

FOIA MARKER

This is not a textual record. This is used as an administrative marker by the Clinton Presidential Library Staff.

Folder Title:

ASIS/ASIO [Australian Secret Intelligence Service/Australian Security Intelligence Organisation]

Staff Office-Individual:

Intelligence Programs-Kitchen, David/Mislock, Raymond/Waguespack, Michael

Original OA/ID Number:

2661

Row:	Section:	Shelf:	Position:	Stack:
36	3	9	1	V

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. memcon	Re: Lunch [partial] (1 page)	04/21/1995	b(6)
002. briefing notes	Visit by Mr. Justice Samuels [partial] (1 page)	09/05/1994	b(6)
003. resume	Curriculum Vitae - C.M. Maxwell [Personally Identifiable Information] [partial] (1 page)	00/00/0000	b(6)
004. resume	Curriculum Vitae - Brian Edward McMillan [Personally Identifiable Information] [partial] (1 page)	00/00/0000	b(6)
005. memo	Re: Visit to the National Security Council (2 pages)	07/26/1994	P1/b(1)
006. memo	Re: Visit to the National Security Council (2 pages)	07/26/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Intelligence Programs (David Kitchen/Raymond Mislock/Michael Waguespack)
OA/Box Number: 2661

FOLDER TITLE:

ASIS/ASIO [Australian Secret Intelligence Service/Australian Security Intelligence Organisation]

2018-0012-F

in207

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

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- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

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NATIONAL SECURITY COUNCIL
WASHINGTON DC 20506

MEMORANDUM OF CONVERSATION

[001]

SUBJECT: Lunch With [REDACTED] (b)(6) ASIO

DATE, TIME

AND PLACE:

April 21, 1995; 11:30 a.m.

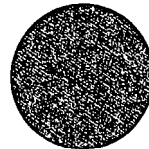
Old Ebbitt Grill, Washington, D.C.

On April 21, 1995, I met with [REDACTED] (b)(6) ASIO, for lunch at the Old Ebbitt Grill. We exchanged personal pleasantries for the bulk of our meeting.

[REDACTED] (b)(6) asked if he could have copies of the Executive Orders on Classification on and on Access to Classified Information. He said that I Australia, American policies of this kind are followed closely as examples. I told him that when they became available, I will get him a copy of each.

-- End of Conversation --





WASHINGTON, D. C.

Ram

With the Compliments

of the

Embassy of Australia

Regards

R. L. H.

PS Copy also provided to
George Tenet.

ASIS/ASIO
Power

Visit by Mr Justice Samuels: Briefing Notes

(15 September 1994)

1. The Australian Secret Intelligence Service (ASIS - the external Service) is currently being reviewed by a Judicial Inquiry.
2. During 1993 three former ASIS officers went public with allegations of mismanagement within ASIS. The accusations were reviewed by the Australian Inspector General of Intelligence and Security (IGIS), but subsequent media exposure led the Government to establish a Judicial Inquiry headed by a Judge, Mr Justice Gordon Samuels.
3. Mr Samuels and his staff have spent the past four to five months taking evidence. His recommendations may result in legislation and oversight procedures for ASIS, and may well create a framework for the future of the Service.
4. Other aspects, such as protection of sources and methods, personnel management and practices, and grievance procedures, will be addressed by the Inquiry and recommendations made accordingly.
5. The actual terms of reference of the Inquiry are:
 - . Inquire into the effectiveness and suitability of existing arrangements for:
 - (i) the Control and Accountability of the Service;
 - (ii) the Organisation and Management of the Service;
 - (iii) the Protection of the Service's Intelligence Sources and Methods;
 - (iv) the Resolution of Grievances and Complaints relating to the Service; and
 - . Consider whether any changes in existing arrangements are required or desirable.

/Mr Samuels...

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6. Mr Samuels and two of his legal staff will visit London, Ottawa and Washington during September to review relevant practices in other countries. The Inquiry staff feel that they have much to learn from American experience in these matters.

