

Australian government rams through detention and citizenship-stripping laws

Mike Head

7 December 2023

Scenes in the Australian parliament on Wednesday made a farce of any pretence of democracy. In fact, the real face of parliament was on display, spearheaded by a Labor government in imposing deeply reactionary laws.

Intent on proving itself more draconian than the Liberal-National Coalition, the Labor government again joined hands with the Coalition to push through two sweeping detention and citizenship-cancellation bills, overturning fundamental legal and democratic rights, with hardly a semblance of debate.

Both bills are blatant efforts to flout rulings by the country's highest court that it is unconstitutional, even under Australia's colonial-era 1901 Constitution, to punish people by executive decree without a judicial process, whether it be to detain them or strip them of citizenship.

One bill, to impose a new regime of potentially indefinite "preventive detention" on immigration detainees, was rammed through the lower house, the House of Representatives, in less than 20 minutes late on Wednesday night. Despite objections, the government prevented any debate at all, including by abruptly adjourning the assembly just before 10 p.m.

That was after Labor and the Coalition had teamed up in the Senate to push the bill through that house on Tuesday in about three hours. These moves prevented any examination of the government's 70 pages of amendments to enact the new detention powers, accompanied by an "explanatory memorandum" of nearly 150 pages.

All the more extraordinary was that Prime Minister Anthony Albanese's government had issued ultimatums demanding that both bills be passed by Thursday. It threatened to keep parliament sitting, beyond yesterday's holiday shutdown, unless and until that was done.

Members of the House of Representatives were then suddenly told on Tuesday that the bill would be dealt with

on Wednesday night, leaving some MPs unable to get back to Canberra in time for the unexpected session.

Under the bill, an unknown number of the 150 or so immigration detainees that the government was forced to release from indefinite detention by a November 8 High Court ruling can be locked away again.

All that is required is for them to have been previously convicted, in either a foreign or domestic court, of what is classified as a "serious violent or sexual offence" and for the immigration minister and a court to decide that there is just "a high degree of probability" that "the offender poses an unacceptable risk of seriously harming the community by committing" such an offence.

This amounts to punishment for a thought crime, based on an accusation of what the person might do in the future, not on what they have actually done. On this basis, people can be re-detained for three years at a time, possibly for the rest of their lives.

Even the information being used to justify their detention can be kept secret from them, shielded by a government claim of "public interest immunity." That would doubtless cover dubious accusations by police or intelligence agencies.

Such "preventive detention" powers were introduced in 2005 by the previous Coalition government, with Labor's total backing, for use against people convicted of vaguely-defined terrorism-related offences.

As the WSWWS has warned throughout the "war on terrorism" proclaimed by US President George W. Bush in 2001 to justify the invasions of Afghanistan and Iraq, such unprecedented measures, introduced on the false pretext of combatting terrorism, are being extended to cover much wider offences.

The bill also introduces stronger police powers and harsher imprisonment terms, of up to five years, for breaching any of the many electronic shackling, curfew and other restrictions imposed on released detainees by

the legislation that Labor and the Coalition rushed through parliament last month.

Further, the bill empowers the government and a judge to alternatively place someone under a “community safety supervision order.” That is a potentially even harsher regime of constant ankle bracelet monitoring, curfew and house arrest than in the initial shackling bill.

Labor’s new citizenship-stripping bill was likewise pushed through the Senate in just three hours on Wednesday, a day before the government’s deadline.

This bipartisan bill hands amorphous and politically-loaded powers to judges to revoke citizenships, thus depriving people of basic civil and democratic rights. Acting on a government application, they can rule that a person’s “serious offences” have “repudiated their allegiance” to Australia by rejecting “Australian values.”

The bill describes these values as consisting of “values, democratic beliefs, rights and liberties that underpin Australian society.” Yet, the bill itself overrides “democratic beliefs, rights and liberties.”

The “serious offences” listed in the bill include terrorism-related acts, advocating mutiny, treason, espionage, foreign interference and foreign incursion.

Because of the broad legal definition of terrorism, a person could lose their citizenship for supporting the right of people in Gaza to resist the ongoing Israeli genocide. Likewise, the extensive “foreign interference” offences could cover anti-war and anti-government activists.

So far, citizenship-stripping legislation has been restricted to dual citizens—those holding citizenship of another country. But that covers millions of Australians in an increasingly diverse population. Moreover, the High Court rulings striking down the previous legislation do not prevent any extension to sole citizens.

On both fronts, successive Coalition and Labor governments fought tooth and nail, all the way to the High Court, to defend their previous arbitrary powers to detain people or revoke their citizenships. Now the two ruling parties have teamed up to restore such powers, despite both bills being likely to be challenged as unconstitutional as well, according to legal experts.

This entire bipartisan political operation over the past month has been accompanied by a foul witch-hunt by the Labor government, the Coalition and the media against formerly indefinitely detained refugees and immigrants, effectively depicting them all as murderers and rapists.

Some of the most vulnerable members of society, brutalised by years in detention, often after fleeing wars or persecution, are being vilified and victimised by the

government and the complicit media in order to justify police-state measures.

Five ex-detainees have been arrested already, amid a hue and cry by the media and political establishment alleging that they have committed crimes since being released, but without any proven evidence, let alone convictions by a court of law. The principle of innocent until proven guilty has been thrown out the window!

For example, one of those arrested and promptly demonised by media headlines is a 45-year-old Sudanese refugee, accused by the Australian Federal Police of allegedly failing to comply with a curfew and stealing luggage at an airport. No details have been reported.

In court, a magistrate was told that the refugee is “a diagnosed schizophrenic, requires medication for HIV and suffers from diabetes, high cholesterol and high blood pressure.” No doubt, being incarcerated indefinitely would have contributed to those mental and physical health problems.

There is a chilling connection between this witch-hunt-inflamed operation and the same bipartisan line-up to back the Israeli genocide in Gaza. Both bills set precedents that can pave the way for broader use against the deepening opposition to this barbaric agenda and the other US-led or supported wars being waged or prepared against Russia and China.

There is mounting working-class hostility toward the government and the ruling class as a whole, fuelled by a mounting cost-of-living crisis and the resurgence of the unchecked COVID-19 pandemic.

Under these conditions, the Labor government and the Coalition are lurching further and further toward authoritarian methods of rule, as is occurring in the US, the UK, across Europe and in Argentina. This week’s proceedings in parliament must be taken as a warning of that.



To contact the WSWS and the
Socialist Equality Party visit:

wsws.org/contact