

A case study in hypocrisy

## An Australian Labor leader feigns concern over terror laws

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Anthony Albanese, a former deputy prime minister and a candidate for the Labor Party's leadership last year, this week claimed to have concerns about "draconian" features of the "anti-terrorism" legislation that passed through parliament earlier this month with Labor's total support.

Interviewed on Sky News, Albanese said provisions that could see journalists jailed for up to 10 years for reporting on "special intelligence operations" conducted by the Australian Security Intelligence Organisation (ASIO) may need to be modified.

The interview prompted extensive media coverage, promoting the illusion that Albanese was mounting a challenge to his party's backing for the legislation. The misleading headlines included: "Albanese breaks ranks on anti-terror laws."

Albanese's comments are a case study in hypocrisy. They also reveal anxiety within the media and political establishment at the prospect of rising popular opposition to the police-state laws being introduced by the Abbott government, and the US-led Iraq-Syria war that is providing the excuse for these laws.

First, Albanese did not vote against, or utter a word of criticism of, the legislation when it was debated and passed. He joined hands with the government, as did every other Labor MP, in defeating limited amendments by independent and Greens MPs purporting to curb any threat to journalists. Albanese also backed Labor leader Bill Shorten in brushing aside similar criticisms by one Labor backbencher, Melissa Parke.

Second, Albanese did not call into question Labor's backing for the "anti-terror" bills. He was at pains to deny any such intent. Asked by Sky News interviewer

Paul Kelly, the *Australian's* editor-at-large, whether he thought Labor had "rolled over too far," Albanese insisted that he was merely suggesting, to Abbott's government, the need for a possible review of the media provisions. "This should not be a partisan issue," he stated.

Third, Albanese did not explain the origins of the legislation. It was originally proposed by the previous Labor government, in which he served as a key minister, and agreed to, with token amendments, in bipartisan parliamentary committees. Conscious of public hostility to the measures, Labor deferred the bill until after last year's federal election.

Fourth, Albanese made no mention of the Labor government's own legislation, passed in 2010, that has almost identical secrecy provisions, and 10-year jail terms, to protect "covert operations" conducted by the Australian Federal Police (AFP).

Finally, Albanese confined his reservations to the threat to journalists presented by one secrecy provision, the new Section 35P of the ASIO Act. It imposes five-year jail terms on anyone who, discloses a current or previous "special intelligence operation" (SIO). Anyone who discloses a SIO and "endangers the health or safety of any person or prejudices the effective conduct" of the SIO faces 10 years' imprisonment, even if the harm is unintentional.

Section 35P is not directed only against journalists. It is aimed at anyone who tries to expose or oppose such operations. If these laws had been in place during the attempted AFP-ASIO frame-up of Dr Mohamed Haneef by the Howard government during its "terrorism" scare campaign before the 2007 election, Haneef's lawyers and others, including WSWs correspondents, who

revealed the lack of any evidence against him could have been imprisoned.

Moreover, Section 35P is part of a wider scheme to formally legalise, and protect from civil and criminal liability, the covert operations of ASIO. For many years, it has infiltrated targeted groups, often to provoke or entice their members into incriminating conversations or supposed terrorist preparations. Many of the terrorism cases prosecuted in Australia have depended on such entrapment operations, in which police agents themselves engage in criminal activity.

By banning any reporting of “special intelligence operations,” even long after they have concluded, the legislation again exceeds any law known to exist in the US or UK. And this is just one aspect of a far-reaching extension of the powers of the security apparatus. Along with the SIO provisions, the first tranche of the legislation allows the spy agencies to covertly hack into, monitor and take control of computer networks of any size.

Tranche 2, the so-called Foreign Fighters Bill, will permit anyone to be jailed for five years for even recklessly “promoting” terrorism, which is defined broadly enough to cover many forms of political dissent.

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.

Far from opposing these measures, Albanese declared: “I believe our security agencies do a great job for this nation, including ASIO.” He reiterated Labor’s bipartisan support for the terror laws overall, and for Australia’s involvement in the Iraq-Syria war.

Shorten, who narrowly defeated Albanese in a Labor Party leadership ballot a year ago, after Labor’s election defeat, indicated that he was not troubled by Albanese’s remarks. “I understand the concerns about press freedom,” Shorten told reporters. He rejected suggestions Labor was wrong to support the terror laws, noting: “We had a good discussion within the ranks of Labor before voting for this legislation.”

Shorten knows that Albanese’s interview was partly aimed at appeasing concerns expressed by media proprietors and some prominent journalists about their exposure to imprisonment under Section 35P. The

“Right To Know” coalition, which includes the Murdoch and Fairfax companies, as well as the Australian Associated Press, the Australian Broadcasting Corporation and other traditional media outlets, made a submission to the government about the new law last week.

The World Association of Newspapers and News Publishers, which represents proprietors in 120 countries, also urged the government to amend the legislation, calling the secrecy and computer hacking provisions a “threat to the future of journalism.”

At the same time, Albanese is positioning himself to provide a lightning rod for mounting public opposition to the police-state laws and the war itself. In his interview, although he continued to dress up the resumed US-led military intervention as a fight against “the brutality of Islamic State,” Albanese suggested “there should be more debate on the floor of the House of Representatives” about Australia’s engagement.

This is a shameless pitch to the Greens, who proposed a parliamentary vote on the deployment, without actually opposing the war, as a means of heading off anti-war opposition. Having voted with the government to block any such move, Albanese’s belated suggestion of a debate is revealing. It betrays a nervousness that the war, like the terror laws, lacks credibility among broad layers of working people, who have experienced more than a decade of lies and fabrications, from “weapons of mass destruction” to the witch-hunting of Haneef and many others.

No confidence should be placed in Albanese or any other Labor figure to oppose the “terrorist laws” or the war. Their preoccupation is to contain the emerging opposition, and divert it back into the parliamentary establishment that is presiding over the intensifying program of militarism, austerity and repression.



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