

Australian secret interrogation powers to extend to “foreign interference”

Mike Head
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There is widespread concern that Australia’s domestic spy agency will have the power to forcibly and secretly question teenagers as young as 14 under new laws introduced to parliament last week in the middle of the COVID-19 emergency.

The current age limit of 16 will be lowered by two years for anyone subjected to an Australian Security Intelligence Organisation (ASIO) investigation. The government claims this is necessary to combat “radicalisation” of young people.

This means that 14-year-olds can be interrogated for up to 24 hours at a time, without being charged with any criminal offence, in order to demand that they provide ASIO with “information.” A security-cleared lawyer can be present, as long as he or she does not “unduly disrupt” the questioning.

Equally chilling, however, is that the bill will extend ASIO’s compulsory questioning powers beyond alleged terrorism-related activity to supposed “foreign interference,” espionage and politically motivated violence.

Once again, police-state powers that were originally imposed under the cover of the post-2001 “war on terrorism” are being expanded to cover fields far beyond terrorism, particularly political activity that the government and ASIO deem “extremist” or coordinated with a “foreign” or international organisation.

ASIO’s powers first came into effect in 2002, overturning the fundamental principle of no detention without charge or trial. The legislation permitted the agency to readily obtain warrants to question a person for up to 24 hours to seek “information” about a potential terrorism offence, or to detain and question them for up to seven days. Those interrogated or detained could not tell anyone, except a vetted lawyer,

what had happened to them.

These powers were due to expire last September, but were extended for a further 12 months, with the support of the opposition Labor Party, to give the Liberal-National government extra time to draw up the expanded powers.

Under the bill introduced by Home Affairs Minister Peter Dutton last week, ASIO’s detention power, which has never been used officially, will be removed, but the questioning power will become even more draconian and far-reaching.

Introducing the bill in parliament, Dutton indicated that, as long suspected, these powers have been used to coerce people into providing information or collaborating with ASIO, despite not being formally invoked many times. “[A]lthough they are rarely used, these powers have produced valuable intelligence that could not have been obtained through other methods,” he stated.

Although Dutton made no explicit reference to China, the extension of ASIO’s coercive powers to cover possible “foreign interference” activity is part of an escalating US-backed anti-China campaign. Beijing is being accused by the media and “intelligence sources” of all sorts of crimes, including cyber warfare and influence-peddling with the assistance of Australian business figures and academics.

Dutton alluded to this witch hunt, saying the ASIO director general had recently argued the threat to Australia from foreign interference and espionage was higher now than at the height of the Cold War.

As the *World Socialist Web Site* has documented and explained, the “foreign interference” laws do not only target China and its alleged local sympathisers. They can be used to outlaw political opposition, anti-war dissent and social unrest by alleging that it is connected

to “foreign” or international campaigns.

For the first time, criminal offences, which carry up to 20 years’ imprisonment, now apply to simply undertaking political activity in partnership with an overseas organisation.

The expansion of ASIO’s interrogation power to include “politically motivated violence”—a much broader term than “terrorism”—is another warning of plans to crack down on any views regarded as a threat to the capitalist political and economic order.

Just three months ago, Dutton claimed that “left-wing lunatics” and “extreme left-wing ideologies” posed as much of a threat of violence as far-right and fascistic groups, whose growth had been admitted by ASIO chief Mike Burgess.

Dutton’s declaration underscored the fact that the real target of the government and the intelligence and police apparatus is left-wing and socialist organisations, not the revival of fascism.

The new bill will allow the government’s attorney-general to issue ASIO questioning warrants, rather than a judge, and to do so orally in an “emergency.” It also permits police to search people they are detaining for ASIO interrogation and to seize items, such as phone or other devices, that could be used to communicate the arrest or any items “relevant” to the warrant.

ASIO also will be able to place vaguely-defined “tracking devices” on cars or in people’s bags with only internal ASIO approval, rather than a warrant. According to Dutton, this will “bring ASIO in to line with law enforcement agencies, which are permitted to internally authorise non-intrusive tracking devices under the Surveillance Devices Act 2004.”

ASIO and its related agencies, such as the Australian Signals Directorate, operate as part of the global US-led “Five Eyes” mass surveillance network, which is increasingly focussed on Washington’s aggressive confrontation with China. These agencies systematically swap data, especially with their US counterparts.

The Labor Party has already given in-principle backing to the government’s bill, which will go to parliament’s intelligence and security committee for fine-tuning. Labor has either agreed to, or itself legislated, every barrage of so-called “national security” laws since 2001.

Labor’s home affairs spokesperson, Kristina

Keneally, said the opposition would “always take the advice of our national security agencies.” She said ASIO’s powers were “ongoing matters which have been extensively considered since they were first created by John Howard,” the former Liberal-National prime minister whose government suffered a landslide election defeat in 2007.

Labor also has given full support to the government’s alignment behind the Trump administration’s escalation of the US trade war and military drive to prevent China from challenging Washington’s post-World War II global dominance.

As this bipartisan partnership indicates, the latest ASIO bill is another preparation by the corporate and parliamentary establishment as a whole to suppress political and social discontent. This planning is occurring amid the greatest economic crisis since the 1930s Great Depression, growing social inequality and the worsening danger of involvement in catastrophic US-led wars.



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