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To cite this article: Andrew Zammit (02 Jul 2026): How routines shape reform: the Australian Security Intelligence Organisation's mandate to counter foreign interference, *Intelligence and National Security*, DOI: [10.1080/02684527.2026.2690389](https://doi.org/10.1080/02684527.2026.2690389)

To link to this article: <https://doi.org/10.1080/02684527.2026.2690389>



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Published online: 02 Jul 2026.



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How routines shape reform: the Australian Security Intelligence Organisation's mandate to counter foreign interference

Andrew Zammit 

ABSTRACT

This article examines the Australian Security Intelligence Organisation's evolving mandate to counter foreign interference, comparing Cold War era reforms with 21st century reforms. It finds that recent reforms differed dramatically from those of earlier decades, taking a more outward-facing and coercive form. This can partly be explained by Australia's foreign relations and domestic political incentives. However, a key factor is that Australia's policy routines for intelligence reform changed markedly throughout the early War on Terror years, shaping what reforms were perceived as appropriate and necessary in response to resurgent concerns over foreign interference.

ARTICLE HISTORY

Received 12 October 2025

Accepted 12 June 2026

KEYWORDS

Foreign interference; intelligence reform; national security; Australia; ASIO

Introduction

Russia's electoral interference in the United States' 2016 Presidential Election escalated international concern about covert influence operations. Terminology from Cold War intelligence tradecraft, such as active measures, agents of influence and disinformation, became prominent once again in international politics. Among liberal democracies, Australia somewhat surprisingly took a lead in strengthening measures to address foreign interference, the predominant term used in Australia to describe covert influence operations. Beginning with the *National Security Legislation Amendment (Espionage and Foreign Interference) Act 2018*, a series of reforms empowered the Australian Security Intelligence Organisation (ASIO) to counter foreign interference in new ways, including criminal offences and coercive powers previously reserved for counter-terrorism.

The scale, nature and timing of these changes to ASIO's mandate to counter foreign interference, beginning under the government of Prime Minister Malcolm Turnbull and continued by his successor Scott Morrison, defy intuitive explanation. The changes exceeded the measures taken in many other liberal democracies and greatly differed from earlier reforms to address foreign interference in the 1970s and 1980s. Moreover, the very question of ASIO's role in countering foreign interference had once been highly controversial in Australian politics, having resulted in a scandal about alleged ASIO overreach in 1983.¹ The recent reforms are also remarkable because Australia lacked a track record of international leadership in this area. In earlier decades,

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intelligence reform in Australia had often been derivative, as shown by ASIO's establishment in 1949 following US and UK pressure on the Chifley government to establish a domestic security service. In contrast, Australia's foreign interference reforms have recently been cited in Canada, New Zealand and the UK as examples to inform their own approaches.²

This article traces how ASIO's mandate to counter foreign inference has changed from the 1970s to the 2020s and proposes explanations for these changes. It first outlines the reforms introduced by the Fraser and Hawke governments in the late 20th century followed by those introduced by the Turnbull and Morrison governments in the early 21st century. While noting continuities between the Fraser-Hawke reforms and the Turnbull-Morrison reforms, it shows how ASIO's role in countering foreign interference changed substantially, by becoming more outward-facing (requiring new forms of cooperation with other institutions, from law enforcement to universities) and coercive (in terms of criminal offences and ASIO's own powers).

The article then identifies several explanations for these changes, drawing from the literature on both international relations and public policy to encompass factors at two levels: foreign relations and domestic politics. At the foreign relations level, the article examines changes in the nature of the threat and the perception of the threat, along with evidence of policy transfer, where reforms partly resulted from Australian governments adopting policy options from allies. At the domestic level, the article briefly outlines media debates and the role of domestic constituencies on intelligence issues in shaping the incentives for the governments of the day. It also examines how the institutions and processes of intelligence reform in Australia, and the precedents that the reforms drew on, changed substantially between the Fraser-Hawke years and the Turnbull-Morrison years which in turn influenced the nature of the reforms to ASIO's mandate to counter foreign interference.

