

We need a standing Royal Commission to supervise our intelligence agencies (REPOST Aug 31, 2020)

[John Menadue](#) -Pearls and Irritations - [13 September 2020](#)

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We need intelligence agencies that are accountable to the community.. We do not have that at the moment. They duress ministers and their parliamentary ‘supervisors’ .

We have witnessed the failure of bank regulators. Regulatory failure in the intelligence sector is even more in plain sight. The sector is really not answerable at all.

There are particular problems with agencies that operate in secret and with few public checks. In an abuse of power ASIO and its collaborators have been campaigning overtly and covertly to force change in Government policy towards China. They are succeeding.

The Chair of the parliamentary committee (Andrew Hastie) supposedly supervising ASIO and numerous intelligence agencies has become a defender and promoter of the agencies and their work. He has a clear conflict of interest.

I have spoken and written often of my concerns about how our intelligence agencies behave. The posture that they are better informed than other people and are more patriotic.

My direct experience with people in the intelligence and security community over 20 years taught me to be very cautious. They seriously deceived me twice without any apology or seeming regret. I found many of them brittle, and not all that smart or well balanced. They were however adept in doling out juicy bits of ‘information’ that were often untested, but drew one into the inner circle of people with privileged information, a twilight world of secrets and gossip. Perhaps we all read too many spy thrillers and vicariously want to be part of the action. Few are immune.

My direct experience was some decades ago and critics might say that security services have greatly improved since then. They would need to. In the meantime, the security/intelligence agencies have significantly increased powers and increased resources.

But I cannot see much improvement in their performance and accountability. Look at a few recent examples.

- ASIS bugged the East Timorese Cabinet Room in 2004 to obtain information to help Australia in negotiations over the Timor Gap with its estimated oil and gas reserves worth \$40b. The ASIS Director General at the time subsequently became the Director-General of ASIO. He is now the Chair of the FIRB board which advises the government on all foreign investments, including Chinese investment. If there were any serious supervision of ASIS and its leader over this improper and possibly illegal operation in East Timor the Director General of ASIS would have been at least disciplined. But no – he was subsequently promoted as head of ASIO and later Chair

of FIRB where he has considerable influence on government decisions on Chinese investment in Australia.

- A former senior ASIS officer (Witness K) who had been closely involved in the bugging in Timor had his passport seized and was harassed continually by ASIO because he was proposing to testify on the subject to the Permanent Court of Arbitration in the Hague. He decided to testify when he learned that former Foreign Minister, Alexander Downer had become an advisor to Woodside Petroleum. The secretary of Downer's department, the late Ashton Calvert, later took a position as a director of Woodside. In 2014 the Court ordered Australia to stop spying on East Timor. But the career of those who authorised the bugging of the East Timorese cabinet went from strength to strength. The wrong people have been charged.
- In 2013 we spied on Indonesian trade negotiations and passed the information to the US to help US companies
- ASIS bugged the family of the Indonesian President. Tony Abbott refused to apologise An apology would upset our intelligence club
- Man Haron Monis of Lindt Café infamy, was interviewed many times by ASIO. The national security hotline received 18 calls about the behaviour of Monis and his threats. But Monis was found by ASIO not to be a threat.
- We saw the parliamentary supervisor of ASIO, Hastie, giving a heads up to an old SAS colleague, the head of ASIO at the time about a speech he would make attacking China. He kept his Prime Minister Malcolm Turnbull in the dark. They did not feel accountable even to their own Prime Minister. It is the cosy and incestuous intelligence world in action for all to see and fear. And the SAS brotherhood in action. Scary!

Led by the CIA, the 'five eyes' have joined enthusiastically with US attacks on China on many fronts and particularly 'Chinese cyber-espionage'. As a member of 'five eyes' we are likely to run the risk of putting the dominating CIA's view of the world and American interests ahead of our own national interests. The Australian 'eye' may have technical skills but seems seriously lacking in sensibly judgement.

There is legitimate concern about Chinese intelligence activities as there should be about similar activities by our allies particularly for the benefit of commercial firms. All countries are in the spying business. Even Angela Merkel had her phone tapped by US agencies.

After Edward Snowden's amazing revelations about US pervasive spying on friends as well as enemies a review panel established by Barrack Obama recommended that US intelligence agencies 'be directed exclusively at the national security of the US and its allies' and 'must not be directed at illicit or illegitimate ends such as the theft of trade secrets or obtain commercial gain for domestic industries'.

