

Australian government uses bushfire report to demand emergency powers

Mike Head**2 November 2020**

Prime Minister Scott Morrison's government is exploiting the report of its royal commission into last summer's catastrophic bushfires to rapidly legislate a "state of national emergency" power. This would allow a federal government to deploy troops for any kind of emergency without a request from the states.

As soon as the report was made public last Friday, the government said it would adopt the recommendations, while making the emergency and military call-out proposals its first priority. This has nothing to do with a genuine response to the catastrophe.

Creating the unprecedented emergency power was always the government's intended primary outcome from the inquiry—headed by a former armed forces chief—not any proposals to address climate change or the lack of civil resources and planning exposed by the months-long disaster.

Last year's infernos affected millions of people and left a terrible toll. The report states: "Tragically, 33 people died and extensive smoke coverage across much of eastern Australia may have caused many more deaths. Over 3,000 homes were destroyed. Estimates of the national financial impacts are over \$10 billion. Nearly three billion animals were killed or displaced and many threatened species and other ecological communities were extensively harmed."

According to evidence given to the inquiry, more than 450 people died as a result of the toxic smoke. Thousands of people remain homeless, despite promises of government assistance.

The report refers to a serious lack of civilian resources, including a shortage of "aerial firefighting capability," during the disaster. And it warns that the "increasing complexity of disaster risks" has "the potential to overwhelm the capabilities of our fire and emergency services."

But there is no recommendation for the allocation of the necessary billions of dollars to address this threat. Instead, the central axis of the report is to justify Morrison's demand—first issued in a National Press Club speech in January, at the height of the calamity—for national emergency and military powers.

These powers will not be confined to bushfires, or any other natural disaster. That is confirmed by the words of the report itself. "The risks posed to Australia are, of course, broader than those posed by natural disasters," it states. "They extend to the risks posed by events such as pandemics, cyber-attacks, terrorism and war."

In fact, the words "natural disaster or other emergency" are contained in a bill already tabled in parliament to expedite the compulsory call-out of thousands of military reserves. That language can extend to anti-war protests, civil unrest, industrial action or any other development regarded as a threat to the existing economic and political order.

There is no mention of national emergencies or natural disasters in Australia's 1901 Constitution, thus leaving these powers in the hands of the states. Yet, according to the report's "legislative model," this constitutional framework would be overridden. The federal government would gain the power to take unilateral action, without a request for support by a state or territory, in vaguely defined crises.

The prime minister would only have to declare that an emergency posed "significant risk to lives or property," "the affected state or territory cannot take action" and "it is necessary to take action in the national interest."

The report rejects the option of asking the states to refer these powers to the federal government, as occurred in handing over "counter-terrorism" powers in

2002. The report claims that negotiating with the states would take too long “in the face of increasing disaster risk.”

Rather, the report proposes relying on a dubious combination of various federal legislative powers, such as defence, plus the “executive power of the Commonwealth.”

The report acknowledges that the federal government already has extensive emergency powers, including to declare a biosecurity emergency, and that the states and territories have “state of emergency” powers. These powers have been invoked, via the “national cabinet,” to rule by decree during the COVID-19 pandemic. Yet, the report declares that these vast powers are insufficient.

The report also notes that, despite the lack of any clear constitutional or legal authority, the Morrison government deployed the military on an unprecedented scale during the bushfires. A total of 8,236 Australian Defence Force (ADF) personnel were mobilised, including 2,556 Reservists. For the first time ever, a compulsory call-out of the Reserves was made under the Defence Act 1903.

This was designed to condition the population to the use of troops and military hardware on home soil, while covering up the official failure to prepare for such long-predicted bushfire tragedies.

According to the report, the current Defence Assistance to the Civil Community (DACC) manual, which is meant to govern such deployments, does not authorise the use of force by the ADF. But this could change. The report opposes incorporating the manual in any legislation, in order to give the ADF “flexibility.”

Moreover, the planned legislation is in addition to laws passed since 2000, and further expanded in 2018, to allow government ministers or the ADF chief to call-out armed troops, with shoot-to-kill powers, to suppress “domestic violence.”

Significantly, the report’s only concern about mobilising the military for disasters is that it could divert resources away from the ADF’s war-fighting capacity.

The Labor Party opposition was quick to pledge its support, as it has on every previous move to expand the military and its domestic powers. Labor’s emergency management spokesman, Murray Watt, urged the Morrison government to implement all the inquiry’s

recommendations “immediately.”

An internal ADF briefing from 2018, published today by the Australian Broadcasting Corporation, reveals high-level discussions about needing to prepare the military to intervene in response to a drastic rise in popular unrest.

The document, written by the ADF’s climate and security adviser, Ian Cumming, said the ADF had to “prepare for significantly more disaster support operations and potential operations involving support to the civil power such as policing of population under exaggerated stresses such as food and water shortages.”

The past two decades have produced a growing militarisation of society, initially under the cover of the “war on terrorism” declared by the US Bush administration and its allies internationally.

That process is now being taken to a new level, driven by the rising class tensions generated by the catastrophic official response to the COVID-19 pandemic, ever-widening social inequality, deteriorating social and environmental conditions and the rising danger of US-led wars.

As with the bushfires, governments have 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.” Soldiers have patrolled streets, enforced curfews, door-knocked houses, manned checkpoints, airports and hotel quarantines, and conducted contact tracing.

These are further signs that, fearing mass unrest, the ruling class is preparing and trialling military measures, and seeking to accustom people to the sight of troops on the streets.



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