

Australian Labor Party helps push through “extraordinary” surveillance laws

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Late last month, the opposition Labor Party again assisted the Liberal-National Coalition government to rush through parliament far-reaching bills that expand the already vast spying powers of the police and intelligence agencies.

In the space of several days, three bills were rammed through both the House of Representatives and the Senate, accompanied by guillotine motions to gag debate, in the same week that Labor and the Coalition combined to drive through anti-democratic electoral laws.

Under the misleading banner of fighting “serious crime,” the most extensive bill allows the police and intelligence forces to secretly hack into online devices, collect, alter or delete data, and take over social media accounts.

The Surveillance Legislation Amendment (Identify and Disrupt) Bill hands agencies, including the Australian Federal Police (AFP) and the Australian Criminal Intelligence Commission (ACIC), three new powers, which can be activated without informing those affected:

- Data disruption warrants give the police the ability to “disrupt data” by modifying, copying, adding or deleting it.
- Network activity warrants allow the police to collect intelligence from devices or networks.
- Account takeover warrants permit the police to take control of an online account (e.g., social media) to gather information.

Currently, agencies can only take over a person’s account with that person’s consent. This power facilitates covert and/or enforced takeovers.

None of these powers are confined to use against people alleged or suspected of committing an offence. They can be invoked against any “third party” whose

accounts police say could generate material for investigation.

Such people and system administrators can be compelled to assist the hacking operations, including by accessing passwords and cracking open encryption programs. Anyone refusing to comply can be jailed for up to 10 years.

All the police have to assert is that they “suspect on reasonable grounds that” an offence is “likely to be” committed, and that the disruption of data “is likely to substantially assist in frustrating the commission of offences.”

No judicial approvals are required. Most warrants can be issued by an Administrative Appeals Tribunal member, even by “telephone, fax, email or any other means of communication.” An “emergency authorisation” procedure also allows these activities without any warrant at all.

During the token parliamentary sessions, both government and Labor representatives sought to justify the bills as intended to fight child exploitation and terrorism. But the bill authorises “disruption” of anyone linked to a suspected crime that is subject to imprisonment of three years. That covers a wide range of offences, notably “foreign interference” and other political offences, and even theft and tax evasion.

In effect, the legislation makes the expanded powers available to the entire Australian intelligence network and its US partners. The bill’s official explanatory memorandum notes that the AFP and ACIC share information and “facilitate joint operations” with “other members of the National Intelligence Community.”

Also, “it is anticipated that the Australian Signals Directorate (ASD) may provide assistance to the AFP and the ACIC in relation to data disruption.” The ASD

is the electronic eavesdropping agency that operates in close partnership with the US National Security Agency, as part of the US-led “Five Eyes” global mass surveillance operation exposed by imprisoned WikiLeaks founder Julian Assange and NSA whistleblower Edward Snowden.

The bill adds to the immense online surveillance powers imposed over the past two decades in the name of the “war on terrorism,” contained in the Surveillance Devices Act and the Telecommunications (Interception and Access) Act.

The second law, the Foreign Intelligence Amendment Act, allows the domestic political spy agency, the Australian Security and Intelligence Organisation (ASIO), to intercept foreign communications and collect overseas intelligence on Australian residents who are suspected of “foreign interference.”

The third measure, the Counter-Terrorism Sunset Act, extends a range of police-state powers that were due to expire, including preventative detention, control orders and stop, search and seizure powers.

In parliament, Labor’s shadow home affairs minister, Senator Kristina Keneally, emphasised Labor’s determination to keep partnering with the Coalition on such measures, despite describing them as “extraordinary.”

Keneally said Labor’s backing for the bills “serves as another example of how seriously Labor takes its commitment to constructive, bipartisan cooperation on national security legislation in the national interest.” She publicly thanked Home Affairs Minister Karen Andrews for working with Labor “to deliver much-needed reforms and powers.”

The shadow minister professed to be concerned about the danger of “surveillance creep.” In reality, Labor has backed every law to permit mass political spying. That included the 2015 metadata retention legislation, which allows the agencies to collect and retain online data, such as a person’s email contacts and web searches; a 2018 law that forces internet companies to facilitate the cracking of encryption, passwords and other privacy-protected communications, including WhatsApp and iMessage conversations, and the 2018 “foreign interference” legislation that expands the scope and penalties of the secrecy laws, and criminalises links with China or other “foreign entities.”

Since the declaration of the “war on terrorism” in 2001, Labor has joined hands with the Coalition to pass more than 125 “national security” bills, containing over 14,500 amendments to previous laws.

Greens Senators voted against the “identify and disrupt” bill, but said they would be prepared to support it if the government accepted amendments to insert “safeguards.” Senator Lidia Thorpe said: “The Australian Greens will support it, in terms of keeping children safe and keeping our country safe, but there are innocent people who could be targeted through this bill.”

None of this legislation is about the “safety” of the population. The bipartisan drive to protect and bolster the police and intelligence apparatuses is aimed at preparing for political and class convulsions.

A 2017 “intelligence review” pointed to 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, “heightened tensions and instabilities” and “a growing sense of insecurity and alienation.”

That was before the COVID-19 pandemic, which has intensified these social and political tensions, and triggered growing working-class struggles.

These bills are part of a deepening assault on basic democratic rights, including privacy, free speech and the right to organise, especially against the corporate and political establishment. Their purpose is to suppress dissent and social unrest.



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