



## Defang Bureaucrats So They Can't Be Used As Political Pawns

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The revelations about how former prime minister Tony Abbott and other conservative activists were pursued by the federal Attorney-General's Department at the behest of Labor legal affairs spokesman Mark Dreyfus represents a failure of our democracy and the rule of law.

A Freedom of Information request lodged by the Institute of Public Affairs uncovered further details about how the organiser of the Conservative Political Action Conference, Andrew Cooper, and conservative speakers at that conference, including Abbott, were required to register as agents of foreign influence by the Attorney-General's Department.

Last July 22, Dreyfus attended a briefing with senior representatives of the Integrity and Security Division, the bureaucrats from the Attorney-General's Department who were responsible for enforcing the Foreign Influence Transparency Scheme. This occurred just days before Kristina Keneally's speech to the Senate which sparked a media frenzy about the CPAC conference.

The FITS scheme was introduced into federal parliament in December 2017 and came into force a



year later. The purpose of the Dreyfus briefing was to inform him about the implementation of the scheme.

In notes recorded by an A-G's departmental official, Dreyfus "specifically raised the upcoming Conservative Political Action Conference to be held in Sydney 9-11 August 2019, as an example of an event that may trigger registration obligations under the scheme and asked what the Department planned to do about it".

It is clear the bureaucrats went straight to work following up Dreyfus's request, and by August 2 last year they had sent letters to Abbott, inviting him to register as an agent of foreign influence, as well as Andrew Cooper, who as president of conservative advocates LibertyWorks was the co-organiser of CPAC.

What is also clear from the FOI request is that the departmental bureaucrats busily monitored the speaker list of the CPAC Australia website each day so that they could also invite others to register as agents of foreign influence.

On October 22, the department sent Cooper a letter demanding he turn over all documents regarding the CPAC conference within 14 days, with the threat of being imprisoned for six months if he failed to comply.

It was clear from reporting in The Australian at that time that Attorney-General Christian Porter was unaware of the actions of bureaucrats in his department. He said he had made it "clear to my department that I expect it to demonstrate a focus on the most serious instances of non-compliance".

He then added what might be seen as an understatement: "I'm not persuaded this focus has been perfectly demonstrated to date."

The bluntness of this legislation was foreseeable. The IPA's Legal Rights Audit 2018 warned that the Foreign Influence Transparency Scheme Act 2018 removed procedural fairness, the right to silence and the privilege against self-incrimination.

The very people responsible for protecting our democracy from political interference have been actively undermining it. Using the power of the state to target political opponents is behaviour you expect only in authoritarian regimes. Yet this is what Dreyfus apparently sought to do.

Australians understand that foreign interference in our politics is a serious issue and one that our laws should seek to prevent. It was shameful of Dreyfus to seemingly try to harass his political opponents by using a law designed to address the genuine issue of political interference by communist China. If it was found that a Coalition MP had tipped off bureaucrats under the guise of national security legislation to investigate the links between an Australian progressive activist organisation co-hosting a conference with a US organisation there would be wall-to-wall outrage at the ABC and The Guardian. Rightly so.

Yet some mainstream media outlets have been all but silent when it comes to reporting revel-



ations of the misuse of national security apparatus to hound their ideological opponents.

In any other liberal democracy, to require a person to hand over any information where the consequence of refusing is jail time would require these bureaucrats to stand before a judge and secure a warrant. Not here.

A recent poll by Dynata, commissioned by the IPA, found 64 per cent of Australians believed unelected bureaucrats had too much control over our lives. The Dreyfus revelations show Australians are right to be worried.

The FITS legislation needs to be recast to defang the bureaucrats as well as opportunistic politicians such as Dreyfus who apparently use it target enemies.

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