

Australian intelligence review paves way for expanded political surveillance

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Another sweeping enlargement of the political spying powers of Australia's intelligence agencies is about to be undertaken, following the heavily-redacted release of what the Liberal-National government and the corporate media have described as the biggest overhaul of the country's national security laws in four decades.

After an unexplained year-long delay, a 1,300-page declassified version of the 1,600-page report by former spy chief Dennis Richardson was made available for public consumption on December 4. The government said it had accepted 199 of the review's 203 recommendations, either in full or "in principle."

Many recommendations remain "classified"—that is, hidden from the population. Of those made public, some of the most far-reaching proposals include the expansion and consolidation of all the agencies' secret electronic surveillance, data collection and physical tracking powers in one piece of legislation.

Buried away in the mammoth document, and either not reported or barely mentioned in the corporate media, is an array of further anti-democratic powers. One is to officially authorise activities, or the handover of information, to a foreign partner agency that could cause death, serious harm or torture to an Australian person.

Recommendation 62 states: "ASIO should be required to seek authorisation from the Attorney-General for unilateral activities undertaken offshore, and when communicating intelligence to a foreign partner, where it is reasonably foreseeable that undertaking the activities will result in:

- the death of, or serious harm to, the Australian person
- the Australian person being detained, arrested, charged with or convicted of an offence punishable by the death penalty, or

- the Australian person being subject to torture or other cruel, inhuman or degrading treatment or punishment."

Another key feature is the "streamlining" of the procedures for the intelligence agencies to obtain ministerial surveillance warrants, or to issue their own "internal warrants," all without judicial scrutiny. Another is the strengthening of powers to compel telephone and internet service providers to enable the cracking of the end-to-end encryption platforms that millions of people now use for privacy.

By the end of 2019, Richardson said, Australia's parliament has passed 124 "national security" bills, containing more than 14,500 amendments to previous laws, since the September 11, 2001 terrorist attacks in the United States triggered the "war on terrorism." This is the greatest volume of such laws in the world.

Richardson's complaint was that the legal framework had become "unnecessarily complex, leading to unclear and confusing laws." This complexity, he claimed, had made it difficult for intelligence agencies to interpret and act on legislation. Hence, the powers had to be clarified and, in many cases, amplified.

Attorney-General Christian Porter declared that more than 1,000 pages of laws, currently contained in the *Telecommunications (Interception and Access) Act*, the *Surveillance Devices Act* and the *Australian Security Intelligence Organisation (ASIO) Act*, will be replaced by a single statute.

Significantly, the review was prepared in cooperation with partner agencies in the US-led "Five Eyes" global mass surveillance network—which also includes the UK, Canada and New Zealand—as well as France and the Netherlands. Richardson travelled to each of these countries for consultations.

As revealed by WikiLeaks—published by Julian Assange, and US National Security Agency whistleblower Edward Snowden—the Five Eyes apparatus

conducts electronic spying and data collection on millions of people worldwide. It also plays a critical role in conducting its members' wars and war crimes, notably in Afghanistan and Iraq.

Richardson's report was initiated as a result of an earlier "intelligence review," published in 2017, which unveiled the most far-reaching revamp of the country's "security" apparatus since the political convulsions of the 1960s and 1970s.

That review featured expedited measures to call out the military to suppress any outbreaks of "domestic violence," and plans for a Home Affairs super-ministry to take command of seven surveillance and enforcement agencies. It also led to the creation of a new US-style Office of National Intelligence (ONI) in the prime minister's office, to establish centralised control over the "National Intelligence Community."

The 2017 report identified both the global and domestic concerns wracking the ruling elite. It warned that Australia's "national security environment" was being reshaped by the decline in the global influence of the US, intensifying conflicts between the major powers, and the rise of economic and political disaffection. It said "heightened tensions and instabilities" were generating "a growing sense of insecurity and alienation."

The report further noted the immense political damage done to the public reputation of the intelligence apparatuses by the revelations of Assange and Snowden. "Following the WikiLeaks and Snowden unauthorized disclosures," it was "critically important" to provide public reassurance and "build trust" with the population.

Richardson's report will further boost the "Australian Intelligence Community (AIC)." The report acknowledges its vast growth already: "Thirty years ago the AIC consisted of the Office of National Assessments, Defence Signals Directorate, Defence Intelligence Organisation, Australian Security Intelligence Organisation and the Australian Secret Intelligence Service [ASIS]. A separate geospatial intelligence agency was formed in 1999, now the Australian Geospatial-Intelligence Organisation.

"The 2017 Independent Intelligence Review conceptualised the NIC [National Intelligence Community], consisting of the six members of the AIC plus the Australian Criminal Intelligence Commission [ACIC] and the intelligence functions of the Australian Federal Police, the Australian Transaction Reports and Analysis Centre, and the Department of Home Affairs."

Richard's 190 declassified recommendations cover a

huge field. They also feature expanded powers to collect intelligence on Australians overseas, including to assist military operations, greater use of public service postings as "cover" for intelligence officers, and extension of secret data collection to a wider range of federal and state agencies, including AUSTRAC, which monitors financial transactions.

Richardson proposed several restrictions on powers or proposed cosmetic oversight measures, saying these were necessary to prevent the public again losing "confidence" in the agencies. In several key instances, however, the government rejected such recommendations.

In particular, the government insisted that ASIS, the primary overseas agency, must have new powers to assist ASIO, both offshore and domestically, "without needing to obtain a ministerial authorisation for the production of intelligence on an Australian person."

Likewise, the government rejected Richardson's finding that the federal police did not need new powers to "disrupt online offending" and his suggestion that ACIC should remain subject to the Freedom of Information Act, which allows members of the public to obtain (very limited) information about its highly-secretive activities.

Between them, the intelligence agencies have more than 7,000 personnel and an annual budget exceeding \$2 billion. Many, such as ASIO, have more than trebled in size since the "war on terrorism" was declared in 2001. They are now to be handed new powers that go far beyond terrorism, in particular to monitor the political activities of Australians both at home and overseas.

As revealed by the 2017 report, this build-up is driven by ruling class alarm over the decline in the hegemony of the United States—to which the fortunes of Australian capitalism have been tied since World War II—and the rise of discontent in every country, including Australia, under conditions of deepening economic crisis, ever-greater social inequality and the intensifying danger of war.



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