

## Help oppose repression in Australia

In Australia, the government has increased its powers to suppress dissent and curtail civil liberties. People in other countries can help Australians support freedom.

### Background

Australia is a country in the southern hemisphere, between the Pacific and Indian Oceans. It is an island continent with a population of 25 million, most of them living in large cities on the coast.



The land was first populated 50,000 or more years ago. In 1788, convicts and settlers from Britain arrived and took over the land from the Indigenous peoples. Immigration has been high ever since, initially mostly from Britain and later from European and Asian countries.

Australia became an independent country in 1901. It has a parliamentary system, with three levels: a national government and separate governments for six states and two territories, and then local area governments.

Australia was noted for some progressive social developments in the 1800s, for example introducing the secret ballot, votes for women and the eight-hour workday. In the 1970s, trade unions pioneered “green bans” in which they refused to work on projects opposed by community groups on environmental or heritage grounds.



### **The problem**

For a long time, Australia was known as a country with a high level of social and political freedom. This changed after the terrorist attacks in the US on 11 September 2001. Since then, the Australian government has passed 92 anti-terror laws, the most of any similar country. This is despite the absence of significant terrorist attacks on Australian soil.

Some of the laws involve worrying reductions in civil liberties, including freedom of speech. Every one of the laws was passed with support from the two main political parties, the Labor Party and the Liberal-National-Party Coalition.

- Detention and interrogation. People can be detained by a security agency without being charged or even suspected of terrorism offences and required to answer questions under interrogation. The grounds for detention can be kept secret and there is no effective way to challenge the detention. There are criminal penalties for anyone who reveals the names of those detained.
- Metadata retention. Companies are required to obtain records of every call made, including the numbers of the caller and receiver and when the call started and ended (but not the content of the call). Metadata are kept for two years and can be accessed by security agencies.

- Encryption breaking. Technology companies are required to provide, on demand, access to encrypted communications.
- National security whistleblowing and journalism. If anyone working in national security reveals anything — abuse, corruption, human rights violations — to an outsider, they can go to prison for up to ten years. If a journalist reports on a national security matter, they also can go to prison for ten years. “National security” is defined broadly to include anything affecting Australian politics and economics.



- Identify and detect. The Australian Federal Police (AFP) have the power to steal or gain access to anyone’s computer and to delete, change or add material. The AFP can access people’s social media accounts, with similar power. The AFP can order any person or organisation to provide this access, with penalties for noncooperation of years in prison. Revealing an identify-and-detect operation can lead to prison.

### **Possible application**

Imagine that senior national security personnel are involved in extortion or have injured members of the public through secret operations, or any number of other crimes. If an insider rings an Australian journalist who writes a story about it, it’s possible for the AFP to use

metadata to identify every single phone number used to ring the journalist and to break any encryption used. The laws allow the police to access the whistleblower's phone, computer and social media accounts, delete information about national security crimes and add new material to frame the whistleblower for crimes they didn't commit.

### **Some actual cases**

- David McBride served in the Australian military. He reported on alleged war crimes by Australian soldiers in Afghanistan. The government charged him with revealing confidential information and took him to court. The case is ongoing. So far, no soldier allegedly involved in war crimes has been charged.



- Richard Boyle revealed unethical debt recovery practices in the Australian Tax Office, practices that have since been stopped. He has been charged with numerous offences that could lead to years in prison.

- In 2004, the governments of Australia and East Timor were negotiating a seabed treaty. Australian spy agencies bugged East Timorese government offices so Australian negotiators could gain an advantage. A member of the bugging team, later referred to as Witness K, revealed the government's criminal action. More than ten years later, after a new treaty was signed, the Australian government charged Witness K with breaking official secrets. The

government also charged K's lawyer, Bernard Collaery, and sought to keep as much of the evidence and trial secret as possible.

In each of these cases, the individuals or organisations committing crimes were not prosecuted. Instead, the Australian government prosecuted the individuals who spoke out about the crimes.

- In 2019, the Australian Federal Police raided the home of journalist Annika Smethurst over a story she had written the previous year about plans for government surveillance. The AFP also raided the headquarters of the Australian Broadcasting Corporation (ABC), the country's major government-funded media organisation, treating journalists as criminals for doing their jobs reporting on government activities.



AFP officers enter ABC headquarters, 2019

These raids triggered an unprecedented alliance of Australian media organisations, Your Right to Know, to oppose government interference with the media.



## How outsiders can help

People outside Australia can help. They are relatively protected because they are not subject to Australian laws. Here are a few possibilities.

- Provide personal support to targets of attack, for example Bernard Collaery and the journalists whose offices were raided by the police. Provide personal support to *potential* targets of attack, for example independent media groups that expose corruption in Australia. Ask them what would be helpful, such as advice, information and networks.
- Publicise what's happening in Australia. When people outside Australia raise concerns, this often has an impact. The Australian government values its international reputation, as this affects investment, tourism, sports and much else. Australian politicians need to know that laws compromising civil liberties send a bad signal to the world.
- Publish information that cannot be legally published in Australia. Because stories about corruption in national security organisations, based on whistleblower revelations, cannot easily be published in Australia, publishing such stories outside the country can help oppose abuses. It also shows any harmful effects of the laws.
- Help organise a civil disobedience action to challenge anti-free-speech laws. This might involve organising a law-breaking petition signed by Australians on the understanding that it will go public only when a target number have signed, perhaps 100 or 1000. Organising such a petition would be a delicate activity, safest for a person or group outside the country.
- Be a conduit for an Australian insider who wants to speak anonymously. Imagine someone working in national security who wants to provide commentary about what's going on inside. With a secure channel, the commentary could be published on a blog outside the country. Doing this would be a sensitive operation, potentially open to disinformation and manipulation. To enable such a commentary — a single post or a series — would be good for the information provided and for showing how difficult it is for Australians to speak out in the public interest.

## **Contacts**

Given the possibility of surveillance, for some purposes it may be safer to make your own connections with individuals who are unlikely to be a focus of attention.

## **Further information**

Alliance Against Political Prosecutions, <https://aapp.ipan.org.au/alliance-against-political-prosecutions-aapp-summary-of-prosecutions/>

Your Right to Know campaign, <https://yourrighttoknow.com.au/media-freedom/>

“Resistance resources for defending Australian freedoms,”

<https://www.bmartin.cc/dissent/documents/rr/>

Keiran Hardy, Rebecca Ananian-Welsh and Nicola McGarrity, *Democracy Dossier: Secrecy and Power in Australia’s National Security State*, September 2021,

<https://cdn.getup.org.au/2836-GetUp-Democracy-Dossier.pdf>

### **Info sheet #4**

#### **Resistance Resources**

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

This version 7 February 2022

Comments are welcome to improve and update this info sheet.

Contact Brian Martin, [bmartin@uow.edu.au](mailto:bmartin@uow.edu.au)