

Australia's Police State: "Coercive Surveillance" and the New Security Laws

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What we've seen [tonight] is, I think, a scary, disproportionate and unnecessary expansion of coercive surveillance powers that will not make anybody any safer but that affect freedoms that have been quite hard fought for and won over a period of decades. Senator Scott Ludlam, Australian Greens, Sydney Morning Herald, Sep 26, 2014

So much for Parliament and its representative functions. So much for politicians who have a rather nasty habit of forfeiting duties and, in the name of duties, smoothing the path to a surveillance and policing imperium. Where is the mettle, the determination in Canberra? Distinctly absent, given the recent vote on the National Security Legislation Amendment Bill (No 1), which promises to be a first in a series of laws that will fatten the executive while impoverishing needling oversight.[1] The paranoids in hunt for the permanent enemy will be gleeful.

When specific, localised incidents become the premise for general applications in legislation, you know that democracy is ready for the chop. Security environments in Australia have tended to be stable in its history, and notions of exceptional emergency should be treated as the ranting monologue of a fantasist.

Unfortunately, the insecurity fantasists, be it the strangely extra-terrestrial Australian Attorney-General, Senator George Brandis, or the even less believable Prime Minister Tony Abbott, are in charge. According to Brandis, we live in a "newly dangerous age". For that very fact, the Australian domestic intelligence agency ASIO is half way to a general mandate to target the internet with an engorged power of surveillance. The means by which this will be done will be through one warrant for a computer system, negating the specific need of seeking several authorisations.

The explanatory memorandum behind the amendment being sought by ASIO on the subject of how broadly a "computer" might be defined is relevant. It "clarifies the ambiguity around the current definition of computer in relation to a 'computer system' by extending the definition to 'computer networks' and by making it clear that the definition of 'computer' under the ASIO Act, means all, or part of, or any combination of, one or more computers, computer systems and computer networks." [2]

Professor George Williams was already warning an indifferent Parliamentary Joint Committee on Intelligence and Security that the definitions ASIO would be working with would be too broad, effectively watering down any warrants regime.

When oversight mechanisms for intelligence gathering are diluted, or simply evaded, the

prospects for abuse are all but inevitable. Organisations have a habit of getting lazy over time, and this rule of sloth is rather hard to resist in the field of intelligence gathering.

When espionage outfits should be on a trimming course, specialised and specific in wading through data and material, the converse is happening to the agencies of the Five Eyes arrangement. Perhaps the greatest revelation of the Edward Snowden disclosures was not that that spooks were drooling and voyeuristically tapping into the world of the private citizen. It was more the point they were doing so with so little discrimination, clumsily sifting through a world of metadata. The skills set, as modern human resource companies like harping about, has been somewhat emptied.

Turning off the spigot on information about government activity is a fundamental aim of the new laws, a regime in desperate search of an enemy. The enemy, rather than being tangible, security threats of the “existential” sort actually become the writing class, the intelligentsia (if such a term ever deserves to be used in Australia) and those who so happen to publish material on special intelligence operations, notably of the abusive sort.

Naturally, if these operations fall short of the criminal exceptions for which ASIO and its associate personnel would otherwise be held accountable, any member of the fourth estate disclosing it is bound to be found in a tight fix. Brandis has tried throwing water over the claims, bringing the focus back on punishing the likes of Snowden, who remains something of a devil’s incarnation for the intelligence fraternity in Australia.

Is greater accountability to be sought after the disclosures of mass, unwarranted surveillance? No. Instead, the information disclosures will be punished, and indiscriminate activities shrouded. “These provisions have nothing to do with the press”, claims Brandis, though he is very quiet over instances when activities such as the bugging of East Timor’s cabinet by the foreign spy agency ASIS, or the Australian Signals Directorate’s tapping of the Indonesian president and his wife’s phone are revealed. Who, then, to jail?

Australian journalists, given the essential duopoly they tend to be employed by (Fairfax or Murdoch) are bound to remain silent. Modern journalism has lost its investigative sting and critical faculties, and such laws will simply put the kibosh on any closer scrutiny.

The Abbott government, knowing it has the opposition frontbenchers for the most part in their pocket, anticipated little opposition from Labor in the upper house. They got none. Australian Labor, a somewhat listless, non-ideological unit, merely serve and points of echo in the current national security debate. It is not that they are impotent – it is, rather, that they actually agree in a characteristically seedy way in Abbott’s rather clownish but dangerous security program.

Such laws are not merely dangerous but poisonous for states. That particularly effective hemlock has already been taken by Australian politicians. The poison is taking hold, and will be confirmed on Tuesday, when the lower house will all but allow it through.

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Notes

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- [1] http://parlinfo.aph.gov.au/parlInfo/download/legislation/bills/s969_first-senate/toc_-pdf/1417820.pdf;fileType=application%2Fpdf
- [2] http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Intelligence_and_Security/National_Security_Amendment_Bill_2014/Public_Hearings

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