



Weekend Australian
Saturday 2/11/2019
Page: 1
Section: General News
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Brief: DPLAUTO2
Page 1 of 4

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INSIDE

The bone-headed pursuit of Abbott and Cooper ought to be seen as a pursuit of every person who wants to engage in a genuinely free and healthy democracy.

JANET ALBRECHTSEN P17



IN PURSUIT OF COMMONSENSE

What we have is a vexatious use of the foreign influence law

JANET ALBRECHTSEN



"It's oppressive, it's coercive. I thought the commissars had gone when the bloody Soviet Union went out of business."

Tony Abbott has a knack for getting to the nub of a problem, especially when he gets riled. This week Abbott spoke to *The Weekend Australian* about a most bizarre pursuit of him by bureaucrats in the Attorney-General's Department, using new laws intended to weed out nefarious foreign influence undermining our democracy.

Abbott received a letter dated August 8 from the deputy secretary of the Integrity and International Group of the A-G's Department, Sarah Chidgey. Chidgey is part of the team administering the Foreign Influence Transparency Scheme Act, which came into effect last December.

The former prime minister caught her attention because the media reported that he would speak at the Conservative Political

Action Conference. I heard Abbott deliver that address. It was about the need for civility in politics; he asked us to be the best we can be. How dreadfully subversive of him.

In her letter to Abbott, sent the day before he spoke on Saturday, August 9, Chidgey told Abbott that, as a former cabinet minister, he has "a lifetime obligation to register any activity you undertake on behalf of a foreign principal". The busy bureaucrat sent other letters during that week in August — to others involved with CPAC.

After a follow-up email from another bureaucrat with the title of action officer, Abbott wrote back on Wednesday: "I decline to register and I suggest that you rethink the making of such misplaced and impertinent requests in the future. Surely officials of the commonwealth have better things to do with their time." Abbott concluded by advising the action officer that "in the interests of transparency I may make this response available to the media".

Last December, Attorney-General Christian Porter said the new foreign influence transparency scheme would safeguard the nation's democracy. "FITS will provide visibility of the forms and sources of foreign influence in Australia's governmental and political processes," he said.

Sam Dastyari spectacularly imploded his political career by accepting money from a company owned by Chinese billionaire Huang Xiangmo to pay legal bills. There has been a rise in Chinese propaganda emanating from Confucius Centres at Australian universities. There were allegations that banned donor Huang gave



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Page 2 of 4



\$100,000 cash in a plastic Aldi bag to NSW Labor's then general secretary Jamie Clements at a

dinner in 2015. These, and many other serious issues, raise legitimate questions about wicked foreign influences in our democracy.

To root out these influences, the department has sent more than 500 courteous letters to a range of recipients asking them to consider whether they need to register. The department also has more draconian powers under section 45(2) to demand mountains of documents to establish whether a person is liable to register under the act. This notice carries serious consequences: it is a criminal offence not to comply, with a maximum penalty of six months in jail.

On Wednesday, The Weekend Australian asked the department how many section 45(2) notices it has sent, and to whom. No answer. So much for transparency in our democracy.

The next day, The Weekend Australian discovered this crack team of eight bureaucrats charged with exposing devious foreign influences in our democracy has sent a single section 45(2) notice. Not to one of the many Confucius Centres. Not to Hizb ut-Tahrir, a Muslim group that loathes democracy. The department's sole section 45(2) notice was sent late last month to a bloke in Queensland called Andrew Cooper, who runs a one-man think tank advancing freedom. It's called LibertyWorks because freedom works in mysterious ways in modern Australia.

If you haven't heard of Cooper, you will after the department's

crazy pursuit of him. The Queensland co-hosted CPAC in Sydney together with the American Conservative Union.

"I just wanted to run a conference," he told this newspaper this week. The aim was to thrash out ideas on the centre-right of politics among a range of people from conservatives to libertarians from Australia, Britain and the US. Speakers included Abbott, former deputy prime minister John Anderson, senator Amanda Stoker, MP Craig Kelly, former Labor

leader Mark Latham, Brexit Party leader Nigel Farage and US Republican congressman Mark Meadows. I also spoke at the conference.

