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AUSTRALIAN FEDERAL POLICE AMENDMENT BILL 1986

Date introduced: 19 February 1986
House: House of Representatives
Presented by: Hon. M.J. Young, M.P., Special
Minister of State

DIGEST OF BILL

Purpose

To clarify the powers of members of the Australian Federal Police, to overcome difficulties encountered in the use of police dogs and to widen the regulation-making power.

Background

The Australian Federal Police (AFP) was established following consideration during the 1970s of the formation of a Federal police force. A report by the former head of the London Metropolitan Police, Sir Robert Mark G.B.R., Q.P.M. was commissioned following the Hilton bombing in Sydney in February 1978. The report recommended the amalgamation of the Australian Capital Territory (ACT) Police and the Commonwealth Police to form the AFP.[1] This was effected by the Australian Federal Police Act 1979 (the Principal Act).

The AFP's functions include the provision of police services in the ACT, the policing of Commonwealth laws and property, and the safeguarding of Commonwealth interests. As part of the latter function, the AFP is responsible for the protection of various public figures, including Ministers of State and judges. This function is performed both outside the ACT and outside Commonwealth property.

The AFP uses dogs to perform a number of functions, including to search for illegal drugs. The operational use of dogs has been complicated by the restrictions placed on the access of dogs to a number of areas (e.g. restaurants, cinemas, etc.) by State and local government authorities. This problem will be addressed by the Bill.

Main Provisions

Section 9 of the Principal Act, which deals with the powers and duties of members of the AFP, is to be amended to extend the powers and duties to officers engaged in the safeguarding of Commonwealth interests (clause 3). This will clarify the position of AFP members providing protective services outside the ACT or outside Commonwealth property.

Clause 4 will insert a new section 12A into the Principal Act. Under the new section, a police dog, under the control of a police dog handler who is performing the duties of a member of the AFP, may lawfully be in a place where the handler has power to enter.

Amendments to section 29 of the Principal Act will allow the administration of the present Appeals Board to be transferred from the Department of the Special Minister of State to the Merit Protection and Review Agency (clause 5).

Clause 6 will amend section 33 of the Principal Act to make it clear that members of the AFP seconded to other services retain the rights, powers and immunities of a member of the AFP.

A member of the AFP granted special leave of absence, except to serve with the Australian Federal Police Association (AFPA), will remain subject to the full AFP disciplinary procedures (clause 7 which amends section 34 of the Principal Act). Members serving with the AFPA will be subject to the Complaints (Australian Federal Police) Act 1981 only.

The power to make regulations under the Principal Act (section 70) will be amended to allow regulations to be made for the disposal of unclaimed property. A power of disposal already exists in the ACT (clause 13).

For further information, if required, contact the Law and Government Group.

Reference

1. Sir Robert Mark, Report on the Organisation of Police Resources in the Commonwealth Area, April 1978, Parliamentary Paper No. 47/1978.

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