

Submission to 'Foreign Affairs, Defence and Trade Legislation Committee'.

Re:- Defence Amendment (Parliamentary Approval of Overseas Service) Bill 2020

I am firmly of the view that the question, of whether or not the nation should be taken into war, is one that should be taken by the parliament as a whole, rather than by the Prime Minister and the National Security Committee.

I therefore believe that discussion of Senator Jordan Steele-John's Bill is of the utmost importance, and that it should proceed to debate in the Senate.

In 2009, when then-Senator Scott Ludlam introduced "Defence Amendment (Parliamentary Approval of Overseas Service) Bill 2008 [No. 2]", I prepared a submission on behalf of the Marrickville Peace Group. That submission included the following:-

"The events surrounding the invasion of Iraq are vivid illustration of the foolishness of taking a decision about engaging in warfare without proper consultation and debate.

The Marrickville Peace Group is firmly in favour of the Defence Amendment (Parliamentary Approval of Overseas Service) Bill 2008 [No. 2], proposed by Senator Scott Ludlam and presently under consideration by the Committee.

We agree that Australia's armed forces should not be sent overseas to engage in warlike action without the approval of both Houses of Parliament. It is an utterly sensible proposition, from every angle.

- In a Democracy, there should always be proper debate before any serious decision is taken.***
- This principle should apply most strongly in situations involving the use of armed force, when the lives of young men and women will be at risk.***
- The people's representatives should carefully consider the reasons for and against any decision to commit Australian troops to action overseas, for causes proposed by the Executive, so as to ensure that the people understand and support that commitment beforehand.***
- The Bill does not take away powers that might be needed in an emergency.***
- The Bill protects the nation from the consequences of a rash or precipitate decision such as the one we saw in the invasion of Iraq."***

The same argument is relevant to this day and can be applied to the *Defence Amendment (Parliamentary Approval of Overseas Service) Bill 2020*, proposed by Senator Steele-John.

There has been no change in Australian legislation governing 'war powers' in the twelve years have elapsed since these words were written. During that time, in 2015, the ADF was deployed to Syria, despite the lack of authorisation from the UN Security Council and without any debate in the Australian Parliament. This military action was not in Australia's best interests.

In most Western democracies there is a parliamentary process before any forces are deployed into conflict. In particular, this is the case in both the US and the UK, countries with which Australia is closely allied. Australia should come into line with other, more progressive, nations.

There can be no decision more significant than that of taking this or any other nation to war. Engagement in war is, without question, a situation in which the government should be certain that the majority of, if not the entire, population is behind it. This is a sufficient reason for allowing full parliamentary debate before the decision is made. All possible reasons for engaging in, or desisting from, engaging in war should be exhaustively considered before any such decision is made.

International affairs will deteriorate greatly before war becomes necessary in any case – giving ample time for the decision to be given serious consideration and proper debate in the Parliament.

The Legislative Committee should also uphold principles of democracy, itself. Under such principles, nothing short of a Senate debate of the Bill is acceptable.

Sincerely

Nick Deane
October 7, 2021