

Australian spy agencies given vast new powers

Mike Head
2 October 2014

Less than three weeks after the Abbott government declared a “terrorist” alert and dispatched troops and war planes to join the US war in Iraq and Syria, the Labor Party has helped push through parliament the first package of bills to hand unprecedented powers to the intelligence apparatus.

Not only was there unity between the Liberal-National Coalition and Labor on the National Security Legislation Amendment Bill. Not a single vote was cast against its final reading in the House of Representatives yesterday, despite limited objections to some clauses by the Greens, two Independents and a Labor backbencher.

Among a long list of enhanced powers, the legislation allows the spy agencies to covertly hack into, monitor and take control of computer networks of any size—potentially entire Internet platforms. It also shields their undercover operations with secrecy provisions that could see anyone, including journalists, jailed for up to 10 years for blowing the whistle on their activities.

In addition, as a result of amendments moved in the Senate by mining millionaire Clive Palmer’s Palmer United Party, the Act increases the jail term for disclosing the identity of any intelligence operative, from one to ten years.

Attorney-General George Brandis thanked the Opposition for its “ongoing bipartisanship” on the government’s “comprehensive examination and reform of Australia’s national security legislation.”

Brandis also announced increased funding for the main domestic spy agency, the Australian Security Intelligence Organisation (ASIO), of almost \$200 million over four years, as part of a \$630 million package announced earlier by Prime Minister Tony Abbott to boost the security agencies.

Brandis said the money would enable ASIO to “strengthen” its own intelligence capacity and “increase its liaison with counterpart security agencies overseas,”

which most essentially are Washington’s FBI, CIA and National Security Agency (NSA).

ASIO’s expansion is on top of a more than trebling of its size over the past decade. The previous Labor government increased ASIO’s staffing by 32 percent over five years and its budget by 27 percent. Last year, Prime Minister Julie Gillard boasted that the Labor government had spent \$18 billion on “national security matters” since 2008.

Yesterday’s parliamentary vote sets the precedent for a similar political line-up behind the second and third tranches of the Abbott government’s proposed so-called anti-terrorist laws. Within the political establishment, which includes the Greens, there is no disagreement on erecting a police-state framework, on the fraudulent pretext of protecting ordinary people from terrorists.

Tranche 2, unveiled last week, is the falsely named Foreign Fighters Bill. It contains criminal offences and powers that far exceed the supposed purpose of protecting people from the small number of Islamist extremists allegedly fighting in the Middle East. In particular, it will permit anyone to be jailed for five years for even recklessly “promoting” or “advocating” terrorism, which is defined broadly enough to cover many forms of political protest.

Tranche 3, yet to be released, will compel Internet and phone companies to keep all telecommunications and social media data for two years, allowing the spy agencies to monitor everyone’s movements, political and personal contacts and online activities. This regime will bolster the global mass surveillance exposed by NSA whistleblower Edward Snowden.

Before yesterday’s vote, some journalists and legal experts expressed concerns about the attorney-general’s new power to authorise “special intelligence operations,” in which ASIO agents act as provocateurs within targeted groups. ASIO operatives are granted civil and criminal

immunity for their illegal activities, and anyone who “discloses information” that could “prejudice the effective conduct” of an operation can be jailed for 10 years.

These provisions point to a stepping-up of such operations. Undercover agents have already entrapped a number of victims into making alleged vague terrorist threats or preparations, resulting in key prosecutions in Australia that produced false media headlines about terrorist plots to blow up army bases or football grand finals.

During yesterday’s perfunctory House of Representatives debate, Justice Minister Michael Keenan indicated that the secrecy provisions are aimed against whistleblowers like Snowden, Julian Assange and Chelsea Manning, who have revealed the NSA-led mass surveillance and other crimes of the US and allied security agencies.

“As recent, high-profile international events demonstrate, in the wrong hands, classified or sensitive information is capable of global dissemination at the click of a button,” Keenan said, with “devastating consequences for a country’s international relationships and intelligence capabilities.”

Labor’s shadow attorney-general Mark Dreyfus sprang to the government’s defence, reiterating that the bill originated under Gillard’s government. Dreyfus vehemently defended the computer hacking power, declaring: “No attorney-general of Australia will authorise a warrant for ASIO to access the whole Internet.” He offered no reason to believe this assurance, nor his assertion that “these laws will not criminalise the good-faith activities of journalists.”

Greens deputy leader Adam Bandt and independent MP Andrew Wilkie moved several amendments, while defending the intelligence apparatus itself. Bandt declared the Greens’ readiness to support the “uncontroversial” parts of the bill, because “everyone in this place wants to make Australia safer.”

In reality, the entire “war on terror” is a fraud, seeking to justify wars abroad and police-state measures domestically. The Islamic State of Iraq and Syria (ISIS) and other jihadist groups have been created, funded and armed by the US and its allies, through their intelligence networks, as part of their neo-colonial military interventions in Afghanistan, Iraq, Libya and Syria.

“People could go to jail under this legislation,” Bandt objected. But his amendments sought to excise just one sub-section imposing five years’ imprisonment for

reporting on an ASIO undercover operation where the disclosure did not “prejudice” the operation. He backed the other provisions punishing disclosures that could endanger ASIO’s dirty tricks activities.

“We accept, as the Greens, that there should be some limits on revealing information that could potentially endanger an operation or endanger the life of someone who is involved in an operation,” Bandt emphasised.

In the same vein, Bandt proposed an amendment to limit to 20 the number of computers that ASIO could hack into via a single warrant. Bandt said that should be “ample” for ASIO’s needs, but the Greens would be “happy” to agree on a higher number.

Bandt’s role echoed that of the Greens in 2005, following an earlier “terrorist alert,” when they voted for a crucial change to the terror laws to allow people to be convicted without any evidence of a specific terrorist plan, let alone a concrete plot, time, location or weaponry.

Andrew Wilkie raised the spectre of “spies kicking in doors” as “another step towards a police state,” yet said “we do need to modernise our national security legislation.” His amendment sought to grant oversight powers to the joint parliamentary committee on intelligence and security—the same committee that recommended the bill.

Two other MPs, independent Cathy McGowan and Labor backbencher Melissa Parke, criticised some aspects of the bill and called for further “consultation” before it was rammed through. But none of these four parliamentarians called for a division on the third and final reading of the bill, nor cast a vote against it. This can only be interpreted as agreement with the legislation, once the cosmetic amendments were brushed aside.



To contact the WSWS and the Socialist Equality Party visit:

wsws.org/contact