

27 March 2026

Dear Prime Minister Albanese, Minister Wong and Minister Marles,

Re: Memorandum on Government Conventions Relating to Overseas Armed Conflict Decision Making

We are writing to inform the Labor Government that it has failed to adhere to the Memorandum on Government Conventions Relating to Overseas Armed Conflict Decision Making (the Memorandum), published on 27 November 2024.

The Memorandum was introduced to provide the practices the Government must follow in the event of a decision to deploy the Australian Defence Force (ADF) in a major military operation as a party to an armed conflict overseas. The document states clearly that at the earliest opportunity, and not later than 30 days from the deployment, a series of steps must be taken, these include but are not limited to:

- Providing and tabling an unclassified written statement in both Houses of Parliament outlining the objectives of the deployment in question, the orders made, and its legal basis.
- Setting the first appropriate day of the scheduled sitting period aside for this purpose and having precedence over all other business until concluded; and
- Tabling Defence strategy documents in each House of Parliament within 30 days of their publication.

On 10 March 2026, the Prime Minister, Foreign Minister and Defence Minister released a statement entitled "Australia to provide defensive military assistance to Gulf." In this statement, it was acknowledged that the UAE was involved in an armed conflict. The statement also made clear that, in response to this armed conflict, the Government is exercising its powers under Section 61 of the Constitution to deploy the ADF.

It is important to note that the Memorandum does not distinguish between 'defensive' or 'offensive' military engagements. The Memorandum also makes it clear that it is a requirement of the Australian Government to provide its legal basis for the deployment, not to defer to third-party belligerents to provide a legal basis on the Australian Government's behalf.

I note that no more than 60 minutes was allocated to debate a statement in the Australian Senate on the Middle East on 11 March 2026. It is clear that this does not meet the requirement set out above - no unclassified written statement was tabled, no legal basis provided, debate was time limited, and no clear indication made that this was the Government acting in accordance with their own obligations under the Memorandum as now a party to an armed conflict overseas.

Announcing the deployment on March 10 2026, means that the Albanese Government has failed to

act in a manner determined by the Memorandum and now only has until 9 April 2026 to adhere to the rules it set. We expect the Government to adhere to the commitments it made in the Memorandum before 9 April.

Yours sincerely,

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Larissa Waters
Leader of the Australian Greens
Senator for QLD

David Shoebridge
Greens Spokesperson Foreign Affairs & Defence
Senator for NSW