TRANSCRIPT – INTERVIEW #1

ASPI Interview with the Director-General ASIS Paul Symon

28 September 2020

Graeme Dobell (GD): Paul Symon, welcome to ASPI.

Paul Symon (PS): Thanks, Graeme.

GD: Paul, why was the Australian Secret Intelligence Service (ASIS) created?

PS: Well, we need to turn our minds back to the early fifties. The Service was created in May 1952. In the early fifties we had a generation of political leaders, government bureaucrats, officials who had served in the Second World War; they had in many cases been part of the intelligence community when Australia was at war and defending itself. And I think that, by 1952, we've got the Korean War underway, we've got the Cold War underway – we've got concern that the cold war would become a hot war. I think there was very much a sentiment amongst the political leadership and many senior officials that Australia needed to have an arm of government that could collect foreign intelligence and it could undertake what it called special operations in those days.

GD: And what were those roles?

PS: There were two primary roles when the Service was created on the 13 May 1952. Prime Minister Menzies signed off on the charter for the Australian Secret Service – as it was known originally – and that charter is framed in my office. It basically directs its initial and first Director of the Australian Secret Service, Alfred Deakin Brookes – the grandson of Alfred Deakin, the nephew of Norman Brookes, a winner of Wimbledon for Australia; [from] a storied family in Melbourne – it directs him to do two things: undertake the collection of foreign intelligence offshore; and secondly conduct special operations. The way special operations were defined was very much in the manner in which the military in the Second World War had undertaken special operations, clandestine operations, sabotage operations, those types of activities envisaged in a time of war. It would be that arm of government that would be able to undertake paramilitary operations but at arm's length from the government.

GD: The culture clash between ASIS and External Affairs in that first decade; ASIS is based in Melbourne, not in Canberra; ASIS looks towards the British Secret Intelligence Service, which is referred to as Head Office; On post under diplomatic cover, ASIS officers sometimes come up against their Ambassadors who worry about the dangers of spying; And ultimately, the head of External Affairs Arthur Tange seeks to abolish ASIS. How do those origin stories shape your Service?

PS: I think it was a significant factor in the formative years of ASIS. For those in the diplomatic service in the early years, I can read into the history a very real anxiety about having the overt and covert elements of government working in parallel. With ASIS having cover departments like Defence and like External Affairs, it brings to the fore concerns about 'well if mistakes are made, who carries the can?'. And probably in the early days when the Service hadn't built up the centre of gravity that you need to be a foreign

espionage service, I think there was probably very real concern that the risks outweighed the benefits and that any gems of intelligence that we provided for the Australian Government were going to be very few and far between. So I think what our predecessors did in the fifties was that they concentrated their efforts very much on the relationship with our British friends, as you characterized, they helped considerably with the training and the development of our capability; they've always had a strong technical bent and use of technology – secret writing and all of those sorts of capabilities. And they were very helpful to ASIS in its early years, but I think there was anxiety both with the early officers of ASIS and its clear, as you highlight, in the Mandarins running the Australian Public Service at that time [had] real concern that the risk would outweigh the benefits. There's a central thread as I look through our history in the fifties, sixties, seventies, eighties, nineties and on, our relationship ebbs and flows. Obviously later we'll talk about how things are now. It was clear to me that it was very fragile in the early years.

GD: Just reflect on that; how, today, would you describe that ASIS relationship with Foreign Affairs?

PS: I think it's very strong, it's very good. We do talk about the overt and the covert work well in parallel. We're not the silver bullet, and we don't pretend to be the silver bullet. The lion's share of advancing Australia's interest is undertaken by the Department of Foreign Affairs and Trade and they do a very, very good job. But as we'll talk about I'm sure, there's a role for intelligence diplomacy. Sometimes messages are better delivered by intelligence chiefs rather than diplomats. We've refined the relationship in a way that brings the best out of both entities for the Australian Government.

GD: That first decade led to the establishment in 1974 of the First Hope Royal Commission. And Justice Robert Hope supports the role, the continued existence of ASIS and he sets down these markers: direction, control and accountability to government. What does that mean for ASIS? Those markers that were put down.

