

Australian government demands fast-track passage of anti-democratic “foreign interference” bills

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The Turnbull government is working intensively with the opposition Labor Party to rapidly push through parliament two massive “foreign interference” bills that constitute a far-reaching threat to basic legal and democratic rights.

While narrowing the scope of the legislation, the government has made central features of the bills even more draconian, with the help of amendments already agreed, or being negotiated, with Labor.

In an extraordinary rush, the government is demanding that the two huge bills, which have a combined 145 pages, together with more than 150 just-released and often complex amendments, be passed in a single two-week sitting of parliament, starting next week.

The Espionage and Foreign Interference (EFI) Bill and the Foreign Influence Transparency Scheme (FITS) Bill contain unprecedented provisions criminalising political activity linked to overseas political organisations. These could be used to outlaw opposition to Australian involvement in any US-led military intervention, particularly a confrontation with China.

The push for “fast-track approval” is taking place against a backdrop of a mounting scare campaign, fuelled by accusations of Chinese business and political subversion directed against Australia.

In the past two days alone, the government has signaled it will bar Huawei, the world’s largest maker of telecommunications equipment, from selling equipment to Australia’s proposed 5G wireless Internet network. It has also blocked Huawei from supplying an underwater communications cable from Australia to the neighbouring Pacific nation of Solomon Islands.

The government has reportedly acted on “national security concerns” raised by the country’s intelligence agencies about Huawei’s alleged links to the Chinese

government. Sources within the military-security apparatus told the *Australian Financial Review* today that Canberra’s thinking was similar to that in Washington, where punitive actions have been taken against Huawei and another Chinese telecommunications company, ZTE.

While seeking to demonise China and any business or political figure linked to it, the anti-China offensive is a vehicle for a bipartisan front to introduce laws that will hand vast powers to the government and the “security” agencies to crack down on anti-war and other political dissent. The two bills are part of a “foreign interference” package of anti-democratic laws that Prime Minister Malcolm Turnbull personally introduced last December.

Late last week, Attorney-General Christian Porter wrote to Andrew Hastie, the government’s chairman of the Parliamentary Joint Committee on Intelligence and Security, proposing 98 amendments to the FITS Bill, on top of the 59 amendments that the committee had just recommended in a 400-page report on the EFI Bill.

In his letter, Porter thanked Hastie, as well as the committee’s deputy chair, Labor MP Anthony Byrne, and Labor’s shadow attorney-general Mark Dreyfus, for “a dedicated intensity of effort in the last 10 days.” He hailed them for “a model of bipartisan communication and negotiation” to finalise the EFI Bill amendments.

Porter attached the long list of proposed government amendments to the FITS Bill, which seek to focus the scope of the planned “foreign influence” registration scheme in order to protect corporate interests. Exemptions from compulsory registration will cover most business lobbyists, transnational corporations, media companies and book publishers, as well as the Catholic Church and professional industry bodies.

Some of the amendments are specifically designed to target companies with alleged shareholder or directorship

links to a foreign government, especially China's. One "security source" told the media this was the "China clause." Turnbull refused to rule out Huawei, a private company, being compelled to register as a foreign agent.

Other amendments target membership of, or other connections to, a "foreign political organisation." There will also be an arbitrary new power for the government to issue "transparency notices" to order any entity or person to place themselves on the public register. No procedural fairness will be required in issuing notices, and people named will have no right to sue for defamation.

Anyone who fails to register or comply with the detailed registration requirements faces up to seven years' jail. The amendments will extend this criminal punishment regime to those who "recklessly," that is, unintentionally, fail to register.

Likewise, the recommended amendments to the EFI Bill—which are still to be drafted—more clearly focus its criminal offences on individuals and organisations accused of working on behalf of a "foreign principal" or a "foreign international organisation." These offences carry penalties of up to life imprisonment.

During the parliamentary committee's "dedicated intensity of effort," its Labor members joined hands with the government members to reject calls to provide a "public interest defence" for the array of offences, which include the new crime of "foreign interference."

As an example of how far these laws would go, the committee unanimously brushed aside the concerns expressed in one submission that the new offence of "advocating mutiny" could "have the effect of criminalising any peaceful advocacy by civilians against Australian involvement in wars or warlike activity."

Opposition is emerging to this assault on democratic rights. Two peak environmental organisations, the World Wide Fund for Nature and the Australian Conservation Foundation, warned in a joint statement they could still be charged with espionage for giving evidence to global institutions about shortfalls in Australia's record on the environment or threats to endangered species.

Amnesty International said the threat of prosecution "still looms" over "charities, including Amnesty, who hold the Australian government to account on its human rights record." One of its Australian directors, Claire O'Rourke, expressed "grave concerns" about Labor's support "for the government's dangerous lurch towards authoritarianism."

The media establishment, however, now that the government has allayed most corporate concerns about

being caught in the "foreign interference" web, is ramping up its demand for the swift passage of the bills.

The June 9 editorial in the *Australian*, Rupert Murdoch's flagship, declared: "At a tense time of strategic, national security and diplomatic challenges, the Turnbull government is correct to push ahead with two new espionage and foreign-interference bills... Bipartisanship will be vital. A political brawl over the matter would be taken as a disastrous sign of weakness by any foreign power seeking to influence Australia's domestic affairs."

Despite some attempts by Turnbull and Porter to deny that the bills specifically target China, the editorial insisted: "Chinese interference in Australia has reached a point where the integrity of national institutions needs better protections." It cited testimony by John Garnaut, a former prime ministerial adviser, to the US House Armed Services Committee that China "brazenly had sought to manipulate Australian society to 'tilt the political and strategic landscape to its advantage'."

This reference underscores the intense pressure being applied by the US government and military-intelligence establishment for the rapid passage of the bills as part of Australia's commitment to be on the frontline of any conflict with China, Australian capitalism's largest export market.

The editorial endorsed an assertion by the newspaper's editor-at-large Paul Kelly that the legislation will be "a declaration that Australia has the psychological determination, national capability and political unity required to defend itself against unprecedented threats to our democracy and decision-making."

This quote provides a flavour of the drive underway to whip up nationalist and patriotic sentiment for two related purposes: to try to shore up the political establishment in the face of widespread popular hostility and prepare for war against China.



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