This article contributes to the study of intelligence reform, national security policy-making, and Australia's intelligence history in multiple ways. The evolution of ASIO's mandate to counter foreign interference operations has not previously been described in detail or with complete accuracy.³ The stark contrast between the Cold War era Fraser-Hawke reforms and the 21st century Turnbull-Morrison reforms has not often been noted, with the result that explanations for these differences have rarely been proposed. Most importantly, the few accounts that have sought to explain the Turnbull-Morrison reforms have tended to emphasise the agency of key political actors.⁴ While leadership and decisive action is certainly part of the story, this article shows that a more complete explanation of the recent reforms needs to include the institutional settings these political actors operated in, the precedents they drew on, and the assumptions influencing Australian intelligence reform at the time.

In doing so, the article draws on the tradition of historical institutionalism, a theoretical approach within political science that emphasises the legacy of the past on future actions via the institutional underpinnings of policy responses.⁵ To make this argument, the article applies the concept of policy routines, a series of steps that policymakers regularly reach for and treat by default as the appropriate steps for addressing a given set of policy problems.⁶ These routines develop because 'decision-making procedures and patterns of action that seem to work well in a number of respects are likely seen as appropriate and will thus be repeated in the future'.⁷ However, these routines can also change, both

gradually as part of a process of institutional evolution or suddenly when ‘critical junctures’ emerge, which ‘are typically stimulated by external shocks’.⁸

As argued below, a gradual shift away from Australia’s Cold War era reliance on Royal Commissions when reforming ASIO’s role, followed by new routines involving speedier domestic security legislation following the external shocks of 9/11 and the 2002 Bali bombings, helps to explain the scale, nature and timing of the Turnbull-Morrison reforms to ASIO’s mandate to counter foreign interference. This approach contributes to new understandings of the drivers of domestic security responses in liberal democracies. By showing how shifts in the institutional arrangements for intelligence reform in Australia had substantial consequences for the subsequent reforms, alongside the role of foreign relations and domestic political incentives, the article demonstrates the importance of routines in shaping intelligence reform.

Changes to ASIO’s mandate to counter foreign interference

The term foreign interference covers a wide range of ways that one country may seek to covertly influence politics in another country. These include information operations, such as disinformation campaigns and hack-and-leak operations, or measures beyond the manipulation of information, such as agents of influence, front organisations, or transnational repression.⁹ While Australia, and other nations like Canada, use the term ‘foreign interference’, other terms like ‘active measures’, ‘influence operations’ and to a lesser extent ‘political warfare’ cover the same or similar activities.¹⁰

The phenomenon has gained renewed prominence over the last decade, due to technological changes that reshaped the information environment in a manner conducive to new methods of foreign interference, heightened strategic competition that increased the incentives for foreign interference, and deep domestic divisions in democratic countries that heightened vulnerabilities to foreign interference.¹¹ However, the threat has a long history. As a subset of covert action, the ‘third option’ of foreign policy between diplomacy and war, foreign interference has long played a prominent role in international affairs and may be as old as espionage itself.¹²

Such activities were very much occurring when ASIO was created, but were not initially carved out as a distinct component of ASIO’s mandate. When the Chifley government established the Security Service (soon to be renamed ASIO) in early 1949, its founding Directive described the Service’s task as the ‘defence of the Commonwealth from external and internal dangers arising from attempts at espionage and sabotage, or from actions of persons and organizations, whether directed from within or without the country, which may be judged to be subversive of the security of the Commonwealth’.¹³ This remained the case when the Menzies government introduced the *Australian Security Intelligence Organization Act 1956*, following the 1954 Petrov defection and the Royal Commission on Espionage. The legislation defined ‘security’ as the ‘protection of the Commonwealth and the Territories from acts of espionage, sabotage or subversion, whether directed from, or intended to be committed, within the Commonwealth or not’.¹⁴

The terminology later associated with foreign interference activities, such as active measures, agents of influence and disinformation, had not yet developed, but ASIO’s broad mandate in these early years implicitly included such activities. This is particularly apparent in the reference to subversion ‘from without the country’.¹⁵ Concerns over the

foreign allegiance of the Communist Party of Australia (CPA), in the context of Cold War confrontation, were central to ASIO's creation and earliest investigations.¹⁶ Many activities that ASIO inquired into, such as secret Soviet funding of the CPA, would likely meet today's definitions of foreign interference.¹⁷ Therefore, ASIO had a mandate to investigate foreign interference from its earliest origins, through a broad definition of security that effectively encompassed such activities. Later, governments would introduce reforms that explicitly defined ASIO's role in countering such activities, which would evolve further in the decades that followed.

