

Chapter 1

Introduction

Background

1.1 The Hon Joel Fitzgibbon MP, Minister for Defence, introduced the *Defence Legislation (Miscellaneous Amendments) Bill 2008* (the Bill) in the House of Representatives on 3 December 2008. On the following day, the Senate referred the provisions of the Bill to the Standing Committee on Foreign Affairs, Defence and Trade for inquiry and report by 20 February 2009.

Purpose of the Bill

1.2 The Bill has three schedules. The purpose of the Bill is:

- To amend the *Geneva Conventions Act 1957* to incorporate the Third Additional Protocol to the Geneva Conventions. This protocol establishes a third universal and distinctive emblem called a 'red crystal' for the Red Cross/Red Crescent Movement. The Bill also amends the *Criminal Code Act 1995* to ensure that this new emblem is covered by existing offences relating to the improper use of emblems of the Geneva Conventions.
- To amend the *Defence Act 1903* to enable the making of regulations to cover the provision of medical and dental treatment to an Australian Defence Force (ADF) member or cadet, or a member of the family of an ADF member.
- To amend the *Defence (Special Undertakings) Act 1952* to provide that the Joint Defence Facility Pine Gap is a special Defence undertaking and a prohibited area.

Submissions

1.3 The committee advertised the inquiry on its website and in *The Australian* on 17 December 2008 and 28 January 2009. The committee wrote to the Minister for Foreign Affairs, the Attorney-General, and the Minister for Defence, inviting them or their departments or related agencies to make a submission. A number of other organisations, commentators, academics and stakeholders were also contacted and invited to make submissions to the inquiry.

1.4 The committee received 11 submissions, which are listed in Appendix 1. The committee agreed that, based on the submissions, a public hearing was not required but wrote to the Department of Defence seeking advice on, or clarification of, a number of matters raised in the submissions. The responses to these written questions on notice are included at Appendix 2.

Scrutiny of Bills Committee

1.5 The Senate Standing Committee for the Scrutiny of Bills considered the Bill but had no comments to make.¹

Acknowledgement

1.6 The committee thanks those who assisted with the inquiry, especially the Department of Defence (Defence) for its promptness in responding to the committee's written questions.

1 Senate Standing Committee for the Scrutiny of Bills, *Alert Digest*, no.1 of 2009, 4 February 2009, p. 17.