7. Mr Samuels will call on you on 15 September. He will be accompanied by Counsel Assisting (Mr Chris Maxwell), the Inquiry's Instructing Solicitor (Mr Brian McMillan) (b)(6)

(b)(6)

(b)(6)

(b)(6)

Washington

5 September 1994

Contact Point:

(b)(6)

[002]

Visit of Mr Justice Samuels to NSC

Briefing Notes

(15 September 1994)

Inquiry into ASIS: Terms of Reference

1. The Terms of Reference for the Inquiry into ASIS are as follows:

- . Inquiry into the effectiveness and suitability of existing arrangements for:
 - (i) the Control and Accountability of the Service;
 - (ii) the Organisation and Management of the Service;
 - (iii) the Protection of the Service's Intelligence Sources and Methods;
 - (iv) the Resolution of Grievances and Complaints relating to the Service; and
- . Consider whether any changes in existing arrangements are required or desirable.

Topics for Discussion

2. Attached are "topics for discussion" which Mr Samuels' staff have provided. Only some of these topics will be raised with you. Topics I expect to be raised are highlighted in yellow. Topics which possibly could be raised are highlighted in blue.

TOPICS FOR DISCUSSION

LEGISLATION

ADVANTAGE AND DISADVANTAGES OF A LEGISLATIVE FRAMEWORK
CONTENT OF LEGISLATION
SCOPE AND TYPE OF ANY SUBORDINATE
LEGISLATION/REGULATIONS/GOVERNMENT DIRECTIVES ETC

PARLIAMENTARY OVERSIGHT

EXTENT AND STRUCTURE OF OVERSIGHT WITHIN OTHER SYSTEMS
FINANCIAL REPORTING
OPERATIONAL REPORTING
WHETHER ANY DIFFERENCES IN OVERSIGHT OF EXTERNAL INTELLIGENCE
GATHERING, COVERT ACTION AND INTELLIGENCE ASSESSMENT
FUNCTIONS
BRIEFING OF LEADERSHIP OF NON-GOVERNMENT PARTIES

OTHER ACCOUNTABILITY STRUCTURES

MECHANISMS FOR REPORTING TO GOVERNMENT
SOURCES OF ADVICE TO THE GOVERNMENT
ANY MECHANISMS FOR EXTERNAL VETTING OF PROPOSED OPERATIONS
EXTENT TO WHICH ANY EXTERNAL INVOLVEMENT IN TASKING AND
ASSESSMENT PROMOTES ACCOUNTABILITY
ANY OTHER SPECIALIST REVIEW MECHANISMS WHICH REPORT
EXTERNALLY, EG SIRC IN CANADA
SCOPE OF OPERATIONS AND EFFECTIVENESS
ANY ACCESS BY GENERAL REVIEW BODIES EG OMBUDSMEN OR
ADMINISTRATIVE COURTS OR TRIBUNALS

SYSTEMS OF REVIEW/AUDIT

EXTERNAL, AFTER-THE-EVENT MONITORING OF OPERATIONS
ACCESS BY NATIONAL GOVERNMENT AUDIT AUTHORITY
SCOPE/LINES OF REPORTING OF INTERNAL AUDITOR
INTERNAL ACCOUNTABILITY MECHANISMS

ISSUES OF LEGALITY, PROPRIETY AND HUMAN RIGHTS

STANDARDS OR CODES OF CONDUCT
CONTROLS
MONITORING

PROTECTION OF INTELLIGENCE SOURCES AND METHODS

MECHANISMS FOR PROTECTING SOURCES
SPECIFIC LEGISLATION
COMMON LAW
VOLUNTARY
EXTENT TO WHICH GOVERNMENT CONFIRMS OR DENIES IN RESPONSE TO
PUBLICITY
POLICY ON ARCHIVES AND ACCESS BY HISTORIANS
RELATIONS WITH COVER AGENCIES
EXTENT TO WHICH IDENTITIES OF OFFICERS ARE PUBLIC

TERMS AND CONDITIONS OF SERVICE

EMPLOYMENT CONTRACTS: LEGAL STATUS, RIGHT AND OBLIGATIONS
COMPARABILITY WITH OTHER PUBLIC SERVANTS
STRESSES OF EMPLOYMENT
ARRANGEMENTS FOR PENSIONS/REDUNDANCIES /OUTPLACEMENTS
MOBILITY
SECURITY CHECKS AND REVALIDATIONS

GRIEVANCE MECHANISMS FOR SERVICE STAFF

INTERNAL
EXTERNAL
HOW THEY COMPARE WITH THE NORMAL CIVIL SERVICE SYSTEMS
MEMBERSHIP OF UNION OR STAFF ASSOCIATION
SUCCESS OF SYSTEMS IN TERMS OF
STAFF SATISFACTION
INCIDENCE OF GRIEVANCES PURSUED IN COURT OR OTHERWISE IN
PUBLIC

FULL NAME: THE HONOURABLE GORDON JACOB SAMUEL'S
AC QC

HONOURS: APPOINTED COMPANION OF THE ORDER OF
AUSTRALIAN IN 1987.

