Australian government foreshadows draconian anti-foreign interference laws

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Australian Prime Minister Malcolm Turnbull yesterday announced sweeping new anti-democratic laws that will expand the definitions of treason and espionage, criminalise "foreign political interference" and require anyone deemed to be "a foreign agent of influence" to be named on a national register.

The new legislation is above all aimed at criminalising and suppressing anti-war opposition as Australia increasingly integrates into the US military build-up in Asia and its drive to war against North Korea and China. It is an attempt to create a political climate in which any questioning of Australian and US foreign policy and the drive to war is illegitimate.

Yesterday's announcement has been preceded by a hysterical media campaign over the past year against foreign, namely Chinese, influence—fed by the Australian Security and Intelligence Organisation (ASIO) and other security agencies. It reached fever pitch last week with lurid new allegations against Labor senator Sam Dastyari over his relations with Chinese billionaire Huang Xiangmo.

Taking his cue from this campaign, Turnbull, without a shred of evidence, declared: "Foreign powers are making unprecedented and increasingly sophisticated attempts to influence the political process, both here and abroad." Leaving no doubt as to the enemy, the prime minister expressed his concern about "disturbing reports about Chinese influence." He then added that it was not just China, then referred to "Russian influence in the US election."

There is no doubt, however, where the demands for tougher laws have come from. A series of top figures connected to the American intelligence and military establishment, including US Senator John McCain and ex-National Intelligence Director James Clapper, made high-profile visits this year and publicly expressed concern about Chinese influence in Australia.

Behind the scenes, Washington has undoubtedly been exerting its influence on the government, both directly and indirectly through the Australian intelligence and military apparatus that has the closest of ties with the US. The United States has a long history of direct interference in Australian politics—including in the ousting of two prime ministers, Gough Whitlam in 1975 and Kevin Rudd in 2010.

While the draft legislation is not publicly available, a media release yesterday indicated the extent of the draconian measures that are to be enacted in three bills, in what Turnbull described as the "most significant overhaul of our espionage, counterintelligence, political donations legislative framework in decades."

* The National Security Legislation Amendment (Espionage and Foreign Interference) Bill "strengthens and modernises a range of offences including espionage, sabotage, and treason and introduces new offences targeting foreign inference and economic espionage." The bill will criminalise "covert and deceptive activities" that currently "fall short of espionage" and establish a new "secrecy regime" to block the disclosure of classified documents. The new definition of espionage will include possessing and receiving sensitive information, not just passing it on.

Severe penalties, of up to life imprisonment, will apply for espionage and "offences against government," including treason. Jail for foreign interference offences, including providing support for foreign intelligence agencies, is up to 20 years, "leaks of harmful information up to 20 years, new sabotage offences up to 25 years, and "theft of trade secrets" 15 years.

* The Foreign Influence Transparency Scheme Bill will establish a registration scheme, along the lines of

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the US Foreign Agents Registry, for entities, former parliamentarians and senior public officials who act on behalf of foreign individuals or entities. While Turnbull declared that registration would not "be any kind of taint and certainly not a crime," it will undoubtedly provide the basis for intimidation and media witch-hunts.

* The Electoral Legislation Amendment (Electoral Funding and Disclosure) Bill bans "donations from foreign bank accounts, non-citizens and foreign entities" and will apply not only to political parties, but "all political campaigning," including by independent candidates, trade unions, interest groups and advocacy groups such as GetUp that have opposed government policies.

The first two bills will be referred to Senate committees with reports due in February. The government intends to try to push the last bill banning foreign donations through parliament this week.

The extraordinary scope of the new legislation is underscored by the nature of the attacks on Senator Dastyari, who last week was accused of activities that were tantamount to treason. During parliamentary Question Time yesterday, the prime minister again denounced Dastyari, declaring that he had "sold Australia out."

What were Dastyari's so-called crimes? Last week's sensationalised "revelations" concerned firstly, a press conference given by the senator to the Chinese media in which he said that Australia should keep out of territorial disputes in the South Chinese Sea between China and its neighbours. In other words, Dastyari is being lambasted for publicly expressing views at odds with the Australian establishment's support for the aggressive and provocative US stance over the disputes.

Secondly, it was revealed that Dastyari met with billionaire Huang in October last year and suggested, amid the media furore over their relations, that the two take the elementary precaution of turning their phones off and speaking outside. Last week, Attorney General George Brandis declared that this amounted to advising his "benefactor" in "counter-surveillance techniques," implying that he had leaked state secrets to a Chinese national.

Yesterday, Brandis drew a direct link between the new legislation and Dastyari, saying: "In my view, the conduct alleged against him does not reach the threshold of the existing laws of treason and espionage" so new laws were needed "because of the gap." In other words, any opposition, no matter how limited, to Washington's confrontational strategy against China is to be criminalised, along with any attempt to evade ASIO's widespread and intrusive spying operations.

It is not only Dastyari who is in the gunsight. Brandis also suggested that ex-Labor foreign minister Bob Carr and former Coalition trade minister Andrew Robb would need to register as "foreign agents." Carr, who has been previously criticised for advocating a more conciliatory approach to China, heads the Australia-China Relations Institute, which he declared yesterday was fully funded by the University of Technology Sydney.

The current anti-China campaign and new legislation is a sharp warning to the working class. If the government, along with the intelligence and security apparatus, is prepared to take such action against senior figures in the political establishment, it is preparing far worse against workers and youth who oppose the drive to war. Australia is being put on a war footing and the door is being opened for police raids, mass arrests and internment camps for "traitors" and enemy aliens as was carried out during World Wars I and II.

Under the banner of the bogus "war on terror," successive Coalition and Labor governments have already erected the scaffolding of a police state that has undermined basic democratic rights and legal norms. Now a new stage has been reached as the Turnbull government, backed to the hilt by the Labor opposition, prepares for a US-led war against China in which the Australian military and bases would play a key role.

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