Founded in 1974 by the ACU, CPAC has a long heritage, with Ronald Reagan delivering the inaugural address. ACU offered to help Cooper, paying for some US speakers to travel to Australia.

In the section 45(2) notice dated October 21, Chidgey demanded that Cooper provide documents to the department, including, but not limited to, any agreement, contract or other document detailing any understanding between LibertyWorks and the ACU, any invitations, letters or other correspondence from LibertyWorks or the ACU sent to individuals invited to speak or attend CPAC, copies, transcripts or video or audio recordings of speeches made by the speakers at CPAC, including of speeches by members of Liberty-

Works or the ACU to introduce or conclude the conference or a specific day or event at the conference, summaries of topics covered by speakers at the conference, and material produced or distributed by LibertyWorks promoting CPAC or the ACU.

The deadline is next Tuesday. Cooper has invited the department to treat what he told this newspaper on Thursday as his response to their inquisition. "I will not be complying with this notice despite the threat of criminal prosecution and jail time," he said. "I

established LibertyWorks to argue against this type of government control over speech and citizens. I will not sell out our speakers and delegates by kowtowing to government overlords."

Cooper fired up LibertyWorks in 2016 after the crushing weight of a federal bureaucracy — the poorly named Australian Human Rights Commission — was brought to bear against three Queensland University of Technology students for making innocuous remarks about an indigenous-only computer lab.

"This is government overreach worthy of the Chinese Communist

Party in Hong Kong, not a modern and free Australia," Cooper said. "They demand I provide emails of ACU's conversations with all CPAC speakers including ... Meadows and Farage. How can I do that? It feels like the Stasi is holding me in 1950s East Berlin and I am being threatened with jail because I cannot provide them with information that I do not have."

The Weekend Australian understands that Porter was, to put it mildly, incandescent with rage when he learned, after he

asked for details, that this was the sole instance of the department issuing the draconian section 45(2) notice. And why wouldn't he be livid? Going after Cooper, and not a real threat to our democracy, makes a mockery of these laws and the department.

For reasons of probity, the Attorney-General has no power to direct those departmental bureaucrats who administer the FITS. But that independence should not be a licence to use wide-ranging laws that carry serious penalties in highly questionable circumstances.

In response to questions about

this debacle, Porter told The Weekend Australian that: "Whilst it would not be appropriate for me to comment on individual cases of compliance action, I have made it clear to my department that I expect it to demonstrate a focus on the most serious instances of non-compliance. I'm not persuaded this focus has been perfectly demonstrated to date."

Porter said that he expects a "rational triage" from his department "that takes into account several things. First ... where it is most clear that someone is acting on behalf of a foreign principal rather than cases where it is alternatively arguable that no real arrangement exists. Second ... priority should be given to the more serious activities that may be being undertaken. And third, there should be a little common sense brought into play."

Abbott told The Weekend Australian that he feels for his Liberal colleague as an important law goes



Weekend Australian

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Page: 1

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Frequency: S

Brief: DPLAU02

Page 3 of 4



off the rails at the hands of overzealous bureaucrats. "I'm not being critical of ministers here because I know how easy it is for the bureaucracy to turn well-intentioned government policy into something which turns out to be radically different to what their ministers and staff intended."

The department refused to comment to this newspaper about its pursuit of Cooper or Abbott, and tried to save face in a phone call with Abbott's office last week by suggesting they weren't interested in his attendance at CPAC

after all. But his address to a demographic summit in Budapest hosted by the Hungarian government, well, that still rings alarm bells about possible foreign influence.

In his email to Chidgey, Abbott said: "(N)either speech of mine was given 'on behalf' of a foreign principal. I spoke for myself, that's all. Any suggestion that I was speaking on behalf of a foreign entity is absurd."

He told The Weekend Australian that if he agreed to become part of this scheme he would be conceding he was acting on behalf of foreign entities, "which I am not, and I never would". "Participating in some event doesn't mean you are acting on behalf of anyone other than yourself," Abbott said.

Remember when Labor senator Kristina Keneally insinuated in a silly swipe in late July that conservative politicians who spoke at CPAC would be condoning the views of everyone there? CPAC was trying to mastermind an alt-right takeover, she said. It was demented logic but that's politics — well, Keneally's kind of politics.

