

# Australian Greens initiate Senate inquiry to whitewash mass surveillance

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30 December 2013

On December 12, the last day of parliament for 2013, the Australian Greens senators were joined by their Labor Party counterparts in establishing a Senate committee inquiry into the Internet and phone spying by Australia's police and intelligence agencies on ordinary working people.

Greens senator Scott Ludlam told the media that a review of the Telecommunications Interception Act (TIA) had “never been more urgent” given recent revelations by Edward Snowden about the extent of surveillance, and the fact that the legislation was written in the “pre-computer age.”

The inquiry is not about halting mass surveillance, but rather is to update and boost the powers of the security apparatus for the “computer age.” At the same time, it aims to head off widespread public concern over the Snowden exposures through cosmetic changes in the wording of the Act to create the illusion the spying will be curbed.

The former US National Security Agency (NSA) contractor Snowden revealed US intelligence agencies routinely spied on hundreds of millions of people in the US and internationally. Australian intelligence agencies play a linchpin role in the NSA operations in the Asia-Pacific.

According to the latest official statistics, the interception of on-line and phone communications, without any kind of judicial warrant, is growing rapidly in Australia. Data released under the TIA shows that more than 300,000 intercept authorisations were handed to police and other “law enforcement” agencies in 2012–13. In just two years, the total number of intercepts rose by a third—to 319,874—from 243,631 in 2010–11.

These figures do not count the surveillance carried out by the Australian Signals Directorate (ASD)—the

NSA's Australian partner—or the Australian Security Intelligence Organisation (ASIO) and the Australian Secret Intelligence Service (ASIS), the domestic and overseas spy agencies. They are exempt from the minimal requirements of the TIA.

The bulk intercepts permitted by the TIA are supposedly confined to “metadata”—details such as the time, duration, location and names of people involved in phone and social media conversations. That data is enough to build an intimate picture of anyone's daily life, including their political activities. It is also then used to target individuals and groups for the interception of the content of their communications.

On December 12, Ludlam moved that the Senate Legal and Constitutional Affairs References Committee report by next June on a “comprehensive revision” of the TIA, with regard to the recommendations of two previous inquiries. One inquiry by the Australian Law Reform Commission in 2008 called for the intelligence agencies to remain exempt from all privacy laws.

The other review, completed this year by the Parliamentary Joint Committee on Intelligence and Security Inquiry into Australia's national security legislation, proposed strengthening key spying powers. Its report, issued last May, also explicitly left open support for the previous Labor government's plan to require Internet and phone companies retain all their data for two years so it could be available to the security agencies.

Ludlam told the media, for public consumption, that the new inquiry would break the “complicity of silence about surveillance in Australia.” Inside the Senate, however, he was anxious to assure his Labor and Liberal-National colleagues that the exercise was designed to bolster the security services. He told the Senate:

“This is not a hostile reference, but it is an extremely urgent one. The TIA Act was written in 1979, well before the age of the Internet—I guess you could say it was in larval form—and this was the age of the lawful warrant in which, if you needed to surveil someone’s phone calls or read their emails, you needed a warrant. So I commend this resolution to the Senate and look forward to working with members from all sides on the inquiry that is so long overdue.”

Ludlam’s words are a case study in the two-faced role of the Greens. In public, in order to appeal to those outraged by the revelations of universal surveillance, and pretend that the parliamentary system can provide safety checks, the Greens posture as critics of police-state measures. In the privacy of the Senate, the Greens suggest that previous restrictions are outmoded and offer advice on how best to hoodwink the population.

Although senators from Prime Minister Tony Abbott’s government voted against Ludlam’s motion, no one spoke against it, signaling their acceptance of the political cover it will provide for the security apparatus. Liberal senator, Zed Seselja, will be deputy chair of the inquiry, sitting alongside the chairperson, Greens senator Penny Wright, lending the proceedings a bipartisan character.

The recommendations of the Parliamentary Joint Committee in May indicated can be expected. It suggested inserting cosmetic clauses into the TIA, paying lip service to “protecting the privacy of communications” while effectively providing a carte blanche for spying in the name of investigating “serious crime and threats to national security.”

Other recommendations were more explicit, including to:

- “clearly express” the obligations of telecommunications providers to hand access to police and intelligence agencies
- support the creation of “an offence for failure to assist in decrypting communications”
- extend ASIO surveillance warrants to cover entire computer networks
- give ASIO the power to use “reasonable force” in executing warrants
- allow ASIS to provide weapons training to people cooperating with it.

None of these recommendations were acted upon before the September election, leaving the field open

for the incoming government.

This is far from the first time that the Greens have facilitated the bolstering of the state apparatus. In 2005, they voted for a change to the “anti-terrorism” legislation to alter all its definitions from “the” terrorist act to “a” terrorist act, clearing the way for targets to be railroaded to jail without evidence of any specific alleged terrorist plot, just accusations of planning a hypothetical one. (See: “A revealing line-up in the Australian Senate”).

Now, as then, the Greens’ alignment underscores the consensus in ruling circles on preparing the repressive forces of the state to deal with any political and social discontent regarded as a threat to the interests of the corporate and financial elite. That is what is meant by “national security.”

Just as the “war on terror” was a lie—a cloak for US-led militarism in the most strategic and resource-rich areas of the globe and for the erection of a police-state framework at home—the worldwide surveillance exposed by Snowden has nothing to do with protecting ordinary people. On the contrary, it shows that the mass of working people—all subjected to spying—are the “enemy” as far as the ruling class is concerned, and that camp includes the Greens.



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