

## **Further statement by Dr Michael Head**

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The Defence (Aid to Civilian Authorities) Bill will expand the government's ability to mobilise troops internally and give the military unprecedented domestic powers, including far wider and legally protected rights to "shoot to kill" and new powers to interrogate civilians and seize documents.

While fundamentally overturning the centuries-old principle against the internal use of troops against civilians, the existing military call-out legislation, passed in 2000, limits deployments to where the government alleges a threat to "Commonwealth interests" or a danger of "domestic violence" that is beyond the capacity of state or territory police forces.

Although "domestic violence"—a term derived from the Constitution—is nowhere defined legally, it is meant to relate to intense political, industrial or social crises that imperil the very existence of the state. It could easily cover a general strike or widespread movement against a government.

However, the changes will allow the air force and navy, as well as the army, to be mobilised far more broadly and routinely to deal with lesser incidents, including any alleged act or danger of terrorism. Because of the extraordinarily wide official definition of terrorism, this could permit the armed forces to be called against many traditional forms of political protest, such as mass demonstrations, blockades and picket lines.

The Bill's Explanatory Memorandum refers to "mobile terrorist incidents," allowing for military mobilisations to roam across areas and jurisdictions, rather than being confined to designated zones, as presently provided for. In addition, the Bill specifically covers threats to "critical infrastructure," such as public transport and utilities, that are not Commonwealth, but state or territory responsibilities, as well as any incidents in the air and offshore waters.

The procedures for calling out the Australian Defence Forces (ADF) will be expedited so that in "sudden and extraordinary emergency" situations the prime minister or two other ministers can give the order, which does not need to be in writing. Moreover, standing orders will be issued for the activation of the air force whenever the Chief of the Armed Forces deems it necessary.

Over the past four years, the armed forces have already been used in highly-publicised shows of strength, including air force jets and helicopters flying overhead, during major political events, notably for the 2002 Commonwealth Heads of Government Meeting at Coolumb, Queensland and US President Bush's visit to Australia in 2003. Meanwhile, constant counter-terrorism exercises have been conducted to condition the public to the sight of heavily-armed commandos arriving by helicopters or assault craft to storm buildings.

Until now, the government has simply claimed the "executive power" to undertake such military operations. The explicit purpose of the new provisions is to give ADF

officers and members specific powers and provide blanket immunity from legal action when their exercise results in death, injury or loss. Once deployed, the military will be legally authorised to shoot down aircraft, sink ships, use deadly force, demand answers to questions and require the production of documents.

ADF personnel have “shoot to kill” powers under the existing legislation but the use of such “reasonable and necessary force” is restricted to where they believe it is needed to protect the life of, or prevent serious harm to, another person. The changes will extend the use of lethal force to where it is considered necessary to protect any infrastructure that the government designates as “critical”.

According to the Explanatory Memorandum accompanying the Bill, this power may be used in alerts relating to mass transit systems, mass gatherings, sporting events or “other areas that may require protection”. These provisions raise the likelihood of soldiers, who are specifically trained to shoot to kill, being responsible for incidents such as the recent killings of two innocent civilians—Jean Charles de Menezes in the London underground and Rigoberto Alpizar at Miami airport.

The interrogation and document-production powers are equally draconian. No one will have the right to refuse to answer questions or hand over material on the grounds of self-incrimination. Instead, they can be jailed for non-compliance. Such unprecedented powers have just been given to the police by the counter-terrorism laws that have been pushed through federal and state parliaments, and now they will be extended to the military.

The existing legislation already gives ADF personnel sweeping powers, including to detain people, search premises, seize possessions, take over buildings, places and means of transport and issue directions to individuals.

All these powers will now be covered by a defence of “superior orders,” which will protect members of the military from criminal liability, except if the order that they obeyed was “manifestly unlawful”. They will be further shielded by no longer having to wear name tags during operations. Furthermore, criminal prosecutions, if there are any, will be handled by federal authorities under federal law, overriding state laws.

Labor’s support is guaranteed for these provisions, which were agreed by the state and territory Labor premiers at the September 27 Council of Australian Governments (COAG) summit, together with the anti-terrorism legislation. The only criticism from federal Labor leader Kim Beazley has been that the laws should have been in place long ago.

Clearly, both Prime Minister Howard and his Labor counterparts are preparing for military operations in which lives are going to be lost on the pretext of protecting the public from terrorism. Having intensified the danger of terrorist attacks in Australia by participating in the criminal invasion of Iraq, Howard, backed by Labor to the hilt, is exploiting the incendiary consequences to justify police-state measures, including a creeping militarisation of the state.

The organic links between war abroad and repression at home were highlighted in December when Defence Minister Hill announced the details of the first training

exercises between Australia's SAS and Indonesia's notorious Kopassus unit for seven years. The Howard government broke off relations with the Indonesian military (TNI) in 1999 when it used TNI-sponsored violence in East Timor as the excuse for military intervention.

Significantly, the initial resumption of joint exercises will also take place under the guise of preparing to fight urban terrorism. Hill said a two-week "counter-hijack and hostage recovery" exercise, codenamed Dawn Kookaburra would be conducted in Perth early this year.

The SAS will be exchanging experiences and techniques with an organisation with a long proven record of state terrorism. For many years Kopassus functioned as the Suharto junta's dirty operations squad, involved in kidnapping, torturing and murdering political opponents, either directly or through hired thugs. It continues to be used against separatist movements in West Papua, Aceh and other regions.

Once Australia had secured its strategic and economic interests in East Timor, the political and military establishment was anxious to restore relations with the TNI, notably Kopassus, because it has long been regarded as vital to ensuring political stability, and thus the interests of Australian capitalism, across the Indonesian archipelago. Working intimately with Kopassus also strengthens Canberra's ability to intervene further in the Asia-Pacific.

Taken together, the proposed changes to the Australian military are part of an escalating attack on basic democratic rights and follow the recent passage of the Howard government's latest anti-terrorism legislation. The unprecedented reversal of long-established civil liberties has nothing to do with "fighting terrorism" but will primarily be directed against political discontent and opposition to the prevailing program of social reaction and militarism.