

One conviction obtained under Australia's "foreign interference" laws

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Five years after sweeping anti-democratic "foreign interference" legislation was pushed through Australia's parliament with bipartisan Liberal-National Coalition and Labor backing, a court recorded the first conviction this week.

Melbourne businessman and local Vietnamese-Chinese community figure Di Sanh Duong was declared guilty of a vague charge of "preparing for or planning an act of foreign interference," supposedly on behalf of China.

News of the verdict was duly reported by media outlets in the United States and globally, as well as Australia, purportedly as proof of Chinese efforts to influence and subvert the Australian political system.

The Australian Federal Police (AFP) issued a statement hailing the outcome. "The AFP acknowledges the first foreign interference guilty verdict since new Commonwealth laws were introduced in 2018," it boasted.

That is, after years of witch hunting by the media, police, intelligence agencies and successive governments about supposedly widespread and insidious operations by China, there is just one guilty verdict so far, and a dubious one at that.

Duong's conviction demonstrates three things.

The first is the far-reaching character of the legislation. It has the capacity to be targeted against anyone accused of any links, no matter how indirect, with China.

The second is the potential of the laws to be used against anybody seeking to counter, let alone oppose, the mounting US-led war provocations against China.

The third is the apparent lack of evidence of any real plotting by Beijing to somehow take control of Australia, as alleged by the "foreign interference" propaganda.

A jury declared Duong, 68, guilty after a week's deliberation. He had pleaded not guilty. He was allowed to remain out of jail on bail after his conviction but faces a potential 10-year prison term when he returns to court in February to be sentenced.

Prosecutors argued that Duong planned to secretly gain political influence in 2020 by cultivating a relationship with

a then-Coalition government minister Alan Tudge on behalf of the Chinese Communist Party.

Duong allegedly did so by arranging for Tudge to receive a \$37,450 novelty cheque donation raised by community organisations for the Royal Melbourne Hospital in June 2020 amid the onset of the COVID-19 pandemic.

This alleged "covert" interference took place in the full glare of publicity. Duong stood next to Tudge at a media conference as the government minister handed the cheque to the hospital's CEO.

Prosecutor Patrick Doyle nevertheless told the jury the Chinese Communist Party would have seen Duong as an "ideal target" to work as its agent. "A main goal of this system is to win over friends for the Chinese Communist Party, it involves generating sympathy for the party and its policies," Doyle stated.

Doyle told the jury Duong's actions could not be likened to the espionage they read about in spy novels or saw in James Bond films. Instead, it was a "subtle form of interference," he said. "It's about influence."

The prosecutors alleged that Duong was in regular contact with Chinese intelligence operatives. Much of the trial was held behind closed doors, however, with the public and media shut out of evidence given by witnesses with protected identities.

Secret recordings by a task force led by the Australian Security Intelligence Organisation (ASIO), the domestic political spy agency, were said to have captured Duong telling an associate: "When I do things it never gets reported in the newspaper but Beijing will know what I'm doing."

That hardly seems evidence of a plot.

Doyle also said Duong told an associate he was building a relationship with Tudge, who "will be the prime minister in the future" and would become a "supporter/patron for us." Even if true, that would be in line with Duong's efforts to advance his own prospects, having previously stood as a Liberal Party election candidate.

In reality, Tudge was an unlikely candidate for prime ministership. During his time as human services minister, he

oversaw the brutal, unlawful and discredited Robodebt scheme that wrongly levied massive “debt recovery” bills against social security recipients.

Tudge also took leave from the government ministry in 2021 following allegations of bullying from a former staffer with whom he had an extramarital affair. After the Coalition’s defeat at the May 2022 federal election, Tudge was appointed to the opposition’s shadow cabinet, but resigned from parliament in February this year.

Duong’s lawyer Peter Chadwick said the businessman’s donation was a genuine attempt to help frontline health workers during the pandemic, when supplies of crucial medical equipment were low, and combat anti-China sentiment.

As the WSWS explained in November 2020, when Doung was first charged, all the circumstances pointed to a high-level decision by the US-linked security agencies to step up the official and media accusations against China.

By implicating Doung and Tudge, a prominent figure within the then government of Prime Minister Scott Morrison, the arrest also sent a threatening message to anyone, even within the political elite, who does not line up sufficiently with Washington.

Duong’s prosecution was regarded by the corporate media, in both Australia and the US, as a test case. Washington saw the “anti-influence” legislation as a model for its drive to economically and militarily prevent China from challenging the post-World War II hegemony of the US, across the Asia-Pacific and globally.

The Melbourne Age reported: “The arrest will have international reverberations, after other countries have eagerly awaited to see how Australian authorities would prosecute the nation’s foreign interference laws passed in 2018.”

Doung’s conviction shows how far the foreign interference laws can extend into “early stage” conduct. Offences such as “preparing,” “attempting” and “conspiring” can be used to incriminate people for supposedly intending to do something, not for any actual activities.

As the WSWS also has documented, the “foreign interference” laws do not just target China and its alleged local sympathisers. They can be used to outlaw political opposition, anti-war dissent and social protests by alleging that these are connected to “foreign” or international campaigns.

For the first time, criminal offences, which carry up to 20 years’ imprisonment, apply to undertaking political activity in partnership with any overseas organisation. Such activities could extend to anyone opposing Australian involvement in a US-led military conflict with China.

In June 2020, AFP-ASIO raids were conducted against the home and parliamentary office of New South Wales state Labor Party parliamentarian Shaoquett Moselmane, accompanied by lurid media headlines accusing him of being a Chinese Communist Party agent.

Labor’s state and federal leadership immediately supported the raids and forced Moselmane to take indefinite leave from parliament. Yet no charges were laid. The only publicly-released evidence against Moselmane was that he had visited China and had made statements praising the Chinese response to the coronavirus and criticising US provocations targeting Beijing.

The Albanese Labor government’s backing for the ongoing witch hunt was highlighted this week. After an extended delay, Attorney-General Mark Dreyfus approved charges of “reckless foreign interference” against an Australian businessman, Alexander Csergo, who worked in China.

Csergo, who appeared via video link in a Sydney court on Wednesday, has been in custody since the AFP arrested him in April at his mother’s home in Sydney. A committal hearing date was set for January 24. By that time, Csergo would have been behind bars for nine months.

Csergo has been denied bail despite his lawyers arguing that the reports he allegedly planned to prepare for two Chinese associates were based on public open source information and the case against him was shallow.

The charge of “reckless” foreign interference does not allege a deliberate attempt to act on behalf of a foreign power. It requires only that an individual was “aware of” a “substantial” and “unjustifiable” risk that their conduct could go in that direction.

The available information about Csergo suggests that he is an improbable target for a foreign intelligence service. He ran a digital advisory and consultancy business that provided services to global corporations, such as Shanghai Volkswagen, JCDcaux and large US data providers. There is no indication he had access to classified material.

Prime Minister Anthony Albanese’s government has authorised what appears to be a second flimsy prosecution aimed at furthering a hysterical anti-China campaign to justify US and Australian preparations for war. That is in line with its escalating commitment to US-backed militarism, including in Gaza and Ukraine, as well as against China.



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