

Official briefing on Australian “military secrets” laws points to wartime-like regime

A correspondent
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An Australian Defence Department briefing last week on the new “military secrets” legislation laid out some of its vast implications for the entire economy, with threatening potential consequences for researchers, educators and others working in industries involving technology that could be linked to war preparations.

About 600 people joined the in-person and online “information briefing” by the department’s security chief, First Assistant Secretary for Defence Security Peter West. He is conducting a series of such events on the Safeguarding Australia’s Military Secrets (SAMS) Act 2024, one of two war-related Acts that came into operation this month.

Both Acts were pushed through parliament simultaneously on March 27 by the Labor government, working closely with the Liberal-National Coalition, at the behest of the US government to match its similar legislation, as part of the AUKUS military pact directed against China.

First of all, the SAMS Act prohibits former defence department and military personnel from working for, or providing training to, foreign governments and government-linked companies, with the exception of the US, UK, Canada and New Zealand—the partners in the US-led “Five Eyes” global intelligence network.

However, the SAMS Act has a far wider application. All Australian citizens and permanent residents are barred from “training” non-citizens in military tactics or the use of software or technology with possible military applications. Jail terms of up to 20 years apply to them, as well as the ex-defence personnel.

In response to worried questions during the briefing, including from university educators, West gave often vague answers. Nevertheless, he said the legislation could apply to university lecturers teaching courses to classes that included overseas students who had

scholarships or other support from governments or government-linked businesses. Even writing textbooks that could be read by such students might fall within its reach.

It would all depend on the circumstances, West said.

West said everyone teaching or otherwise working in fields that could be covered by the SAMS Act had until August 7 to apply for a “foreign work authorisation” or face the danger of prosecution. He emphasised that this was the responsibility of every individual involved, not their employers.

West said 291 such applications had been received but he was sure that this was the tip of a very large iceberg. That points to the extensive regime being introduced, potentially requiring many thousands of people in a range of industries and education providers to obtain “foreign work authorisations” or face investigation and arrest by the Australian Federal Police.

In his opening remarks, West stated that the legislation was required by the AUKUS treaty between Australia, the United Kingdom and the US. He said it had always been a crime to divulge military or security information, but the new measures were now needed to protect the global capability of Australia’s AUKUS allies, as well as what he termed Australia’s historic investment in AUKUS.

That “investment” by the Albanese Labor government involves the spending of hundreds of billions of dollars on US and UK nuclear-powered submarines, long-range missiles, drones and other weaponry, and the upgrading of military bases and ports around the country for use in a war against China.

West described the matching legislation adopted in the US, UK and Australia as a game changer for the AUKUS partners, providing a seamless combined

security capacity against what he described as an insatiable appetite by other governments to acquire military information.

West said the prohibitions applied to all training, paid or unpaid, direct or indirect, even if an individual was employed by a third party or contractor, if it benefited a foreign organisation.

The SAMS Act itself defines training very broadly to include “regular or irregular training” and “formal or informal instruction.”

Answering questions, West said research was not training in general, but universities and other entities conducting research should check with his department’s team supervising the other Act that commenced this month, the Defence Trade Controls (DTC) Amendment Act.

The expanded DTC Act sets prison terms of up to 10 years for “supplying” or disclosing military-related or “dual-use” goods, technology or services on a Defence and Strategic Goods List (DSGL) to non-Australian citizens, with the exception of US and UK authorities and companies.

The DCT provisions directly threaten researchers because it can cover 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 government’s explanation for the DTC amendment, “dual use” goods and services cover a wide range, including “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 legislation hands sweeping powers to the government, via the defence minister, to decree by regulations which countries are subject to the restrictions, decide what goods and technologies are listed on the DSGL, and grant, refuse or alter “foreign work authorisations.” That means the rules can change overnight.

West said the government would give adequate notice of such changes, but not if an emergency or contingency required swift action. Extraordinarily, he gave the example of a fascist coup in Canada, which would mean taking it immediately off the authorised

lists.

Under the SAMS Act, the prohibited training by all Australian citizens and permanent residents applies to “goods, software or technology within the scope of Part 1 of the Defence and Strategic Goods List” or to “military tactics, military techniques or military procedures.”

This casts a wide net. Part 1 of the list covers “goods or technology that is designed or adapted for military purposes including parts and accessories thereof.” This list can be expanded at any time by ministerial declaration.

The legislation presents far-reaching threats, 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 any other non-“Five Eyes” country. In response to one question, West said this even extended to working with companies or entities from France and other NATO members.

The Albanese government has introduced this regime, which resembles a wartime one, despite many 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 on international collaboration.

The legislation is a central aspect of the Labor government’s intensifying commitment to US militarism—from the US-armed Israeli genocide in the Middle East, to the US-NATO war against Russia in Ukraine and the Biden administration’s escalating military and economic confrontation with China.

These laws enforce the sweeping “whole-of-government and whole-of-nation” war effort outlined in the government’s 2023 Defence Strategic Review and 2024 National Defence Strategy, directed against Russia and China, which made specific reference to aligning universities and sections of industry more directly with the needs of the military.



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