



MCC NSW, NSCA, CCCA & NCALG Joint submission page: 1

12 October 2020

Committee Secretariat
Foreign Affairs, Defence and Trade Committee Department of the Senate
PO Box 6100, Parliament House
Canberra ACT 2600
fadt.sen@aph.gov.au

Dear Sir/Mdm,

Re: Submission on the “Legislation Amendment (Enhancement of Defence-Force Response to Emergencies) Bill 2020. (hereon “DA Bill”).

I wish to make a submission on behalf of the Multicultural Communities Council of NSW on the DA Bill current before the Senate.

In reading the DA Bill, one has a general feeling, when it is adopted, that we may be moving towards a society under “military administration” characterised by the following.

- (i) Emergency powers granted to the Defence Minister in a general emergency are excessive executive powers that do not require consultation with the States and Territories.
- (ii) There is no time limit of Ministerial directions and such directions do not need to be published.
- (iii) The DA Bill does not sufficiently define the domestic disasters or 'other emergencies' that would trigger an ADF call out.
- (iv) The legislation does not explicitly prohibit the use of force by the ADF whilst acting domestically. It also allows for the deployment of foreign military and police and grants them immunity from civil and criminal liability.
- (v) The legislation governing deployment of foreign military and police if not carefully and narrowly drafted, would contradict current legislation that there should be no foreign intervention of any kind on Australian soil, particularly under the guise of protection of their own citizens.

The right to dissent is fundamental in our democracy and such rights have not been duly considered and could unintentionally attract criticism for civil



MCC NSW, NSCA, CCCA & NCALG Joint submission page: 2

liberties and human rights. Australia's stand on human rights has a good global reputation and this short coming in the DA Bill could be detrimental to Australia's international reputation.

We welcome any Bill that would make the national Emergency or Crisis management more efficient; however, we also cherish a higher ideal that our democracy has proper checks and balances in place. For these reasons we wish to humbly submit to the Senate to remove the concerns we have expressed about this DA Bill.

Kind Regards

Yours faithfully,

Dr Anthony Pun, OAM

Chair, MCCNSW Inc & Foundation Chair of CCCA Inc.

And

Signed on behalf of the follow:

Mr Ajmer Singh Gill, President, National Sikh Council of Australia Inc.

Mr Kingsley Liu, President, CCCA Inc. &

National Chinese Australian Leaders Group: Dr Ka Sing Chua, Maria Chan, Shirley Chan, Dickson Mak, Daphne Lowe-Kelly, James Leung, Lee Xj Li, Tony Pang, Kee Guan Saw, Junxi Su, Khoon Tan, Tony Tang, Michael Yau OAM, Li Zhang, Mark Wang and May Hu OAM.