

Australia and Islamic State Beheadings: Prime Minister Abbott sees Terrorists Lurking in Australian Suburbs

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No politician on this planet is less original. Seeming like a lumbering brontosaurus, the Australian Prime Minister Tony Abbott moves through meeting after meeting in an insentient daze that only lifts when stock terms are used. "Terrorism" so happens to be one of them.

The Australian use of the ISIS beheadings as a pretext to transform a distant country into a crude if clumsy police state is something to behold. The chances of a ceremonial beheading in Australia by masked and brooding youths drunk on Koranic bliss are as remote as finding actual witches in the village undergrowth of Salem. Suggesting that this just might happen is a classic exercise of nonsense. Everything just might happen, be it the arrival of Socratic thinking on the part of the Abbott front bench, or the emergence of a profitable ecologically sustainable Australian economy.

Glenn Greenwald shores up the argument from the other side, dealing with improbabilities as opposed to possibilities. "If you are an Australian citizen, you have a greater chance of being killed by the following causes than you do by a terrorist attack: slipping in the bathtub and hitting your head; contracting a lethal intestinal illness from the next dinner you eat at a restaurant; being struck by lightning." [1]

Authorities are under the necessary burdens to show the need for measures that are otherwise needless. Instead, the Australian government is dabbling in the exceptionalist guff that shows that state authorities are running dry in the ministry of ideas. Australia is packed with a range of troubling laws as it is, originally drafted and passed with minimal debate when the terrorist genie was making his spectral presence felt.

Amendments on the devilish book of reforms being suggested by the robotic-like Attorney-General, George Brandis, will extend the work of control orders currently found under Division 104 of the *Criminal Code Act 1995*, restricting the movement of certain individuals, and imposing the requirements to wear electronic tags. Lesser burdens of proof for warrantless interventions are also being suggested.

Regrettably, the High Court in *Thomas v Mowbray* [2007] HCA 33 deemed such control orders valid and within the power of the Commonwealth to pass, showing that the roots of civil liberty tend to be rather shallow in Antipodean soil.

Abbott sees terrorists lurking in the Australian suburbs with a type of biblical fury. He finds them chatting about "targeting government people". He hears them targeting Parliament

House. "One of the first consequences... has been moves to put the Australian Federal Police back in charge of internal, as well as external security." [2] Apparently, the chatter, noted in that paragon of accuracy, News Corp, suggested that an attack along the lines of Mumbai from 2008 was on the cards.

Few have decided to question the credibility of an interstate anti-terror operation run by 800 personnel that has netted only a handful of individuals – 15 arrested, supposedly marching under hypnosis similar to the Manchurian candidate.

Even fewer are actually tapping the cabinet on their small shoulders and reminding them that history has a nasty habit of revisiting those who interfere with it. Instead of taking the high ground of cold reasoning and keeping Australian noses dry, Abbott has made it clear that he wants to be dirtied by further engagements, first in Iraq, and most likely in Syria, provided President Barack Obama issues a sweet note of approval. (There is even a suggestion that Obama won't even have to do that.)

Amendments suggested by Sch.3 of the *National Security Legislation Amendment Bill (No.1) 2014* should send civil liberty advocates howling to every human rights commission there is. The bill proposes to exempt those involved in "special intelligence operations" (SIOs) from criminal and civil liability for "special intelligence conduct" that takes place during the course of such operations. The devil here is in the exonerating detail: the operation, provided it falls within the remit of intelligence matters, will be justified.

Such actions include anything authorised by the Director General of ASIO or a Deputy Director General that does not cause "the death of, or serious injury to, any person; or involves the commission of a sexual offence against any person; or causes significant loss of, or serious damage to, property; or induce another person to commit a crime against the Commonwealth or a State or territory that they were not otherwise planning to commit."

This is not merely a get out of gaol card, but a permanent exemption for a range of abuses by officials less squeamish about "enhanced interrogation" and similar nasties.

The gems in this crown of tyrannical impetuosity must be the proposed efforts to curb the disclosure of material on those newly classified SIOs. The Attorney General's Department has made it clear that a two year term of imprisonment as it stands "would not provide a sentencing court with an adequate range within which to impose a sentence that reflects the gravity of the consequences of the conduct constituting the offence." [3] Instead, it is recommending a term of up to five years imprisonment, to be increased to 10 in the event that information disclosed endangers lives, even if that information is revealed unwittingly. Beware the errant blogger.

The Parliamentary Joint Committee on Intelligence and Security Committee has decided to roll over and play dead on the issue. Instead of turning colour, the politicians have decided to turn colourless, not finding it "appropriate to provide an explicit exemption for journalists from the proposed offence provisions." [4] The Commonwealth Director of Public Prosecutions will be required to consider "the public interest, including the public interest in publication before initiating a prosecution" in the context of disclosing or revealing information connected with an SIO.

Anyone with a rudimentary knowledge of how such public interest tests work, notably in

common law jurisdictions, should be aware that having it in the first place is a concession to defeat. But that won't bother the terror-mad Abbottphiles, who have made it clear that the fear factory disgorging its churning products, is very much in business.

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Notes

- [1] <https://firstlook.org/theintercept/2014/09/22/australias-prime-minister--gives-master-class-exploiting-terrorism-fears-seize-new-powers/>
- [2] <http://www.9news.com.au/national/2014/09/19/03/50/fears-parliament-house-could--be-target-of-terror-attack>
- [3] http://www.aph.gov.au/~media/02%20Parliamentary%20Business/24%20Committees/-244%20Joint%20Committees/PJCIS/National%20Security%20Legislation%20Bill/Final%-20Report%2017_09_2014.pdf
- [4] http://www.aph.gov.au/~media/02%20Parliamentary%20Business/24%20Committees/-244%20Joint%20Committees/PJCIS/National%20Security%20Legislation%20Bill/Final%-20Report%2017_09_2014.pdf

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