EDUCATION
PROFESSIONAL
QUALIFICATIONS: APPOINTED QUEEN'S COUNSEL NEW SOUTH WALES
1964, VICTORIA 1965

born: 12 August 1923.

ADMITTED TO THE NEW SOUTH WALES BAR 1952
CALLED TO THE ENGLISH BAR (INNER TEMPLE 1948)
HON. LL.D (SYDNEY) APRIL 1994
MASTER OF ARTS 1948
BACHELOR OF ARTS (HONOURS IN LAW) (OXFORD
1947)

CURRENT
POSITIONS: COMMISSIONER
COMMISSION OF INQUIRY INTO THE AUSTRALIAN
SECRET INTELLIGENCE SERVICE

CHAIRMAN, LAW REFORM COMMISSION, NEW SOUTH
WALES 1993

MEMBER OF THE BOARD OF GOVERNORS OF THE LAW
FOUNDATION OF NEW SOUTH WALES 1992

INDEPENDENT ARBITRATOR, REFEREE, MEDIATOR
1992

CHAIRMAN OF THE NEW SOUTH WALES MIGRANT
EMPLOYMENT AND QUALIFICATIONS BOARD 1992

PRESIDING MEMBER OF THE INDEPENDENCE ADVISORY
COMMITTEE ON THE EDUCATIONAL NEEDS OF
OVERSEAS TRAINED DOCTORS 1990

CHANCELLOR OF THE UNIVERSITY OF NEW SOUTH
WALES 1976

PREVIOUS
POSITIONS: PRESIDENT OF THE AUSTRALIAN SECURITY APPEALS
TRIBUNAL 1980 - 1990

PRESIDENT, AUSTRALIAN SOCIETY OF LEGAL
PHILOSOPHY 1976 - 1990

PRESIDENT, AUSTRALIAN ACADEMY OF FORENSIC
SCIENCES 1974 - 1976

APPOINTED JUDGE OF THE COURT OF APPEAL 1974,
RETIRED 1992

APPOINTED JUDGE OF THE SUPREME COURT OF NEW
SOUTH WALES 1972

PRESIDENT OF THE NEW SOUTH WALES BAR
ASSOCIATION 1971 - 1972

WAR SERVICE: CAPTAIN 96TH (ROYAL DEVON YEOMANRY)

FIELD REGIMENT ROYAL ARTILLERY 1942 - 1946

11. WE APOLOGISE FOR THE LATE ADVICE AND REQUEST YOUR
ASSISTANCE. WE HAVE NOT BEEN ASKED TO ASSIST WITH
ACCOMMODATION. ALTHOUGH WE HAVE NOT BEEN ASKED FOR
ASSISTANCE WITH TRANSPORT, ANYTHING YOU COULD OFFER WOULD BE
HELPFUL.

12. AN AMENDED VERSION OF THE ABOVE MESSAGE HAS BEEN SENT TO
OTTAWA VIA DFAT MESSAGE NETWORK.

XC.

CM. STEELE/STB/3123/1815A
DISTRIBUTION: SEC/DEPSEC JONES/FAS ISD/STB/ASIS

UNQUOTE

ENDS

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CURRICULUM VITAE - G.I. M.I. MAXWELL

FULL NAME: CHRISTOPHER MURRAY MAXWELL

DATE OF BIRTH: (b)(6) [003]

QUALIFICATIONS: B.A. (HONS), LL.B (MELB), B.PHIL (OXON)

WORK HISTORY: 1978-79 BARRISTER (LINCOLN'S INN)

1979-80 SOLICITOR, PHILLIPS FOX (MELBOURNE)

1981-84 SENIOR ADVISER TO SENATOR GARETH EVANS
(SHADOW ATTORNEY-GENERAL 1981-82,
COMMONWEALTH ATTORNEY-GENERAL 1983-84)

1984 - DATE BARRISTER, VICTORIAN BAR

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CURRICULUM VITAE - BRIAN EDWARD MCMILLAN

FULL NAME: BRIAN EDWARD MCMILLAN

DATE OF BIRTH: (b)(6) [004]

QUALIFICATIONS: B.A. (SYDNEY) 1964, LL.B (SYDNEY) 1967,
BARRISTER (NSW) 1968, BARRISTER AND SOLICITOR
(NORTHERN TERRITORY) 1978, SOLICITOR
(VICTORIA) 1984.

