Australia: Opposition Labor Party rubberstamps “Foreign Fighters Bill”

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Opposition leader Bill Shorten is delivering on his pledge last month to the Abbott government that his Labor Party “will do all in its power” to expedite the passage of the “Foreign Fighters Bill”—the second tranche of the government’s barrage of “terrorism” legislation.

The bill is set to pass through parliament by the end of this month after being rubberstamped last Friday by the bipartisan Joint Parliamentary Committee on Intelligence and Security. Its members include Labor heavyweights, John Faulkner, Penny Wong and Stephen Conroy, all key ministers in the previous Labor government, which presided over the preparation of many of the bill’s measures.

While the committee made 36 recommendations for token changes, there was only one meaningful recommendation. That was number 37, urging that the bill “be passed.”

The bill goes far beyond supposedly dealing with the small number of Australian residents allegedly fighting with, or supporting, the Islamic State in Iraq and Syria (ISIS). It contains a raft of police-state style provisions, vastly increasing the powers of the government and its security apparatus.

The bill’s most far-reaching measures include life imprisonment for supporting “subversive activity” in any country, lengthy jail terms for even indirectly and recklessly “promoting,” “encouraging” or “advocating” terrorism, and secret police searches of homes. It also features an unprecedented power, not found in any comparable country, for the government to declare “no-go” areas overseas. People can be jailed for 10 years for entering any such zone unless they can prove it was for a “legitimate” reason.

Attorney-General George Brandis welcomed the committee’s report, praising Labor for treating the bill with a “bipartisan spirit” and “putting the national interest ahead of party politics.”

Labor’s shadow attorney-general, Mark Dreyfus, confirmed that “Labor will be able to support the bill,” while fraudulently claiming that the committee had recommended “substantial changes.” Former Labor deputy leader Anthony Albanese, who last week feigned some concern about “draconian” aspects of the terror laws, remained silent.

The cosmetic character of the committee’s proposals is typified by recommendations 4 and 5. They merely suggest that the attorney-general clarify the meaning of the terms “encourage, advocate or promote,” either by amending the bill or its Explanatory Memorandum. These terms pave the way for anyone to be jailed, for example, for expressing sympathy for forces in conflict with the Australian military.

Submissions to the committee noted that even people who “like” a Facebook comment containing favourable reference to terrorist activity could be charged with “advocating” terrorism. Far from proposing the scrapping of these provisions, however, the committee’s call was for greater “legal certainty” about the scope of the offences.

Likewise, the committee suggested that the attorney-general marginally curb provisions outlawing support for “subversive” or “hostile” activities overseas, or acts “prejudicial to the international relations” of Australia. These measures will make it possible to jail people, or outlaw organisations, for opposing a foreign government or Australian foreign policy.

One of the committee’s main suggestions was that these measures be brought into line with existing legal definitions that confine such offences to actions detrimental to close allies, such as the US, to which Australia has “responsibilities.” Neither the

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government nor the opposition wants to erect a legal barrier to their own advocacy of “regime-change” in say Syria.

The committee’s underlying preoccupation was to bolster the already immense powers handed to the government and the police and intelligence agencies since the declaration of the “war on terrorism” in 2001. Its only other reservation was a tactical one—to avoid being too obvious in cracking down on political dissent or targeted groups in ways that might backfire politically.

One person who testified before the committee, law professor George Williams, sounded such a warning. He cautioned against banning “vague speech about terrorism” or other “public debate.” Williams suggested: “If you start jailing people you will radicalise people.”

In response to the committee’s report, the Greens voiced similar concerns, while protesting against their exclusion from membership of the committee, and pledging their loyalty to the security apparatus. They issued a dissenting report from another parliamentary committee, the Senate Legal and Constitutional Affairs Legislation Committee, which declined to even hold an inquiry into the bill.

Aware of widespread public antipathy to the legislation, the Greens’ media statement declared that they would “not support the legislation in its current form,” describing it as “draconian.” In reality, the Greens’ dissenting report gave no promise to oppose the bill. Instead, it offered timid suggestions, essentially designed to politically camouflage the most explicit measures targeting free speech.

For example, the Greens criticised the new offence of advocating terrorism for “duplicating and unnecessarily expanding” existing bans on inciting terrorism. Then they offered a fallback position. If the new offence were introduced, it should be confined to intentional, rather than reckless, conduct or speech, and the term “promotes” should be removed from the definition of “advocates.” Neither change would make any practical difference to the targeting of those considered a threat to the political establishment.

As they have in the past, the Greens emphasised their commitment to help their parliamentary colleagues strengthen the security apparatus, saying this was of “paramount importance.” Their report stated: “The agencies established to identify, investigate and address threats to national security must be empowered to perform their functions effectively and efficiently.”

In effect, the Greens, like Labor, have lined-up behind Prime Minister Tony Abbott’s government on the bill, as they did on the first tranche of the government’s “anti-terrorism” laws, which massively expanded the secret surveillance powers of the Australian Security Intelligence Organisation (ASIO). The scene is being set for a similar pattern on the third bill, which will force phone companies, Internet providers and social media platforms to retain all their “metadata” for two years so that ASIO and the other spy agencies can use it to monitor the activities and views of the entire population.

This record makes it clear that the entire political establishment supports the ongoing shredding of fundamental legal and democratic rights under the guise of combatting terrorism. Over the past decade, successive Liberal-National and Labor governments have repeatedly seized upon one terrorist scare after another to introduce repressive measures that can and will be used against those who oppose the program of war and austerity being pursued by the ruling elite.

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