

[Big] Data and the North-in-South: Informational Imperialism and Digital Colonialism in Australia

1. Introduction

Australia occupies an interesting position as a country firmly part of the Global North, yet geographically located in the Global South. This *North-in-South* divide plays out internally within Australia given its status as a British settler-colonial society. Imperial and colonial practices vis-à-vis the Indigenous peoples are ongoing, as well as externally vis-à-vis Australia's neighbouring countries in the Asia-Pacific region. These practices interact with various groups of marginalised peoples at home, overseas and in the borderzones, including refugees, welfare recipients and Indigenous peoples. This article draws on discuss five seminal Australian case studies to examine big data practices through the lens of Southern Theory (Connell 2007) from a criminological perspective. We argue that Australia's use of big data cements its status as a North-in-South environment where colonial domination is continued via modern technologies to effect enduring informational imperialism and digital colonialism. We also argue that these big data practices effect a form of double data colonialism or coloniality whereby all individuals experience the commodification and dispossession of their data, but marginalised persons and groups experience additional or more acute ways in which their data is 'colonised'. In making these dynamics more visible in the Australian case, we hope to contribute towards a digital de-colonial turn. We conclude by outlining some promising ways in which data practices can be de-colonialised as a means of contributing to reparation and human rights efforts within a nation state tarnished by constitutional abuses.

2. Southern Theory and Big Data

In the seminal work *Southern Theory*, Connell (2007) considers knowledge-power relations, arguing that methods and processes of knowledge production from the Global North supersede alternative possibilities. Such possibilities include local, Indigenous, and ethnically diverse perspectives (Connell 2014), underpinned by ‘resistance, subversion, and creativity’ among the voices of those often lost within Northern/Western-centric dialogue (Milan and Treré 2017). This perspective focuses attention on distinct power relations between the Global North and South – the systems of academic inquiry and thought, and geopolitical, economic and legal interactions that preference a Northern/Western, largely Anglophone, worldview – at the expense of Southern alternatives. Despite Australia’s geographical position within the Asia-Pacific, *and* the enduring presence and richness of Aboriginal cultures, Australia’s social and political backdrop neglects these inflections in favour of Northern/Western influences, thereby perpetuating the marginalisation of Indigenous peoples. We argue that Australia’s position as a country with a distinctively ‘Northern’ character located in the Global South adds an interesting conceptual dimension to the North-South dynamic via, what we term, the ‘North-in-South.’ Moreover, as Global South perspectives have been largely overlooked in criminological research (Carrington, et al., 2016), it is important to spotlight the potential this framework has in the Australian context, *and* for wider criminological inquiry.

Aligned with the datafication of society and North-South information flows, there is emerging recognition that North-South dynamics play out in ‘cyber’ and digital realms (Lee 2018; Mann and Warren 2018). A growing literature base recognises the (neo)colonial and (neo)imperial ways that digital technologies are created and implemented (e.g. Gajjala and Birzescu 2011; Jin 2015; Thatcher, O’Sullivan and Mahmoudi 2016). Traditional colonialism represents the physical presence of a colonial power in a given geographical place (Jandrić

and Kuzmanić 2016). However, technological advancements have catalysed digital colonialism, whereby information, and highly classified surveillance can be disseminated to and from remote destinations as a means of perpetuating traditional colonial discourses via technological innovation. Specifically, within Australia, it also reproduces – and exacerbates - pre-existing colonial dynamics with regards to Australia’s smaller and poorer neighbours, Indigenous peoples, refugees, and other marginalised groups. In addition, the digital sphere enables massive amounts of information – i.e. big data – to be collected, shared, and analysed. Here, we acknowledge that ‘data colonialism’ operates through ‘the commodification of data and its accumulation by dispossession’ (Thatcher *et al.* 2016).

Growing research from North America also demonstrates how data practices are harmful to, and targeted at, racial minorities (Browne 2015; Eubanks 2018; Noble 2017). Such scenarios may demonstrate a ‘double’ data colonialism or ‘coloniality’ (Maldonado-Torres 2007), whereby individuals experience the commodification and dispossession of their data, but marginalised persons and groups experience additional ways in which their data is ‘colonised’. We argue that these dynamics are also present in Australia and by making these dynamics more visible in the Australian case, we hope to contribute towards a digital de-colonial turn (Casilli 2017).

3. The ‘North-in-South’: The Curious Case of Australia

Global North-Global South divides play out internally within Australia given its status as a white settler-(invader)-colonial society (Johnston and Lawson 2000; Veracini 2010) with a settler-majority population. The forced – and often fatal - displacement of Aboriginal inhabitants following European settlement/invasion is key to Australia’s colonial past (Hill 1995). Yet imperial and colonial practices towards the Indigenous inhabitants of the land are

ongoing (Moreton-Robinson 2015), and Australia has a domineering and exploitative relationship with its neighbouring countries (Bramble 2015; Teaiwa 2015; Watson 2015).

We draw on Australian case studies for several reasons. Firstly, Australia is an ‘uncontested regional superpower, [*and*] one of the largest and richest nations in the world’ (Coutinho and Gala 2014, 431). Australia is geographically situated in an important and strategic position for Global North allies with Asia-Pacific interests. Its Western-influenced political economy combined with its relations with South-East Asia provide a unique geopolitical context for examination (Abbondanza 2013). Secondly, Australia has a rapidly expanding capacity and thirst for big data analytics (Telsyte 2017). Australia has embraced big data practices (see e.g., Galloway 2017) although, in comparison to other ‘Northern’ countries, the human rights framework governing these practices is lacking (de Zwart *et al.* 2014; Williams and Reynolds 2017).

