

# Australian government plans new citizenship and surveillance powers

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On the pretext of stopping Islamic fundamentalists returning from fighting in Syria and Iraq, the Australian government is preparing another series of attacks on essential democratic rights, including powers to strip people of citizenship.

Proposals that previously provoked deep public opposition—such as last year’s bid by the Gillard Labor government to compel Internet providers to retain data for two years—are also being brought forward again, with legislation likely to be tabled next month.

The campaign against “terrorists” coming back from Iraq and Syria is shamelessly hypocritical. The Abbott government and its predecessors, Labor and Liberal alike, bear direct responsibility for inciting the very elements that it now claims pose a dire threat to Australians.

For two years, the US and its partners, including Australia, have backed Al Qaeda-linked forces in Syria, as part of efforts to oust the Assad government. The regime change operation, which has plunged Syria in civil war and now spilled into Iraq, is part of Washington’s over-arching ambition for hegemony in the Middle East.

Since the 2001 terrorist attacks in the US, successive Australian governments have used the “war on terrorism” to justify the introduction of police-state measures such as mass surveillance, detention without trial and secret interrogations. Now the banner of “stopping jihadist terrorists” is being used to try to condition public opinion to accept even greater inroads into basic legal and democratic rights.

Prime Minister Tony Abbott declared on Monday that his government would “ensure that, as far as is humanly possible, [jihadists] don’t come back into our country, and if they do come back into our country they are taken into detention.” He made his comments after

US President Barack Obama voiced concern about “jihadists coming in from Europe and as far as Australia to get trained” in Syria and Iraq.

Earlier this year, Attorney-General George Brandis and Immigration Minister Scott Morrison signalled publicly that the government would seek the power to abolish citizenship rights of alleged terrorism supporters, a move also first mooted by the previous Labor government.

Already, Abbott’s government has stepped up the arbitrary cancellation of Australian passports on the basis of “adverse security assessments” by the Australian Security Intelligence Organisation (ASIO). Between July 2014 and February this year, 33 passports were revoked, compared to 18 during the 2012–13 financial year, and 7 in 2011–12.

Currently, the foreign minister can cancel passports on vague political grounds, such as being “likely to engage in conduct that might prejudice the security of Australia or a foreign country.” Those targeted can appeal to tribunals and courts but they are invariably barred from examining, and therefore challenging, the reasons for the passport seizure, because the government claims that would also compromise “security.”

Passport cancellation is a violation of the basic right to travel, and can leave victims stranded overseas, unable to return home. To revoke citizenship has even wider implications, because it can leave people stateless, and deny them essential rights, such as to vote, reside, and access healthcare, welfare and other social programs.

At present, Australian citizenship cannot be cancelled for people who acquired it by birth. Powers exist to revoke the citizenship of others, but only if convicted of a serious offence committed before being granted

citizenship, or of making a false statement to obtain citizenship.

In a report tabled in parliament last week, Brett Walker, the outgoing national security legislation monitor—the Abbott government has scrapped the post—recommended that the ASIO director-general have fast-track powers to suspend passports without notice, and that passports be revoked even where there is only a “possibility” of “prejudice to security.”

Walker further called for the abolition of dual citizenship—which would affect about five million Australians—and for the immigration minister to be handed the power to revoke anyone’s citizenship, except where they would become stateless, if the minister “is satisfied that the person has engaged in acts prejudicial to Australia’s security and it is not in Australia’s interests for the person to remain in Australia.”

According to Walker’s report, this would bring Australia into line with the United States, where people can lose their nationality, even if native-born, if they enter the armed forces of a foreign state engaged in hostilities with the US. It would also align with British government moves to allow a minister to revoke citizenship, regardless of whether statelessness would result, for “conduct seriously prejudicial to the vital interests of the UK.”

Such sweeping criteria give governments powers to strip people of basic democratic rights for arbitrary and political reasons—such as anti-government activities—that have nothing to do with combatting terrorism.

One of the main reasons that Walker gave for abolishing dual citizenship went beyond professed concerns about terrorism. He insisted on the need to prevent “divided loyalties” infecting the military during a time of war, when the government has the power, under the Defence Act, to proclaim universal conscription.

Leaks to the media this week have indicated that the government plans to unveil legislation next month that will revive the Labor’s two-year Internet data retention plan, which would result in every Australian’s web usage being recorded and stored for two years.

Opposition among working people, Internet service providers and civil liberties groups forced Labor to temporarily withdraw the plan following Edward

Snowden’s revelations about the US National Security Agency’s PRISM program—the illegal interception of data on the servers of major Internet companies, including Apple, Google and Facebook.

Now the Abbott government, assisted by Labor and a complicit media, is preparing to use the “jihadist threat” as a cover for imposing this and other sweeping new powers of digital surveillance. “Hi-tech war on terror” was the headline on Monday’s *Sydney Daily Telegraph*, a Murdoch tabloid.

The legislation will reportedly implement recommendations made last June by the bipartisan Joint Parliamentary Committee on Intelligence and Security. These include:

- \* A new crime: failure to decrypt communications and files when demanded by the security agencies
- \* ASIO to be permitted to hack into “computer networks,” not just individual computers, and conduct “disruption” activities
- \* ASIO to have the explicit right to use “reasonable force” when executing warrants, including for detention
- \* Abolition of limited restrictions on domestic operations by the Australian Signals Directorate (the NSA’s partner) and the Australian Secret Intelligence Service (the CIA’s counterpart).

These measures will enhance the capacity of ASIO, which has a long history of spying and provocations against anyone perceived as left wing or socialist, to collaborate more closely with the global NSA-led network whose mass surveillance programs have been exposed by Snowden.

Labor opposition leader Bill Shorten quickly signaled bipartisan backing for the new measures, saying “security agencies should be given appropriate powers.” Senior Labor MP Anthony Byrne, who chaired last year’s parliamentary committee, said it was “unconscionable” that the government had “sat on the report for nine months.”



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