

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE  
AUSTRALIAN FEDERAL POLICE

**Question No. 45**

**Senator Ludwig asked the following question at the hearing on 31 October 2005:**

- a) Has there been any additional legislation brought in by the PNG government that attempts to circumvent the constitutional difficulties that were encountered last time?
  - (i) If so, what additional legislation is there to enable the return of the AFP personnel and how this legislation provides a different scenario to the last time?
  - (ii) When is this legislation expected to be passed by the PNG parliament?
  - (iii) If not, why not?
- b) On what basis are the federal police returning-will they be exercising the same powers as they had on the previous occasion?
- c) What powers will they have for this deployment?
- d) Will they have legal immunity of any kind?
  - (i) If yes, provide details.
  - (ii) If not, why not?
- e) What sort of legal status will they have when they return to PNG?
  - (i) Will they be able to carry firearms or perform policing duties?
- f) What type of work will they be performing?
- g) How does this differ from the type of work they were performing last time?
- h) How does that affect the legal status of their redeployment?"
- i) Are there any AGD staff currently seconded to PNG?
- j) If so, how many and in what roles?

**The answer to the honourable senator's questions is as follows:**

- a) No.
  - (i) Refer to answer a).
  - (ii) Refer to answer a).
  - (iii) The introduction of a constitutional amendment is a matter for the Government of PNG.
- b) There are presently ongoing government to government discussions for the return of Australian Federal Police personnel to PNG under a revised Enhanced Cooperation Program (ECP). The precise terms of the proposed deployment are still subject to final agreement between the Governments of Australia and PNG.
- c) Refer to answer b).
- d) Refer to answer b).
- e) Refer to answer b).
- f) Any future revised police component of the ECP is likely to see the deployment of Australian Police in advisory positions only.

- g) Assisting Australian Police (AAP) previously deployed to PNG under the ECP performed in-line duties within the Royal Papua New Guinea Constabulary until their withdrawal as a result of the Wenge decision. The current proposal does not include in line positions.
- h) The AFP is currently considering the legal implications of the Wenge decision in relation to the redeployment of AAP personnel under a revised ECP.
- i) Yes.
- j) There are currently seven Attorney-General's Department staff deployed in PNG as follows:
- Two legal policy advisers, in the Department of Justice and Attorney-General;
  - Four prosecutors, in the Office of the Public Prosecutor, and
  - One corrections officer, in the PNG Correctional Service.