Against this backdrop of colonialism and the rapid uptake of big data in the absence of human rights protections, the Australian context provides an opportunity to examine the intersection between technology (i.e. big data) and continuing colonial impacts.ⁱ We present five case studies where these dynamics play out both internally and external to the Australian ‘sovereign state’.ⁱⁱ These enable us to examine the impact of Australia big data practices *and* how such practices cement colonialism/coloniality.

4. Australia’s Data Colonialism

This section overviews some key case studies highlighting Australia’s role in external and internal data activities. Examining internal and external examples of Australia’s data activities highlights the continuing North-South divide. Specifically, the following case studies demonstrate Australia’s *external* position internationally and as a key, albeit de facto,

Global North superpower, as well as the *internal* influence of the Global North (particularly British colonial) on Australia's domestic data-related activities. Moreover, these case studies showcase the more generalised use of big data processes as a strategic tool for Australia within *and* beyond its borders.

4.1 External Data Activities

4.1.1 The Five Eyes and Joint Defence Facilities

The Five Eyes (FVEY) alliance - between the United States (US), the United Kingdom (UK), Canada, Australia and New Zealand – is the most enduring multilateral intelligence sharing network (O'Neil 2017). Initiated in the 1940s, it exemplifies multilateral efforts to facilitate mass surveillance (Ruby *et al.* 2017). The FVEY network focuses on collection and sharing signals intelligence (SIGINT). The FVEY alliance is formalised by the 1947 *UKUSA Agreement*ⁱⁱⁱ - at the time a top-secret agreement entered into following World War II. Initially an arrangement between the UK and US, it expanded to include other former British colonies from the Anglosphere. Thus, British colonial legacy has shaped the alliance. Australia's involvement in the FVEY alliance is a result of its 'close relationship with Britain', and it maintains a junior position relative to the US and the UK (O'Neil 2017, 536). While Australia supplies strategic intelligence and information to the FVEY alliance, particularly about the Asia-Pacific region, it is primarily a consumer of the senior partners' intelligence. Estimates suggest 'the two-way intelligence flow between Australia and the USA is roughly 90 percent in Australia's favour, with Canberra providing niche contributions overwhelmingly in relation to South-East Asia and the Pacific region' (O'Neil 2017, 538).

Edward Snowden's 2013 revelations cast light on Australia's role in the shady FVEY alliance to much outrage from Australia's neighbours. The revelations showed that most information sharing between the Australian Signals Directorate (ASD) and the National

Security Agency (NSA) concerned military and political issues in China and Indonesia (O’Neil 2017). The leaked documents showed how Australia was spying on regional neighbours throughout the Asia-Pacific region via listening posts in diplomatic missions in Cambodia, China, Indonesia, Malaysia, Myanmar and Thailand. Today, the FVEY partnership is reified through bulk data collection and the existence of ‘joint facilities’ designed specifically for SIGINT interception. The most important is the Joint Defence Facility at Pine Gap (JDFPG) at the height of the Cold War.^{iv} Material made publicly available suggests the purpose of the JDFPG is to provide the ground control station for satellite communications (SATCOM) that intercept SIGINT (Joint Standing Committee on Treaties 1999, 12). Documents obtained by NSA whistle-blower Edward Snowden, and later leaked by The Intercept in 2017, reveal that the base operates as a communications monitoring control station enabling “continuous coverage of the majority of the Eurasian landmass and Africa... China, South Asia, East Asia, the Middle East, Eastern Europe, and territories in the Atlantic Ocean” (Gallagher 2017).

Significantly, JDFPG is located on Arrernte land,^v where protests and campaigns by the traditional Aboriginal land owners to close Pine Gap have occurred.^{vi} There is also a history of prosecuting peaceful protesters at JDFPG.^{vii} The limited research in this area tends to focus on exposing the JDFPG’s role in international surveillance and warfare (Middleton 2009) and neglects the fact that these surveillance structures have been established on traditional Aboriginal lands. The use of Aboriginal land for surveillance purposes, such as the JDFPG, highlights the perpetuation of traditional colonialism on Australian soil and reveals Australia’s continued colonial impact both across traditional lands and digital space.

4.1.2 *Surveilling Neighbours (Timor-Leste Treaty Negotiations, Embassies, Phones)*

Timor-Leste (also known as East Timor in English) occupies part of the island of Timor in South-East Asia. It was first colonised by Portugal in the 16th Century, later invaded and annexed by Indonesia in 1975, and finally gained independence in 2002. Since independence, Timor-Leste has been heavily reliant on oil for economic survival (Coutinho and Gala 2014). The maritime border between Australia and Timor-Leste that delimits jurisdiction and access to underwater oil and gas reserves has been the subject of extensive international arbitration (Coutinho and Gala 2014).^{viii} Another example of Australia's digital colonialism can be found in the context of treaty negotiations with Timor-Leste about the maritime border between the two countries. There have been allegations that the Australian Secret Intelligence Service (ASIS) spied on Timor-Leste during these negotiations (Anton 2014).^{ix} Timor-Leste has attempted to have the *Treaty with the Government of the Democratic Republic of Timor-Leste on Certain Maritime Arrangements in the Timor Sea* (CMATS Treaty) declared invalid, arguing that the treaty is void on account of fraud, a breach of good faith by Australia engaging in espionage, and an intervention in Timor-Leste without consent (Anton 2014; Coutinho and Gala 2014). The mounting evidence suggests Australia made use of 'asymmetry in political and economic power' to secure access to natural resources at the expense of impoverished and newly independent Timor-Leste (Anton 2014). On various international stages, Timor-Leste has focussed attention on Australia's 'illegal use of power-espionage' to challenge and leverage a better deal (Anton 2014, 3).^x Significantly, the International Court of Justice (ICJ) ordered Australia to cease spying on Timor-Leste and its legal representatives (Allard 2014), the only time Australia's surveillance practices have been judicially condemned since the Snowden revelations became public (Daly 2016).^{xi}

