

Bipartisan support for anti-democratic data retention bill in Australia

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Australia's opposition Labor Party will help push the Abbott government's metadata retention bill through parliament, virtually ensuring its passage, probably by the end of the month.

Labor's representatives on the Parliamentary Joint Committee on Intelligence and Security joined their Liberal-National Coalition colleagues last Friday in issuing a unanimous report endorsing the bill, while recommending 38 minor changes.

None of the changes will alter the police-state powers of mass surveillance that will be handed to the government and its spy and police services. The legislation will force Internet and phone companies to keep all their data for two years so that the security agencies can trawl through the records. This will permit them to compile a detailed picture of the lives of millions of people, including their political views, friends and associates, geographical locations and even spending habits.

Attorney-General George Brandis, who is jointly responsible for the bill with Communications Minister Malcolm Turnbull, immediately issued a press release welcoming the report and acknowledging "the bipartisanship of the Labor party." According to media reports, the government is moving swiftly to incorporate the 38 recommendations into the bill and push it through the Senate this month.

Labor's support for the bill is hardly surprising, given that the previous Labor government of Prime Minister Julia Gillard first advanced the data retention plan, only to put it on hold until after the 2013 election because of widespread public opposition to it. Nonetheless, Labor's embrace of the bill underscores the bipartisan consensus within the political establishment on boosting the powers of the police-intelligence apparatus.

The committee's report was released just days after Prime Minister Tony Abbott delivered a televised "national security" statement, designed to further politically exploit the December 15–16 Martin Place café siege in central Sydney. The siege involved a single deranged hostage-taker, but Abbott's government elevated it into a major terrorist emergency. In his speech, Abbott demanded the rapid passage of the data retention bill and outlined a new barrage of draconian "counter-terrorism" laws.

Labor's vote for the bill will mark the fourth time in months that it has backed the passage of so-called counter-terrorism laws that shred basic legal and democratic rights. This is occurring amid constant "terrorist" scare campaigns and the escalation of Australia's involvement in the renewed US-war in Iraq and Syria. As with the Abbott government's first three tranches of legislation, this bill goes far beyond the purported aim of combatting terrorism.

In fact, by targeting the communications of millions of people, the bill demonstrates the underlying agenda behind the "anti-terrorism" laws. On the pretext of protecting ordinary people from Islamic State in Iraq and Syria (ISIS) and other Islamic extremists, these laws show that the real "enemy," as far as the ruling elite is concerned, is the population itself.

A submission to the parliamentary committee by the Law Institute of Victoria, which represents lawyers in that state, gave some idea of the bill's vast scope. The "retained data will tell your story—places you frequent, who you vote for, what health conditions you have or have had in the past, or even something as intimate as your sexual orientation," it stated. "Knowing who calls or emails you, and who you email or call, reveals where you shop, invest or holiday."

Originally, the bill did not even define "metadata,"

making a mockery of the government's claims that the actual contents of messages will not be accessed, only such details as their senders and recipients, locations and length and frequency. As a sop to that concern, the parliamentary committee recommended that a definition be inserted in the bill, but that "to provide for emergency circumstances," the attorney-general be given the power to expand the list of data that can be accessed. That typifies the committee's 38 token adjustments.

In another revealing recommendation, the report rejected calls for exemptions to protect journalists' confidential sources. This means that call logs of journalists can easily be requested by the security agencies, permitting them to identify the whistleblowers and other sources of "leaks" that may politically damage the government or the security apparatus. The committee proposed to conduct a separate three-month review of that issue, but with the bill to become law in the meantime.

The bill will facilitate what is already widespread surveillance. According to official statistics, police and other law enforcement agencies made more than 580,000 telecommunications intercepts during 2013-14—in a country with less than 24 million people. This tally did not even include intercepts by the domestic political spy agency, the Australian Security Intelligence Organisation (ASIO), which, according to the parliamentary report, cannot be divulged "on national security grounds." None of these intercepts require judicial warrants, simply "self-authorisation" by the agencies involved—a regime that will continue.

Compelling telecommunication providers to store their data for two years will give all these agencies far greater capacity to mine through the data to identify targets for their operations. This will feed into the information supplied to the global mass surveillance network headed by the US National Security Agency (NSA). As documented in detail by NSA whistleblower Edward Snowden, the Australian Signals Directorate, Australia's electronic eavesdropping service, is an integral part of this network, which is also critical to US military operations and war planning.

Snowden's exposure of this global apparatus received no mention in the parliamentary report. But to support its recommendations, the committee cited a recent report by the US National Research Council, an

official academic think tank, designed to counter the impact of Snowden's revelations. Entitled, *Bulk Collection of Signals Intelligence: Technical Options*, the report insisted that no technological alternatives existed to "bulk collection of signals intelligence" (telecommunications) by US intelligence agencies.

While emphasising their underlying support for the security agencies, and the US military alliance, the Greens have sought to tap into the popular opposition to the metadata bill by criticising aspects of it.

The Greens spokesman, Senator Scott Ludlam, feigned outrage at Labor's support for the bill, saying it was "absolutely beyond belief," when in fact the Greens were in a de facto coalition with the minority Gillard government when it proposed the scheme in 2012-13.

Ludlam called for the bill to be rejected, but also foreshadowed an amendment to exempt journalists and their sources from the storage scheme. The Greens have a long record of posturing as opponents of police-state laws, while voting for key measures to strengthen and/or camouflage them.

This buildup of surveillance is occurring amid rapidly worsening economic conditions, which are fuelling social discontent and political disaffection with the ruling elite's agenda of war, austerity, widening inequality and abrogation of basic legal and democratic rights.



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