WORK HISTORY: ATTORNEY-GENERAL'S DEPARTMENT:

SYDNEY - 30 NOV 1965 TO 19 JAN 1977
CANBERRA - 20 JAN 1977 TO 19 AUG 1978
DARWIN - 20 AUG 1978 TO 17 OCT 1982
PERTH - 18 OCT 1982 TO 17 DEC 1982
MELB - 11 JAN 1983 TO 29 MAY 1988
CANBERRA - 30 MAY 1988 TO 26 JUNE 1989
ADELAIDE - 27 JUNE 1989 TO 30 NOV 1989
CANBERRA - 1 DEC 1989 TO PRESENT

APPOINTMENT: MEMBER, FEDERAL COSTS ADVISORY COMMITTEE,
1989 TO PRESENT.

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MAIL LIST

Serial

From THORN

To: ~~██████████~~ MISLOCK

Date despatched 07 / 26 /19 94

Date received 7/26/19 9 1

The following items are enclosed:

Item No.	Description (Memo No. & Heading; CRL Call No.; etc)	Receiving Officer Action
1	MEMO 585/94 : VISIT TO THE NATIONAL SECURITY COUNCIL (NSC) BY FORMER AUSTRALIAN AMBASSADOR TO THE US, MICHAEL COOK *** NOTHING BELOW ***	

Compiling Officer:

L. Col

ASIS/ASIO

NATIONAL SECURITY COUNCIL

21-Feb-1994 21:42 EDT

UNCLASSIFIED

MEMORANDUM FOR:

RAGLE@A1@OEOB
MISLOCK@A1@OEOB
MCGEATH@A1@WHSR
KRISTOFF@A1@OEOB
CHERN@A1@OEOB

FROM: White House Situation Room
(WHSR@A1@WHSR)

SUBJECT: Charges by former Aussie spies spark call for inquiry

<DIST>

SIT: CHERN KRISTOFF MCGEATH MISLOCK NODIST RAGLE

<ORIG>

UPI

<TOR>

940221211553 U0707023

<SUBJ>

Charges by former Aussie spies spark call for inquiry

<TEXT>

al506na--i

r i bc-australia-spies 2-22 0400

Charges by former Aussie spies spark call for inquiry

CANBERRA (UPI) _ The federal opposition has called for a judicial inquiry into sensational allegations made by two former Australian spies about illegal activities of the nation's major spy network.

In a television interview, the ex-spies accused the Australian Secret Intelligence Service (ASIS) of collusion with Britain's MI6 and the U.S. Central Intelligence Agency (CIA) in activities not in Australia's interests.

The most serious charge was that a CIA agent offered to assassinate a senior Australian diplomat in Cairo because he was "blowing the cover" of an Australian agent there. The agent declined the offer, but said he was later attacked by thugs he thought were connected with Egyptian intelligence groups.

The two former agents were not identified in the television program "Four Corners," broadcast by the Australian Broadcasting Corporation (ABC) Monday.

The former agents' allegations include:

_ ASIS maintains files on thousands of Australians in direct violations of the nation's privacy laws.

_ Australian agents were used by MI6 to plant bugging equipment in Hong Kong to enable Britain to gain commercial and political advantage.

_ Australian agents were also used by Britain to bug Kuwaiti officials after the Persian Gulf War.

The spies detailed other activities which they said did not serve Australia's interests, but rather the interests of MI6 or the CIA.

Andrew Peacock, opposition spokesman on foreign affairs, Tuesday called for a full judicial inquiry into the allegations. "The allegations are fairly widespread and serious and the only way to get to the bottom of them is by a judicial inquiry," he said.

He said the two officers concerned had also made similar allegations to him, which he had conveyed to the government.

"At least there has been a compromising of national security and a misuse of intelligence, as well as a seemingly bizarre allegation of the CIA offering to assassinate an Australian diplomat," he said.

Foreign Affairs Minister Gareth Evans refused to comment in line with the government policy not to comment on operational matters relating to ASIS.

This is the second recent scandal involving ASIS. Last month, claims by ex-officers that the service had bribed opposition parliamentarians in Malaysia caused a furor there.

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