The Timor-Leste example demonstrates the abuse by Australia of its geographic position and alliance with Global North superpowers to exploit Timor-Leste as a newly-independent and vulnerable nation state including through errant data practices. Yet, these domineering informational practices are not limited to Timor-Leste. For example, despite successive cover up attempts (including suppression orders and Federal Court injunctions), in 1995 reports revealed that Australian intelligence agents installed listening devices in the Chinese Embassy at the behest of the US (Corcoran 2013).^{xiii} Further, information gleaned from the Snowden disclosures revealed that Australia spied on the mobile telephone communications of Indonesian President Susilo Bambang Yudhoyono (Leslie and Corcoran 2013).

4.2 Internal Data Activities

4.2.1 Surveillance of Indigenous Peoples

In 2007 the Australian Government implemented the Northern Territory Emergency Response, known as ‘The Intervention,’ which introduced a range of measures to curtail child abuse and other forms of violence in remote Indigenous communities, or ‘prescribed areas’. The Intervention has been widely criticised for infringing international human rights standards (see e.g. Cowan 2013; Gruenstein 2008), and has compounded over 200 years of colonial treatment that has also included forced displacement from ancestral land and the forced removal of children as part of an official policy of genocide (Watson 2018). Since 2007 ‘successive federal governments re-designed and re-framed the Intervention’ with the current package of legislation due to expire in 2022 (Castan Centre n.d.).

One aspect of the initial Intervention measures consisted of the surveillance of internet use on publicly funded computers in over 70 remote Indigenous communities to

prevent women and children being shown ‘prohibited material’ (i.e. pornography). This measure only operated in these ‘prescribed areas’ and was not applied to internet use more broadly throughout Australia. Providers of public internet and computer access facilities in these prescribed areas were required to audit computer use, maintain records of computer users, and install internet filters (see Rennie *et al.* 2017). This has been described as ‘a remarkable case of institutional surveillance of a marginalised and vulnerable group’ (Rennie *et al.* 2017, 4). Further, as part of the Intervention, a National Indigenous Intelligence Taskforce (NIITF) was also created within the Australian Crime Commission (ACC, now known as the Australian Criminal Intelligence Commission, ACIC).^{xiii} The aim of the NIITF was to develop a holistic account of the prevalence of violence and child abuse across Indigenous communities in remote, regional, and urban areas (ACC 2014). Intelligence was provided directly to the NIITF and intelligence gathering was a significant motivation for the surveillance program (Calma 2009; Rennie *et al.* 2017). The ACC published a report on the NIITF, with no mention of public computer surveillance (ACC 2014).

Another case of big data surveillance that disproportionately targets Indigenous populations is the *Suspect Targeting Management Plan* (STMP) programme in New South Wales (NSW). This programme aims to identify individuals ‘at-risk’ of recidivism (Sentas and Pandolfini 2017). However, a recent evaluation of this programme by the Youth Justice Coalition revealed how the programme facilitated surveillance of Indigenous youths (Sentas and Pandolfini 2017). More problematically, individuals who were ‘blacklisted’ as ‘at-risk’ included Indigenous children as young as 9, which is younger than the minimum age of criminal responsibility. Given this over-representation of Indigenous youth, which is also the case in the criminal justice system at large (White 2015), the STMP serves as another example of state-inflicted data injustice towards Indigenous peoples.

Furthermore, the Australian government has implemented the ‘BasicsCard,’ as a form of ‘welfare surveillance’ to monitor and regulate welfare spending in Aboriginal communities (Dee 2013). This welfare managerialism prohibits cardholders from purchasing items such as alcohol and cigarettes and operates as a technique for the state to monitor marginalised groups. The BasicsCard, as well as other examples including the Intervention and the STMP exemplify a subset of continued efforts by the Australian Government to regulate the behaviours and actions of Aboriginal peoples. This notion of welfare surveillance has gained increasing traction in recent years, and the trial implementation of the BasicsCard first in Indigenous communities serves as a colonial wedge cemented between Indigenous peoples and the settler Australian population. Such initiatives follow a harmful trend since the colonisation of Australia of the asymmetry in value between Indigenous knowledge and practices, and those of mainstream Australia (Connell 2014). The welfare surveillance phenomenon is further outlined in the following section.

