

Within days of Howard's terror "alert"

Australian government seeks expanded powers to call out troops

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The intimate connection between war abroad and military and police repression at home was underscored last Sunday when Australian Defence Minister Robert Hill simultaneously revealed plans to boost troop numbers deployed overseas and push through new laws making it easier for the federal government to call out the military within Australia.

Interviewed on the Channel Nine Sunday program, Hill confirmed that Prime Minister John Howard and his senior ministers were finalising a proposal to send 200 military engineers to join the NATO-led occupation of Afghanistan. This is the second contingent to be sent within months. In September, 150 elite commandos of the Special Air Services (SAS), were sent to help prop up the US puppet government in Afghanistan.

In the same interview, Hill ruled out setting any deadline for the withdrawal of the 450 Australian troops sent to southern Iraq last February. He declared that the troops would stay, regardless of the wishes of whatever Iraqi government is formed after elections due next month. That government "will have their own view on how long they want the multinational force to stay," he said. "But we believe there is still important work to be done there."

In fact, the government is escalating its commitment in Iraq. Last week Hill announced that small spy planes—Miniature Unmanned Aerial Vehicles (UAVs)—would be sent to assist operational missions in the southern Al Muthanna province. He revealed that UAVs had been secretly tested and evaluated in the Solomon Islands, where Australian troops were dispatched in 2003.

Thus, despite the bloody disaster in Iraq and the growing popular opposition to the war in the United States and around the world, the Howard government is stepping up its military involvement. The deployments will only exacerbate the likelihood of terrorist attacks in Australia, a fact that Howard is cynically exploiting as the pretext to justify unprecedented police and military powers.

Hill said the government would introduce revamped military call-out laws into parliament this year, in time for troops to be used to protect Melbourne during the 2006 Commonwealth Games. In 2000, the government rushed in the original military call-out legislation, claiming it was necessary for the Sydney Olympic Games. The legislation was not used at the 2000 Games, nor has it been invoked since.

The defence minister admitted there was no specific threat to the Commonwealth Games either. But "if there is an event that is

beyond the capability of the civil authority, the police, to handle—and a serious terrorist incident might fall within that category—we want to be able to use the ADF [Australian Defence Forces] flexibly and effectively to protect the lives of Australian people".

This formulation is wide enough to cover the use of armed forces to put down any perceived threat—including protests or civil unrest—that is deemed beyond the capacity of the state police.

Hill's announcement was obviously timed to take advantage of the dubious terrorist "alert" declared by Howard last Wednesday. The government commissioned a review of the military call-out laws in late 2003, which called for a major widening of its provisions, but sat on the report for 18 months.

The planned laws are yet another instalment of the measures agreed upon by Howard and the state and territory Labor leaders in their joint communiqué from the September 27 Council of Australian Governments (COAG) "counter-terrorism" summit. Like the Anti-Terrorism Bill 2005, which was only finally unveiled to the public last Thursday, the military call-out amendments are being kept secret for as long as possible.

Hill was extremely vague about the proposed changes. He simply declared that the laws introduced in 2000 had "been difficult to use in practice and really quite limited". They were limited to use at a particular site and were insufficient to deal with a moving threat, or one from the air or sea. They also "significantly restricted" the use of ADF reserves.

Later his spokeswoman said counter-terrorism exercises had shown there was a need to "streamline" the existing process for calling out military personnel. She said it would mean troops could be used for a "potential" threat, when, at the moment, there has to be a specific threat. This is similar to the changes already implemented to the counter-terrorism legislation, which allow the police and intelligence agencies to arrest or detain people without any evidence of a specific terrorist act.

Hill lied openly about one key aspect of the laws. Asked if troops would have the right to search and seize, detain people or shoot to kill, Senator Hill said: "No, that's not the idea."

But the military already has precisely such powers, under the laws passed in 2000. Once deployed, troops can seize buildings, places and means of transport, detain people, search premises and seize possessions. In declared "general security areas" their

powers extend to personal searches, erection of barriers and stopping means of transport. If a “designated area” is declared, their powers increase further. The military can halt and control all movement of traffic and people, and issue directions to individuals.

Military personnel are permitted to cause death or grievous bodily harm—in other words, shoot to kill—where they believe “on reasonable grounds” that such action is necessary to protect the life of, or prevent serious injury to, another person.

