

Australia: New terrorism scare used to unveil vast surveillance powers

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On the phoney pretext of shielding the Australian population from “radicalised and militarised extremists returning from the Middle East,” the Abbott government is moving to boost the already draconian powers of the intelligence apparatus.

Assured in advance of the backing of the Labor Party, the Liberal-National Coalition government this week tabled legislation to allow the spy agencies to use listening, optical and tracking devices without warrants, hack into entire computer networks and spy on Australians overseas, while imposing lengthy jail terms for whistleblowers and journalists who alert the public to the mass surveillance.

Prime Minister Tony Abbott’s ministers, together with the spy chiefs and the media, are seeking to whip up fears of imminent terrorist attacks in order to justify police-state measures that abrogate fundamental legal and democratic rights.

This marks a new escalation in a decade-long process. Successive governments, both Coalition and Labor, have repeatedly invoked fabricated terrorism scares since the supposed “war on terrorism” was declared in 2001.

Unveiling the laws on Wednesday, Attorney-General George Brandis claimed: “The threat posed by returning foreign fighters is the most significant risk to Australia’s domestic security that we have faced in many years.”

Australian Security Intelligence Organisation (ASIO) chief David Irvine, who flanked Brandis at the media conference, made an unprecedented appearance on breakfast television yesterday to insist that the “threat of home grown terrorism” made expanded surveillance powers essential.

This is a fraud, on many levels. In the first place, the numbers of Australians allegedly involved in the fighting in Syria and Iraq is small and dwindling—60 by Brandis’s latest estimate, compared to government claims last year of 200 or more.

Secondly, the Australian government and its allies in the US and Europe are directly responsible for stoking the two-year Al Qaeda-linked operation to overthrow the Assad government in Syria, which has this year spread to Iraq. If Australians have gone to join the Islamist forces, they have been encouraged to do so by the financing and arming of these elements by Washington and its accomplices, including those in Canberra.

Thirdly, the powers being handed over to the intelligence services go far beyond any claim to be combating small bands of jihadists, whose identities are already well known to ASIO and the other security agencies.

The National Security Legislation Amendment Bill adopts 21 recommendations made last June by the bipartisan Joint Parliamentary Committee on Intelligence and Security. These include allowing ASIO to:

- ? secretly infiltrate or take over “computer networks,” not just individual computers, and conduct “disruption” activities, even if they damage the computers

- ? obtain “multiple powers warrants” to conduct many simultaneous operations against its targets, such as bugging, phone tapping, computer hacking and secret searches and seizures.

- ? conduct covert operations protected from criminal and civil liability for any illegal acts committed

- ? use “reasonable force” when executing warrants, including for secret interrogations and detentions.

Limited restrictions on ASIO, the internal political police, sharing information with other intelligence agencies will be abolished. Also permitted will be domestic operations by these agencies, notably the Australian Signals Directorate (ASD), the electronic surveillance agency, and the Australian Secret Intelligence Service (ASIS), the overseas spy service.

The ASD is the direct partner in the global network run by the US National Security Agency (NSA), whose mass

surveillance programs have been exposed by Edward Snowden. ASIS has a similar relationship with the American security agencies, whose criminal activities have been highlighted by the WikiLeaks documents published by Julian Assange.

To stop further politically damaging leaks about the operations of this apparatus, the bill escalates the punishment of unauthorised disclosures. It creates new offences of copying, transcribing or removing intelligence-related documents, with penalties of up to three years' imprisonment. Maximum jail terms for existing offences of leaking documents to journalists, lawyers or the public will be increased from two to ten years. This is in addition to espionage offences that already carry prison sentences of up to 25 years.

These measures have one immediate target: the former ASIS officer who exposed the Australian government's illegal spying on East Timor during sensitive oil and gas negotiations. His home was raided by ASIO last December and he faces undisclosed charges of divulging official secrets.

Beyond that, journalists and anyone else accused of involvement in disclosing information relating to "special intelligence operations" could be jailed for up to five years, or ten years if the disclosure would "endanger the health or safety of any person or prejudice the effective conduct of a special intelligence operation."

"Special intelligence operations" are covert operations for which intelligence officers will now receive immunity from liability or prosecution.

Prime Minister Abbott denied that the law specifically targeted journalists, but warned that news that endangered the "security" of Australia "should not be fit to print," and media outlets had to display "a sense of responsibility."

Further legislation is being prepared, including to revive the data retention measures brought forward by the previous Labor government, then dropped in the leadup to last year's federal election. Public outrage forced Labor to back off, especially after Snowden's revelations about the NSA's illegal mining of data on the servers of major Internet companies.

Attorney-General Brandis said the government was giving "active consideration" to the provisions, which would force Internet providers to retain all their records of communications such as emails, Facebook posts and Skype calls for two years so that the security agencies can trawl through it.

"This is very much the way in which Western nations

are going," Brandis said, pointing to similar laws being imposed in Britain and the European Union, all under the fraudulent banner of combating the return of jihadists from Syria.

Also under preparation are unprecedented laws to retrospectively outlaw involvement in overseas conflicts and to revoke the citizenship of targeted individuals, which would strip them of basic political and civil rights.

Labor Party leader Bill Shorten quickly indicated blanket support for the bill, provided there was a figleaf of independent monitoring of its measures. Brandis had already accommodated this suggestion by reversing the government's earlier abolition of the position of Independent National Security Monitor.

That post, created by the last Labor government, only facilitated the entrenchment of the far-reaching "anti-terrorism" powers adopted by the previous Howard Coalition government. Reports by the monitor, Bret Walker SC, recommended expansion, not lessening, of these powers.

Labor parliamentarian, Anthony Byrne, who chaired the committee whose recommendations the government is implementing, blatantly fuelled the terrorist scare campaign. Reputed to have close links with the intelligence chiefs, he generated media headlines by declaring that Australians "inevitably" would face a terrorist attack on the scale of the 2002 Bali bombings, in which 202 people were killed.

Since 2001, the "war on terror" has served as a cover for both Washington's militarist assertion of hegemony over the Middle East and Central Asia, and for the imposition of totalitarian measures at home that can be used to suppress opposition to the increasingly glaring social inequality and preparations for war.



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