

Australian government proposes sweeping Internet surveillance

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Australia's Labor government is pushing for unprecedented powers to intercept all Internet communications, in line with similar measures in the United States and Europe. Under the proposals, everything that Australians do on-line, from Skype calls to Twitter and Facebook posts, would be stored for up to two years so that the security agencies could explore the data.

This massive extension of government spying will be the greatest expansion of the powers of the security apparatus since the barrage of "anti-terrorism" laws introduced by the previous Liberal government, with Labor's backing, in the wake of the 2001 terror attacks in the US.

Australian residents are already subjected to intensive monitoring of their telecommunications. In 2010-11, according to official data, the intelligence and law enforcement agencies were granted nearly a quarter of a million data intercept requests under the existing legislation.

This is nearly twice the rate per person of the US, where cell phone companies last week reported that government bodies, including federal, state and local law enforcement agencies and courts, made at least 1.3 million demands for subscriber information in 2011 (see: "Massive expansion of domestic spying under Obama").

Prime Minister Julia Gillard's government this week released a discussion paper by the Attorney-General's Department outlining more than 40 proposals to be reviewed by a parliamentary committee.

Internet service providers would be forced to retain all on-line data for up to 24 months. This parallels a European Union directive that its member states require

data storage for between 6 and 24 months, and with provisions proposed in the US (see: "Obama administration presses for law on Internet data retention").

The current tapping of phones, including mobile and smart phones, would be extended to VOIP (Internet phone) services, including Skype, and to all social media. People could be forced to hand over their passwords, and it would be an offence for an Internet user, a service provider or a company to refuse to assist in the decryption of communications.

A ban would be lifted on the security services tampering with a targeted computer in a way that interferes with its lawful use. The intelligence agencies would also be shielded from all criminal or civil liability when conducting so-called authorised operations.

The intelligence and police services, whose interception activities are presently legally restricted to investigations relating to "serious offences" defined as punishable by seven years' imprisonment, would have that penalty limit lowered, possibly to offences carrying three years' jail. The attorney-general could also authorise intercepts of a person who "is, or likely to be, involved in intelligence or counter-intelligence activities."

That vague definition could apply to political dissidents and investigative journalists, as well as Julian Assange, the Australian-born WikiLeaks editor, who has published documents on US war crimes and secret intrigues committed by the US and its allies, including the Australian Labor government.

Attorney-General Nicola Roxon claimed that the government was still only considering the plans, and

claimed that, unlike the previous Howard Liberal government, “the Gillard government wants to give the public a say in the development of new laws, which is why I’m asking the committee to conduct public hearings.”

The truth is that the package is being rammed through as quickly as possible. Members of the public have been given less than four weeks to make submissions to the Joint Committee on Intelligence and Security. The government has also specified that the parliamentary committee should conduct “in camera and classified hearings”, as well as public ones.

Interception warrants are currently available to 17 federal, state and territory agencies, notably the police services, the domestic spy agency, the Australian Security Intelligence Organisation (ASIO), and its overseas partner, the Australian Secret Intelligence Service (ASIS). There is also the military’s electronic surveillance arm, the Defence Signals Directorate.

Many other government organisations have access to stored data, including the Border Protection Service, the tax office and Centrelink, the federal government’s welfare agency. This permits the creation of giant data bases on the movement, activities and transactions of millions of people.

The proposals are the latest in a series of steps by the Labor government to boost its secret surveillance powers. These include amendments to the Telecommunications Interception and Access Act, and changes to the Intelligence Services Act (dubbed the “WikiLeaks amendment”) to extend spying to anyone regarded as a threat to Australia’s foreign relations (see: “Australian government expands spy agency’s powers”).

The Labor government has entrenched all the police state-style powers imposed in the supposed “war on terrorism”—already broad enough to cover many forms of political dissent and social unrest—and widened them even further. The discussion paper speaks sweepingly of combating “threats to our well-being”, “agents of espionage” and “other emerging threats”.

The Gillard government is acutely aware of the politically destabilising impact of the global financial crisis and the potential for major struggles by workers and young people. Evidence has already come to light of the government asking ASIO and the Australian Federal

Police (AFP) to monitor political protests, and of Gillard speaking to the AFP chief about preparing for riots like those that erupted in Britain last year (see: “Australian government steps up secret surveillance of protests”).

Senator Scott Ludlam, the Greens communications spokesman, voiced concerns that the latest proposals would erode privacy and “the very freedoms that our security agencies were intended to protect.” He told the media it was critical for the parliamentary committee to ensure that someone was “watching the watchers”. Ludlam called for a “healthy balance” to be struck between privacy concerns and “genuine security”.

As Ludlam’s comments make clear, the Greens completely accept the existence of the security agencies and the inroads being made into democratic rights. Their expressions of “concern” are simply aimed at defusing broader public distrust and opposition over the widening of the powers of the security apparatus. Its purpose is not to protect “freedoms” but the interests of the ruling elites.

The Greens have played the same role throughout the past decade. Most recently, the Greens did not oppose the removal of a ban on extraditions for “political offences”, thus allowing Assange or any other Australian citizen to be handed over to the US to face espionage or other politically-motivated charges. Ludlam’s latest comments are in keeping with the Greens’ de facto coalition with the minority Labor government, supplying it with the parliamentary votes it needs to survive.



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