

Australian parliament rubberstamps new military callout powers

Mike Head
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After a perfunctory debate—lasting less than six hours in the Senate and House of Representatives—the Australian parliament last week passed the Defence (Aid to Civilian Authorities) Act, dramatically enhancing the federal government’s powers to call out troops domestically.

While many hours were allocated to a much-publicised “conscience vote” on the abortion pill RU486—accompanied by claims that the debate demonstrated a healthy democracy—the expanded callout powers were rammed through, with almost no public discussion or media coverage, on the basis of bipartisan agreement between the Howard government and the Labor opposition.

For the second time in just over five years, Labor joined hands with the ruling Liberal-National Coalition to seize upon an international sporting event—next month’s (former British) Commonwealth Games in Melbourne—as the excuse to enact military call-out powers.

In 2000, the Sydney Olympic Games provided the pretext for legislation that overturned the basic political and legal principle—dating back to the overthrow of the absolute monarchy in Britain in the seventeenth century—against using the armed forces to suppress civilian disturbances.

Despite producing no evidence of any terrorist threat to the Olympics, the government mobilised 4,000 troops, including SAS commandos, for the 2000 Games. However, in the face of considerable opposition to the legislation, the government chose not to activate it during the Games. Nor has it invoked the laws since.

Nevertheless, the legislation has remained on the books, permitting the government to deploy troops on home soil whenever it alleges a threat to

“Commonwealth interests” or a danger of “domestic violence” beyond the capacity of a state or territory government. These sweeping and legally undefined terms could cover many forms of social and political unrest, including protests outside federal parliament, suburban clashes against police or crippling industrial action.

After the September 11 terrorist attacks in the US and the launching of the indefinite “war on terror,” the government claimed that these requirements were too restrictive. In 2003 it commissioned a review by former military, police and public service chiefs to justify expanding the powers, but waited until late last year before bringing forward the new legislation, under the guise of protecting the Commonwealth Games.

The changes will allow the Australian Defence Forces (ADF) to be called out far more easily and with draconian powers, including legally protected rights to kill people to protect “critical infrastructure,” shoot down aircraft, sink ships, interrogate civilians and seize documents.

Even as the Bill was going through parliament, the government and Labor agreed on two last-minute amendments that underscore the measures’ central thrust. One amendment extends the list of “authorising ministers” who can call out the ADF to include the deputy prime minister, foreign affairs minister and treasurer, as well as the prime minister, defence minister and attorney-general.

In a “sudden and extraordinary emergency” the prime minister alone, or two other “authorising ministers” acting together, can now give the order, which does not even need to be in writing—it can be made via a quick phone call. Moreover, the government can issue standing orders for the activation of the ADF whenever the chief of the armed forces deems it necessary. These

provisions give extraordinary powers to a handful of politicians and military officers to launch open-ended military mobilisations.

The other late amendment permits the ministers to call out the ADF in the name of “preventing acts of violence” against “critical infrastructure”, even if the relevant state or territory government does not agree to the intervention. This means that the states and territories, which control the police forces under the Australian constitution, can be overridden.

There is no definition of “critical”, except that damage or disruption would “directly or indirectly endanger the life of, or cause serious injury to, other persons”. “Infrastructure” is defined broadly enough to cover a vast range of ordinary domestic facilities, such as roads, railways, buildings, sporting arenas, schools, universities, hospitals, telephone and power lines, dams and water pipelines, mass media outlets and computer networks.

As a result, the military’s “shoot to kill” powers have been extended beyond the original Act—which allowed for lethal force to protect people from death or injury—to the protection of physical assets. This could justify shooting people to stop a threatened disruption of any facility, even without any alleged direct danger to human life.

The Australian Greens attempted to provide a democratic façade for these powers, by proposing that any ADF call-out be followed by the recall of parliament with the power to overturn the decision. This was contemptuously dismissed by the government and Labor with no debate.

The anti-democratic character of the proceedings was further demonstrated when Greens leader Bob Brown criticised the inclusion of a “superior orders” defence, which gives ADF personnel immunity from criminal prosecution when they follow apparently legal orders. Brown observed that this provision overturns the Nuremburg tribunals’ refusal to allow such a defence, and suggested that soldiers who killed people during a protest could plead that they were simply following orders.

For this, Brown became the subject of vitriolic attack by virtually every speaker—government, Labor and Australian Democrat—in both the Senate and the House. Defence Minister Brendan Nelson accused him of likening Australian servicemen and women to Nazis,

and declared that it was illegitimate to “situate Australia’s Defence Force personnel within such a dreadful and heinous period of Western history”.

The purpose of such denunciations is to censor any questioning of the conditions under which troops may be dispatched to confront civilians and given orders to use lethal force. Having subscribed to the fabrications about “weapons of mass destruction” as the pretext for invading Iraq, there is no reason to believe that the Howard government, or any future Labor government, would hesitate to employ equally gross lies to justify sending in troops to crush domestic unrest.

Now that the laws have passed, it seems that every effort is being made to give the Commonwealth Games a military atmosphere as part of a process of conditioning public opinion to the sight of troops on the streets.

Without even claiming any terrorist threat to the Games, the government announced last week that 2,600 ADF personnel will be deployed for the event. The “security contingent” will include an SAS Tactical Assault Group, Blackhawk helicopters and F/A 18 Hornet jet fighters, communications units and specialised teams to search venues and operate vehicle checkpoints. The ADF will also supply three military bands and ceremonial experts to train Games volunteers “in the conduct and protocols of flag and medal ceremonies”.



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