

2004 – 2005 – 2006

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

SENATE

DEFENCE LEGISLATION AMENDMENT (AID TO CIVILIAN AUTHORITIES)
BILL 2005

SUPPLEMENTARY EXPLANATORY MEMORANDUM

Amendments and
New Clauses to be Moved on Behalf of the Government

(Circulated by the Minister for Defence, The Hon Dr Brendan Nelson MP)

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

OUTLINE

This Bill will amend Part IIIAAA of the *Defence Act 1903* and make consequential amendments to that Act and other Defence legislation.

The Government amendments to the Bill provides a third tier for the expedited call out procedure, and clarifies the consultation process with States and Territories when authorising Ministers identify Designated Critical Infrastructure.

FINANCIAL IMPACT

The amendments in the Bill have no financial impact.

Defence Legislation Amendment
(Aid to Civilian Authorities) Bill 2005

Amendment 1

1. Amendment 1 amends subsection 51CA of the Bill by including a new subsection 51CA(2A). It is proposed by 51CA(2A) that in the event the Prime Minister and one of the other authorising Ministers cannot be contacted, call out can be authorised by the remaining authorising Minister and either the Deputy Prime Minister, the Minister for Foreign Affairs or the Treasurer.

Amendment 2

2. Amendment 2 amends subsection 51CB(5) which clarifies the process for consultation during the identification of Designated Critical Infrastructure so that relevant State or Territory Governments are consulted on the identification of Designated Critical Infrastructure by authorising Ministers. This consultation requirement would not apply if the authorising Ministers are satisfied that, for reasons of urgency, it would be impracticable to comply with these requirements, or if the Designated Critical Infrastructure is not within a State or self-governing Territory (such as an offshore facility).