4.2.2 Surveilling the margins: Welfare, Automated Data Matching and Cashless Cards

Welfare surveillance practices involve monitoring individuals with low socioeconomic status receiving state welfare support, which Australia has implemented in a number of ways (Henman and Marston 2008). The government welfare agency Centrelink’s RoboDebt saga is a recent and controversial example of this, which highlights the adverse effects of big data surveillance techniques. RoboDebt involved automated data-matching between *Centrelink* and the *Australian Taxation Office (ATO)* to detect discrepancies in income reporting between agencies and recover alleged over-payment of welfare benefits (Galloway 2017). Over 200,000 people were affected when Centrelink automatically sent out approximately 20,000 debt notices per week without human intervention or oversight. Many

were inaccurate, with investigations finding error attributable to data mismatching (Galloway 2017). The use of mismatched data to target thousands of welfare recipients, and the lack of fair processes enabling the client to have their debt notice reviewed is a natural justice blunder (Galloway 2017). A subsequent parliamentary inquiry recommended suspension of the system until issues of procedural justice (i.e., avenues for review of automated decisions) were addressed (see Community Affairs References Committee 2017). However, at the time of writing it seems that RoboDebt notices are still being issued..

4.2.3 Surveillance in the Borderlands – Manus and Nauru

Our final case study concerns Australian surveillance and data gathering from individuals at the borderzones, particularly refugees in the offshore detention camps on the Pacific islands of Manus (part of Papua New Guinea) and nation-state Nauru. Refugees who attempt to arrive in Australia by boat are transported to these detention camps, rather than being allowed to land in Australia, by Australian Government policies which have been termed the ‘Pacific Solution’. The Pacific Solution has been strongly criticised, including for infringing international human rights standards (Saul 2012; Henderson 2014).

Since 9/11, the Australian border has been a prominent site of biometric data collection about those that (attempt to) pass through it (Mann & Smith 2017), informed by historical and racialised colonial narratives of securitisation (Wilson 2007). There have also been specific surveillance practices perpetrated in the detention camps (Briskman 2013), paradoxically as the Australian Government has attempted to restrict information from getting out of the camps to the public (Briskman 2013; Brevini 2017). These practices have spilled over into the domestic politics of Nauru, including a block of ‘abusive’ internet content including Facebook, to restrict the flow of information coming out from inmates of

the detention camp (Heemsbergen and Daly 2017). Furthermore, the NGO Save the Children had its premises raided in Nauru by the domestic police, on the pretext of identifying the source of a leak about conditions in the detention camps (Hasham 2015).

The surveillance of refugees in these borderzones and corresponding Australian government secrecy have been termed 'authoritarian' (Heemsbergen and Daly 2017), but they also reinforce Australia's 'colonial present' towards refugees (Dickson 2015), and the broader enduring colonial dynamics with Australia's Pacific neighbours (Rajaram 2003).

5. Conclusion: Australia's Informational Imperialism and Digital Colonialism

These case studies demonstrate that Australia's 'external' and 'internal' big data practices are a continuation of colonial practices. These practices can be understood through the lens of Southern Theory: Australia has a 'Northern' character but it is located in the Global South. Australia's interactions externally with neighbours in the Global South, internally, in particular, with Indigenous peoples, and at the border with refugees, equate to a 'North-in-South' dynamic.

In general, there is widespread surveillance and data collection regarding the whole population in Australia, through the country's participation in the FVEY alliance, and through domestic laws and policies such as mandatory data retention (Suzor, Pappalardo and McIntosh 2017). The lack of comprehensive human rights protections facilitates data collection that would be illegal in 'similar' Global North jurisdictions (Daly 2017). However, as we have shown, many of Australia's data practices take a colonial character, targeting marginalised and minority groups internally and at the border, and weaker neighbours in the region. This is not surprising, given the potential for big data to be used as a tool to

perpetuate biases and prejudice certain individuals, especially People of Colour and those on a low income (Lum and Isaac 2016).

Australia's Global North-in-South data practices exhibit a double data colonialism/coloniality – individuals in general experience the dispossession of their data, but marginalised persons and groups experience additional ways in which their data is 'colonised'. Australia is unique among the Anglosphere settler-colonial societies in never having negotiated treaties with the Indigenous nations, presenting barriers for Indigenous peoples in having their sovereignty, digital or otherwise, recognised by the Australian settler law.

There are attempts to de-colonialise data practices in both Australia and other Anglosphere colonial settler states, including through Indigenous Data Sovereignty (IDS) initiatives and the recognition and promotion of Indigenous peoples' 'inherent and inalienable rights and interests ... relating to the collection, ownership and application of data about their people, lifeways and territories' (Kukutai and Taylor 2016, p. 2). In practice, IDS initiatives involve the right of Indigenous nations and peoples to govern the collection, ownership and use of data, in contrast to the dominant settler-colonialist approaches which have often forcibly collected data about Indigenous peoples in culturally inappropriate ways, data which has then been used against them (Pool 2016). IDS initiatives, such as the Yawuru Knowing our Community from the Yawuru people of north Western Australia (Yap and Yu 2016) and the development of Mayi Kuwayu, the first national longitudinal study of Aboriginal and Torres Strait Islander wellbeing (Lovett 2016), represent a counterhegemonic current to the Australian colonial settler-state's North-in-South data collection and surveillance practices. By ensuring these initiatives are driven and informed by Indigenous experiences and perspectives, they further offer the possibility for those subjected to double

data colonialism/coloniality to initiate culturally appropriate data practices for and by their own people.

Nevertheless at present, the dominant forms of surveillance, data collection and use in Australia remain colonial/Northern. The privacy (and other human rights) of everyone within Australia (and also people outside of Australia's geographical borders) are routinely violated by Australian mass surveillance, data collection and use. However our case study of Australia demonstrates the double digital colonialism/coloniality that Australia's surveillance, data collection and gathering practices encompass given the particular impact they have on marginalised populations, including Indigenous peoples, refugees, welfare recipients, and smaller and poorer neighbouring countries in the Asia Pacific region. This cements Australia's position as a 'Global-North-*in*-South' big data actor. In exposing this double data colonialism/coloniality, we aim to contribute to the body of knowledge on Southern Criminology on surveillance and data practices, but also on the characterisation of Australia, by terming it a North-*in*-South actor because of its colonial settler configuration and the ongoing practices of colonialism towards Indigenous peoples, which are now perpetrated via digital and other technological means.