The purpose of the proposed amendments is to make it far easier to activate these police-state powers. The official review of the laws, handed to the government in early 2004, specifically expressed dissatisfaction with the “reasonable grounds” restriction. At the same time, it noted that the specific inclusion of shoot-to-kill powers, “perhaps creates a climate” in which the courts would recognise that parliament had “clearly decided military force was necessary ... including, in assault situations, lethal force”.

The military manuals and rules of engagement for the use of these extraordinary powers remain highly classified. Hill has refused to release the instructions on the grounds that knowledge of them by an “adversary” could endanger the lives of ADF members. This claim applies battlefield considerations directly to civilian settings, depicting members of the public as potential “adversaries”.

Having enthusiastically backed the passage of the original legislation in 2000, the Labor Party has once again been quick to pledge support. True to form, federal Labor leader Kim Beazley accused Hill of acting too slowly. “When are we going to get sick of these people’s incompetence, when are they going to be held to account?” he asked. He said the laws should have been put in place four years ago, not four months out from the Commonwealth Games.

Queensland Premier Peter Beattie’s only concern was that alarmist language by Howard and Hill had caused public unease. “It just alarms people unnecessarily,” he said. “People would expect that if there was a major terrorism incident in this country that the Army would have a role to play. I don’t think anyone would argue about that. They should just get on and do it.”

In their anxiety to have these revised laws in place with the least possible public debate, both the government and Labor reveal how much they fear opposition. They are also aware that their proposals are unconstitutional. The only provision for calling out the troops is section 119 of the Australian Constitution, which allows state governments to request federal military assistance to protect them against “domestic violence”.

At Federation in 1901, the Australian states and their respective police forces retained “law enforcement” powers, while the Commonwealth was given the “defence” power for external use. The sole exception was “domestic violence”. While not defined in the Constitution, this was understood to mean civil disorder that was so convulsive that it threatened the existence of the state.

This federal-state division of powers embodies the centuries-old British taboo—in place since the overthrow of the absolute monarchy in the 17th century—on the internal use of the military against civilians.

The taboo remains deeply embedded in public consciousness. Large numbers of soldiers have only ever been mobilised onto the streets in Australia once in the past century, following the 1978 bomb blast outside the Sydney Hilton Hotel. That operation was also conducted on the pretext of fighting “terrorism”. Nevertheless, the sight of heavily-armed troops patrolling urban areas provoked considerable public outcry.

Over the past five years, the Howard government has set about conditioning both ADF members and members of the public to accept such domestic military mobilisations. It has repeatedly deployed the armed forces against civilians, including the use of naval gunships to turn back or seize refugee boats, the patrolling of civilian areas in Afghanistan, Iraq and the Solomon Islands and incessant internal “counter-terrorism” exercises featuring army commandos.

Without any legislative authority, the ADF was also called out for a Commonwealth Heads of Government Meeting at Coolumb, Queensland in 2002, and air force F/A-18 Hornet fighter jets and army Black Hawk helicopters patrolled the skies over Canberra during US President Bush’s visit to Australia in 2003.

In the lead up to Hill’s announcement, a Murdoch media columnist, Greg Sheridan, called for ADF contingents to be shifted from the sparsely populated north of the country to concentrate on the main urban centres. “Future conflict, peace-keeping operations and certainly terrorist and disaster response are going to occur increasingly in urban and populated areas,” he wrote in the *Australian*. “So here is a simple proposition: bring the army and navy back to Sydney, Melbourne and Brisbane where they belong, with suitable presences in Adelaide, Perth and Hobart.”

Sheridan argued that the regular presence of uniformed soldiers would help shape public opinion. “The lack of professional soldiers in our cities is a real loss,” he wrote. “We never see a uniform.”

Just days later, Hill revealed that large numbers of troops had been already assigned to the Melbourne Games and unveiled a proposal to shift army units permanently to Adelaide. Earlier this year, the government decided to base a new SAS regiment in Sydney.

Once again, the “war on terrorism” has become the vehicle for overturning basic legal, constitutional and democratic rights and handing vast powers to the police, intelligence and military apparatus. The real reason is to prepare for what Australia’s media and political establishment—both Liberal and Labor—is clearly anticipating: the eruption of social unrest and political discontent on a scale that federal and state police forces will not be able to contain, even if armed with draconian powers of detention without trial.



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