Bizarrely, the department sent letters to Abbott and Cooper within days of her comments, making it hard for these boffins inside the Attorney-General's Department to divorce themselves from the politics of the day.

When the law of the land is applied with a similarly foolish logic, it is entirely more serious. "It is one thing for a politician to peddle guilt by association, but the bureaucracy should not peddle guilt by association," Abbott told

The Weekend Australian.

Asked why he responded so forcefully to overzealous bureaucrats busying themselves with his speaking diary, the former prime minister said: "We have got ourselves into all sorts of predicaments over the years because reasonable people have been too accommodating to unreasonable people."

The department also wrote to Ross Cameron, a former federal Liberal politician and speaker at CPAC. In a case of dumb and dumber, they sent that letter to Cooper, asking him to forward it to Cameron, and to advise them by close of business the next day that he had done so. Cooper laughs this off too: "So they threaten me with jail, and then expect me to be their agent so they can go after someone else? They can go and get stuffed."

Chidgey and other bureaucrats in the A-G's Department are doing a great job of turning Cooper into a martyr for a very good cause — freedom. James Cook University did it when it sacked Peter Ridd for speaking freely and testing evidence. Rugby Australia did it, too, when it sacked a champion player for expressing his sincerely held religious beliefs. But those sagas concern codes of conduct. Cooper will become a mega-martyr because he is being pursued under federal law.

The evil nature of totalitarianism is not what happens outside the law. It happens when the law, or a veneer of legality, is used, often in the name of national security, to control what good people do, be it sharing ideas or speaking out against tyranny. And it has to start somewhere, like the oppressive pursuit of a man running a freedom-loving think tank.

That said, these bureaucrats can't take all the blame. This mess started with a Coalition government that concocted, drafted and enacted these laws. Though the consequences are surely unintended, they are entirely predictable.

These new laws are riddled with uncertainty about who must register, who is a foreign government, the meaning of an "arrange-

ment" and the intended scope of the nexus between a foreign principal and the person acting on their behalf are too vague, and hence potentially far-reaching.

That's just for starters. The scheme also vests extraordinary powers in bureaucrats to demand documents, keep them and pass them on to others, including the tax office.

Within less than a year of its operation, these laws have not been used to expose any nefarious Chinese foreign influencers, or their local agents. But can you imagine Chinese infiltrators being so stupid as to get caught under this scheme?

When laws can be used to target a former prime minister for speaking at a conservative conference in Sydney that includes foreigners, and a bloke who hosted the event because the co-host is from America, our closest ally in the free world, then the law is an ass. And bad laws in the hands of overzealous bureaucrats are even more chilling. The boneheaded pursuit of Abbott and Cooper by the A-G's Department ought to be seen as a pursuit of every person who wants to engage in and enjoy the fruits of a genuinely free and healthy democracy.

'It is one thing for a politician to peddle guilt by association, but the bureaucracy should not peddle guilt by association'

TONY ABBOTT



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Brief: DPLAUT02
Page 4 of 4

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Australian Government
Attorney-General's Department
Deputy Secretary
Integrity and International Group

In accordance with this notice, you are required to produce any information or documents relevant to the question of whether LibertyWorks is liable to register under the act in relation to the American Conservative Union. This includes copies of all documents relating to the organisation of the Conservative Political Action Conference of August 2019, including but not limited to:

1. Any agreement, contract or other document detailing any understanding or arrangement between LibertyWorks and the ACU;
2. Any invitations, letters or other correspondence from LibertyWorks or the ACU sent to individuals invited to speak at or attend the conference, including correspondence subsequent to the initial invitation;
3. Copies, transcripts or video or audio recordings of speeches made by speakers at the conference, including speeches by members of LibertyWorks or the ACU to introduce or conclude the conference or a specific day or event at the conference;
4. Summaries of the topics covered by speakers at the conference; and
5. Material produced or distributed by LibertyWorks promoting the conference of the ACU.

Failure to comply with this notice by the date specified above is an offence. The maximum penalty for this offence is imprisonment for 6 months.

LibertyWorks founder Andrew Cooper, main picture; former prime minister Tony Abbott speaking at CPAC last year, above; and the letter sent to Cooper from the Attorney-General's Department