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2000B00274



Defence Portfolio Regulations Amendment (Aid to Civilian Authorities) Regulations 2000 (No. /)¹

Statutory Rules 2000 No. ² /

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I, WILLIAM PATRICK DEANE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Defence Act 1903* and the *Air Force Act 1923*.

Dated *13 September* 2000

WILLIAM DEANE

Governor-General

By His Excellency's Command

J. MOORE
Minister for Defence

1 Name of Regulations

These Regulations are the *Defence Portfolio Regulations Amendment (Aid to Civilian Authorities) Regulations 2000* (No. /).

2 Commencement

These Regulations commence on gazettal.

3 Amendment of *Air Force Regulations 1927*

Schedule 1 amends the *Air Force Regulations 1927*.

4 Amendment of *Australian Military Regulations 1927*

Schedule 2 amends the *Australian Military Regulations 1927*.

5 Amendment of *Defence Force Regulations 1952*

Schedule 3 amends the *Defence Force Regulations 1952*.

Schedule 1 Amendment of *Air Force Regulations 1927*

(regulation 3)

[1] Part IX

omit

Schedule 2 **Amendment of *Australian Military Regulations 1927***

(regulation 4)

[1] **Part V**

omit

Schedule 3 **Amendment of *Defence Force Regulations 1952***

(regulation 5)

[1] **After Part II**

insert

Part 3 Aid to civilian authorities

11A Application of Part 3

This Part applies if the Defence Force is called out under any lawful authority other than Part IIIAAA of the Act.

11B Responsibility of Chief of Defence Force

- (1) If the Defence Force is called out to protect Commonwealth interests in Australia against domestic violence, the Chief of the Defence Force must utilise the Defence Force in a way that is reasonable and necessary to protect the Commonwealth interest.
- (2) If the Defence Force is called out to protect a State or self-governing Territory against domestic violence, the Chief of the Defence Force must utilise the Defence

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Defence Portfolio Regulations Amendment (Aid to Civilian Authorities) Regulations 2000 (No. /)

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Force in a way that is reasonable and necessary to protect the State or Territory.

11C Ministerial directions

- (1) In utilising the Defence Force in accordance with regulation 11B, the Chief of the Defence Force must comply with any direction that the Minister gives from time to time as to the way in which the Defence Force is to be utilised.
- (2) However, in utilising the Defence Force in accordance with subregulation (1), the Chief of the Defence Force must not:
 - (a) stop or restrict any protest, dissent, assembly or industrial action except where there is a reasonable likelihood of the death of, or serious injury to, persons or serious damage to property; or
 - (b) utilise the Emergency Forces or the Reserve Forces unless the Minister, after consulting the Chief of the Defence Force, is satisfied that sufficient members of the Permanent Forces are not available.

11D Assistance to, and cooperation with, State etc

- (1) Subject to regulation 11C and subregulation (2), in utilising the Defence Force in accordance with regulation 11B, the Chief of the Defence Force must, as far as is reasonably practicable, ensure that:
 - (a) the Defence Force is utilised to assist the State or Territory and cooperates with the police force of the State or Territory; and
 - (b) the Defence Force is not utilised for any particular task unless a member of the police force of the State or Territory, or an officer of a civil authority designated by the Minister (the *civil authority*), gives a written request to the Chief of the Defence Force requesting that the Defence Force be utilised for the task.

- (2) Subregulation (1) does not require or permit the Chief of the Defence Force to transfer to any extent command of the Defence Force to the State or Territory, or to the police force or member of the police force of the State or Territory, or to the civil authority or officer of the civil authority.

