
ADDENDUM TO THE REPORT OF THE COMMITTEE
BY SENATOR VICKI BOURNE,
AUSTRALIAN DEMOCRATS

Although no Democrat Senator was able to be present at the hearings we have considered the Hansard and the submissions and still retain some reservations about aspects of this bill. Consequently we will seek amendments to it.

Our main concern is to ensure effective accountability and transparency measures. It is of vital importance to maintain the differentiation between the armed forces and the civil police. There seems to be a lack of clarity about the role of the States and the Commonwealth and we take note of the States concerns on this issue. We consider there are also some issues about the vagueness of the terms "Domestic Violence" and "Commonwealth Interests" and take note of the discussion in the report and subsequent resolutions.

The Democrats are not satisfied that the Bill provides a sufficient level of accountability and so once an order has been made we consider that the Federal Parliament must be recalled to debate the order and both Houses must approve the order.

We also have concerns about the level of involvement of the States and Territories in the decision making process. We would prefer that the Premier or Chief Minister of the State or Territory to be informed at the same time as the Prime Minister, The Attorney General and the Defence Minister. Whilst recognising the Premier or Chief Minister has no decision making role, he or she should be party to the discussions and process prior to the decision being made. The Premier or Chief Minister would be able to advise on the capability of the State or Territory to deal with the situation.

We agree that the Minister should make a report to Parliament, within seven days of the cessation of the order. Recognising the limited time frame of the Minister's report, the Defence Ombudsman should then as a matter of course look into the report, with due consideration to all information available. The Ombudsman should then use his or her discretion as to whether a further report should be released, and whether all issues were sufficiently dealt with in the Minister's report.

And finally, we recognise that the stated aim of this legislation is to particularly deal with the Sydney Olympics. Given this and given the importance of the changes and the potential impact on citizens, we think it is essential that there is a two year sunset clause, and in the event of an order being made, a review after six months of the cessation of that order.