References

- Abbondanza, Gabriele. 2013. *The Geopolitics of Australia in the New Millennium: The Asia-Pacific Context*. Rome: Aracne.
- Alice Springs Town Council. n.d. "Indigenous." Accessed March 11, 2018. <http://www.alicesprings.nt.gov.au/living/living-alice-springs/indigenous>.
- Allard, T. 2014. "Australia ordered to cease spying on East Timor by International Court of Justice." *Sydney Morning Herald*. 4 March 2014. <http://www.smh.com.au/federal->

[politics/political-news/australia-ordered-to-cess-spying-on-east-timor-by-international-court-of-justice-20140303-hvfya.html](https://www.austlii.edu.au/au/other/dfat/news/politics/political-news/australia-ordered-to-cess-spying-on-east-timor-by-international-court-of-justice-20140303-hvfya.html).

- Australian Crime Commission. 2014. *"The Final Report of the National Indigenous Intelligence Taskforce 2006-2014."* Canberra: Commonwealth of Australia.
- Anton, Donald K. 2014. "Timor Sea Treaty Arbitration: Timor-Leste Challenges Australian Espionage and Seizure of Documents." *American Society of International Law* 18, no. 6: 1-6.
- Ball, Desmond. 2001. "Silent witness: Australian intelligence and East Timor." *The Pacific Review* 14, no. 1: 35-62.
- Barclay, Glen St John. 1995. "Problems in Australian foreign policy, January-June 1995." *Australian Journal of Politics and History* 41, no. 3: 339-355.
- Bramble, Tom. 2015. "Australia: A Mid-level Imperialist in the Asia Pacific." *Historical Materialism* 23, no. 3: 65-110.
- Brevini, Benedetta. 2017. Metadata law, journalism and resistance in Australia. *Media and Communication* 5, no. 1: 76-83.
- Briskman, Linda. 2013. Technology, Control and Surveillance in Australia's Immigration Detention Centres. *Refuge: Canada's Journal on Refugees* 29 no. 1: 9-19.
- Browne, Simone. 2015. *Dark Matters: On the Surveillance of Blackness*. Durham: Duke University Press.
- Calma, T. 2009. "The Northern Territory Intervention – It's not our dream." *Law in Context* 27, no. 2: 14-41.
- Casilli, Antonio. 2017. "Digital Labor Studies Go Global: Toward a Digital Decolonial Turn." *International Journal of Communication* 11: 3934–395.

- Castan Centre. n.d. *What is the Northern Territory Intervention*. Victoria: Monash University. <https://www.monash.edu/law/research/centres/castancentre/our-research-areas/indigenous-research/the-northern-territory-intervention/the-northern-territory-intervention-an-evaluation/what-is-the-northern-territory-intervention>
- Community Affairs References Committee (2017). *Senate inquiry into the design, scope, cost-benefit analysis, contracts awarded and implementation associated with the Better Management of the Social Welfare System initiative*. Canberra: Commonwealth of Australia.
- Connell, Raewyn. 2014. Using southern theory: Decolonizing social thought in theory, research and application, *Planning Theory* 13 no. 2: 210-223.
- Connell, Raewyn. 2007. *Southern Theory: The Global Dynamics of Knowledge in Social Science*. New South Wales: Allen & Unwin.
- Corcoran, Mark. 2013. "The Chinese embassy bugging controversy." *ABC*, 8 November 2013. <http://www.abc.net.au/news/2013-11-08/the-chinese-embassy-bugging-controversy/5079148>
- Coutinho, Francisco Pereira, and Francisco Gala. 2014. "David and Goliath Revisited: A Tale about the Timor-Leste/Australia Timor Sea Agreements." *Texas Journal of Oil, Gas and Energy Law* 10, no. 2: 429-462.
- Cowan, Anna. 2013. "UNDRIP and the Intervention: Indigenous Self-Determination, Participation, and Racial Discrimination in the Northern Territory of Australia." *Pacific Rim Law & Policy Journal* 22, no. 2: 247-310.
- Daly, Angela. 2016. "Digital Rights in Australia's Asian Century: A Good Neighbour?" In *The Good Life in Asia's Digital 21st Century*, edited by Digital Asia Hub, 128-138. Hong Kong: Digital Asia Hub.