PS: It pretty well means everything in the way that we go about doing our business and in the way we train our people. Hope made sure that there was a legal basis and a proper basis for us to undertake our functions – he articulated the legality and propriety of the work that we did. He articulated, as he looked at us on a number of occasions, the sort of accountability that we needed to have both to political masters and ultimately to an Inspector General, to Parliament – so accountability was a key component to what Hope did. In the early reports he made very clear a range of delineations that remain important to this day. Delineation between security intelligence, so domestic intelligence undertaken by ASIO, and foreign intelligence undertaken by the Secret Intelligence Service. So foreign and domestic. He differentiated between collection and assessment and didn't merge the two into a hybrid, the way the Americans have with the Central Intelligence Agency. He delineated between intelligence, the intelligence function and the law enforcement function. He specifically addressed the privacy of Australians and the special requirements that intelligence agencies have to do to protect the privacy of Australians. And the other thing that Hope did very well, for which the legacy continues to this day, is the delineation between intelligence assessment and policy. So, within that formidable mind of Hope, with a Supreme Court and judicial background, [there was] an extraordinary array of specification of function, delineation and separation, that as

recently as two years ago – by Michael L'estrange and Steven Merchant – they really strengthened and confirmed the original settings that Justice Hope gave us in the 1970s.

GD: So those original settings, the division between collection and analysis. How important was it that he did reject things like the hybrid American model; the Central Intelligence Agency model. How important was that in the way Australia set itself up?

PS: I think it was very important. There is a risk if collection and assessment are merged, that one can contaminate the other. Contaminate may be perhaps too harsh a word to use. But there can be a tendency that one leads the other in ways that are unhealthy. We, as a collection agency, are working to the intelligence requirements of the assessment agencies. So they set out for us what their intelligence requirements are, and it may be human intelligence that answers the question, it might be signals intelligence or cyber, it might be open source, but as a general rule the assessment agencies are calling the shots to say: 'okay, here are our requirements that we're trying to answer in the national interest and for policy makers. Collection agencies, can you answer those questions? How will you answer those questions? In what time frame and with what degree of confidence have you got in answering those questions?'. The challenge for us is to answer as many of those questions as we can, with the highest level of confidence that we can. So, there's a dynamic tension between assessment and collection that is very positive. It allows me as a Director-General of a collection agency to focus the resources of the agency – the training, the experience, the expertise – on that very difficult function of collecting secret intelligence, separate of those individuals who are looking across a range of agencies and picking the eyes out of which intelligence they will use for their assessments.

GD: It's interesting – Hope is creating this, in many ways, unique Australian way of doing things. But he's also putting in the much larger framework of what we share with the United States, with Britain, and Australia has to do its share. So that element of partnership with the US and Britain particularly, how does that influence the way you think?

PS: I think Hope was very astute in realising that there needs to be give and take and it remains to this day in human intelligence. If you want to have a relationship with a counterpart organisation, it can't just be take. You actually have to put some crown jewels on the table to get some crown jewels off. And that's the way we work. It's interesting when you look at, for example, the conflict between Hope and Sir Arthur Tange. Hope, a brilliant judicial mind, and Tange, a Mandarin with great power in the Federal Government. One of those tensions was that Tange was arguing that Australia, small population, national interest could be well served either through open source, through media and through the help of our British and American and other friends. And so he really argued very strongly for a very, very modest intelligence architecture in Australia. He didn't see that we would have to actually carve out our own intelligence requirements supporting our own national interest in the way that we do today. Hope very astutely recognised two issues: one is that, it's this issue I'm talking about – it's give and take – you've actually got to step up to the plate if you want quality intelligence back, you've got to give quality to receive quality back. But I also think he saw, there was a great nationalism I think in the way Hope looked at the Australia intelligence community. He wanted a community that could stand on its feet in Australia's national interest, and

of course there's going to be partnerships and cooperation, but at its heart he had a more ambitious view of the Australian intelligence community in the decades to follow than Arthur Tange did, and I think we're the beneficiaries of his vision.

GD: Just as Hope placed ASIS clearly within the architecture of what he called the Australian intelligence community, how does that intelligence community idea clarify your identity and where you fit into that Australian model?

