



PRIME MINISTER

PRESS STATEMENT NO. 305

21 August 1974

ROYAL COMMISSION INTO THE INTELLIGENCE AND SECURITY SERVICES OF THE AUSTRALIAN GOVERNMENT

The Prime Minister, Mr. Whitlam, announced today that His Excellency the Governor-General had, on the advice of the Executive Council, appointed Mr. Justice Hope of the Supreme Court of New South Wales as a Royal Commissioner to inquire into Australia's intelligence and security services.

A copy of the terms of reference for the inquiry is attached.

The Prime Minister recalled that in his policy speech on 29 April he had given an undertaking that the Government would, if returned, appoint a judicial inquiry into the structure of the Australian security services and into methods of reviewing decisions adversely affecting citizens or migrants.

The Commission to Mr. Justice Hope will fulfil both parts of the election promise.

The inquiry will cover the whole range of Australia's intelligence and security services and so will provide the first comprehensive review that has been undertaken of these services since the inception of the various organisations during the 1940s. The Commissioner will be asked to review the history of the services and, having regard to the security of Australia as a nation, the rights and responsibilities of individual persons and future as well as present needs, to make recommendations on the services the people and Government of Australia should have available to them.

Paragraph 3 of the terms of reference will ensure that the inquiry covers fully the important aspects of the civil rights of individuals as they can be affected by administrative decisions based on or influenced by security reports. The Commissioner is asked to suggest ways in which administrative decisions of this kind can be reviewed. His inquiries will extend to the protection which should be afforded not only to citizens but also to migrants and visitors.

The inquiry will also cover the important matter of ensuring that there is full responsibility at Ministerial and official level for the intelligence and security organisations and actions undertaken by them.

The Prime Minister said he expected that, because of its nature, a large part of the proceedings of the Commission would have to be conducted in closed session. He recalled that the Royal Commission into the Canadian security services had been directed to hold all its proceedings in camera. The Commissioner would advise the Government as to which parts, if any, of the report might be made public.

The appointment of a Judge with qualifications as eminent as those of Mr. Justice Hope guaranteed that the inquiry would be well conducted, comprehensive and responsible and at the same time would reassure those countries and organisations with which Australia has connections in the security field.

Mr. Justice Hope was appointed to the Supreme Court of New South Wales in 1969. He became a member of the Court of Appeal in 1972. He was President of the Australian Council for Civil Liberties between 1967 and 1969.

Mr. Whitlam said he wished to express his own thanks, and those of the Government, to the Premier, Chief Justice and Attorney-General of New South Wales for their courtesy and co-operation in agreeing that Mr. Justice Hope should be available to undertake this important inquiry.

CANBERRA, A.C.T.

INQUIRY INTO INTELLIGENCE AND SECURITY
SERVICES OF THE AUSTRALIAN GOVERNMENT

Terms of Reference

"... to make the following inquiries, reports and recommendations, including inquiries and reports on all matters relevant to the making of those recommendations:-

1. To inquire into and report upon the history of the intelligence and security services of the Australian Government, with particular reference to -
 - (a) purpose, functions, administration and staffing (including recruiting) of each organization;
 - (b) the general co-ordination, control and direction of the services taken as a whole;
 - (c) the use made by the Australian Government and its agencies of the information provided by the organizations.

2. In the light of past experience, and having regard to the security of Australia as a nation, the rights and responsibilities of individual persons and future as well as present needs, to make recommendations on the intelligence and security services which the nation should have available to it and on the way in which the relevant organizations can most efficiently and effectively serve the interests of the Australian people and Government, with particular reference to -
 - (a) the scale of operations;
 - (b) the number of separate organizations to be involved, and their purpose, functions, staffing (including recruiting and terms and conditions of service) and administrative arrangements;
 - (c) the nature and scope of the intelligence which the relevant organizations should seek to acquire from Australian sources or from sources outside Australia, including the intelligence services of other countries;
 - (d) arrangements for co-ordinating and evaluating the available intelligence;
 - (e) the distribution and use of the intelligence material available;
 - (f) the relationship between the intelligence organizations, between those organizations and the Australian and State law enforcement agencies and between those organizations and Departments and authorities of the Australian Government;

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- (g) the degree of secrecy which should attach to the organizations and their work; and
 - (h) the proper safeguarding of intelligence material and sources and the channel through which advice on such matters should be provided.
3. To make recommendations as to the procedures which should be introduced to permit review of administrative decisions affecting citizens, migrants and visitors which were or may have been based on, or influenced by, reports or information of an adverse kind furnished by the security intelligence services of the Australian Government.
 4. To review the machinery for Ministerial and official control, direction and co-ordination of the activities of the intelligence and security services and make recommendations on any changes desirable, in particular to ensure that there are clear lines of responsibility and proper arrangements for accountability for funds.
 5. To make recommendations on any other matters in relation to intelligence and security services to which the attention of the Commission is directed by the Prime Minister in the course of the inquiry."