Notes

1. These Regulations amend (in Schedule 1) Statutory Rules 1927 No. 161, as amended by 1928 Nos. 52 and 109; 1929 Nos. 75 and 114; 1930 Nos. 77, 94 and 135; 1931 Nos. 3, 78 and 115; 1932 Nos. 9, 63 and 133; 1933 Nos. 16, 46, 58, 82, 89 and 117; 1934 Nos. 25, 51, 74, 81, 122 and 125; 1935 Nos. 32 and 98; 1936 No. 17; 1937 No. 21; 1938 Nos. 12, 13, 22, 48, 77, 97 and 120; 1939 Nos. 21, 64 and 142; 1940 Nos. 31, 53, 75, 114, 125, 140, 220, 241 and 279; 1941 Nos. 68, 106, 137, 181 and 228; 1942 Nos. 29, 158, 232, 254, 346, 383, 416, 440, 441, 476 and 543; 1943 Nos. 119 and 198; 1944 Nos. 34, 50, 64, 75, 146 and 153; 1945 Nos. 49, 79, 95, 105, 196 and 201; 1946 Nos. 40, 111, 145 and 162; 1947 No. 22; 1948 Nos. 34, 51, 67, 86 and 152; 1949 Nos. 82, 86 and 115; 1950 No. 66; 1952 Nos. 14, 34, 49 and 86; 1954 Nos. 30 and 132; 1955 Nos. 36, 41 and 92; 1956 Nos. 19 and 43; 1958 No. 62; 1959 No. 100; 1960 No. 52; 1961 Nos. 7, 14, 28, 46, 88, 95, 126, 131 and 138; 1962 No. 24; 1963 Nos. 63, 64, 76, 91, 114, 116 and 117; 1964 Nos. 9, 13, 47, 94 and 99; 1965 Nos. 9, 10, 25, 57, 58, 77, 141, 142, 153 and 166; 1966 Nos. 4, 30, 127 and 150; 1967 Nos. 11, 39, 104 and 171; 1968 Nos. 90, 98, 140 and 155; 1969 Nos. 3, 116, 117 (regulation 5 was disallowed by the Senate on 16 April 1970), 148 and 180; 1970 Nos. 2, 37, 117, 132 and 156; 1971 Nos. 29, 50, 78, 121, 153 and 169; 1972 Nos. 16, 28, 54, 87, 89, 91 and 144; 1973 Nos. 96, 97, 98, 100, 172, 199, 200, 246 and 256; 1974 Nos. 76, 79, 90, 160, 202 and 257; 1975 Nos. 3, 38 and 56; Act No. 96, 1975; Statutory Rules 1976 Nos. 6, 10, 60, 128, 191, 241 and 257; 1977 Nos. 5, 38, 129, 142, 203, 240, 276, 277 and 279; 1978 Nos. 23, 61, 71, 78, 89, 162, 181, 198, 225, 237 and 238; 1979 Nos. 19, 31, 49, 50, 63, 130, 133, 257, 303 and 310; 1980 Nos. 2, 35, 40, 41, 129, 146, 151, 152, 153, 176, 221, 224, 246, 250, 301, 306, 313, 351 and 361; 1981 Nos. 22, 26, 48, 68, 92, 132, 144, 185, 186, 224, 240, 273, 315, 336 and 340; 1982 Nos. 3, 6, 37, 51, 104, 109, 174, 182, 203, 221, 248, 333, 356 and 360; 1983 Nos. 12, 15, 63, 170, 196, 259, 271, 284, 300, 334, 337 and 340; 1984 Nos. 59, 73, 77, 91, 151, 187, 198, 214, 226, 239, 277, 298, 302, 327, 330, 334, 339, 374, 379, 382, 384, 385, 438, 440, 447, 450, 455 and 458; 1985 Nos. 73, 77, 91, 115, 170, 213, 216 and 219; 1986 No. 105; 1987 Nos. 9 and 20; 1988 Nos. 40, 57, 75, 76, 93, 129 and 344; 1989 No. 20, 21 and 219;

1990 Nos. 95, 101, 288 and 377; 1991 Nos. 90, 116, 132, 322 and 363; 1993 No. 192; 1995 No. 273; 1996 No. 179; 1997 Nos. 15, 35 and 36; 1998 Nos. 134, 290 and 332; 1999 No. 116; 2000 No. 25.