That is precisely what ASIS was doing in East Timor bugging- to benefit Woodside Petroleum. But ASIS is not in the dock. The whistle blowers are.

Too often ministers and officials invoke national security, relying in some instances on doubtful security advice. The media also allows itself to be silenced whenever the mantra 'national security' is rolled out. Journalists at News Corp, Channel 9 and even the ABC are only too willing to be embedded in the intelligence / military complex. It ensures access and 'exclusives'. Joh Bjelke Peterson used to call it 'feeding the chooks'.

Intelligence agencies are now very much in the front line of public debate, no longer collectors of information for others to assess and for ministers to decide. As Richard McGregor from Lowy Institute in the SMH of 12 January 2019 put it ‘The (intelligence) agencies and their consumers in government were once strictly divided into collectors, assessors and policymakers. Those divisions are disappearing with the result that the collection agencies are gaining a greater say in policy.’ But it is no longer ‘a greater say in policy’. they are propagandists for their insular view of the world. They have led the charge against China for which we are going to pay a heavy price. Diplomacy has been sidelined.

More and more untested ‘intelligence’ is going straight to Ministers, senior officials and the media. The collection agencies like ASIO and ASIS are now in the front line, briefing and leaking to the media.

When the home of Shaoquett Moselmane was raided in June by AFP and ASIO the two agencies made sure that China’s most rabid attackers in the media were there on queue to maximise the China threat and discredit the ALP.

In order to intensify the Morrison Government’s attacks on Premier Andrew on the China spy threat, Benson and Chambers from The Australian told readers that ASIO chief, Mike Burgess and the Office of National Assessments chief, Nick Warner had offered Andrews a briefing on the threat, which Andrews declined. What disgraceful behaviour by Burgess and Warner to play the partisan game like this. They are out of control.

And it is not just ministers, senior officials and the media who are misled by the security/intelligence club doling out titbits of fact along with untested information and speculation. With an increased focus on terrorism around the world, private terrorism and consultants including at universities have been booming. It has become a major growth industry. Now the anti-China business is booming.

I am yet to discover how one becomes a ‘security expert’! Many of them are former intelligence officers with heavy dependence on news feeds from former employers. When I see and hear so many of these so-called experts on terrorism or China, I do wonder how really competent they are. Even the military arms funded Australian Strategic Policy Institute pretends that is an expert on China. Give us a break!

Governments have introduced measures in attempts to supervise the performance and integrity of our security agencies, e.g. parliamentary committees and the Inspector-General of the agencies. But it is not at all clear how effective they are. All too often the minders of the agencies, like ministers, join the club.

The sorry story of collaboration by regulators with operators has been starkly revealed in the finance sector. The finance regulators joined the banker’s club. We have seen the disastrous consequences. It is happening in the intelligence field.

In such an important and opaque field as intelligence one would hope that the Opposition would be asking hard questions and preventing needless intrusions into our civil liberties. But not the ALP today. Is the ALP not concerned about the injustice being dolled out to Witness K and Bernard Collaery?

So much of our politics and public ‘debate’, particularly about China is seen through a security/intelligence lens... The intelligence agencies have seized the opportunity with more resources and more powers to fashion the public debate about China. In this unbalanced public debate, diplomacy is pushed aside and the Department of Foreign Affairs and Trade is sidelined.

We will pay a heavy price if this slanted debate continues with our intelligence agencies leading the drive against China.

Hardly a day passes without the head of one of our intelligence agencies going public. We used to think they were the ‘secret service’. If the agencies are not directly selling their wares they are getting friendly think tanks or embedded journalists to promote their anti-China line particularly over naval activities in the South China Sea where the only country to act illegally is the US.

It is vitally important in our national interest to have external and independent supervisors of our intelligence agencies, strong-minded people who are not part of or likely to join the intelligence club

Judge Robert Hope provided excellent advice on intelligence matters to both the Whitlam and Fraser Governments. But we need to go beyond that today with a standing Royal Commission headed by a strong-willed, competent and independent person.

Our financial regulators did not effectively regulate and control the banks. Our intelligence agencies are similarly out of effective control. That is an even more serious problem. It involves our national security.