

The Secretary  
Parliamentary joint Committee on ASIO  
Parliament House  
Canberra ACT 2600

Submission to the Parliamentary Joint Committee on the Australian Security Intelligence Organisation – Inquiry into ASIO’s Public Reporting Activities.

## Introduction

I write as a current graduate research student at the University of Tasmania. My brief submission is based largely upon my experiences in researching the development of ASIO’s accountability regime for an undergraduate thesis in 1999. Through that research it was evident that while information regarding ASIO was readily available, such information was scattered throughout a variety of sources. There seemed no one document which adequately encompassed the type of detail which the public should have available to them. This conclusion is drawn partly from a comparison with similar overseas agencies, particularly MI5 and the Canadian Security Intelligence Service (CSIS). This submission considers briefly the accountability framework within which ASIO functions, then briefly examines specific ways in which ASIO reports to the Australian public, and potential for improvement, focussing upon printed publications and the Internet. It lastly makes four recommendations to the committee on potential improvements in those areas.

## Public Accountability

The type of information which ASIO makes publicly available must necessarily be limited by the nature of the tasks it performs. An organisation that sometimes is reliant upon legally sanctioned covert information gathering techniques must be able to protect its information and operations from scrutiny where necessary. To do otherwise undermines the very rationale for ASIO’s existence. This much is self-evident, but also poses a difficulty in terms of public accountability. As long as security is reliant upon secrecy there can never be complete openness, and ASIO will continue to be regarded with suspicion because of that fact. Whatever the outcome of this inquiry, there will remain groups within Australian society who seek to know more, and will be critical of the need for secrecy.

This type of pressure on the organisation should not be regarded as problematic; rather it acts as a constant reminder to both ASIO and the government of their responsibilities to the Australian public and should be regarded positively. In general terms I believe that the Committee should embrace this view and approach its task from the basis that ASIO should provide as much information as possible, in an easily accessible manner, without breaching its security remit. I am not convinced that this is currently the case.

## Publications

The most regular and detailed form in which ASIO currently reports to the Australian public is through its unclassified annual ‘Report to Parliament’. While this document contains much detail on programs, accountability and finances, it falls short of clearly

addressing what is probably the simplest formulation of the core question of ASIO's public accountability responsibilities: Why do we need ASIO, what does it do of benefit to the Australian community and what safeguards are in place against the misuse of its powers? I do not believe, however that such annual reports are the appropriate forum to address such questions. Their function is in part certainly to inform the public, but not directly and specifically on those matters.

The 1996 publication 'ASIO Now', goes some way to addressing the above issues, but to the best of my knowledge has not been updated since then. Given for example legislative changes last year, 'ASIO Now' is clearly a misnomer. That publication extends to all of 18 pages of information, and while a welcome public face for ASIO is inadequate in terms of detail on the role and function of the organisation.

By comparison "MI5: The Security Service" was published in 1998 in both print and electronic form ([www.mi5.gov.uk](http://www.mi5.gov.uk)), and contains significantly more detail than its ASIO equivalent. It has also been updated, most recently in March of this year. Importantly, the MI5 document provides detail as to what that organisation does not do, and goes some way towards breaking down the mythology surrounding security intelligence. In specific terms of the scope of information ASIO provides to the public there is a gap in present literature which could be filled by a similar publication. If part of the role of this inquiry is to examine ways of improving ASIO's public image, then a clear statement of what ASIO *does not* do is essential within such a publication to eradicate myth and misunderstanding from the public's perception of the organisation.

It is not clear from the Committee's terms of reference whether information provided by other organisations *about* ASIO is within the scope of the current inquiry. I refer specifically to the Annual Report of the Inspector-General of Intelligence and Security (IGIS). The IGIS Annual Report has in recent years provided significantly more detail to the Australian public on the *practice* of accountability in ASIO (as opposed to the structure) than ASIO's publications have provided. This is a clear example of my earlier criticism of the lack of one clear source for information about ASIO. ASIO publications should be the logical place to look for such information, not the IGIS.

#### Internet

I understand from ASIO's 'Report to Parliament: 1998-99' that the organisation intends to establish an Internet presence during this financial year. This is presumably currently under development. The CSIS official website is, to my mind, a clear example of the potential of the Internet to address the issue of public information in a detailed and user-friendly manner. While operating within a slightly different accountability framework, the CSIS site should be regarded as a benchmark for ASIO's Internet site, and an exemplar of what can be achieved when the goal is to provide more, rather than less information.

#### Conclusion

In summary, this brief submission accepts that there are limitations on what information ASIO can provide to the Australian public, but suggests that even present

basic reporting mechanisms have significant room for improvement. In considering any improvements I would warn against simply updating 'ASIO Now' and establishing a minimal Internet presence, as these strategies would not sufficiently address community concerns. To that end, I make the following recommendations to the committee:

Recommendation 1:

That ASIO, under directional guidance from the Committee, undertake a full review of its public communication strategies, including wide consultation with the Australian community and examining best practice in equivalent overseas agencies.

Pending this process I would recommend the following as a minimum effective reporting strategy:

Recommendation 2:

A complete revamp of the 'ASIO Now' publication, including a more detailed examination of ASIO's accountability structure than is presently available in one document, and incorporating detailed information on the role and activity of the IGIS and the Parliamentary Joint Committee on ASIO.

Recommendation 3:

That ASIO regularly update such a publication as its methods, structures, accountability framework and legislative basis changes.

Recommendation 4:

Establishment of an Internet presence containing no less information than recommendation 2, and similarly subject to recommendation 3.

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