These Regulations also amend (in Schedule 2) Statutory Rules 1927 No. 149, as amended by 1928 Nos. 23, 28 and 126; 1929 No. 123; 1930 Nos. 26, 67 and 92; 1931 No. 13; 1932 Nos. 80, 87 and 125; 1933 Nos. 49 and 77; 1934 Nos. 26 and 80; 1935 Nos. 99 and 109; 1936 Nos. 21, 44 and 100; 1937 No. 45; 1938 Nos. 75, 90 and 93; 1939 Nos. 31, 51, 58, 115, 123, 134, 160 and 173; 1940 Nos. 2, 16, 29, 59, 150, 183, 184, 185, 186, 199, 237, 252, 272 and 273; 1941 Nos. 3, 4, 14, 43, 135, 153, 155, 205, 245, 246, 260 and 311; 1942 Nos. 35, 59, 60, 85, 114, 166, 179, 211, 231, 289, 333, 334, 350, 417, 477, 506, 508, 521, 522, 555 and 556; 1943 Nos. 17, 68, 72, 126, 174, 199, 200, 219, 244, 245, 246, 249 and 258; 1944 Nos. 1, 39, 69, 71, 72, 114, 120, 122, 154 and 164; 1945 Nos. 6, 19, 38, 42, 68, 94, 111, 141 and 195; 1946 Nos. 72, 113, 114, 116 and 150; 1947 Nos. 25 and 59; 1948 Nos. 40, 59, 65 and 79; 1949 Nos. 55 and 68; 1950 Nos. 10, 21, 29, 64 and 65; 1951 Nos. 20, 56, 125, 149 and 152; 1952 Nos. 8, 60, 68 and 69; 1953 No. 87; 1954 Nos. 113, 117 and 118; 1955 Nos. 7, 31 and 55; 1956 Nos. 52, 102 and 115; 1957 No. 56; 1958 Nos. 31, 32 and 85; 1959 Nos. 22 and 30; 1960 No. 25; 1961 No. 42; 1962 Nos. 23, 27, 68, 69 and 71; 1963 No. 28; 1964 Nos. 62, 83, 93 and 149; 1965 Nos. 61, 72, 116, 119, 138 and 174; 1966 Nos. 119 and 167; 1967 Nos. 13, 118 and 168; 1968 Nos. 91 and 96; 1969 Nos. 76, 94, 96, 197 and 217; 1970 Nos. 101 and 193; 1971 Nos. 85 and 179; 1972 Nos. 57, 123 and 207; 1973 Nos. 99, 206, 245 and 250; 1974 Nos. 75 and 91; 1975 Nos. 2, 143, 144 and 192; 1976 Nos. 59 and 220; 1977 No. 50; 1978 Nos. 53, 139 and 197; 1979 Nos. 20, 30, 169, 170 and 242; 1980 Nos. 64, 177, 245, 340 and 360; 1981 Nos. 54, 60, 257 and 338; 1982 Nos. 36, 190 and 331; 1983 Nos. 40, 61, 203 and 289; 1984 Nos. 76, 78, 378, 390, 391 and 429; 1985 Nos. 90, 117 and 211; 1986 No. 331; 1987 Nos. 19 and 177; 1988 Nos. 38, 90 and 127; 1990 Nos. 42 and 375; 1991 No. 131; 1993 No. 190; 1995 Nos. 261 and 274; 1997 No. 38; 2000 No. 67.

These Regulations also amend (in Schedule 3) Statutory Rules 1952 No. 29, as amended by 1953 Nos. 61 and 62; 1958 No. 38; 1963 No. 133; 1968 No. 14; 1976 Nos. 52 and 106; 1980 Nos. 95 and 244; 1981 Nos. 177 and 352; 1982 No. 271; 1983 No. 129; 1984 No. 392; 1985 Nos. 88, 118, 131, 156, 235 and 331; 1986 No. 101; 1987 No. 113; 1988 Nos. 58, 89, 321 and 322; 1989 Nos. 203, 275, 290 and 302; 1990 No. 92; 1995 Nos. 51 and 69; 1996 No. 177; 1997 Nos. 40 and 257; 1998 Nos. 5 and 63; 1999 Nos. 117 and 235; 2000 No. 82.

2. Notified in the *Commonwealth of Australia Gazette* on / 2000. 13 September