

Labor helps expand Australian spy agency's secret interrogation powers

Mike Head

14 December 2020

Last Thursday, just as parliament shut down for the year, the opposition Labor Party joined hands with the Liberal-National Coalition government to pass a bill to significantly expand the police-state powers of the Australian Security Intelligence Organisation (ASIO).

In just a matter of hours, the ASIO Amendment Bill was pushed through both the House of Representatives and the Senate with virtually no debate, accompanied by lavish praise for ASIO, the main domestic political surveillance agency.

The legislation allows ASIO to secretly interrogate teenagers as young as 14, rather than 16. It also extends ASIO's coercive questioning powers beyond alleged terrorism-related activity to suspected "foreign interference," "espionage" and "politically motivated violence."

People can be detained by ASIO for up to 24 hours and forced to answer questions if the spy agency suspects that they have information about plans for such activity. If they refuse to answer a question, or provide an answer considered misleading, they can be jailed for up to five years. Moreover, they can be imprisoned for five years if they alert or inform anyone that they have been interrogated.

Despite its far-reaching implications for free speech and other core democratic rights, the bill's passage went almost completely unreported by the corporate media. The political and media elite are seeking to keep the public in the dark about the growing power of the intelligence apparatus.

When this unprecedented power—effectively detention and interrogation without trial—was first introduced in 2003, it was presented by the Coalition government and Labor as an exceptional but necessary tool to extract information from anyone who might know of a potential terrorist plot.

Once more—as the WSWS warned from the outset—previously unheard-of powers that were originally imposed under the cover of protecting the public in the post-2001 "war on terrorism" have been expanded to cover fields far beyond terrorism. In particular, the legislation covers political activity that governments and ASIO deem "extremist" or coordinated with a "foreign" or international organisation.

This dovetails with the bipartisan commitment to back the escalating US confrontation against China, and the associated denunciations of the Beijing regime and its unsubstantiated supposed "foreign interference" in Australia.

The expansion of ASIO's powers also points to preparations to try to suppress political discontent amid the increased poverty and social inequality resulting from the official response to the global COVID-19 pandemic and worst economic crash since the 1930s Great Depression.

Even 14-year-olds can now 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-vetted lawyer can be present, as long as he or she does not "unduly disrupt" the questioning.

Under the amendment bill introduced by Home Affairs Minister Peter Dutton, ASIO's power to detain and question people for up to seven days, which has never been used officially, will be removed, but the questioning power will become more far-reaching.

The new law allows the 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 individuals they are interrogating and to seize items, such as phones, that could be used to alert other

people to the questioning.

ASIO also will be able to place “tracking devices” on cars or in people’s bags with only internal ASIO approval, rather than a warrant.

As the WSWS explained when the bill was first unveiled in May, the expansion of ASIO’s interrogation powers “is another warning of plans to crack down on any views regarded as a threat to the capitalist political and economic order.”

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” campaigns.

These activities could extend to anyone opposing Australian involvement in a US-led military conflict with China, as part of a global fight against the danger of war.

According to a legal advice commissioned by the reformist lobby group GetUp, published in October, the bill could allow ASIO to coercively question journalists and members of civil society organisations, including those involved in international environmental and human rights advocacy.

The Labor Party’s role in helping push the legislation through was consistent with its record. It has either agreed to, or itself legislated, every one of the 140 “national security” laws since 2001. In fact, Labor had already given in-principle backing to the bill in May, before it went to parliament’s intelligence and security committee for fine-tuning with a number of minor amendments.

Speaking in the Senate last Thursday, Labor’s shadow home affairs minister Kristina Keneally specifically re-emphasised her party’s support for extending ASIO’s questioning power to cover “politically motivated violence, including terrorism, foreign interference and espionage.”

Keneally underscored the unity with the Coalition by quoting former Prime Minister Malcolm Turnbull who said: “There is no set-and-forget when it comes to national security.” She echoed the government’s anti-China scare campaign, saying: “We acknowledge that foreign interference and espionage are at heights not previously seen in Australia, including at the height of the Cold War.”

Keneally concluded by paying tribute to ASIO,

hailing it for “keeping Australians safe,” while using its powers “judiciously and sparingly.” Officially, the questioning powers have been used 16 times since 2004, but as Dutton had inferred in May, the powers have been used more often informally to pressure people into providing information or collaborating with ASIO.

Far from keeping ordinary people safe, ASIO has a decades-long record of spying on, harassing and conducting dirty tricks operations against socialists, militant workers and others, even church groups and Labor politicians, regarded as opponents of the political establishment.

Several federal and state inquiries conducted in the 1970s proved that ASIO and the state police special branches with which it collaborated, kept extensive files on the activities and personal lives of thousands of members and supporters of left-wing organisations, trade unions and anti-war groups.

Today, ASIO and its partner agencies, such as the Australian Signals Directorate, continue that function as members of the global US-led Five Eyes mass surveillance network, which is increasingly focussed on Washington’s confrontation with China.

Labor is no less committed than the Coalition to the alignment behind the US escalation of the economic and military drive to prevent China from challenging Washington’s post-World War II global dominance.

As Keneally’s remarks underscore, Labor is also equally devoted to suppressing domestic discontent amid the worsening danger of involvement in catastrophic US-led wars.



To contact the WSWS and the Socialist Equality Party visit:

wsws.org/contact