

Labor Party helps impose Australian military call-out laws for “emergencies”

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Backed by the Labor Party, the Liberal-National Coalition government last week pushed a bill through the lower house of parliament allowing the rapid domestic deployment of the military, including Reserves, in a “natural disaster or other emergency.”

Falsely presented as a response to last summer’s bushfire catastrophe, the wider intent of the bill is revealed by the undefined term “emergency.” That goes far beyond the intensifying “natural” disasters being fuelled by climate change. It can cover civil unrest, industrial action or any other development regarded as a threat to the existing economic and political order.

Speaking on the floor of the House of Representatives, Labor’s shadow defence minister Richard Marles misleadingly labelled the bill a “modest set of reforms.” It would, he enthused, provide the government and the armed forces chief “greater flexibility” to call out troops.

In reality, the bill is the first instalment in plans, initially outlined by Prime Minister Scott Morrison in January, to overturn any constitutional barriers to the mobilisation of the armed forces within the country, with or without the consent of a state government.

At the height of the bushfire tragedy, Morrison used a National Press Club speech to call for national emergency powers. This would effectively establish the conditions for rule by decree, enforced by the Australian Defence Force.

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.”

With Labor’s support, the Defence Legislation Amendment (Enhancement of Defence Force Response to Emergencies) Bill 2020 has been referred for a brief Senate committee inquiry, due to report on November 4. The purpose of that inquiry is not to alter the thrust of the

bill, but rather to refine it in order to iron out any technicalities that could disrupt military call-outs.

In the name of “streamlining the process,” the bill provides for the “urgent” deployment of the armed forces by a single minister. It further specifies that all Reserves, including civilian part-timers, can be conscripted into such operations. In addition, the bill shields called-out military personnel and other “authorised persons” from civil and criminal liability for any use of their powers, which are also undefined.

In other words, military personnel and others—who could include US or other overseas agency members—will be legally protected for any deaths, injuries or damage they cause. The government insists that the bill does not authorise armed force against civilians, but there is no such protection in the legislation.

The bill allows the governor-general to issue a “call out order” covering “some or all of the Reserves.” The government and Labor claim that this provision, despite its sweeping language, is not intended to extend the power to mobilise the military internally.

This is part of a pattern, however. Since 2000, initially under the cover of the “war on terror,” bipartisan legislation has been introduced, and further expanded in 2018, to give federal governments explicit powers to mobilise the military to deal with undefined “domestic violence.” These call-out laws specifically give military commanders the power to resort to deadly force.

Section 39(3)(b) of the Defence Act formally prohibits the use of the Australian Defence Force in industrial disputes and protests, but that ban is meaningless, because it does not apply if there is a “reasonable likelihood of serious damage to property.”

A further expansion of military powers, as foreshadowed by Morrison, is planned after the scheduled October 28 release of his government’s bushfire royal commission report.

The key items in the terms of reference for that inquiry are “whether the Commonwealth Government should have the power to declare a state of national emergency” and whether, following such a declaration, the government “should have clearer authority” to deploy the military “in the national interest.”

None of this is really about fighting fires or other calamities.

Like a succession of previous governments, Coalition and Labor alike, the Morrison government has refused to take any effective action to combat global warming, and deprived fire-fighting and other civilian services of the necessary resources.

Having failed to prepare for last year’s predicted bushfire disaster season, the Morrison government exploited the catastrophe to order an unprecedented deployment of 3,000 called-up military reservists, as well as warships and planes. Altogether, with Labor’s backing, more than 6,500 military personnel were mobilised, all designed to condition the population to the use of troops and military hardware on home soil.

It is likewise with the COVID-19 pandemic. The self-proclaimed bipartisan “national cabinet” failed to protect the population from the ongoing global public health disaster, then seized on the pandemic to dispatch troops across the country.

So far, up to 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.

In scenes never before seen in peacetime, soldiers have patrolled streets, door-knocked houses, manned checkpoints, airports and hotel quarantines, and conducted contact tracing. In the Victorian capital of Melbourne, they helped police enforce an overnight curfew.

As last week’s federal budget confirmed, there is no allocation of the billions of dollars necessary for adequate epidemic protection, health care and aged care, despite the deadly breakdowns in these chronically-underfunded services. Instead, military spending has been boosted—to \$575 billion over a decade—to forge a force to suppress domestic unrest as well as to prepare for war.

This militarisation of society contains unmistakable parallels to events in the United States. In June, confronted by 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.

Since then, Trump has repeatedly said he will not accept defeat in the November 4 presidential election.

As in the US, the Morrison government’s 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.

Vast emergency powers already exist. Since the pandemic erupted in March, these powers have enabled the formation of a de facto coalition regime running the country by decrees.

The Biosecurity Act 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.

The states have activated similar “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.

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

Beneath this lurch towards dictatorial measures is a protracted political crisis, now intensified by the disastrous profit-driven response of every government globally 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.

In Australia, as around the world, 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 generated rising political and social discontent well before the pandemic. Fearing mass unrest, the ruling class is preparing military measures.



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