- Daly, Angela. 2017. Privacy in Automation: An Appraisal of the Emerging Australian Approach. *Computer Law & Security Review* 33 no. 6: 836-846.
- Davidson, Helen and Christopher Knaus. 2018. "Australia and Timor-Leste to sign deal on contentious gasfield." *The Guardian*, 6 March, 2018.
https://amp.theguardian.com/world/2018/mar/07/australia-and-timor-leste-to-sign-deal-on-contentious-gasfield?CMP=share_btn_tw&__twitter_impression=true
- Dee, Mike. 2013. "Welfare surveillance, income management and new paternalism in Australia." *Surveillance & Society* 11, no. 3: 272-286.
- de Zwart, Melissa, Sal Humphreys and Beatrix van Dissel. 2014. "Surveillance, big data and democracy: Lessons for Australia from the US and UK." *University of New South Wales Law Journal* 37, no. 2: 713-747.
- Dickson, Andonea. 2015. Distancing Asylum Seekers from the State: Australia's evolving political geography of immigration and border control. *Australian Geographer* 46, no. 4: 437-454.
- Eubanks, Virginia. 2018. *Automating Inequality: How High-Tech Tools Profile, Police and Punish the Poor*. St Martin's Press.
- Fredericks, Bronwyn. 2010. Re-empowering Ourselves: Australian Aboriginal Women. *Signs: Journal of Women in Culture and Society* 35, no. 3: 546-550.
- Gallagher, Ryan. 2017. "The US spy hub in the heart of Australia." *The Intercept*, 20 August 2017. <https://theintercept.com/2017/08/19/nsa-spy-hub-cia-pine-gap-australia/>
- Galloway, Kate. 2017. "Big data: A case study of disruption and government power." *Alternative Law Journal* 42, no. 2: 89-95.

- Gajjala, Radhika and Anca Birzescu. 2011. "Digital Imperialism through Online Social/Financial Networks." *Economic and Political Weekly* 46, no 13: 95-102.
- Goldflam, Russell. 2008. "Satellites, Citizens and Secrets: R v Law & others." *Alternative Law Journal* 33, no. 2: 92-96.
- Graham, Mark, Isis Hjorth, and Vili Lehdonvirta. 2017. "Digital labour and development: Impacts of global digital labour platforms and the gig economy on worker livelihoods." *Transfer: European Review of Labour and Research* 23, no. :, 135–162
- Gruenstein, Jenna. 2008. "Australia's Northern Territory National Emergency Response Act: Addressing Indigenous and non-Indigenous Inequities at the Expense of International Human Rights." *Pacific Rim Law & Policy Journal* 17, no. 2: 467-495.
- Hasham, N. 2015. "Save the Children workers on Nauru have computers seized in second police raid." *The Sydney Morning Herald*, October 22, 2015.
<https://www.smh.com.au/politics/federal/save-the-children-workers-on-nauru-have-computers-seized-in-second-police-raid-20151022-gkfugi.html>.
- Heath, Mary. 2017. "Continuing the Cold War tradition and suppressing contemporary dissent." *Alternative Law Journal* 42, no. 4: 248-252.
- Heemsbergen, Luke and Angela Daly. 2017. Leaking Boats and Borders: The virtue of surveilling Australia's refugee population. *Surveillance & Society* 15, no 3/4: 389-396.
- Henderson, C. 2014. Australia's treatment of asylum seekers: From human rights violations to crimes against humanity. *Journal of International Criminal Justice* 12, no. 5: 1161-1181.
- Henman, Paul and Marston, Greg. 2008. The Social Division of Welfare Surveillance. *Journal of Social Policy*, Vol 37, Issue 2: 187-205.

- Hill, Paul Ronald. 1995. "Blackfellas and whitefellas: Aboriginal land rights, the Mabo decision, and the meaning of land." *Human Rights Quarterly* 17, no. 2: 303-322.
- International Court of Justice (ICJ). 2014. *Questions relating to the seizure and detention of certain documents and data (Timor-Leste v. Australia): Request for the indication of provisional measures order*. The Hague: International Court of Justice, 2014.
<https://www.ilsa.org/jessup/jessup16/Batch%201/TLvAusOrder.pdf>.
- Jandrić, Petar, and Ana Kuzmanić. 2016. "Digital postcolonialism." *IADIS International Journal on WWW/Internet* 13, no. 2: 34-51.
- Jin, Dal Yong. 2015. *Digital Platforms, Imperialism and Political Culture*. London: Routledge.
- Johnston, Anna and Alan Lawson. 2000. "Settler colonies." In *A companion to postcolonial studies*, edited by Henry Schwarz and Sangeeta Ray, 360-376. New Jersey: John Wiley & Sons.
- Joint Standing Committee on Treaties. 1999. *Report 26: An agreement to extend the period of operation of the Joint Defence Facility at Pine Gap*. Canberra: Parliament of Australia.
<https://trove.nla.gov.au/work/6435159?selectedversion=NBD21320462>
- Kuehn, Kathleen. 2016. *The Post-Snowden Era: Mass Surveillance and Privacy in New Zealand*. Christchurch: BWB Texts.
- Kukutai, Tahu and John Taylor. 2016. "Data Sovereignty for indigenous peoples: current practice and future needs." In *Indigenous Data Sovereignty: Towards an Agenda*, edited by Tahu Kukutai and John Taylor, 1-23. Canberra: ANU Press.
- Langton, Marcia. 2017. "The cashless debit card trial is working and it is vital – here's why." *The Conversation*, May 3, 2017. <https://theconversation.com/the-cashless-debit-card-trial-is-working-and-it-is-vital-heres-why-76951>.

