

Whistleblowers Australia denounces new “foreign interference” laws

Richard Phillips
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Whistleblowers Australia is one of the numerous organisations that lodged submissions to the Australian parliament opposing the new espionage and foreign interference laws, which passed with bipartisan support late last month.

A voluntary organisation that champions those seeking to expose government and business corruption, its submission denounced the laws and existing “terrorism” legislation.

The submission said the laws “discard longstanding legal principles” and “criminalise benign conduct, social justice concerns and ethical professional obligation; stifle political debate and association ... and reinforce the ability of government to protect itself—in secret—from the consequences of its own sometimes illegal acts.”

Whistleblowers Australia president Cynthia Kardell spoke with the *World Socialist Web Site* this week about the measures and their political and social consequences. The following discussion has been edited.

Richard Phillips: How will the new laws impact on your work?

Cynthia Kardell: Our organisation exists to help whistleblowers assist themselves. If people can’t talk to us, or speak to and provide information to a journalist without being under threat of going to jail if that became known, then it makes the business of talking to anyone very difficult indeed. We’re in the age of digital encryption but I suspect that we’ll become a little bit old-fashioned in the way we go about things so that we don’t leave a digital footprint. It might be a return to old becoming new again.

RP: Was your organisation shocked at the broad-ranging and unprecedented character of these measures?

CK: Not really. There’s been a steady erosion of criminal law in Australia since 9/11. Most of these sorts of changes have been implemented by conservative governments—first by the Howard administration and then the Abbott-Turnbull governments—but a number of similar laws have been introduced by Labor governments. So no, we weren’t surprised by the new measures.

There’s been a steady erosion of basic rights and concerted efforts right across the political spectrum to frighten people and divert their concerns about government policy by blaming particular groups or individuals as the main problem. These methods are as old as time.

RP: The measures were pushed through in the context of increasing anti-China xenophobia in the media and parliament. They also follow calls by various US politicians and military leaders visiting Australia demanding these laws. Could you comment on this?

CK: There is a fair bit of anti-China hysteria about, and it reminds me of the “reds under the bed” slogans used in the post-WWII and McCarthy era and up until the middle 1970s. This was a common political method of attempting to blame others for our problems and not our own governments. The Menzies [Liberal-Country Coalition] government was fixated with this.

But 9/11, and the rhetoric about terrorism that followed, has allowed governments to build up a bogey and impose a whole range of anti-democratic laws. We’re now being told that China is rising up to take us over and do terrible things. The government has used the idea of national security to stop people looking at things and to silence opposition and quietly introduce legislation. We are faced with a rush to the right from across the political spectrum and a retreat into authoritarian platforms. I look at all of this with shame.

Democracy's future lies in sharing more power and involving more and more players.

RP: The punishments for espionage, treason, mutiny and related charges have been redefined, with much heavier punishments, clearly designed to silence and intimidate opponents. Can you speak about that?

CK: That's true. It takes "law and order" techniques to the extreme. The political method is two-fold: to look like they're keeping people safe whilst at the same time scaring the bejesus out of anyone contemplating challenging the status quo.

The government wasn't able to prosecute workers from the Save the Children charity who started making public the situation facing refugees on Nauru and the rising number of self-harm incidents, because the existing laws weren't sufficiently all encompassing. This was one of the drivers behind the new measures. The government speaks about upgrading the laws but what they really mean is making it illegal to expose what is going on.

Now, if charity workers or others reveal what's going on in the detention centres they can be prosecuted under criminal law and jailed. The most chilling thing is that people working in these areas will have to fall into line. Revelations about these issues will now become a very unusual occurrence. The government is creating a deeply intimidatory atmosphere.

RP: Could you speak about how the news laws would impact on Julian Assange and WikiLeaks?

CK: Assange faces a similar situation to the young Australian David Hicks, who was captured in Afghanistan and sent to Guantanamo Bay. He was eventually forced to admit to something that he didn't do just to get out of Guantanamo Bay. He has since been exonerated.

RP: Why do you think Assange has been ferociously attacked by journalists and media outlets that previously defended him?

CK: What Assange does is so threatening to power because he just takes information and puts it out there. The hypocritical thing in all the attacks on Assange is that the US and other governments are not going after the *Washington Post*, the *Guardian*, the *New York Times*, *Der Spiegel* and other media outlets who published material from WikiLeaks. The double standards are horrific.

Most of the big media giants are private and their

primary concern is to make money and so there's probably an accommodation between them and governments. The big corporate giants have been asked to toe the line and they've done so. There's also self-censorship by journalists who are intimidated.

RP: The ABC here in Australia has played a particularly dishonourable role in all this.

CK: Yes that's true, but the ABC is not a monoculture. There are plenty of people in there who have explained what Assange is doing and justified it. I think it comes back to money and power as the root cause of this.

I like to think that we are reaching a position where there's a critical mass of people who are deeply unhappy with the fruits of neo-liberalism over the last 40 to 50 years and know that markets don't have all the answers or do things best. It's a question of getting that discussion going politically so that governments of both persuasions feel pushed by the need to stay in power and do something different.

RP: There's certainly a shift in political consciousness but that's why the "foreign interference" laws have been imposed. These measures are in preparation for war and to suppress mass anti-war opposition.

CK: That's right. The laws are there for a particular purpose and it's about controlling the public space and attempting to intimidate the population.

Our organisation, however, will continue to campaign for whistleblowers' rights. Those who decide to become whistleblowers will, of course, continue to be slandered and smeared by governments and businesses, who don't want to be exposed. But in today's world it has become more and more urgent for them to be protected. Society is literally screaming out for more openness and accountability in all sectors.



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