



Police Federation
of Australia

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16 January 2006

The Hon John Howard MP
Prime Minister
Parliament House
CANBERRA ACT 2600

**RE: DEFENCE LEGISLATION AMENDMENT (AID TO CIVILIAN
AUTHORITIES) BILL 2005**

Dear Prime Minister

I am writing to you to express the Police Federation of Australia's (PFA) concerns relating to the above Bill. Whilst the PFA supports the overall thrust of the Bill's aims in respect of domestic security operations, some of the proposed clauses may have detrimental and far reaching implications and potential unintended consequences. We believe considerably more deliberation and assessment of the Bill's contents needs to occur before progressing further.

In particular, we have concerns about the following issues:

- **Under the "expedited call out" arrangements, the ability of the Commonwealth to call out the ADF other than in the maritime or aviation environments without a request from the State or self governing Territory; and**

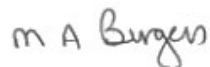
- **The substantive criminal law of the States and other Territories will not apply in relation to a criminal act of a member of the Defence Force purportedly exercising these powers.**

The PFA is also concerned that there has been insufficient debate in general, and especially in respect to these two issues. We request that the Bill not proceed until such time as the States and Territories and the relevant State, Territory and Federal Agencies, in particular Police, have had appropriate input into the proposed Bill.

We note that the on 8 December 2005 the Senate referred the Bill to the Senate Legal and Constitutional Legislation Committee for inquiry. Submissions are set to close on 16 January 2006 (today) and the Committee is to report by 7 February 2006. We will be submitting a copy of this letter to the Senate Committee. We consider this time frame, especially as it spans the Christmas period, is too tight to allow proper and meaningful discussion and consultation on a piece of legislation that is important to all Australians.

While the PFA looks forward to continuing to cooperate with the Government on such important pieces of legislation, we are also keen to ensure that the views of all stakeholders are noted and incorporated wherever possible, prior to such legislation passing the Parliament.

Sincerely yours

A handwritten signature in blue ink that reads "m A Burgess". The signature is written in a cursive, slightly slanted style.

Mark Burgess
Chief Executive Officer