



Our Ref: 24-49097

Dr Kathleen Dermody
Committee Secretary
Senate Foreign Affairs, Defence and Trade Legislation Committee
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Dr Dermody

Inquiry into Defence Legislation Amendment (Security of Defence Premises) Bill 2010

Thank you for your letter dated 1 October 2010 inviting a submission from the Western Australian Government to the inquiry into the Defence Legislation Amendment (Security of Defence Premises) Bill 2010 being undertaken by the Senate Standing Committee on Foreign Affairs, Defence and Trade.

In its invitation to submit to the Inquiry, the Committee highlighted three principle issues for consideration:

- 1. Whether it is appropriate to leave training requirements for officers authorised to exercise deadly force to be specified in legislative instrument;*
- 2. Whether the bill ought to provide for people entering defence premises to be notified that they may be subject to a non-consensual search and may be guilty of an offence if they do not cooperate; and*
- 3. Whether defence personnel are adequately trained and equipped to safely detain civilians in accordance with the bill.*

The WA Government has not formed a view in relation to issues 1 and 3, but the following response is provided to issue 2:

Western Australia Police (WAPOL) has advised posted signage outlining these requirements would be sufficient to notify people entering defence premises. Individual notification is not considered necessary.

In addition, the following issues are raised for consideration of the Committee with a view to facilitating the role of State Police in respect of security incidents at Defence premises:

- In the past, WAPOL have attended incidents on a defence base and maintained control while Defence Force personnel were used to assist in the operation. Current arrangements are such that State Police would maintain primary

responsibility for responding to a civilian intrusion but Defence would assist where appropriate. If this Bill is enacted there needs to be a clear delineation of each agency's role and powers during the response phase to avoid any confusion.

- In regard to State or Federal Police responding to incidents at Defence facilities, consideration could be given to a waiver of the screening of attending police to facilitate a timely response to an incident. Similar provisions currently exist in Regulation 4.10 of the *Aviation Transport Security Regulations 2005* in respect of State law enforcement officers and emergency services personnel attending an incident at an airport. Further, stop and search powers and other powers, similar to those provided by Sections 84, 85, 86, 87 and 88 of the *Aviation Transport Security Act 2004*, and to be exercisable by State and Federal police (whilst at the facility for a particular purpose) could be considered.

Thank you for the opportunity to comment on the Defence Legislation Amendment (Security of Defence Premises) Bill 2010.

Yours sincerely

Peter Conran
DIRECTOR GENERAL

3 NOV 2010