PS: He set up a community of effectively six agencies of which two were assessment agencies – ONA (the Office of National Assessments) now the Office of National Intelligence, and what was then JIO (Joint Intelligence Organisation), now DIO of which I was a Director for three years as well when I was in the military. So the two assessment agencies, supported by four collection agencies ASIO, ASIS, AGO and the SIGINT agency, DSD which is now ASD. So the delineation I talked about earlier between assessment and collection was clarified by Hope and really became the basis for articulating the functions that each service had, that ultimately in the Intelligence Services Act 2001, very clear literation of what our functions were, our lawful functions were, and it described for the agencies what our roles and functions were. There is no doubt when an officer joins ASIS and they're briefed on the community, and then they're briefed on specifically what our lawful and proper functions are, that dominates their education, their training and their knowledge from day one. There's a simplicity and a clarity which I would say is not reflected in many counterpart organisations we see around the world, and we deal with many counterpart organisations, so he gave us that clarity. Now, of course, Michael L'estrange and Steven Merchant a couple of years ago went further with the community and they broadened the community to a total of ten agencies, but again that clarity has followed through in the way the Australian intelligence community views itself.

GD: Hope comes back to ASIS in the Second Royal Commission, after that infamous training exercise at Melbourne's Sheraton Hotel in 1983 which you called poorly planned, poorly supervised and poorly run. Tell me about that training exercise and what that meant to ASIS?

PS: ASIS had developed a covert directorate. A small group of officers who were undertaking, if you will, paramilitary training. The Director-General at the time, a fellow by the name of John Ryan, ultimately sacked for the Sheraton Hotel incident, had given these officers in the Service great license to train to a variety of scenarios and, in this particular case, using the young recruits who were at our training facility. So, young recruits really not knowing which way is up, which way is down, doing as their told and being trained to whatever standards the Service, and to whatever scenarios the Service set for them. With a component of the staff who had this covert directorate function that was being very tightly controlled of the Director-General of the time. So, really we set ourselves up for disaster when you develop special techniques and special activities or special operations without the proper imprimatur, in this case, the proper knowledge of the political masters – who ultimately have that political responsibility for you – when you compartment the information and then you start encouraging training activities in ways that don't go through the normal risk management processes, the normal proper planning, then that's when disasters like the Sheraton Hotel incident occur. Sadly for ASIS it was around the same time when people could smoke cigarettes on airplanes; it

was a long, long time ago. The problem for ASIS is all those years ago it gained a prominence because of how badly the activity went, that sort of hangs around us to this day. Which is very unfortunate when you think of the literally thousands of activities we do which are incredibly successful for which we hold those successes quietly to ourselves.

GD: Institutionally though, Hope recommends that covert action function be abolished. What does that mean, that amendment to that directorate, to abolish the attack function? And that agents at that stage then would not carry weapons.

PS: It meant just that. They quietly abolished that covert directorate. They took that off the establishment and those people were moved out of the organisation, and people were not trained in the use of weapons. The arsenal was removed from ASIS. And indeed, even with the instigation of the Intelligence Services Act in 2001 there was an express prohibition on the use of weapons in 2001. Subsequently in 2004, reintroduced back into ASIS for self-defence purposes and it's evolved since then. But what had been an element of ASIS that was very closely connected to the military, or former military officers that comprised a big part of that element of the Service, was largely ripped out at that point in time. And I think in some respects allowed ASIS to develop its own internal culture with not quite the same close connection to former military officers.

GD: The weapons ban though has slowly been wound back. Agents could, first of all, get weapons for self-protection as of about 2004. And then in 2018, the government legislates to broaden the right to use weapons to employ reasonable force. What is the weapons rule now for your officers serving overseas?

