



# The Concept of Security Intelligence

## Security Intelligence

The Australian Security Intelligence Organisation (ASIO) is Australia's security intelligence service. The concept of security intelligence recognises that there are certain threats to Australia's national security that:

- have consequences which, if not countered, could potentially cause grave harm to Australia's people, institutions and interests;
- may involve Australian citizens or residents or have some direct link to Australia;
- may be directed by, influenced or otherwise linked to factors outside Australia, including foreign governments; and
- may require the use of special capabilities and measures to detect and respond to effectively.

In Australia these threats are set out in the definition of 'security' in the ASIO Act 1979. They include espionage, sabotage, politically motivated violence, promotion of communal violence, attacks on Australia's defence systems, foreign interference and serious threats to Australia's territorial and border integrity.

The security intelligence construct in Australia also recognises the importance of strong oversight and accountability mechanisms in ensuring the legality and propriety of security intelligence investigations and operations. These mechanisms are needed to reassure the public that security intelligence activities take into account the civil liberties of Australians and are free from political influence.



## A Dedicated Security Intelligence Service

The benefits to having a dedicated security intelligence service include:

- an agency specifically focused on investigating high-consequence threats to national security, regardless of whether or not a crime has been committed;
- allowing for overseas dimensions of security issues to be addressed equally with domestic dimensions or links – threats can be investigated and responded to across international boundaries;
- providing a framework for collecting intelligence on Australians and within Australia that incorporates strong oversight and accountability mechanisms;
- supporting the development and protection of highly-specialised techniques and capabilities required to counter national security threats, as well as the sharing of capabilities, techniques and information with allies and close partners; and
- allowing for the secure storage, handling and distribution of sensitive personal information collected in the course of security intelligence investigations and operations, which may be about Australians, collected through sensitive means, or provided by allies and international partners.

### The History

The concept of 'security intelligence' pre-dates ASIO and can be traced back to before the First World War. Initially it was understood to mean protection against espionage, sabotage and subversion. Australia experimented with the concept of security between 1915 and 1949, creating several different kinds of security-focused organisations.

The decision to create a dedicated security intelligence service – and thus have a security intelligence construct separate to foreign



intelligence – was taken in 1949 when Prime Minister Chifley gave Justice Reed the directive that effectively created the ASIO.

At that time, a requirement was identified for an agency that would be an additional component in the defensive suite available to the Commonwealth, but performing a role distinct from the police and military forces. The need for such an agency stemmed directly from concerns about the Australian Government's ability to protect sensitive information. ASIO was thus charged with "the defence of the Commonwealth and its Territories from external and internal dangers arising from attempts at espionage and sabotage, and from actions of persons and organisations, whether directed from within or without the country, which may be judged to be subversive of the security of Australia", and with establishing a "comprehensive set of security records"<sup>1</sup>.

In his 1974-77 Royal Commission on Intelligence and Security, Justice Hope began his consideration of ASIO from the fundamental position of "whether Australia needs a security service such as ASIO". He concluded that it did, and recommended that the areas of ASIO interest be expanded beyond those originally prescribed.

In examining the need for a security intelligence service in Australia, Justice Hope noted that "there are many ways, short of war, in which a foreign power can weaken another, or strengthen itself vis-à-vis that other, by clandestine activities in the latter's territory. There are likewise many ways in which a country can be weakened and the overthrow of its government planned and organised by clandestine activity of a wholly or substantially domestic origin". He considered it ASIO's role to protect against these activities, and they were consequently enshrined in



the definition of 'security' in the ASIO Act (the legal framework under which ASIO continues to operate).

In Justice Hope's second Royal Commission into the Australian Intelligence Community (AIC) – the Royal Commission on Australia's Security and Intelligence Agencies – he concluded that legal authority for the collection of foreign intelligence within Australia should be given to ASIO. This recognised that "ASIO is the only service which has been given special statutory powers to collect intelligence within Australia, with the warrant of the Attorney-General, in ways which, without such a warrant, would involve a breach of Australian law".

<sup>1</sup> Directive from the Prime Minister to the Director-General of Security, 6 July 1950.