

Australian government demands police-state powers over protests and exclusions of citizens

By Mike Head
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With the Labor Party's help, the Liberal-National Coalition government is this week pushing through parliament "national security" bills that expand the powers of the government and the police-intelligence apparatus to outlaw dissent.

The bills are being rushed through just weeks after Australian Federal Police raids on Australian Broadcasting Corporation and News Corp journalists, a direct threat to media freedom. Ministers have confirmed that the journalists face prosecution for publishing leaked reports on Australian war crimes in Afghanistan and plans for mass domestic surveillance.

Building on police-state measures imposed over the past two decades, the bills would, among other things:

- jail people for up to five years for using the internet to promote protests against agribusinesses
- allow the home affairs minister to exclude Australian citizens from re-entering the country for at least two years if the Australian Security Intelligence Organisation (ASIO) deems them likely to participate in "politically motivated violence"
- extend ASIO's powers to secretly detain and interrogate people.

Together with the laws already passed since 2001, mainly on the pretext of the "war on terrorism," these bills would hand governments and ASIO, the political spy agency, the most authoritarian powers since the repressive measures imposed during both world wars.

The corporate media depicted the rush by Prime Minister Scott Morrison and Home Affairs Minister Peter Dutton to pass the bills as a plot to "wedge" the new Labor Party leadership of Anthony Albanese on "security" issues. In reality, Labor declared its in-principle support for the bills, pledging to retain Labor's record of bipartisanship on every such piece of legislation.

The truth is that the bills are a further preparation by the corporate and parliamentary establishment as a whole to suppress political and social unrest amid the growing danger of involvement in catastrophic US-led wars, worsening social conditions and inequality, and signs of economic slump.

Around the world, governments are increasingly turning to dictatorial methods of rule in the face of the resurgence of working class struggles, from France to Ecuador and Hong Kong.

Labor's only reservation was that some measures could prove "ineffective" because they are unconstitutional. In particular, permitting a minister to bar citizens from returning to Australia strips them of their constitutional "right to abode." Outlawing internet promotion of protests violates the implied constitutional freedom of political communication.

In a display of indifference to constitutional rights, the government brushed aside recommendations by a bipartisan parliamentary security and intelligence committee for modifications to ensure that the measures could survive a High Court challenge.

Each bill goes far beyond its official justification, whether it be to punish animal welfare demonstrators, stop the return of "foreign fighters" or foil "terrorist plots."

The Criminal Code Amendment (Agricultural Protection) Bill outlaws online political opinion that "incites" protests that trespass on, or cause damage to, "primary production" premises. It covers a wide range of industries, including abattoirs, forestry, fishing and farming, setting a precedent that could be extended to other corporate activities.

The government is simultaneously working with state and territory governments, Labor and Coalition alike, to impose harsher jail terms on people physically participating in protests. The bill extends that criminality to anyone who even advertises such political activity via social media, on-line chats, emails or phone calls. Morrison declared that "cowardly keyboard warriors" would "be classed as criminals as well."

For “inciting” trespass, the penalty would be one year’s imprisonment and/or a fine of up to \$12,600. For “inciting” property damage, the punishment would be five year’s jail and/or a fine of up to \$63,000.

The bill also threatens whistleblowers, journalists and anyone else reporting on such protests. There is a narrow defence for reporters, but only if their coverage is “in the public interest” and they are employed as “professional journalists.”

This is another move to censor the internet, block access to dissenting sites and imprison whistleblowers and journalists, following the lead set by the Trump administration’s persecution of WikiLeaks founder Julian Assange and whistleblower Chelsea Manning.

Likewise, the Counter-Terrorism (Temporary Exclusion Orders) Bill has a misleading title. The government and the media are presenting it as an urgent measure to stop the return of pro-ISIS “foreign fighters.” Last weekend, the government suddenly claimed, without any details, that 40 such individuals had returned to Australia already.

That is to disguise the fact that the bill would hand arbitrary power to ASIO and the home affairs minister to bar citizens from Australia on political grounds. Without any judicial hearing or procedural fairness (the right to a fair and unbiased hearing), the minister could issue two-year “exclusion orders.”

The minister would only have to assert a “reasonable suspicion” that an exclusion order would “substantially assist” the prevention of a terrorist-related act, or that ASIO had classified the citizen as likely to support “politically motivated violence.” The definition of “politically motivated violence” includes acts directed to “assisting in the overthrow” of a government, which could mean voicing anti-government or socialist views.

The home affairs minister, who is in charge of ASIO, the federal police and the Australian Border Force, could extend such orders beyond two years by refusing to grant “return permits.” Those permits also could be issued subject to extensive conditions, requiring constant reporting to ASIO on places of residence, employment and internet usage.

Labor proposed that these powers be exercised by a government-appointed judge, retired judge or tribunal member. But that was only to remove constitutional doubts, not out of concern for the basic political and legal rights of citizens.

This bill sets a far-reaching precedent. No government is known to have tried to block a citizen from returning to the country since the Menzies Coalition government refused to issue an Australian passport to Wilfred Burchett, a journalist who had reported on the lies and crimes of the US and its allies in the Korean and Vietnam wars.

In 2015, the Coalition government, backed by Labor, took an earlier step down this road by introducing powers to strip Australian citizenship from dual nationals convicted of a terrorist or espionage-related offence carrying a sentence of six or more years in prison. A new bill would allow the home affairs minister to revoke citizenship from people convicted of lesser such offences, if the minister was merely “reasonably satisfied” they were entitled to another citizenship.

Another bill would extend ASIO’s power to secretly detain people for up to seven days, without charge, and question them for periods adding up to 24 hours. The powers were due to expire in September. The bill proposes a further 12-month extension to enable the government to draw up new interrogation and detention powers.

In key aspects, the latest bills go beyond parallel measures in Britain, keeping Australia in the forefront of the worldwide attacks on basic democratic rights. These bills are not simply the product of Morrison’s government. They are part of a US-led global offensive. As the federal police chief revealed last month, the raids on journalists were conducted to assure the US-led “Five Eyes” spy network—which is integral to mass surveillance and war preparations—of the reliability of Australia’s police-intelligence apparatus.

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