PS: Officers can use reasonable force. They cannot use violence. There's a series of definitions in the way the law has defined what we can do. So, really, we're talking about the low end of the spectrum of using self-defence techniques where lethal force is inappropriate, but there might be scenarios where using proportionate low-level techniques to achieve an outcome is appropriate. In getting this legislation through, both sides of politics were briefed on some of the scenarios and as we've found over the years with ASIS, actually both sides of politics have benefited from a capable ASIS that is able to achieve outcomes in the national interest. So, really what we did is we mapped out scenarios. Some of the ones that particularly resonated on both sides of politics is scenarios where there might be an Australian national who is being held hostage overseas, might be Africa or a place like that. Let's say there's a scenario where the company that the individual is working for is willing to pay the ransom or family and friends are willing to pay a ransom – which arm of government is going to help with that transaction. Now, there are a range, but we are one of them. So you can paint quite easily some scenarios where you're trying to achieve an outcome here, you're trying to release an Australian national who's being held hostage, but the circumstances of affecting that transfer – it might be in the middle of the night, there might be disorientation, there might be a whole range of reasons why the individual who doesn't really know what's going on, needs to be moved physically from one location into the back of a vehicle or whatever – and of course, it's in their interest, but they might also resist because of the disorientation and the shock and the like. So I was really worried about some scenarios that I could see, where I was concerned that our officers might be at some legal peril if we weren't able to use proportionate, low-end force, clearly not

violent or grievous bodily harm, nothing like that, but in that low-end of the spectrum there are quite a number of scenarios that I was able to paint for both sides of politics and they said 'we understand' and that was the reason that those changes were made.

GD: Looking at that legislation, it's not about giving ASIS a paramilitary or an attack function?

PS: No.

GD: That element of the tradition is maintained?

PS: That's correct. That's exactly right. This is not creating that covert directorate per say that I was talking about, or that Sheraton-type incident where you're using offensive action to achieve an outcome. The Australian Government has the military able to undertake those activities far better than we can, but I really was able to paint a number of scenarios where an agency like ASIS can undertake activities at arms-length from government, but have the skills and training to be able to use self-defence techniques, use pepper spray, use those types of non-lethal capabilities to achieve an outcome proportionate to the risks at play.

GD: You started your life as an army officer, you've served as an intelligence officer in the military. What would you say are the similarities and the differences between the military approach and the approach you have now with ASIS?

PS: I'd answer that in two ways. There are a lot of similarities between the military and ASIS, whether it's more broadly or it's the function of intelligence. People who join the military, people who join ASIS have an operational disposition. They understand risk, they train with risk. I would say that they know that informed and calculated risk is at the heart and soul of what they're trained to do. So there are a lot of cultural similarities. There are some differences. In ASIS, a very important component of our culture is that all of our successes, of which I would say there are many, are celebrated very quietly. So there is very much a culture inside ASIS of quiet achievement and we celebrate our successes very quietly inside the organisation. Whereas for a whole range of reasons in the military, success is celebrated quite publicly and is an important part of the culture. From an intelligence perspective, my main association has been either as a commander, where I received assessments to help inform my understanding of military capability, military intentions or, in the Middle East, non-state actors, what their capabilities and intentions were – so it was very much a bias toward assessment, whereas of course in ASIS it's actually at its heart and soul, it's the cultivation, the recruitment and the validation of agents who are betraying the secrets of their nation. We are building a relationship with them and then bringing that information, that intelligence back to the nation. So quite similar, but quite different in many ways.

GD: Before you joined the army, you worked in retail. How did that service experience in your early life affect the way you view the Service that you are now running?

PS: So that I don't overplay my retail experience, my family had a business in F Shed [Laneway in Queen] Victoria Market since 1885.

GD: A people business.

PS: It was a people business, but we sold everything. And from a very young age, I was selling shopping trolleys, doormats, luggage, clothing, just about anything in F Shed Victoria Market. It did a couple of things for me. One is, we had to deal with an extraordinary array of customers, from overseas. So one thing you do learn in retail is the ability to talk, to get to know people, to like people, but the other thing is and it goes to your question about what it's like to go from retail to government; government really is a model employer and when you work in a family business, when you work in retail, when you work at the Victoria Market, it's hard to provide for your people in the way that government provides for its people. So sometimes at work if I seem a little bit frustrated when staff raise issues about entitlements and salaries and things like that, I sometimes have to sit on my hands and remind myself and I need to remind them that there are a lot people out there in different industries, in different walks of life, that don't quite have the same benefits and support that we do working for the Australian Government.

GD: But in starting in the Victoria Market, you're now working again in a very interesting set of markets as well so to that extent it is about what you can trade and what you can do with what you're trading.

PS: Well, that's very true. And the art of persuasion.

GD: Paul Symon, thank you.

PS: Thanks, Graeme.