

# Australian “military secrets” laws threaten researchers

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Two draconian pieces of “military secrets” legislation came into operation simultaneously in Australia this month, pointing to intensifying preparations for a US-led war against China or any other country designated as a danger to US or Australian geo-strategic interests.

Both Acts were pushed through parliament in late March, with virtually no publicity, by the Labor government in partnership with the Liberal-National Coalition. They are part of a broader array of laws to implement the AUKUS military pact.

This involves spending hundreds of billions of dollars on long-range nuclear-powered submarines, other weaponry and upgraded Australian military bases for use in a war against China, and ensuring that all research is subordinated to that effort.

The legislation has far-reaching implications, especially for university and other researchers in a wide range of science and technology fields. That is particularly so for those who might be accused of any links to, or partnership with, colleagues from China, Russia or other proscribed countries.

Researchers in universities, research institutes and companies will be in danger of being prosecuted for collaborating, directly or indirectly, with overseas colleagues. Researchers and graduate students from many countries, except for the US and UK, could be barred. Universities and businesses will be placed under wartime-style scrutiny and required to obtain permits for research.

The Safeguarding Australia’s Military Secrets Act, or SAMS Act, sets jail terms of up to 20 years for anyone, including former defence department or military personnel who train or work for, or “on behalf of” any overseas organisation or state-backed company, unless the defence minister grants them an individual “foreign work authorisation.”

The Defence Trade Controls Amendment Act (DTC) sets prison terms of up to 10 years for “supplying” or

disclosing military-related or supposed “dual-use” goods, technology or services on the Defence and Strategic Goods List (DSGL) to non-Australian citizens, with the explicit exception of US and UK authorities and companies.

“Supplying” can mean simply sharing research results—which is integral to the development of science and technology. In addition to imprisonment, fines of nearly \$800,000 apply for individual researchers and almost \$4 million for corporate bodies, including universities.

According to the explanatory memorandum for the DTC amendment, “dual use” goods include “equipment and technologies developed to meet commercial needs but which may be used either as military components, or for the development or production of military systems.”

The Act’s list of dual-use technologies is extensive, including materials and infrastructure that almost all scientific and engineering researchers use, such as supercomputers, semiconductors and sonar scanners. “Electronics” and “Telecommunications and Information Security” are also on the 10-category list, which can be changed constantly by ministerial regulations.

Restricted services include “design, development, engineering, manufacture, production, assembly, testing, repair, maintenance, modification, operation, demilitarisation, destruction, processing or use of DSGL goods.”

An unclear exception exists for “fundamental research” that is “intended for public disclosure, or would ordinarily be published or shared broadly.”

This huge reach of the legislation takes to a new level the measures that were first introduced by the Greens-backed Gillard Labor government through the Defence Trade Controls Act, or DTC Act, of 2012, as part of its support for the Obama administration’s “pivot to Asia” to confront China.

Divulging military or security secrets has long been a serious offence, as evidenced most recently by the sentencing of former military lawyer David McBride to nearly six years' jail for exposing war crimes committed by the Australian military in Afghanistan. But these laws go far beyond that, covering entire areas of research and the economy.

The legislation matches similar measures in the US and UK, whose authorities have demanded such provisions as a condition of the AUKUS pact. It hands sweeping arbitrary powers to the government, via the defence minister, to decree which countries are subject to the restrictions, decide what goods and technologies are listed on the DSGL, and grant, refuse or suspend permits and "foreign work authorisations."

The Albanese government has introduced this regime despite widespread objections by researchers, research organisations and sections of business because of the chilling and crippling impact it will have in many scientific fields that depend heavily on international collaboration.

A large proportion of Australia's research workforce is from overseas. In the area of semiconductor development, for example, evidence was given in a parliamentary inquiry into the legislation that some research teams have 75 percent of their workforce coming from non-AUKUS countries, such as India and South Korea.

In a submission to the inquiry, however, Universities Australia, the peak management body of the country's 39 public universities, aligned itself with the AUKUS agenda, noting that "Australia needs to leverage its research sector to full effect in order to meet AUKUS challenges."

University managements have embraced, and helped enforce, military controls since the 2012 Act came into effect. Starved of government funding, the universities have become dependent on war-related research, as well as attracting full fee-paying international students. There are expanding ties with military conglomerates, such as the Lockheed Martin research centre at the University of Melbourne.

The Labor government is moving to enforce the new regime. Last week, the defence department's Defence Security Division asked universities and their staff to join a briefing on the legislation, warning:

"Universities, research institutions, organisations, and companies operating in and outside of Australia should consider if their personnel, students, contractors or sub-contractors are impacted by the new legislation."

The Albanese government is determined to proceed because the legislation is part of its escalating commitment to US militarism and Washington's war offensive, from the Israeli genocide in the Middle East, to the war against Russia in Ukraine and the military and economic confrontation with China.

The US Congress passed AUKUS-related legislation that exempts Australia and Britain from some of the export control requirements under the US International Traffic in Arms Regulations (ITAR) scheme, but only on the condition that both countries implemented parallel laws.

The explanatory memorandum for the DTC amendment cited the Albanese government's Defence Strategic Review, issued last year, that outlined a vast military expansion and the development of an "whole-of-nation" war economy. It said the review made clear that it is "critical that Australia works with like-minded partners, especially with the United Kingdom and the United States, to enhance defence trade, deepen military interoperability and enhance defence capabilities.

"Realising the full potential of AUKUS will not be possible without major changes to the way that AUKUS partners cooperate on defence industrial and technology issues."

This is taking place amid a definite political climate. There has been relentless anti-China and anti-Russia propaganda in the Australian corporate media, fuelled by unsubstantiated claims by US-linked intelligence agencies of pervasive "meddling" in the country, including via university research projects.

For all the propaganda about "foreign interference" in Australia, Washington has politically intervened to ensure support for these military preparations, and the Labor government is enforcing the turn to war.



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