

Abbott's 'foreign interference' fiasco a chilling message

Having heard successive Australian governments insist for almost twenty years that "If you have nothing to hide, you have nothing to fear" from their increasingly totalitarian "national security" laws, it's tempting to laugh at the news that former Liberal Prime Minister Tony Abbott had fallen afoul of the Foreign Influence Transparency Scheme (FITS) his own party introduced in 2018. But in truth, it is no laughing matter. The pursuit of Abbott over a speech to a conference convened by a conservative American political group may be the result of even-handed enforcement of a bad law, but is more likely intended as a message to the foreign-policy dissidents who have always been the scheme's real targets. Either way, it vindicates the warnings of the Citizens Electoral Council and many others that the FITS is an unacceptable affront to the freedom of speech and association that are supposed to be cornerstones of our so-called democracy.

The Liberal government proposed the FITS in late 2017, to "introduce registration obligations for persons and entities who have certain arrangements with, or undertake certain activities on behalf of, foreign principals".¹ The latter term encompasses any foreign government, public enterprise, political organisation, business or individual, while not just lobbying but all political communications count as "registerable activities". Numerous legal experts, along with churches, charities and other international organisations, warned at the time that this catch-all wording would allow the government to define "foreign interference" as it sees fit. (The Catholic Church, for example, obtained legal advice that its members could in theory be jailed for speaking to an MP without first registering as agents of the Vatican!) In other words, the FITS was designed from the outset to have a "chilling effect" on political dissent in general.

Pro-Liberal pundits and media, exemplified by the *Australian* newspaper, ridiculed such concerns, accepting at face value the government's assurances that such was not the "intent" of the scheme. Thus the outrage with which that same paper reported 2 November that Abbott "has been asked to register as an agent of foreign influence ... for addressing the Conservative Political Action Conference in August ... [while] the event's Australian organiser, Andrew Cooper, whose small not-for-profit organisation LibertyWorks co-hosted CPAC in Sydney with the American Conservative Union (ACU), was ordered to hand over documents and threatened with jail time."

Bureaucracy run amok?

Both men had received letters from Deputy Secretary Sarah Chidgey, the head of the Integrity and International Group in the Attorney-General's Department, which oversees the FITS, the *Australian* reported. "Mr Abbott was informed that, as a former cabinet minister, he had 'a lifetime obligation to register any activity you undertake on behalf of a foreign principal'." As for Cooper, Chidgey reportedly wrote to him on 21 October demanding he provide, within 14 days, "all documents 'detailing any understanding or arrangement between LibertyWorks and the ACU' ... [including] invitations to the event, correspondence with speakers as well as the transcripts and recordings of the addresses"—much of which information he did not in fact possess—or face six months' jail. Western Sydney University law lecturer Mike Head, a leader of the Socialist Equality Party, [wrote](#) 5 November on the World Socialist Website that this demand had been issued under Section 45 of the *FITS Act 2018*, which empowers the A-G's Department "to issue notices requiring anyone to produce an almost unlimited range of information, where officials 'reasonably suspect' that a person might be liable to register under the scheme ... without even a warrant or court order. The Act explicitly excludes the basic right to procedural fairness, or a fair hearing, making it almost impossible to legally challenge the arbitrary issuing of such a notice." Reportedly this is the first time S.45 has been invoked.

Both Abbott and Cooper have refused to comply. Abbott wrote back to Chidgey, "I decline to register and I suggest that you rethink the making of such misplaced and impertinent requests in the future. Surely senior officials of the Commonwealth have better things to do with their time." And Cooper, the *Australian* reported, "has invited the department to treat what he told this newspaper ... as his response to their inquisition. 'I will not be complying with this notice despite the threat of criminal prosecution and jail time', he said. 'I established LibertyWorks to argue against this type of government control over speech and citizens. ... It feels like the Stasi is holding me in 1950s East Berlin and I am being threatened with jail because I cannot provide them with information that I do not have.'"

Given Canberra's contrived hysteria over alleged "interference" in "democracy" worldwide by Russia and China, it was always obvious that the FITS's major purpose was to shut down dissent to Australia's role as a booster of the Anglo-American empire's hostility towards those two countries. The CEC has experienced this [new McCarthyism](#) firsthand: in March 2018, former Office of National Assessments (ONA) analyst and Russia expert Kyle Wilson told ABC Radio National that a 2015 CEC conference which promoted economic cooperation with the BRICS nations (Brazil, Russia, India, China, South Africa) had been an instance of "Russian interference" in Australian politics, because it was addressed by a Russian diplomat.

The A-G's Department is unlikely to pursue Abbott any further, though it is possible that Cooper will be thrown to the wolves to establish a precedent that "no-one is above the law". But as *Australian* columnist Janet Albrechtsen (who holds a doctorate in juridical studies) wrote of the Abbott debacle,

“The evil nature of totalitarianism is not what happens outside the law. It happens when the law, or a veneer of legality, is used, often in the name of national security, to control what good people do, be it sharing ideas or speaking out against tyranny.” The real test for these political figures and the media on the so-called “right” will come when the FITS is deployed against those with whom they disagree.

1. “Resistance builds to Turnbull’s totalitarian ‘national security’ laws”, AAS, 7 Feb. 2018.

Australian Alert Service 13 November 2019