Chinese woman arrested in Australia on charge of “foreign interference”

Mike Head
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The Albanese Labor government quickly exploited, and claimed credit for, the arrest of a Chinese citizen in Canberra last Saturday, charged with one count of “reckless foreign interference.”

Despite years of allegations of malign Chinese interference in Australia, she was only the third person to be charged under the far-reaching foreign interference legislation pushed through parliament by the Liberal-National Coalition government, backed by Labor, in 2018.

The woman, an Australian permanent resident who cannot be named because of a court suppression order to protect her from reprisals, appeared in the Australian Capital Territory Magistrates Court on Monday, accused of secretly collecting information about a Buddhist association.

Media headlines were triggered in Australia and internationally after the Australian Federal Police (AFP) and the domestic political surveillance agency, the Australian Security Intelligence Organisation (ASIO) issued a joint statement. They alleged that the woman “was tasked by a Public Security Bureau of China to covertly gather information about the Canberra branch of Guan Yin Citta, a Buddhist association.”

In a statement that prejudicially assumed her guilt, Home Affairs Minister Tony Burke said the government’s message to people who would attempt to threaten or interfere with Australian communities was simple: “Our law enforcement and intelligence agencies will find you.”

The Canberra resident was arrested by the AFP-ASIO Counter Foreign Interference Taskforce and charged with reckless foreign interference, contrary to section 92.3 of the Criminal Code Act, which carries a maximum penalty of 15 years jail.

In court, the prosecution claimed the woman had received money from Chinese-based financial institutions, and was tasked through an encrypted app.

She was denied bail on the ground of being a flight risk and imprisoned until a further hearing on September 1. That was despite offering a $50,000 surety and having what her lawyer described as strong business and commercial ties in Canberra.

A letter from the federal Attorney-General’s Department to the court claimed that if she fled to China, Chinese authorities would refuse any extradition request.

As the WSWS has explained, the foreign interference laws violate basic democratic rights. They contain sweeping offences, ranging from treason to breaching official secrecy and cooperating with a foreign or international organisation.

As well as creating seven new “foreign interference” offences, the legislation expands existing offences, including sabotage and advocating mutiny, to broaden their potential use to criminalise anti-war advocacy and activity, including the exposure of war crimes.

These provisions, which carry penalties of up to life imprisonment, go beyond accusations of assisting another country. They could be used to outlaw any political dissent that has international links, such as the campaign opposing the US-backed Israeli genocide in Gaza or the escalating US-led war drive against China.

The charge of “reckless” foreign interference illustrates how far the legislation can stretch. It does not require a deliberate attempt to act on behalf of a foreign power. Instead, it is enough that an individual acted “covertly” and was “aware of” a “substantial” and “unjustifiable” risk that their conduct would “influence” a political or government process in Australia, or “influence” the exercise of an Australian democratic or political right or duty, or “support” foreign intelligence activities, or “prejudice Australia’s national security.”

All these words are vague.

AFP Counter Terrorism and Special Investigations Assistant Commissioner Stephen Nutt conducted a media conference to announce the arrest, proclaiming it to be the first directed at protecting local communities against foreign interference.

Nutt clearly sought to whip up fears of foreign spies, just as the Trump administration’s trade war and military threats escalate global geo-strategic tensions, particularly against China.

“We should not expect that this arrest will prevent further attempts to target our diaspora communities,” Nutt said. “At a time of permanent regional contest, offenders will attempt to spy on individuals, groups and institutions in Australia.”

Nutt said the counter foreign interference taskforce had launched Operation Autumn Shield in March after receiving information from ASIO. He appealed for a wartime-like

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atmosphere of public alert.

"The AFP and our partners are working closely with diaspora communities and to help protect them from this criminality," Nutt said. "But we need all Australians to be our eyes and ears, and alert authorities if they see people being targeted."

ASIO Director-General Mike Burgess also aggressively went public. He said he was proud of ASIO's significant contribution to the case. "Foreign interference of the kind alleged is an appalling assault on Australian values, freedoms and sovereignty," he said.

"In this year's Annual Threat Assessment, I called out these types of activities and put perpetrators on notice by stating, 'we are watching, and we have zero tolerance.' Anyone who thinks it is acceptable to monitor, intimidate and potentially repatriate members of our diaspora communities should never underestimate our capabilities and resolve."

Just last week, in a speech endorsed by Burke, Burgess had ramped up the scare campaign by declaring that because of "strategic competition," the country faced "unprecedented" dangers of "foreign interference" and "espionage."

In that speech, Burgess demanded an "all-of-nation" offensive to counter alleged plots by other countries—specifically China, Russia and Iran—to gain access to US-linked military information.

Burgess's speech followed the Albanese government's sudden introduction of legislation, on the first full parliamentary day since the May 3 election, to extend and expand ASIO's compulsory interrogation powers.

After seven years of witch-hunting by the media, police, intelligence agencies and successive governments about supposedly insidious operations by China, there is just one guilty verdict so far under the 2018 legislation, and a dubious one at that.

In December 2023, Melbourne businessman and Vietnamese-Chinese community figure Di Sanh Duong became the only person to be convicted. He was declared guilty of a vague charge of "preparing for or planning an act of foreign interference," supposedly on behalf of China.

In a largely closed-door trial, 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.

This "covert" interference took place in the full glare of publicity, however. Duong allegedly arranged 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.

A judge nevertheless sentenced Duong, 68, to a two-year and nine-month prison term, despite his ailing health.

The only other prosecution case, which Labor's previous Attorney-General Mark Dreyfus personally authorised, has shown signs of unravelling.

In June 2024, Alexander Csergo, a Sydney businessman charged with "reckless foreign interference," was granted bail after a judge said the case against him was "arguable."

Csergo's "crime" appears to be working in China as a consultant. He had run a digital advisory business that provided services to large corporations. There was no indication that he had access to classified documents. All the information, on topics such as the state of the mining industry, that he gave to two clients, alleged to be undercover Chinese agents, was based on publicly available material.

An earlier bid to invoke the legislation ended without charges being laid, but nevertheless left a chilling mark. In 2020, the AFP and ASIO raided the home and parliamentary office of New South Wales state Labor MP Shaoquett Moselmane.

Moselmane was quickly suspended from the Labor Party and forced to seek indefinite leave from the parliament. Far from being "covert" in his views, he had made speeches, including in parliament, calling into question Australia's alignment behind the intensifying US confrontation with China, opposing the foreign interference laws and crediting China's swift response to the COVID-19 pandemic with saving lives globally.

Months later, after no charges were laid, Moselmane returned to parliament and was reinstated in the Labor Party. But he lost Labor preselection for the 2023 state election.

US media coverage of the latest arrest pointedly commented that it came just after Prime Minister Anthony Albanese visited China and met President Xi Jinping for the fourth time since taking office in 2022.

Whether this arrest was coordinated with US agencies is not clear. Previously, both the Trump and Biden administrations actively backed the adoption and use of the foreign interference laws.

The latest arrest is another warning of a wartime-like atmosphere being drummed up by the political establishment and the corporate media to intimidate opponents of the intensifying offensive against China.

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