

# Australian government pushes through bill to revoke citizenships

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Under the false pretence of fighting terrorism, Prime Minister Malcolm Turnbull's government combined with the Labor Party opposition late last night to ram through Senate legislation that will, for the first time, hand governments the power to strip the fundamental democratic right of citizenship from individuals by ministerial decree.

In a chilling display of bipartisanship, the two establishment parties insisted on finalising the vote just before parliament shut down for the year, so that the citizenship revocation powers could take immediate effect. In doing so, they were exploiting the hysterical media campaign around last month's Paris terror attacks, the background and circumstances of which remain unexplained.

While citing the supposed urgency of passing the legislation in light of the Paris atrocities and the escalation of the war in Syria, both the Liberal-National Coalition's Attorney-General George Brandis and Labor shadow minister Claire Moore emphatically rejected an amendment by right-wing libertarian Senator David Leyonhjelm to insert a 10-year sunset clause in the bill. Brandis invoked the endless character of the supposed "war on terror," declaring: "This is a problem that will be with us for a very long and indeterminate time to come."

This means there is now a permanent power to strip citizenship, permitting governments to remove core democratic rights, including to vote, and to bar those who have been targeted from Australia. For now, that power has been confined to the country's more than six million dual citizens, but there are calls within the government to extend the measures to all citizens.

These powers, which can be exercised without any trial or judicial process, go far beyond targeting alleged terrorist suspects. They can be used against a wide range of people deemed to be opponents of the political, corporate and military establishment.

The provisions include sections covering individuals who conduct "hostile activity in another country" or support—financially or otherwise—a group listed by the

government as terrorist, or are convicted of selected political offences, such as espionage. Opponents of Australia's predatory operations, in alliance with the US, in Iraq and Syria could fall under these clauses.

As was raised by several cross-bench senators during last night's Senate proceedings, these sections could be used against supporters of the Kurdish Workers Party, a listed terrorist group, or against the former Australian Secret Intelligence Service (ASIS) officer who recently blew the whistle on Canberra's bugging of East Timor's government during negotiations over oil and gas fields in the Timor Sea, a leak that could be prosecuted as espionage on behalf of East Timor, a foreign power.

The government can now revoke citizenships in three ways.

First, a person will be deemed to "renounce by conduct" their citizenship if the immigration minister is "satisfied," without any criminal trial, that they participated in certain terrorist-linked or "hostile activity" overseas. No right to a hearing is required for such a ministerial declaration. The minister's order could only be contested, in the High Court, once the citizenship had already been revoked—making a challenge extremely difficult.

Second, an individual will "cease" to be a citizen by "fighting for" or "being in the service of" (an undefined term) any organisation listed as terrorist. The immigration minister can selectively "declare" listed groups not to be terrorist under this law, for example, if they support US-led interventions, such as the Islamist outfits fighting to overthrow the Assad regime in Syria.

Third, a person will "cease" to be a citizen if jailed for more than six years for any of a long list of terrorism and other politically-motivated offences, including "advocating terrorism," assisting an "enemy" of Australia, and leaking security information. Because of the sweeping definition of terrorism in the post-9/11 laws, a person could lose their citizenship for supporting the right of individuals, whether in Syria or any other country, to resist a US-led invasion.

Last night, the government and Labor also defeated an

amendment to remove the retrospective application of this mechanism, which covers prisoners already convicted of such offences if they have been jailed for 10 years or more. This violates the centuries-old principle against retrospective punishment for conduct that was not previously proscribed.

Turnbull's ousted predecessor, Tony Abbott, originally brought forward the legislation in February, following another alleged "terrorist attack"—last December's siege of a Sydney café by a demented individual who had been well known to the police and intelligence services. Turnbull's government is proceeding in the same manner: exploiting terrorist scares in order to stampede public opinion into accepting the destruction of basic legal and democratic rights and the mounting prosecution of illegal wars.

The government and its Labor Party partners were so intent on passing the legislation that they defied warnings by prominent legal experts that it was most likely unconstitutional. There are at least two obvious objections. One is that a government minister will be able to severely punish citizens, by depriving them of their citizenship, without any judicial process, violating the separation of powers in the Australian Constitution. Another is that the federal parliament lacks the power to render someone an "alien" (non-citizen).

Labor maintained its backing for the bill even after pages of complex last-minute amendments were tabled on Monday night, supposedly to fix previously unforeseen constitutional problems. The amendments primarily seek to dodge a High Court challenge by denying that the immigration minister, not a court, will, in reality, make the decision on whether to revoke a person's citizenship.

Once again, as it has done all year, the government refused to release its legal advice—in this case two letters from its chief legal officer, the solicitor-general. Last night, Senator Brandis again refused to guarantee the lawfulness of the bill, declaring: "Nobody should make hard and fast predictions about what may be decided by the High Court." This did not stop Labor supporting it, without even seeing the legal advice.

While posturing, for vote-gathering purposes, as defenders of civil liberties, the Greens and various "independent" senators opposed the bill on extremely reactionary "law and order" grounds, all feeding into the false premises of the "war on terror."

The Greens argued Australia would be safer if "terrorists" were kept locked up in Australian jails rather than "exported" to other countries. Greens Senator Nick McKim declared: "The best place for violent extremists is in secure Australian prisons."

Likewise, Independent Senator Nick Xenophon asked: "Do we just give up, revoke their citizenship and then let

them free range with their sick, twisted minds to do damage to Australians and to other innocents abroad?"

In a similar vein, former Palmer United Party Senator Jacquie Lambie advocated putting people "in jail 23 hours a day for the rest of their life" or giving the courts "the option of using the death penalty."

The deeply reactionary logic of the parliamentary debate was demonstrated by Andrew Nikolic, a government member of the Parliamentary Joint Committee on Intelligence and Security, which drafted the final report on the bill. He called for citizenships to be stripped from sole Australian citizens, potentially rendering them stateless, and proclaimed that the terrorist threat was now "so critical" that civil liberties concerns had become "redundant."

Nikolic alleged that Australia had been "at pains to err in favour of the individual," but that this must now change. Since 9/11, successive governments, both Coalition and Labor, have already passed more than 60 pieces of legislation, overturning such essential principles as no detention without trial. Nevertheless, Nikolic insisted that the four further tranches of counter-terrorism measures introduced by Abbott and Turnbull over the past year were "not the end of the government's resolve."

Some media outlets have depicted Nikolic as a "hawkish" member of a pro-Abbott faction seeking to undermine Turnbull, but his views doubtlessly reflect the anti-democratic sentiments in senior military ranks. Before entering parliament in 2013, Nikolic was a high-level commander in the occupations of Afghanistan and Iraq, then promoted to a brigadier, in charge of defence public relations, and ultimately a top-level official in the defence department.

Under the guise of fighting the fraudulent "war on terror" the Australian ruling elite, like its counterparts in the US, Britain, France, Germany, Japan and internationally, is establishing the scaffolding of a police-state. This is aimed at dealing with rising political discontent, under a rapidly deepening economic and social crisis, and amid the country's escalating involvement in the US-led war drive against China and Russia, and its military interventions in the Middle East.



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