- Lee, Murray. 2018. "Crime and the Cyber Periphery: Criminological Theory Beyond Time and Space." In *The Palgrave Handbook of Criminology and the Global South*, edited by Kerry Carrington, Russell Hogg, John Scott, and Maximo Sozzo, 223-244. Cham, Switzerland: Palgrave Macmillan.
- Leslie, Tim and Mark Corcoran. 2013. "Explained: Australia's involvement with the NSA, the US spy agency at heart of global scandal." *ABC*, 19 November.
<http://www.abc.net.au/news/2013-11-08/australian-nsa-involvement-explained/5079786>.
- Lovett, Ray. 2016. Aboriginal and Torres Strait Islander community wellbeing: identified needs for statistical capacity. In *Indigenous Data Sovereignty: Towards an Agenda* edited by Tahu Kukutai and John Taylor, 213-232. Canberra: ANU Press.
- Lum, Kristian and William Isaac. 2016. To predict and serve? *Significance*, 13 no. 5: 14-19.
- Maldonado-Torres, Nelson. 2007. On the coloniality of being: Contributions to the development of a concept. *Cultural Studies* 21 no. 2/3: 240–270.
- Mann, Monique, and Marcus Smith 2017. Automated facial recognition technology: Recent developments and approaches to oversight. *UNSW Law Journal* 40, no 1: 121-145.
- Mann, Monique, and Ian Warren. 2018. "The digital and legal divide: Silk Road, transnational online policing and Southern criminology." In *The Palgrave Handbook of Criminology and the Global South*, edited by Kerry Carrington, Russell Hogg, John Scott, and Maximo Sozzo, 245-260. Cham, Switzerland: Palgrave Macmillan.
- Middleton, Hannah. 2009. "The Campaign against US military bases in Australia." In *Ending War, Building Peace*, edited by Lynda-Ann Blanchard and Leah Chan, 121-135. Sydney: Sydney University Press.

- Milan, Stefania and Emiliano Treré. 2017. "Big data from the South: The beginning of a conversation we must have." *Datactive* October 16 2017. <https://data-activism.net/2017/10/bigdatasur/>.
- Moreton-Robinson, Aileen. 2015. *The White Possessive: Property, Power and Indigenous Sovereignty*. Minneapolis: University of Minnesota Press.
- Morse, Valerie, ed. 2010. *The Day the Raids Came: Stories of Survival and Resistance to the State Terror Raids*. Texas: Rebel Press.
- Muldoon, Paul and Andrew Schaap. 2012. Aboriginal sovereignty and the politics of reconciliation: the constituent power of the Aboriginal Embassy in Australia. *Environment and Planning D: Society and Space* 30, no. 3: 534 - 550
- Noble. Safiya Umoja. 2017. *Algorithms of Oppression: How Search Engines Reinforce Racism*. New York: New York University Press.
- O'Neil, Andrew. 2017. "Australia and the 'Five Eyes' intelligence network: the perils of an asymmetric alliance." *Australian Journal of International Affairs* 71, no. 5: 529-543.
- Patman, Robert and Laura Southgate. 2015. National Security and surveillance: the public impact of the GCSB Amendment Bill and the Snowden Revelations in New Zealand. *Intelligence and National Security* 31, no. 6: 871-887.
- Pool, Ian. 2016. "Colonialism's and postcolonialism's fellow traveller: the collection, use and misuse of data on indigenous people." In *Indigenous Data Sovereignty: Towards an Agenda* edited by Tahu Kukutai and John Taylor, 57-77. Canberra: ANU Press.
- Peña Gangadharan, Seeta. 2012. Digital Inclusion and Data Profiling, *First Monday* 17, no. 5. <http://www.firstmonday.dk/ojs/index.php/fm/article/view/3821>.

- Rajaram, Prem Kumar. 2003. "'Making Place': The 'Pacific Solution' and Australian Emplacement in the Pacific and on Refugee Bodies." *Singapore Journal of Tropical Geography* 24, no. 3: 290-306.
- Rennie, Ellie, Jake Goldenfein, and Julian Thomas. 2007. "Internet policy and Australia's Northern Territory intervention." *Internet Policy Review* 6 no. 1: 1-17.
- Ruby, Felicity, Gerard Goggin, and John Keane. 2017. "Comparative silence" still?." *Digital Journalism* 5, no. 3: 353-367.
- Saul, B. 2012. Dark justice: Australia's indefinite detention of refugees on security grounds under international human rights law. *Melbourne Journal of International Law* 13, no. 2: 685 – 731.
- Sentas, Vicki and Camilla Pandolfini. 2017. *Policing Young People in NSW: A Study of the Suspect Targeting Management Plan. A Report of the Youth Justice Coalition NSW*. Sydney: Youth Justice Coalition NSW. <http://www.yjc.org.au/resources/YJC-STMP-Report.pdf>
- Suzor, Nicolas, Kylie Pappalardo and Natalie McIntosh. 2017. "The passage of Australia's data retention regime: national security, human rights, and media scrutiny." *Internet Policy Review* 6, no. 1: 1-16.
- Tauri, Juan Marcellus and Ngati Porou. 2014. Criminal Justice as a Colonial Project in Contemporary Settler Colonialism. *African Journal of Criminology and Justice Studies* 8, no. 1: 20-37.
- Teaiwa, Katerina. 2015. Ruining Pacific Islands: Australia's Phosphate Imperialism. *Australian Historical Studies* 46, no. 3: 374-391.

