Australian Labor government unveils bill to outlaw protests at war-related facilities

Mike Head
18 November 2026

With bipartisan backing, the Albanese Labor government is rushing through parliament before the end of this month a far-reaching 231-page bill that will ban protests or even media coverage at or near any military-connected activities.

Labor's bill overturns fundamental democratic rights in another clear indication of preparations by the Australian capitalist class to join a US-led war against China, and of Australia's transformation into a platform for such a catastrophic conflict.

Anticipating growing anti-war opposition, Labor's bill covers not just the country's array of military and surveillance bases, many of them accessed by the Pentagon. It extends to all war-related facilities and operations, including weapons manufacturing and testing, military exercises and visiting military forces, such as the US and UK nuclear-armed submarines starting to regularly dock at the Stirling naval base on the southern outskirts of Perth.

As in Western Australia, military facilities and industries are spreading in major metropolitan areas, alongside the expansion of bases and military exercise sites across large areas of the continent. The bill's powers could also extend to military-linked AI data centres and offices of the Defence Department and intelligence agencies.

With virtually no media coverage, the Defence Legislation Amendment (Accelerating Capability and Protecting Bases) Bill 2026 passed the House of Representatives on October 29 without a recorded vote or objection from any MP, including the Greens and Teal independents. That was just two days after the government tabled it. The Defence Department declared it "essential" for the Senate to also adopt the bill before that chamber's final session for the year ends on November 26.

The legislation's scope is vast. Among other things, the defence minister can declare extensive permanent, temporary, special, mobile or emergency security zones. Members of the public can be detained and face up to seven years' imprisonment for trying to enter, or even be near to take photos of, a declared site.

The bill specifically names one special zone—the US-Australian satellite surveillance and military targeting base at Pine Gap in central Australia, which is vital to US military operations across the Indo-Pacific—but the defence minister can declare many others.

Security zones can be declared anywhere facilities are used to produce weapons or surveillance equipment for the Australian military or its allies, or to store assets, equipment or supplies on behalf of the Defence Department, the Australian Defence Force, a foreign force or the Australian Signals Directorate electronic spy agency, or to house related personnel.

This can include industrial plants, ports, airfields, training areas and mobile capabilities.

While replacing some earlier legislation, such as the Defence (Special Undertakings) Act 1952 that has been used to prosecute and fine Pine Gap protest participants, the bill expands such powers to potentially include any location designated as necessary for military or national security purposes.

The minister can also declare a protected "defence capability activity" as any activity "reasonably necessary" for a defence purpose now or in the future. This includes "generating, preparing, researching, designing, procuring, developing, building, manufacturing, testing, evaluating, storing, maintaining, transporting, sustaining or disposing a capability" for the government or an allied country.

That is an example of the bill's vague and sweeping language. It also covers moving, stationing, training or preparing military personnel.

Similarly, "electronic capability declarations" can allow defence officials and military contractors to intercept communications, access stored communications and hack computers while developing, testing or training with a capability.

Weapons and tech manufacturers and defence contractors, including from the US and other partners, can carry out production, tests or activities, protected by soldiers, police or armed private contractors with coercive ID checking, search and seizure, and detention powers. Lethal force is permitted

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if deemed necessary to prevent "harm" to a facility or to stop someone fleeing from arrest.

Even taking a photo of a military convoy could result in a two-year jail sentence. If you are asked to stop filming and delete images and refuse, you can be detained by force, searched and your property seized, even if you are outside a security zone.

Such measures have not been seen since World War II, when anti-war advocacy and protests were outlawed and socialists were jailed. The bill is another demonstration that a new world war is already unfolding. The bill's official explanatory memorandum states: "Australia faces the most challenging strategic environment since the Second World War."

Without openly identifying China as the enemy, the memorandum insists that the bill is "a key enabler to implementing the NDS [National Defence Strategy] fully and effectively and delivering Pillars One and Two of the AUKUS trilateral security agreement and partnership with the United States and United Kingdom."

The AUKUS military pact involves Australian governments spending hundreds of billions of dollars to acquire US and UK nuclear-powered attack submarines, long-range missiles and other hi-tech weaponry, intended for use against China.

As a fig leaf, the bill states that its powers must not be used for the purpose of preventing or restricting a protest, dissent, assembly or industrial action. But that exception is meaningless because it does not apply if there is a "reasonable likelihood" of a criminal offence, a risk to a defence security purpose, or obstruction of a defence activity.

Strict liability applies to many of the criminal offences created by the bill, so the motives of charged people are irrelevant, whether they are protesting against war or seeking to report on and expose war-related activity. And if an anti-war act is accused of causing "serious harm" to a military operation, imprisonment of up to 15 years can apply.

The bill hands the minister many other police-state powers, such as to issue declarations kept secret from the population or make rules about the operation of the legislation. These provisions can overturn any federal or state laws, including those that could limit the use by the military or a contractor, like Lockheed Martin or Palantir, of electronic and cyber technologies to intercept communications.

Data compiled by the Nautilus Institute and reported by the *Guardian* in September underscored a significant expansion of American military basing across the Australian continent, bound up with US preparations for a war against China. The data revealed US control over 17 defence facilities in Australia and access to another 75 military-related installations.

There has been a major growth of US basing since the 2011 announcement by President Barack Obama, with the support of the Gillard Labor government, of the US "pivot to Asia," a military build-up throughout the Indo-Pacific, explicitly directed against China. The current Labor government of Prime Minister Anthony Albanese has accelerated Australia's transformation into a staging ground for a war.

Bases across the north of the continent are being upgraded as a launching pad for US fighter-jets and bombers to conduct offensive operations throughout the Indo-Pacific, alongside larger rotations of US marines in Darwin and the establishment near Perth of the largest de facto US naval base adjacent to the Indian Ocean.

This is not a foreign takeover. As a middle-order imperialist power, the Australian ruling class has always advanced its own predatory interests under the umbrella of the dominant power of the day, first Britain, and then the US, including in both world wars.

As the Socialist Equality Party has warned, the plunge into another world war also means a war against the social and democratic rights of the working class, as witnessed in Labor's efforts to outlaw protests against the US-backed Gaza genocide. The Accelerating Capability and Protecting Bases Bill is the latest demonstration that the Labor government is seeking to suppress anti-war opposition and subordinate every aspect of society to a "whole of nation" war effort.

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