

Australian government unveils sweeping anti-democratic “foreign interference” bills

Part 3: Far-reaching measures against political dissent

Mike Head
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This is the third part in a three-part series examining the wide-ranging implications for basic democratic rights of five bills, tabled in the Australian parliament in December, which outlaw involvement in alleged “foreign interference” in Australian political and economic affairs. Part one was published on January 31 and part two on February 1.

Despite its title, the National Security Legislation Amendment (Espionage and Foreign Interference) Bill extends far beyond “espionage and foreign interference.” The anti-China campaign goes hand-in-hand with far-reaching measures to crack down on political dissent.

The bill contains a range of new or expanded offences, involving up to life imprisonment, for activity regarded as a threat to the existing Australian political and economic order, particularly under wartime conditions.

Many old offences, not used since World War II, are being “modernised” for a new period of war and political convulsions. Alongside these redefined offences—such as “treachery,” “advocating mutiny” and “sabotage”—are vague new ones that provide broad scope for jailing anti-war opponents.

According to the bill’s explanatory memorandum, it “comprehensively criminalises activities that could prejudice Australia’s national security” and broadens offences “that have not evolved to deal with the modern threat environment.”

“National security” is defined in wide-ranging terms to include “the country’s political, military or economic relations with another country or other countries.” In other words, it means protecting the profit interests, and predatory activities of the Australian capitalist class which, in turn, rest on the US for military and strategic support.

“The modern threat environment” refers to the

escalating likelihood of wars, driven by Washington’s aggressive threats and operations, directed against US targets such as North Korea, China and Russia. The term also covers preparations to suppress the immense social and class struggles that major wars and ongoing austerity will provoke.

The offence of *treason* is redefined to extend to “materially assisting” any “enemy” engaged in “armed conflict involving” Australia. This broadens the existing definition, which refers to “war with” or “armed hostilities against” Australia.

The crime, which carries life imprisonment, could be committed even if the accused person is only “reckless” as to whether the “enemy” is actually “engaged” in armed conflict involving Australia.

“Materially assisting” is not defined in this or any other legislation. The explanatory memorandum only refers to “assistance in the form of money or practical goods,” but the phrase could extend to opponents of Australia’s military interventions, who protest against the sending of troops.

A 2006 law reform commission report said the formulation could cover urging conscientious objection or calling soldiers to lay down their arms.

A crime of *treachery*, also punishable by life imprisonment, would be extended to cover conduct that “involves force or violence” with the *intention of overthrowing* the federal government’s “lawful authority.” The existing offence of treachery refers only to *trying to overthrow* the Australian Constitution or a federal or state government. The extension could even include calling for the abolition of the Australian Federal Police and intelligence agencies.

Sabotage offences are expanded to cover any action causing damage to public infrastructure—not just Defence

facilities, as was previously the case—with intention to “prejudice national security.” This would include any federal government “infrastructure, facility, premises, network or electronic system” and all telecommunications, utilities and transport facilities.

New, related offences would extend to “making public infrastructure vulnerable to misuse, unauthorised access or damage,” or planning any of these offences.

Trying to hack into a government or spy agency computer network, for example, would become “sabotage,” punishable by up to 25 years’ imprisonment.

The bill creates a new crime of “advocating” (previously “inciting”) *mutiny* of a member of the armed forces. “Advocates” is not defined, but clearly extends beyond “incites,” which requires direct and specific instigation.

“Mutiny” is broadly defined to include: “to resist such lawful authority in such a manner as to substantially prejudice the operational efficiency of the Australian Defence Force or of, or of a part of, a force of another country that is acting in cooperation with the Australian Defence Force.”

In other words, this would cover trying to enter a military base hosting US troops or seeking to disrupt joint exercises or weapons testing.

The crime could also extend to publicising (“promoting”) refusals by soldiers or sailors to carry out criminal or inhuman actions, such as killing civilians alleged to be supporting hostile forces or repelling refugee boats.

The penalty is seven years’ imprisonment, even if the defendant is only reckless as to whether a mutiny would actually occur.

A vague new offence of *interference with political rights and duties* would outlaw the “use of force or violence, or intimidation, or the making of threats of any kind” that “results in interference with the exercise or performance, in Australia by any other person, of an Australian democratic or political right or duty.”

This crime, punishable by 10 years’ jail, would replace a narrower offence of interfering with political liberty. The new crime could cover counter-demonstrations against pro-military or far-right rallies, or protests or strikes that allegedly obstruct a politician.

Other provisions include 10 years’ imprisonment for damage to, or the destruction of, property that belongs to a Commonwealth entity, and five years for providing false or misleading information to obtain a government security clearance.

The government’s powers to revoke citizenship by arbitrary decree would expand to cover people convicted of many of the new offences. These powers were created by legislation that the Coalition government pushed through parliament, with the Labor Party’s assistance, at the end of 2015.

Likewise, the vastly-expanded telecommunications interception powers of the police and intelligence agencies would extend to investigating all the new offences.

Another bill, the Home Affairs and Integrity Agencies Legislation Amendment Bill, empowers the new security “super-ministry,” the Home Affairs Department, to bring all the main federal police intelligence emergency management agencies under the direction of one cabinet minister, currently Peter Dutton.

At the same time, an over-arching Office of National Intelligence is being established in the prime minister’s department.

Taken together, as the government’s explanatory memorandum declares, the five bills amount to “the most far-reaching reorganisation of our national security architecture” for decades.

This wholesale evisceration of basic legal and democratic rights must be a warning to workers and young people.

During both previous world wars, Labor and conservative governments alike jailed anti-war campaigners, framed up militant workers on sabotage and other serious charges, and indefinitely detained, without trial, thousands of Australian citizens and residents of foreign descent.

The ruling capitalist elite, fearful that rising social and working class discontent will intensify as the US-led drive to war escalates, is once again making vast, anti-democratic preparations for wartime-style political repression.

Concluded



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