

Australia's secret police to get unprecedented powers

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A further boost to Australia's political police agencies, including unprecedented powers to secretly detain people without charge, has become a major item in the Howard government's agenda for the new year. At its last cabinet meeting for 2001, on December 18, the government approved "a raft of measures" under the pretext of combatting terrorism. It also announced a summit of federal and state government leaders in March to strengthen and possibly restructure the police and intelligence forces.

Attorney-General Daryl Williams provided only vague outlines of the new powers. Moreover, none of the proposed legislation has been released. But is already clear that the planned measures will make deeper inroads into basic democratic rights than ever before, except under wartime emergency conditions.

The cabinet confirmed a plan, first unveiled in the wake of the September 11 attacks in the United States, to allow the Australian Security Intelligence Organisation (ASIO) to detain and interrogate for 48 hours anyone that it suspects of involvement in terrorism or of having any information about terrorism. Detainees will be held incommunicado, unable to contact their families, and denied access to legal advice or representation. ASIO will not have to specify a charge, or produce evidence, yet any prisoner who refuses to answer its questions can be jailed for five years.

Working in conjunction with state and federal police, ASIO will be able to have people picked up, brought before a tribunal and ordered to provide information or hand over documents, even if they are not themselves suspected of terrorist activity. These provisions could easily be used against journalists and political activists.

These measures tear up long-standing protections against arbitrary government power, including no

detention without charge, the right to remain silent and the principles of natural justice (the right to a fair hearing). Civil liberties groups have warned that innocent people could easily be detained, and detained repeatedly, creating the conditions for assaults and forced confessions.

According to Williams, "terrorism" will be re-defined so that it includes an act or omission "for a political, religious or ideological purpose designed to intimidate the public with regard to its security and intended to cause serious damage to persons, property or infrastructure". The Criminal Code will also cover aiding, abetting, conspiracy, attempt and incitement, with all these offences carrying a maximum penalty of life imprisonment.

These provisions are so sweeping that they could cover a range of dissenting political activity, including protests and the distribution of literature. Moreover, collection, receipt or provision of funds for the preparation and planning of terrorism, or knowingly assisting any of these activities, will be punishable by up to 25 years jail.

ASIO and other intelligence and police agencies will be given powers to access unread e-mails, allowing them to act on the basis of messages that the alleged recipient has not even seen. They will also be permitted to share information on terrorism and alleged financial links with equivalent agencies overseas. ASIO will receive extra funding and resources, unspecified as yet, and "cabinet will give further consideration to a range of additional measures" in the new year.

Over the past two decades, ASIO has already been handed powers to tap phones, intercept e-mail and mail, plant tracking devices on people or vehicles and instal listening devices in offices and homes. It can easily obtain secret search and entry warrants, and physically

or electronically break into computer files and databases.

Williams admitted that “there remains no known specific threat of terrorism in Australia”. This is despite well-publicised ASIO raids of homes in Sydney’s Arabic and Islamic community immediately after September 11—raids that resulted in no charges or evidence of terrorism.

The Attorney-General claimed that the new powers would be used only rarely and with strict safeguards. “ASIO’s definitely not becoming a secret police,” he said, adding that the government did not “envisage the power to detain without arrest could be used in any but the most extraordinarily serious cases”.

These assurances fly in the face of the record, not just of ASIO’s recent raids but its long history of spying on, harassing and conducting dirty tricks operations against socialists, militant workers and others, even church groups and Labor politicians, regarded as opponents of the political establishment.

Various federal and state inquiries conducted in the 1970s proved that ASIO and the state police special branches with which it collaborated, kept extensive files on the activities and personal lives of members and supporters of left-wing organisations, trade unions and anti-war groups.

Civil Liberties Council of New South Wales spokesman Cameron Murphy said the extended powers were unwarranted. “We need to be very careful because once the imminent crisis is over in terrorism, what we’ll find is that ASIO’s attention will focus on innocent members of the Australian public.” Australian Council for Civil Liberties president Terry O’Gorman said similar measures used in Britain against the IRA had led to “false confessions becoming the order of the day”.

International Commission of Jurists Australian president John Dowd said the detention powers would represent the first time outside war that agencies were given such powers. Having been detained once, there was no obvious block to people being detained repeatedly. “What happened in the United States is not a justification for giving ASIO these massive extensions of powers.”

This is not the first time that governments have seized upon the alleged threat of terrorism to expand ASIO’s powers. The first ASIO Act was passed in 1979, in the

wake of the 1978 attempted bombing of the Hilton Hotel in Sydney during a Commonwealth Heads of Government meeting. The federal Fraser government, joined by the state Wran government, declared that “the age of terrorism” had arrived in Australia. That bombing has remained unsolved to this day, but it led to two police frame-ups of members of the Ananda Marga religious sect. Sect members spent years in jail before the frame-ups were exposed, leaving all the evidence pointing to the bomb having been planted by ASIO itself, or another police agency.

In 1999, the Howard government cited fears of terrorism at the Sydney 2000 Olympic Games to give ASIO further sweeping powers. No terrorist activity eventuated, but ASIO’s powers, including to hack into computers, access taxation files and plant secret tracking devices, have remained. The government also used the Games as a pretext to pass legislation providing for the military to be called out against domestic political unrest.

Both in 1979 and 1999, these measures were implemented with the full support of the Labor Party, which first established ASIO in 1949 during a coal miners’ strike. Without even waiting to see the new legislation, the Labor leaders have stated their agreement in principle with the Howard government’s proposals. This is consistent with their stance during the recent election campaign. Labor’s then leader, Kim Beazley, sought to outbid the government by releasing his own 11-point package to boost the powers and resources of ASIO and the military.



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