

15th October 2020
Committee Secretary
Senate Foreign Affairs, Defence and Trade
Legislation Committee
PO Box 6100
Parliament House
Canberra ACT 2600
By email: fadt.sen@aph.gov.au



Dear Committee Secretary

Re: Defence Legislation Amendment (Enhancement of Defence Force Response to Emergencies) Bill 2020

Summary of Submission:

Just Peace Queensland Inc. supports much of the above bill. As a peace organisation we applaud the work of the ADF in response to Australian natural emergencies. However we are concerned about the lack of definition of the term “emergency”, which, after all, is the major issue in the bill’s title. There are several other definitions provided in Schedule 1 and in Schedule 2 subsection 123AA and Schedule 3 but nowhere is “emergency” defined. We ask that the committee discuss this matter and clarify this term in the legislation.

Thank you for the opportunity to provide this written submission.

We write on behalf of *Just Peace Queensland Inc.*, a Brisbane-based community organisation that seeks to raise public awareness of alternatives to violent conflicts between and within nations, and is acutely aware of the necessity of justice in achieving lasting peace.

We were pleased to see that laws from the early day of Federation are being amended.

Mr Andrew Wallace MP (Fisher) gave a wonderful summary of the work accomplished by the ADF during the bushfire crisis of 2019/2020 in his speech on October 6th. We in *Just Peace* applaud the invaluable assistance provided to Australia’s emergencies by the ADF. Naturally our group would prefer that the ADF redirect its mission – in part- to the more peaceful one of protecting our citizens from the ravages of bushfires, droughts and pandemics. The new legislation in the above bill seeks to enhance the role of the ADF in responding to such emergencies. But it is the use of the term “emergencies” which concerns *Just Peace*.

We are largely in agreement with Mr Peter Khalil, MP who spoke on October 6th in the House. He emphasized that “We have deep delineations, set out in our Constitution, and checks and balances on executive power in our system. One of these principles, which of course we are all familiar with, is the civilian control of the military. Part of that is the delineation of the responsibility of the defense forces to defend from external threats and the responsibility of domestic law enforcement agencies and services to maintain law and order internally. That boundary, as a general principle, should not be easy to cross”.

Referring to the 1688 Bill of Rights enacted in the English Parliament, Mr. Khalil notes that these rights “were the beginnings, the foundations, the genesis, of the very important lines of responsibility and the separation of powers that in many respects separate us, as a parliamentary democracy, from many of the authoritarian and autocratic military regimes that exist around the planet”.

We note in Schedule 2, Part 4 Subsection 123AA that the definition of a protected person includes ADF personnel, foreign defense forces and foreign police forces. Australia invited professionals from eight countries to assist with the bushfires. However without a clear definition of “emergency” and with the option to use ADF and foreign forces, we are deeply concerned about the possible erosion of the democratic rights of our citizens to lawfully exercise free speech and free assembly.

We ask that the committee discuss this matter and clarify this term in the legislation.

Yours faithfully,

Dr Michael P. Henry and Dr Ross L. Gwyther,
Co-Convenors, *Just Peace Queensland Inc.*