

Laws that compromise Australian freedoms

Since 2001, Australian governments have passed 92 anti-terrorist laws, more than any other similar government. Many of these laws limit civil liberties such as the right to privacy and freedom of speech. Furthermore, they enable criminal action by government agents. Here is some basic information about a few of the most important laws.



Laws versus freedoms		
Name	What it does	Freedom compromised
Detention and interrogation	Individuals can be taken into custody for up to seven days and required to answer questions.	Freedom from arbitrary arrest
Metadata retention	Information about every call — the phone numbers, the time and the length of the call — is maintained for two years.	Right to privacy; freedom of communication
Encryption breaking	Companies are required to provide ways to break encrypted messages.	Right to privacy; freedom of communication
Whistleblowing and journalism	Exposing information relevant to national security is banned.	Right to information; freedom of speech
Identify and disrupt	The Australian Federal Police can gain access to computers (including phones) and social media accounts, and add, modify and delete data.	Right to privacy; freedom of communication; freedom from invasion



Uses and abuses of the laws		
Name	Potential uses	Actual uses
Detention and interrogation	Terrorising of minority groups and political opponents	Unknown
Metadata retention	Surveillance of journalists, activists, whistleblowers, political opponents	Police access metadata, sometimes for non-terrorist reasons
Encryption breaking	Surveillance of journalists, activists, whistleblowers, opponents	Unknown
Whistleblowing and journalism	Censorship of information embarrassing to the government	Unknown
Identify and disrupt	Hiding government crimes; framing opponents	Unknown



Secrecy versus accountability		
Name	Secrecy	Accountability for uses
Detention and interrogation	Revealing any information about detentions is a criminal act, with penalties up to five years in prison.	Limited
Metadata retention	Revealing requests for metadata is illegal.	Limited
Encryption breaking	Warrants allow covert access to computers; someone refusing to provide a password can be imprisoned for five years.	Limited
Whistleblowing and journalism	National security whistleblowers and journalists can be imprisoned for five years.	Limited
Identify and disrupt	It is illegal to reveal any information about identify and disrupt operations.	Limited

How these laws are passed

- The government claims the need for a law and raises an alarm about the dangers if it is not passed.
- Consultation is limited.
- Experts are ignored.
- The Opposition supports the government for fear of appearing weak.
- The law is passed with little debate.



Implications

Since 2001, Australian governments have passed laws giving agencies unprecedented powers, powers that can be used far beyond their stated justifications. The use of the powers is shrouded by extreme secrecy provisions, so it is difficult or impossible to know whether the powers are being abused.

In the wrong hands, these powers can be used to seriously harm Australian freedoms.

What should happen

- These laws should be repealed.
- Information about uses of the laws should be made public, to ensure accountability.
- Alternative ways of achieving goals should be supported.



What you can do

- Be aware of the laws and the powers.
- Write to politicians.
- Develop plans to defend freedoms, for example by using secure communication methods.
- Join groups campaigning for greater freedom.

Name	Search terms for Australian government information
Detention and interrogation	Australia's counter-terrorism laws, preventative detention orders
Metadata retention	Australia, lawful access to telecommunications: data retention
Encryption breaking	Australia, lawful access to telecommunications: the assistance and access act 2018
Whistleblowing and journalism	Australian national security legislation; special intelligence operations
Identify and disrupt	Australia, surveillance legislation amendment (identify and disrupt) act 2021

Info sheet #2

Resistance Resources

<https://bit.ly/3ouoYtw>

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Comments are welcome to improve and update this info sheet.

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