

The Secretary  
Parliamentary Joint Committee on ASIO  
Parliament House  
Canberra  
ACT 2600  
8 June 2000

Dear Secretary

I wish to make a submission to the inquiry of your Parliamentary Joint Committee into 'ASIO's Public Reporting' with particular emphasis on the 'way in which ASIO reports to the Australian public on its activities' with reference to the matter of its poor performance in releasing its files to the National Archives.

### **Value to Historians of ASIO's Files**

I am an academic historian with a strong interest in Australian political history in which I teach and publish. I have similar interests in the history of the Cold War and its impact on Australian history. In these areas I have found the records from ASIO that have been lodged in the National Archives of Australia to be of considerable use in my research and writings. I also use the records of the intelligence agencies that have been lodged in the Public Record Office in London and the National Archives in Washington in my history research. I use these records to supplement the Australian intelligence archival material to assist me in placing the intelligence history of Australia in a wider international setting (as appropriate for Cold War history) and as a means of demonstrating how Australia has become an important player in the events of those years.

## **Importance of ASIO in Australia's History**

Intelligence organisations although existing in a rudimentary form in the years before the Second World War, underwent reorganisation in the years after the War and then rapidly expanded in the fifty years that marked the conduct of the Cold War. ASIO was established in 1949 and thereafter became an integral part of the history of Australia during all of the Cold War. There would have been few incidents of national importance that would have not had some involvement of ASIO in their conduct. It must be emphasised that ASIO records provide an essential source for understanding the progress of political events in those important decades of the second half of the 20th century in Australia. All of ASIO's records must be retained and made available under the thirty-year rule for researchers through the National Archives of Australia.

## **ASIO's Files Now Greatly Out of Date**

Because of national security issues that dominated the years of the Cold War, government in Australia formed into several layers: one was the public level as discussed in newspapers and was evident to the general public and many of the nation's administrators; the other was a closed level that was kept secret from the public that involved matters of national security. Access to that secret level was available to ASIO and senior members of government. That highly secret material is now fully out of date. The information contained in those files is no longer of any value to ASIO. The Cold War has ended and, as in the aftermath of all wars, the records of that war are redundant. Go to the War Memorial Archives or the National Archives and read war-time documents for which Australia's enemies would have paid dearly to obtain just a glimpse. The papers bear ratings of high secrecy that were appropriate for those years; they are now read only by historical researchers. ASIO should deposit all of its thirty-year-old files in the Archives if only to obtain space for its more current files.

## **Australians and Open Government**

Attitudes in Australia towards its government and its instrumentalities have undergone important changes over the last decade. The concept of secrecy in government is not now sustainable. The public demand transparency in all public processes. Governments have responded by supporting measures to make themselves accountable and to make all government records accessible to

the public. The range of government material available on the net and through web sites is enormous and grows daily. It would be difficult for your Parliamentary Joint Committee to agree to any ASIO application to withhold the bulk of their non-current records from public access. Requests under Freedom of Information (FOI) legislation continue to mount in spite of the rising costs and this provides an indicator of the public's demand for governmental information. ASIO is unfortunately excluded from the terms of FOI. Your Committee should make a recommendation that it be brought under the terms of that Act. If ASIO were already under the Act, a better gauge could be obtained of the amount of interest the public expresses in obtaining access to this government department.

### **Recommendations to Parliamentary Joint Committee**

My submission to your Parliamentary Joint Committee is as follows:

\*Have ASIO lodge its index for files over thirty years of age in the National Archives. At present a researcher has to apply to the Archives for a file not knowing if the correct file title has been quoted nor whether such a file exists.

\*Have ASIO make all its Cold War files available for public researchers. This includes such important events as the Petrov Affair and material associated with the Vietnam War.

\*ASIO seeks to have files that contain the names of its informers out of the hands of the public. These files should be made available with the names of informers blacked-out

\*ASIO claims that some of its material has been obtained from foreign governments and must be withheld from the public to protect that source. Have ASIO inform the governments concerned that ASIO will clear such files unless that country objects within a reasonable time. The US government has released files relating to Australia while the Australian authorities have continued to embargo such material. Such a situation need not prevail.

\*Have ASIO brought under the FOI Act.

\*Ensure that the Corporate Statement of ASIO contains a clause that with the conclusion of the Cold War it is no longer a secret surveillance body and must function like other government departments with the same obligations to make its records available to the public through the National Archives.

I will be pleased to enlarge on my submission to the Parliamentary Joint Committee if the opportunity is available.

Yours faithfully

Dr Frank Cain