- Telsyte. 2017. "Big data surges as Australian organisations increase spending in 2017."
Telsyte March 16 2017. <https://www.telsyte.com.au/announcements/2017/3/15/big-data-surges-as-australian-organisations-increase-spending-in-2017>.
- Thatcher, Jim, David O'Sullivan and Dillon Mahmoudi. (2016). "Data colonialism through accumulation by dispossession: New metaphors for daily data." *Environment and Planning D: Society and Space* 34, no. 6: 990-1006.
- Veracini, Lorenzo. (2010). *Settler-colonialism: A Theoretical Overview*. London: Palgrave Macmillan.
- Watson, Irene, ed. 2018. First Nations, Indigenous Peoples: our laws have always been here. In *Indigenous Peoples as Subjects of International Law*, 96-119. Oxon: Routledge.
- Watson, Jini Kim. 2015. From Pacific Way to Pacific Solution: Sovereignty and Dependence in Oceanic Literature. *Australian Humanities Review* 58: 29-49.
- White, Rob. 2015. Indigenous Young People and Hyperincarceration in Australia. *Youth Justice* 15, no. 3: 256-270.
- Williams, George, and Daniel Reynolds. 2017. *A charter of rights for Australia*. Sydney: NewSouth Publishing.
- Wilson, Jon E. 2007. "Early colonial India beyond empire." *The Historical Journal* 50, no. 4: 951-970.
- Yap, Mandy and Eunice Yu. 2016. Data Sovereignty for the Yawuru in Western Australia. In *Indigenous Data Sovereignty: Towards an Agenda* edited by Tahu Kukutai and John Taylor, 233-252. Canberra: ANU Press.

Treaties Cited

Agreement between the Government of the Commonwealth of Australia and the Government of the United States of America relating to the Establishment of a Joint Defence Space Research Facility [Pine Gap, NT], U.S.-AUS., 9 December 1966, ATS 17.

United Nations Law of the Sea Convention (UNCLOS), 10 December 1982, U.N.T.S., 1982.

Treaty with the Government of the Democratic Republic of Timor-Leste on Certain Maritime Arrangements in the Timor Sea (CMATS Treaty), 12 January 2006.

UKUSA Agreement, U.S.-U.K., 5 March 1947.

Laws Cited

Defence Special Undertakings Act 1952 (Cth)

Northern Territory National Emergency Response Act 2007 (Cth)

Racial Discrimination Act 1975 (Cth)

ⁱ Another potential site of research – and comparison – is neighbouring Aotearoa New Zealand. New Zealand is another British settler-colonial society which has a ‘Northern’ character despite being located geographically in the Global South. A thorough consideration of New Zealand is outside the scope of this article but its own data practices as a member of the Five Eyes alliance (Patman and Southgate 2015; Kuehn 2016) and internally as regards the Indigenous Māori people (Morse 2010; Tauri and Porou 2014) would also seem position it as a North-in-South purveyor of ‘double’ digital colonialism/coloniality – and thus a topic for further research.

ⁱⁱ We acknowledge that Indigenous sovereignty has never been ceded (see Fredericks 2010; Muldoon and Schaap 2012).

ⁱⁱⁱ For the declassified historical documents concerning the UKUSA Agreement see: <https://www.nsa.gov/news-features/declassified-documents/ukusa/>

^{iv} *Agreement between the Government of the Commonwealth of Australia and the Government of the United States of America relating to the Establishment of a Joint Defence Space Research Facility [Pine Gap, NT] (entry into force 9 December 1966)* Available at: <http://www.austlii.edu.au/au/other/dfat/treaties/1966/17.html>

^v The Arrernte people are the First inhabitants and Traditional Owners of Alice Springs (Mparntwe) and surrounding areas of Central Australia, including the East MacDonnell ranges (Alice Springs Town Council n.d.).

^{vi} See for example <http://closepinegap.com/>

^{vii} The first individuals prosecuted under the *Defence Special Undertakings Act 1952 (Cth)* were protesting peacefully in 2005, with the convictions overturned on appeal (Goldflam 2008; Heath 2017). The *Defence Special Undertakings Act 1952 (Cth)* was then amended so the JDFPG was declared ‘a special defence undertaking.’ These amendments and recent prosecutions are an attempt to suppress criticism of Australia’s role in US military operations (Heath 2017).

^{viii} The maritime border dispute between Australia and Timor-Leste is long and complex. Thorough treatment of this case is beyond the scope of the present article, however for further information on the case, see Anton (2014); Coutinho and Gala (2014); International Court of Justice (ICJ) documents (e.g., ICJ 2014)

^{ix} There is a long history about the interference of Australian intelligence agencies in Indonesia and Timor-Leste relations, particularly during the lead-up to independence from Indonesia in 2002 (see e.g. Ball 2001).

^x An agreement was reached where 82% of the largest known petroleum deposits would be appropriated to Australia and the remaining 18% to Timor-Leste (Anton 2014). At the time of writing in March 2018, it was reported that this historic agreement will be signed and the border delineated (Davidson and Knaus 2018).

^{xi} Reports also surfaced that Australia bugged the Cabinet room in Timor-Leste's capital, Dili. An anonymous whistle blower known as *Witness K* concurred with these allegations, disclosing that bugs were planted to afford Australian officials access to confidential information about multi-billion dollar underwater resources (Davidson and Knaus, 2018). More details about the involvement of the ICJ can be found here: <http://www.icj-cij.org/en/case/156>.

^{xii} Some commentators observed the “intelligence derived from these bugs was received on equipment at the rear of the British High Commission, and was replayed straight to the US National Security Agency” (Barclay 1995, 348-9). The implication is that Australia only benefitted from its espionage of the Chinese embassy via its relationship with the US, which withheld intelligence from Australia, and was also privy to secret trade negotiations between Australia and China (Barclay 1995; Corcoran 2013).

^{xiii} This is the main Australian federal criminal intelligence agency with mandate to specifically respond to serious and organised crime in Australia. The ACC is governed by the *ACC Establishment Act 2002 (Cth)*