Australian government plans harsher foreign interference laws

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The Albanese Labor government is preparing to implement a report designed to strengthen Australia's already sweeping foreign interference and espionage laws, which can criminalise simply undertaking political activity in coordination with any overseas organisation.

An official review of the legislation, conducted by Jake Blight, the government-appointed Independent National Security Legislation Monitor, was tabled in parliament last week, calling for the laws to be made "stronger" and "more effective." Attorney-General Michelle Rowland's spokesperson said the government would "carefully consider" the report and its 20 recommendations.

The existing legislation was introduced in 2018 by the previous Liberal-National Coalition government with Labor's support, in close collaboration with the first Trump administration. It was enacted amid an orchestrated witch hunt by the media and political establishment against alleged political interference by China and other designated threats, notably Russia and Iran.

Under the cover of outlawing foreign influence, it amounts to a far-reaching attack on basic democratic rights, particularly against anti-war and anti-genocide activity, or any anti-government dissent, especially if it is alleged to be conducted together with an international party or organisation.

One of the major issues identified by the report is that, so far, only two convictions (both very dubious) have been obtained under the laws. Five other unclear prosecutions against Chinese or Russian nationals are underway.

As the WSWS has documented, as well as creating unprecedented foreign interference offences, the legislation expanded existing offences, such as treason, sabotage, advocating mutiny and breaching official secrecy, to broaden their potential use to criminalise anti-war advocacy and activity, including the exposure of war crimes.

The foreign interference offences outlaw conduct "on behalf of, or in collaboration with, a foreign principal," including to "influence a political or governmental process" or "prejudice Australia's national security," with punishments of up to 20 years' imprisonment.

"Collaboration," which is undefined, could cover consultation, information-sharing, coordination, or even online communication. Thus, campaigning against Australian involvement in a US-led military intervention could be criminalised if contact were made with an organisation in the targeted country.

"Foreign principal" is defined to cover not just governments and government-controlled enterprises, but also "foreign political organisations" and "foreign political parties." As a result, a member of an organisation engaged in globally-coordinated political action could be jailed.

In the lead-up to the 2018 legislation, lurid allegations branded politicians, universities, students and business figures with any connections whatsoever to China, in particular, as a potential "fifth column," determined to subvert the Australian nation-state.

This atmosphere has intensified under the Albanese government. It has doubled down on the commitment to US militarism, including by extending the multi-billion dollar AUKUS military pact against China with US basing access across Australia and backing the wars against Russia, the Palestinians and Iran.

Blight, a former Deputy Inspector-General of Intelligence and Security, said the government should bolster the laws. On top of the vast array of offences in the 2018 legislation, he recommended a new offence of coerced repatriation, where a person "makes arrangements to leave Australia because of threats or coercion from a foreign principal."

His report cited unsubstantiated allegations by Australian Security and Intelligence Organisation (ASIO) director-general Mike Burgess that at least four unnamed countries had plotted coerced repatriations in Australia. In every one of his annual "threat assessment" speeches since taking office in 2021, Burgess has raised the spectre of "nests" of foreign spies establishing relations with politicians and others, without providing any details.

Also relying on unproven allegations by ASIO and the Albanese government against Iran, Blight called for a new aggravated foreign interference offence, with higher penalties. This was to cover what he labelled "crime for hire," that is a foreign principal effectively funding or directing people to commit crimes in Australia.

Blight's report called for longer jail terms for anyone convicted of acting on behalf of a foreign government to interfere with a person's right to protest or participate in political life, and for the extension of that offence to supposedly protect non-citizens living in Australia.

Blight added that he was "sympathetic" to an Australian Federal Police submission that it be given access to "delayed notification" search warrants for espionage and foreign interference offences, so that it could conduct such operations in secret, but said this proposal was beyond the purview of his review.

Citing ASIO, Blight declared that espionage and foreign

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interference were “already at extreme levels” and would intensify in the “more competitive global geopolitical environment.”

That was despite the report conceding that in both the 2025 federal election and 2023 indigenous Voice referendum, the Australian Electoral Commission did not identify any foreign interference, or any other interference, that compromised the results.

The report rejected submissions by the Law Council of Australia, representing the legal profession, as well as various civil society groups and academics to protect freedom of expression by narrowing the definition of national security, which was broadened to include “the country’s political, military or economic relations with another country or other countries.”

That potentially covers international campaigns against any activity that harms the profits and predatory interventions of the Australian ruling class and its US partners.

Blight recommended that this provision be clarified to refer to “national economic well-being” and “the maintenance of security-related international relationships including those concerning defence, intelligence, law enforcement and regional stability,” and that the definition be further widened to cover “the protection of the peace, order and good government of the Commonwealth from serious threats.”

If enacted, that could cover any political activity regarded as a real danger to the present economic and political order.

Blight’s report suggested some modifications, primarily to avoid the laws unduly affecting business activities and “legitimate public interest journalism,” which he did not define. Under the existing legislation, the report said journalists could be prosecuted for reporting on information that could damage “Australia’s reputation.”

The report gave the following example, which parallels the prosecution of military whistleblower David McBride: “[A]n Australian journalist who published a credible story about Australian soldiers allegedly committing war crimes overseas may know, or at least be reckless to the fact, that the publication would harm Australia’s international relations. By publishing the story, the information is ‘made available’ to the world at large, including foreign principals.”

How far these laws can extend politically was demonstrated in 2021, when the High Court rejected a constitutional challenge, on the grounds of interfering with political communication, by a right-wing group called LibertyWorks. It objected to having to register a 2019 international conference in Sydney as a foreign interference event.

While the organisations involved were far right, the ruling against them set a precedent that can be used against any organisation, party, academic institution, publisher or individual that holds a political event or campaign in collaboration with an overseas group.

The two successful prosecutions also show how the existing laws can be used.

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.

Duong allegedly did so by arranging for a Coalition government minister Alan 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. Doung stood next to Tudge at a media conference with the cheque. In February 2024, Duong, 68, was sentenced to two years and nine months in prison, to be released on a Recognisance Release Order after serving 12 months.

In March this year, Alexander Csergo, a Sydney businessman, was convicted of “reckless foreign interference.” For a recklessness conviction it is enough that an individual was “aware of” a “substantial” and “unjustifiable” risk that their conduct could help a foreign principal.

Csergo’s only “crime” appeared to be working in China as a corporate consultant. 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. Csergo has yet to be sentenced but he faces up to 15 years in prison and his bail was revoked, despite his lawyers indicating that he intends to appeal the conviction.

Blight’s report noted that “Australia’s closest intelligence partners, the United States, the United Kingdom, Canada and New Zealand”—members of the Five Eyes global surveillance network, all now had comparable laws.

This intelligence network is on the frontline of Washington’s aggressive war operations, from Gaza to Ukraine and the Indo-Pacific, against what US imperialism regards as the existential threats to its global hegemony, including Iran, Russia and, above all, China.

During both previous world wars, Labor and conservative governments alike jailed anti-war campaigners, framed up militant workers on sabotage and other serious charges, and indefinitely detained, without trial, thousands of Australian citizens and residents of foreign descent.

The ruling class fears that working-class discontent will intensify as the US-led wars escalate, and the impact mounts on the cost of living and the cutting of disability, health, education and other social programs. Through the Labor government, it is once again making anti-democratic preparations for wartime-style political repression.

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