

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION  
COMMITTEE INQUIRY INTO THE DEFENCE LEGISLATION  
AMENDMENT (AID TO CIVILIAN AUTHORITIES) BILL 2005

**Senator Brown asked the following question:**

**I have a question about the authorisation by the Prime Minister for action to be taken. Do you think that should be reviewable by the parliament or each house of parliament?**

**The Commission's response to the honourable Senator's question is as follows:**

The Senator is referring to proposed s.51CA(1) in the Bill. This section provides the Prime Minister with power to make an order of a kind that the Governor-General is empowered to make under ss.51A, 51AA, 51AB, 51B or 51C in certain circumstances. Put simply, the Prime Minister will be authorised to call-out the Australian Defence force in the event of a sudden and extraordinary emergency where it is not practicable for a normal call-out order to be made under those sections.

An order made by the Prime Minister under this section remains in force (unless revoked earlier) for a specified period, which must not exceed 5 days.<sup>1</sup>

Section 51CA(5) provides that the Governor-General may revoke the order in the same way as he may revoke an order under ss.51A, 51AA, 51AB, 51B or 51C.

Having considered this question, the Commission is of the view that it does not raise an issue of human rights as defined by the *Human Rights and Equal Opportunity Commission Act 1986* (Cth). The Commission is therefore not in a position to offer a view on this matter.

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<sup>1</sup> Proposed s.51CA(7)(b).