

Australian government unveils sweeping new “terror” powers

Mike Head
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The Australian government yesterday announced far-reaching new “anti-terrorism” measures, and, appealed for “national unity” to fight an alleged threat of terrorist atrocities.

For the second time in less than a month, the government seized on the fraudulent pretext of stopping “jihadists” returning from Syria to try to justify draconian provisions that overturn basic legal and democratic rights, further expand the operations of the spy agencies and authorise surveillance of all on-line communications.

As with an earlier package of “terror” laws unveiled last month, this means ratcheting up the “war on terrorism” that successive governments, Liberal and Labor, have prosecuted since 2001. It is based on a glaring contradiction: the Australian government and its allies in the US and Europe are directly responsible for civil war in Syria that has spread to Iraq. They have backed the Al Qaeda-linked operation to overthrow Syria’s Assad government.

Moreover, the powers and resources being placed in the hands of the Australian government and its security agencies far exceed any claim to be combating small numbers of Islamic extremists, whose identities are well known to the police and intelligence services. The police state measures are aimed above all at the working class amid widespread hostility to its austerity budget and growing opposition to its involvement in US-led interventions and wars.

Flanked by Attorney-General George Brandis and Foreign Minister Julie Bishop, Prime Minister Tony Abbott yesterday convened a media conference to claim, without providing the slightest evidence, that Australians in Iraq, Syria and other conflicts were “committing unspeakable atrocities and honing terrorist skills.” The government’s key measures include:

- Providing more than \$600 million in additional funding over four years for the Australian Security Intelligence Organisation (ASIO), the Australian Secret Intelligence Service (ASIS), the Australian Federal Police (AFP), the Office of National Assessments (ONA) and Customs and Border Protection. Despite insisting that a budget crisis makes it essential to slash welfare, health, education and other social spending, the government will lavish more resources on the intelligence agencies, which have already more than trebled in size since 2001.

- Requiring all Internet service providers to retain data, most likely for two years, so that the security agencies can trawl through it for information about social media activities, emails, locations and other personal details. While Abbott claimed that this was just like inspecting the “envelopes” of communications, not their contents, that data is enough to compile a picture of anyone’s political activities, and can be used to trigger access to the contents of all posts.

- Reversing the onus of proof for Australian residents returning from designated areas overseas, so that they will be convicted of terrorist offences unless they can prove that their visit was for a “legitimate” purpose. This would overturn the long-established legal principle of presumption of innocence, established to curb the power of the state to railroad people to jail without any evidence.

- Broadening the offence of advocating specific terrorist acts to promoting or encouraging terrorism in general. This will make it easier to detain anyone accused of promoting terrorism, which could mean simply posting images of jihadist activity on social media or advocating analysis of the underlying causes of terrorism. Asked by a journalist whether this would cover people who retweet, on Twitter, images of

“atrocities,” Attorney-General Brandis confirmed that was the intention.

- Making it easier to arrest accused individuals by lowering the threshold for arrest without warrant for terrorism offences, and expanding the definition of participating in terrorist training. Abbott was asked: “[D]oes this mean that everyone coming back from the designated area will be subject to arrest and charge and then have the onus of proof reversed?” His reply, essentially, was yes.

- Extending ASIO’s secret questioning and detention powers, the AFP’s access to control orders and preventative detention orders, and AFP stop, search and seizure powers (all originally scheduled to expire by 2016). The threshold criteria for these orders and powers would be widened from “considers on reasonable grounds” to “suspects on reasonable grounds,” opening the door to more arbitrary use of these measures, which include detention without trial.

- Enabling the foreign minister to swiftly suspend an Australian passport, on ASIO’s advice, by-passing the current procedure, which gives notice to those being stripped of their passports and grants them limited appeal rights.

No details have yet been released of any of these proposals, and a further “third tranche” of measures that Brandis foreshadowed. Nevertheless, he and Abbott declared their intention to push them through parliament swiftly by seeking the agreement of the Labor Party. The prime minister claimed that this process would ensure democratic accountability.

Labor’s support for the measures, which were quickly welcomed in principle by Labor leader Bill Shorten, only highlights the decay of the parliamentary system. Every piece of legislation since 2002 to introduce and expand the unprecedented “terror” laws has been passed with the bipartisan cooperation of Labor and the Liberal-National Coalition.

The Greens have yet to state their position on the latest moves, but they too have endorsed the phony “war on terrorism” and either voted for previous legislation or moved token amendments designed to sugarcoat and legitimise the measures.

In a further anti-democratic step, Abbott announced that the government would drop its legislation to amend the Racial Discrimination Act. This about-face, urged by Labor, the Greens, ethnic and legal organisations,

and the various pseudo-left groups, maintains clauses that constitute an attack on free speech, enabling the government and the courts, on the pretext of combating racism, to punish anyone making statements deemed offensive.

Section 18C of the Act currently prohibits any public act that “is reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate another person or a group of people” on the basis of their race, colour or national or ethnic origin.

Abbott originally pledged to change the Act after a high-profile 2001 court ruling against Murdoch columnist Andrew Bolt, a right-wing propagandist. Bolt’s punishment for expressing an opinion—regardless of how reactionary—established a dangerous precedent, particularly against socialist opponents of identity-based politics (see: “Freedom of speech and the debate over Australia’s Racial Discrimination Act”).

Abbott’s about-face is designed to curry favour with ethnic community leaders, including Islamic and Jewish ones, who had opposed the amendment, and to enlist their assistance in spying on people targeted as terrorists. Abbott said he reversed the government’s position in order to “preserve national unity” and “work with the communities of our country as ‘Team Australia’.”

More broadly, the government’s shift, and its resort to terrorism scare-mongering, is an attempt to overcome a mounting political crisis, produced by the intense hostility to its budget, as well as growing concern about its unconditional alignment with Washington and US confrontations with Russia and China.

Nevertheless, there will be widespread opposition to the further abrogation of fundamental legal and democratic rights, especially the data retention regime in the light of revelations by US National Security Agency whistleblower Edward Snowden about massive electronic surveillance by the US and its allies including Australia.



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