a State or overseas police force or any other organization specified.

Clause 39 enables the Commissioner to transfer, demote or retire a member of the AFP in the event of there being an excess number of members than is considered efficient.

Clause 42 establishes the Federal Police Arbitral Tribunal. The Tribunal is to consider matters submitted to it, principally those concerning the terms and conditions of service of members (cl. 46). The Tribunal is not empowered to consider decisions made pursuant to cl. 39. There is no avenue of appeal specified in the Act from the exercise of the Commissioner's power pursuant to cl. 39. The Tribunal may look at matters, other than those submitted to it, if it is in the public interest to do so (cl. 48). Clause 49 specifies the particular powers of the Tribunal.

Clause 54 provides an avenue of appeal to the Full Bench of the Conciliation and Arbitration Commission from a decision or determination of the Tribunal.

Part VI - Miscellaneous (cl. 60-70).

Clause 61 empowers the Commissioner to confer awards on members of the AFP.

Clauses 62-65 specify a number of offences which are contrary to the Act including personation of a police officer or hindering an officer in the execution of his duty.

Clause 67 requires the Commissioner to furnish an annual report to the Minister.

Clause 69 requires the establishment of a Police Liaison Advisory Committee for the ACT. The functions of the Committee are to be prescribed by regulation.

Part VII - Transitional (cl. 71-80).

Clause 72 provides for the appointment of all existing ACT and Commonwealth Police to the AFP. Applicants for a rank in the AFP who are members of either existing Police Force are to be given preference over non-members (cl. 73). Existing terms and conditions of service will continue until a determination is made under cl. 30 or 31 (cl. 74).
Members of the AFP will continue to have existing powers and duties in relation to Commonwealth places in a State until the Commissioner of AFP and the State Police Commissioner make a new arrangement (cl. 80).

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