

# Australian government prepares expanded emergency and military call-out laws

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With the backing of the Labor Party opposition, the Liberal-National government is pushing ahead with planned legislation to hand federal governments unprecedented powers to declare emergencies and call out the military, with or without any state government agreement.

The government aims to push the changes to the Defence Act through federal parliament before the end of the year. Some provisions will be unveiled within weeks, while others will come after the scheduled October 28 report of a royal commission into disaster arrangements. That inquiry was instructed to focus on the alleged need for such powers.

Prime Minister Scott Morrison first declared the government's intent in late January during the bushfire disaster. He used a National Press Club speech to call for national emergency powers, effectively establishing the conditions for rule by decree, enforced by the Australian Defence Force, in times of a self-proclaimed emergency.

As in the United States, the proposed measures would overturn the constitutional division of federal-state powers, in order to enable prime ministers to dispatch troops to deal with alleged emergencies without the permission of a state or territory government.

In June, amid mass protests against police violence, US President Donald Trump threatened to invoke the Insurrection Act and deploy the military throughout the country, regardless of opposition by state governors. Sections of the military resisted this attempted coup, fearing it was not adequately prepared and would create a social explosion. Trump then dispatched federal border agents to several cities, including Portland, Oregon, where they beat demonstrators and snatched protesters into unmarked vehicles.

The Morrison government's plans would create the framework for similar moves toward authoritarian forms of rule amid mounting economic crisis, worsening social

inequality and growing political discontent.

Once again, as it did during the bushfire calamity, the political establishment is exploiting a catastrophe—this time the COVID-19 pandemic—for which its own policies are directly responsible, to introduce police-state powers.

At the height of the deadly bushfires, the government's unprecedented January 4 deployment of 3,000 military reservists, warships and planes highlighted the lack of civilian resources, while seeking to accustom the population to the sight of troops and military hardware on home soil.

Morrison boasted of making the first-ever compulsory domestic call-out of reservists and military intervention without any state government request, saying he had been "very conscious of testing the limits of constitutionally defined roles."

Morrison's subsequent call for national emergency powers had nothing to do with providing the urgently-needed fire-fighting resources or policies to deal with such climate change-driven disasters.

Likewise, today there is no proposal to allocate the billions of dollars necessary for adequate epidemic protection, health care and aged care, despite the horrendous breakdowns in these chronically-underfunded and over-stretched services. Instead, military spending has been boosted—to \$575 billion over a decade—to create a force to suppress domestic unrest as well as to prepare for war.

The proposed legislation has yet to be published. According to the *Sydney Morning Herald*, it would hand the prime minister the power to declare a national emergency or disaster.

Since 2000, under the cover of the "war on terrorism," legislation has been introduced already, and twice expanded, with bipartisan support to give federal governments increased powers to mobilise the military to deal with undefined "domestic violence." These call-out

laws give military commanders the power to order the use of deadly force.

Under the reported changes, the Defence Act would be further amended so the military could be called out to “national emergencies and disasters.” This would not be restricted to covering events such as bushfires, floods and pandemics. In his January speech, Morrison vaguely referred to emergency declarations “where the life and property of Australians have been assessed to be under threat.”

During the bushfires and coronavirus crises, the government has relied on the states to request military assistance under “Defence Assistance to the Civil Community” arrangements, but without federal laws laying out the powers and roles of troops.

Under the planned legislation, the prime minister, defence minister and attorney-general could call out the troops if they agreed with each other that a state or territory was unable to protect the Commonwealth or itself against the supposed threat.

The legislation would by-pass the state and territory governments where the trio decreed that “Commonwealth interests” were endangered. It would also give military personnel greater powers and legal protections in interrogating or detaining people, issuing orders and searching property.

Already, the Morrison government has seized upon the COVID-19 pandemic to launch an extensive internal military intervention. So far, about 3,500 military personnel have been mobilised for “Operation COVID-19 Assist,” about half of them at the request of the state Labor government in Victoria, currently the worst-infected state.

In scenes never before witnessed in peacetime, soldiers are patrolling streets, door-knocking houses, manning border control checkpoints, airports and hotel quarantines, and conducting contact tracing. In the Victorian capital of Melbourne, they are helping police enforce an 8 p.m. to 5 a.m. curfew.

Enormous emergency powers already exist in the hands of the federal and state governments. Since the pandemic first erupted in March, these powers have enabled the formation of a de facto coalition regime running the country by emergency decrees. This “National Cabinet” has no constitutional or statutory basis and is not accountable to any parliament, most of which have not sat fully for months.

The existing emergency laws include the federal Biosecurity Act, which gives federal governments the

power to declare “biosecurity” or “human biosecurity” emergencies. Cabinet ministers can then issue “any direction to any person” and “determine any requirement,” despite “any provision of any other Australian law.” People who disobey orders can be imprisoned for up to five years. Ministerial directives cannot be disallowed by parliament.

The states have activated similar sweeping “emergency” laws. In Victoria, the Labor government has further declared a “state of disaster,” allowing it to suspend any act of parliament and issue directions that prevail over any legislation or law. These powers can be utilised to suppress popular unrest and outlaw strikes.

Greater emergency powers would allow governments to impose virtual martial law, with sweeping authority to tear up basic democratic rights by suspending all existing laws.

Beneath this lurch toward dictatorial measures lies a protracted political crisis, now intensified by the disastrous profit-driven response of every government, Liberal-National and Labor alike, to the pandemic. Their rush to lift safety restrictions, in order to “reopen the economy” has triggered a second COVID-19 wave of infections and deaths. Decades of deteriorating social conditions, a widening gulf between the wealthy elite and the working class, and the devastation of full-time jobs and working conditions had already generated deepening public hostility.

Support for both major ruling parties has fallen to record lows, as has trust in the political system, yet the ruling class now faces the greatest economic breakdown since the Great Depression of the 1930s and is increasingly discredited by its damning record on the COVID-19 pandemic. Acutely aware and fearful that rising social and political discontent is likely to erupt, the ruling class is drawing up repressive measures.



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