

DISSENTING REPORT

Senator Bob Brown, Australian Greens

Defence Legislation Amendment

(Aid to Civilian Authorities) Bill 2000

INTRODUCTION

In the lead up to the Olympics and the S11 protests in Melbourne for the World Economic Forum, the bill marks a radical shift from the status-quo by authorising the call-out of troops in a new range of circumstances.

Section 119 of the *Constitution* provides that the federal government shall protect each state against domestic violence, but only on the application of the state's government. Section 51A of the bill goes well beyond the existing s. 51 of the *Defence Act 1903* which is based on s. 119 of the Constitution. The new section will allow a military call-out where the three ministers are satisfied that domestic violence is occurring "or is likely to occur" that will affect "Commonwealth interests" without a request from the relevant state or territory government.

“COMMONWEALTH INTERESTS” UNDEFINED

The legislation allows a call-out whenever ‘Commonwealth interests’ are threatened. Commonwealth interests could conceivably cover almost every eventuality and should be defined.

Protecting peaceful protest “Domestic violence” in the legislation is undefined. Many legitimate peaceful protests and political demonstrations could come under the banner of ‘domestic violence’ which is ‘likely to occur’. The provisions in the bill that prevent the military being used to “stop or restrict any lawful protest” are no safeguard as almost all protests can be deemed unlawful by permission for the protest being withheld.

Domestic violence should be defined in the legislation to be violence that involves weapons or arms. The bill should be amended to ban a call-out for use against peaceful, unarmed protests.

STATES CONCERNS IGNORED

Some state Governments have raised serious concerns about the legislation. NSW, Victoria, Western Australian and Tasmania have all voiced opposition to the bill. The bill should be amended to ensure that troops cannot be called out without the agreement of the states, to maintain the vital balance in our constitution which allows the commonwealth to raise defence forces and the states to administer domestic law. For example it is important to eliminate even the remote possibility of Commonwealth forces being deployed against state forces.

INDUSTRIAL DISPUTES

The bill should be amended to ban the use of defence forces in breaking industrial disputes. The committee's suggested amendment that would ban the use of emergency and reserve forces for industrial disputes is inadequate as such an amendment would allow any non-emergency and reserve forces to be used against an industrial dispute.

Sunset clause

Even if the bill were necessary for security during the Olympics, it should have a sunset clause so that it ceased to have effect after December 31, 2000.

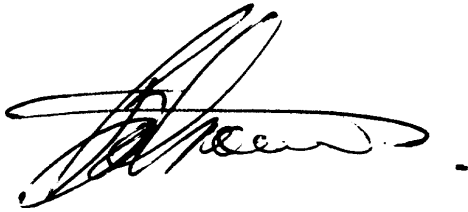
Military powers excessive

The legislation would mean that the military, once deployed, would have a range of powers not normally available to police. For example, the defence forces would be able to search premises without a warrant and detain people without arrest. The public should be afforded the same protections and safeguards in regards to the military as they have with the police.

This is 'post Seattle' legislation seeking new powers against a supposed threat from ordinary people. But really it is all about protecting corporate interest. The legislation would have allowed troops to be called out during the Franklin protests which would have potentially turned a peaceful blockade into something more violent.

Conclusion: The bill should be opposed. Amendments will be moved to:

- guarantee that troops could not be called out for industrial disputes
- guarantee that troops could not be called out against peaceful protests
- add a sunset clause
- define domestic violence and Commonwealth interests
- to ensure that Commonwealth troops can not be called out without the state's agreement.

A handwritten signature in black ink, appearing to read 'Bob Brown', with a large, sweeping flourish above the name.

Senator Bob Brown

Australian Greens

