

Australia's Surveillance State

The Surveillance Remit: Expanding powers in the Antipodes

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Even as an international drive against the data merchants is gathering force and voice (see, for instance, those “nature walks” by Germans from Griesheim to the Dagger Complex, stacked with spooks), the Australian side of the Five Eyes spy arrangement is being shored up. If there is one place in the Western world that has shown conspicuously little administrative and policy reform on the subject of bulk surveillance and whistleblowing, Australia is it.

The whistleblowing reform drive has been tardy at best, retarded at worst. Edward Snowden is more than a nuisance ‘down under’. He is a treasonous criminal in need of a good chastisement by State and country. With individuals such as the Australian Attorney-General, George Brandis, you can see why.

Brandis presents the perfect paradox of reactionary conservatism. A well versed conservative, as opposed to a rabble rousing reactionary one, is happy to consult the rule book and observe the limits of government intervention. Habeas corpus is not merely a Latin affection. Brandis is happy to cut back limits on government intervention and unleash the dogs of the surveillance state. The hollow language of security is very much central to the project. If a terrorist threat looms around the corner, even a corner that is ten thousand miles away, it must be worth considering.

Data retention might be the bug bear of the pro-Snowden movement, but it is very much the purring feline of the Brandis portfolio. Ideas on a new data retention scheme have been floated in and around the cabinet, as much so as to stir trouble and cause genuine concern. Previous suggestions included making telecommunications companies retain data for up to two years. But the Abbott government tends to be so secretive it stumbles over itself from time to time. Ministers themselves have no one view about the ideas behind such retention, but the terrorist demon is well and truly stalking the tory mindset.

Brandis’ bugbear is that of returning jihadists who will find the peaceful dullness of Australian life poor to their political digestion. Espionage and counter-terrorism agencies have been promised \$600 million for the cause of fighting “home-grown” terrorism (*Sydney Morning Herald*, Aug 5), and there is a sense that the authorities are readying themselves for some grand show.

Prime Minister Tony Abbott, in support, has argued that, “We’ve stopped the illegal boats; we will ensure we stop the jihadis as well.” This will include the granting of powers to authorities to detain and question those who have fought alongside “terrorists” in other theatres of combat. In what can only be yet another example of premature, and amateurish adjudication, such directions by the authorities will presume, in advance, that if you do

come from such countries as Syria and Iraq, you are bound to be a mad jihadi in search of heavenly deliverance. For Abbott and Brandis, illegality is everywhere, be it those on the sea who dare venture to Australian land, or those who don weapons and ideology to fight in foreign lands.

Interestingly enough, no mention is made of situations where, for instance, a patriotic Australian Ukrainian, keen on bloodying his experience in the conflict with separatists, will be treated. That is jihadism under a different banner and ideology, but no less relevant. Don't ever accuse this government of holistic relevance.

Who, then, is pushing it? The government has the perfect alibi: data mad officials in the intelligence business who have become bone lazy with bulk surveillance. But it is by no means clear that the intelligence community is at one mind on this. Time and time again, governments have shown themselves willing to make the demands of intelligence communities the basis for their own myopia and spout of paranoia. If it means netting votes, slanted information and misguided premises can prove invaluable allies.

The report by the joint parliamentary committee on intelligence and security (JPCIS), titled "Potential Reforms of Australia's National Security Legislation" does push for an enlargement of powers. But its members have told such publications as *The Saturday Paper* (Jul 5) that its recommended changes were not designed with the exclusive aim of targeting home bound jihadists.[1] Other threats also featured, including those posed by the ever expanding capabilities of Chinese hackers. But as this government knows all too well, complex narratives are their greatest enemy.

Brandis' proposed laws make it clear that the whistleblower, and anyone with information relating to "special intelligence operations", will be punished for anywhere up to five years. This sort of material is buried in the National Security Legislation Amendment Bill (No. 1) 2014.[2] A closer reading of some of the sections such as the communication of information "acquired or prepared by or on behalf of ONA [Office of National Assessments]" to inappropriate channels comes in at a hefty 10 years. The laws, in their present draft form, also target the making, removal or retention of records of such information across a range of agencies. Speak about it, and be damned.

Even as some countries, however tortuously, attempt to move towards reining in their intelligence services and bringing them within the legal family, the Australian spy and security services are being increasingly placed outside it. This may, in part, be intended to make Australia "fool proof" against the challenges posed by legal advocates, while making it attractive as an espionage outsourcer for Washington. No gaps, no chances, which is exactly the mindset of any tyrant keen to make good his word. All the way with the set US president of the day remains holy, and nigh immutable writ for the Canberra establishment.

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[1]

http://www.thesaturdaypaper.com.au/news/politics/2014/07/05/george-brandiss-creeping-spy-power-s/1404482400?utm_content=bufferd54b2&utm_medium=social&utm_source=twitter.com&utm_campaign=buffer#.U-GXmTAyZ8G

[2]

http://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bId=s969

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