Australian parliament to pass expanded laws to call out the military to suppress domestic unrest

Mike Head
23 November 2018

For the third time since 2000, with virtually no public debate, Australia's parliament is set to hand governments sweeping, additional new powers to mobilise the armed forces to put down domestic unrest.

The Labor Party joined the Liberal-National Coalition government in pushing the Defence Amendment (Call Out of the Australian Defence Force) Bill through the House of Representatives late last month. The upper house, the Senate, is likely to rubberstamp it before the end of the year.

The adoption of expanded military call-out powers, on top of a barrage of anti-"foreign interference" and other laws to increase the powers of the police and intelligence agencies, is another warning of plans to suppress growing discontent and political disaffection amid worsening social inequality and the rising danger of trade war and war.

Introduced, like every other police-state measure, under the pretence of protecting the population against terrorist attacks, the bill will allow government ministers to call out the military on a far wider basis than combating "terrorism."

Former Special Air Service (SAS) commander Andrew Hastie, now a leading figure in the Coalition government, told parliament last month he was "very pleased" that the bill would "unlock" the capabilities of the country's two Special Forces units—the SAS Regiment in Perth and the 2nd Commando Regiment in Sydney.

"They're constantly training for a number of contingencies," Hastie said. "They benchmark against Five Eyes special operations and law enforcement units, so they have world's best practice at their fingertips. They also have significant combat experience acquired through ADF [Australian Defence Force] operations in Afghanistan over the past decade or so."

Hastie added: "They are surgical in the application of lethal force. Culturally—this is a key point between our police and military—they're ruthlessly mission-focused, particularly when it comes to resolving these sorts of situations. I mentioned the combat experience that is resident in both of those units."

While Hastie couched his remarks in terms of countering terrorism, his references to Afghanistan, the US-led "Five Eyes" operations and "surgical" use of lethal force are chilling. Australia's Special Forces, including soldiers commanded by Hastie, have been accused of war crimes against civilians during the ongoing neo-colonial war in Afghanistan, and the Five Eyes network conducts global mass surveillance targeting people deemed a threat to the major capitalist powers.

Under the new laws, government ministers can issue call-out orders if they consider there is a "threat" of undefined "domestic violence," even if the relevant state or territory government objects. Military personnel will have unprecedented peacetime powers, including to use lethal force, detain civilians, issue directives, search people and premises and seize property.

As with the previous bills to deploy the military on home soil—in 2000 and 2008—the Coalition and the Labor Party have worked closely together to limit parliamentary debate and ride roughshod over alarms raised by lawyers' and civil liberties groups about the overturning of fundamental civil and democratic rights.

The bill further repudiates a centuries-old principle—derived from overthrowing the absolute monarchy in Britain—of barring those in power from unleashing the military against the people.

Former Prime Minister Malcolm Turnbull originally foreshadowed the latest measures in mid-2017, supposedly in response to a coroner's report on the December 2014 Sydney café siege, conducted by lone gunman Man Haron Monis.

The government and the media falsely labelled the event a terrorist emergency and claimed it demonstrated the need for the Special Forces regiments to intervene with lethal force. In reality, like similar incidents around the world, the café hostage-taking was perpetrated by a mentally-disturbed

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individual who had been under close surveillance by police and intelligence agencies.

Moreover, the legislation is not at all confined to dealing with terrorism. In "specific circumstances"—another undefined term—the government can order the military to respond to any threat to "public safety" or vaguely-defined "Commonwealth interests," that is, anything that imperils the existing capitalist order.

Backed by Labor, the government refused to amend the bill to define "specific circumstances." Instead, it changed the bill's explanatory memorandum to declare: "What constitutes specified circumstances will depend on the situation in question."

The memorandum was revised to claim: "Peaceful protests, industrial action or civil disobedience would not fall within the definition of 'domestic violence'." However, this proviso, contained in section 39 of the bill, does not apply if there is a "reasonable likelihood of serious damage to property." In other words, alleged danger to property can be cited to set troops against strikers or demonstrators.

"Domestic violence" is a term contained in the 1901 Australian constitution, referring to serious civil unrest that endangers the ruling establishment. At present, because the constitution left police powers in the hands of the states, the ADF is supposed to be called out only if states and territories "are not, or are unlikely to be, able to protect themselves or Commonwealth interests against domestic violence."

This limit will be junked. The prime minister or two "authorising ministers"—now including the home affairs minister—will have the power to mobilise the ADF support if they decide it "would be likely to enhance the state or territory's ability to protect itself or Commonwealth interests."

In effect, the military can take control of entire urban areas, overriding state and territory governments and police forces. According to the bill's memorandum, "the ADF will be required to consult with every state and territory affected by a call-out, *to the extent possible in the circumstances"* and act in accord with the relevant police force "*as far as is reasonably practicable*" [italics in the original].

Alternatively, ministers can order a "contingency call out" that pre-authorises the ADF chief to deploy troops. Currently that power is limited to aviation and the protection of "Commonwealth interests." The bill will extend it to cover state and territory interests, whether in the land, air, or maritime domain.

In a Senate committee submission, the Attorney-General's department revealed that: "Such orders have been regularly made as part of security measures to protect major Commonwealth events (for example, the G20, Commonwealth Games, and the ASEAN summit) from circumstances involving air threats."

Although no call-out orders have been issued since the power was first formalised in 2000, these "contingency callouts" have been dress rehearsals for military mobilisations, designed also to accustom the population to ADF operations in major cities.

The bill expands the military's powers, including to kill people, far beyond situations where commanders claim it is necessary to protect a life. Lethal force can be used to protect "designated infrastructure" or stop someone escaping from military custody, or end "threats to public health or public safety."

In addition, military personnel will be further protected from legal liability by adding a new blanket defence of "acting in good faith."

For all the talk of combating terrorism, when the bill was first tabled in June, Attorney-General Christian Porter told journalists the military could be used to restore order in case of "widespread rioting."

Greens MP Adam Bandt nervously told parliament last month: "Allowing this wide-ranging ability to bring the Defence Force out onto our streets is something that most people in this country would not agree with if they knew it was happening."

But the Greens have no basic opposition to the domestic use of troops, instead issuing a dissenting Senate committee report calling for token modifications to the bill. Together with the media, the government and Labor, they have done nothing to alert the public to the real purpose of the expanded powers: preparations by the entire ruling establishment for convulsive struggles against austerity and war.

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