The Fraser reforms

The first reforms to ASIO's mandate to counter foreign interference were introduced by the Liberal-National Party Coalition government led by Prime Minister Malcolm Fraser, elected in 1975. These reforms, implemented through the *Australian Security Intelligence Organisation Act 1979*, reflected the recommendations of a Royal Commission initiated by the Whitlam government in 1974.¹⁸ The Royal Commission on Intelligence and Security, chaired by Justice Robert Marsden Hope, examined all of Australia's intelligence services but is mainly remembered for its *Fourth Report*, published in 1977, which focused specifically on ASIO. Hope was critical of the undemocratic implications of ASIO's broadly targeted counter-subversion efforts, declaring that ASIO had a tendency to 'think of anyone they chose to call "left wing" as subversive'.¹⁹ Hope sought to instead clarify what activities could be legitimate security concerns for ASIO and ensure that these were clearly defined in legislation. As part of this, Hope's enquiries not only covered espionage (the traditional threat that had driven ASIO's creation) and terrorism (a growing international threat following the 1972 Munich Olympics massacre), but also activities that would later be defined as acts of foreign interference.

Hope wrote of the danger of 'an unfriendly power' seeking to 'influence or subvert the policies of another power, to feed it with false information, or to take a variety of other clandestine or deceptive actions to weaken it or confuse its people'.²⁰ He noted that these actions could be 'conveniently classified' as 'active measures', drawing on the Russian term.²¹ He divided active measures into various classes, the first being 'agents of influence' which he described as 'an expression which is really self-explanatory'.²² Hope nonetheless noted the ambiguities in the term and stressed that a 'person is not to be regarded as an agent of influence merely because he does or says things, publicly or privately, favourable to a particular foreign power'.²³ Instead, Hope argued that what 'is crucial is that he be dependent upon the [foreign] intelligence service'.²⁴ The next class of active measures was 'disinformation and deceptive information'.²⁵ He also argued that other 'forms of clandestine or deceptive action' could constitute a final class of active measures, but provided little elaboration beyond stating that both the CIA and to a greater extent the KGB were likely to engage in such activity.²⁶

Hope saw active measures as appropriate security concerns for ASIO, arguing that they 'are, or are analogous to, espionage or subversion' and that the 'sources of the power of the Commonwealth to investigate active measures are the same as in the case of espionage or subversion'.²⁷ Hope noted that one 'appropriate form of amendment would be to deem these measures to be a form of "espionage"; another possibility is to describe them under a separate heading such as "active measures"'.²⁸ The concept of

foreign interference also implicitly appeared in Hope's discussion of subversion. Hope stated that subversion 'often has a foreign nexus' and recommended that ASIO have a broad mandate to address subversive activities 'undertaken by or for a foreign power' while restricting its mandate to address subversive activities 'of domestic origin'.²⁹

Therefore, Hope sought in two different ways to clarify that efforts by foreign actors to covertly influence Australian politics (acts that would later be termed foreign interference) were a legitimate security concern for ASIO. The first way was to recommend the inclusion of 'active measures' in ASIO's legislation, either as a subcategory of espionage or as its own category, and for the legislation to ensure that ASIO had a more restricted mandate for dealing with subversion with domestic origins than subversion with foreign origins. Following these recommendations, the Fraser government introduced new legislation that listed 'active measures of foreign intervention' as a distinct security concern, defining it as 'clandestine or deceptive action taken by or on behalf of a foreign power to promote the interests of that power'.³⁰ The legislation also referred to subversive 'activities of foreign origin', which were 'directed or subsidized by, or undertaken in active collaboration with, a foreign power or foreign political organization', and granted ASIO broader power to monitor such activities than it granted to monitor 'domestic subversion'.³¹

The Federal Parliament's passing of the *Australian Security Intelligence Organization Act 1979* under the Fraser government marked the first legislative reform that specified a distinct role for ASIO in countering foreign interference, although the term itself was not yet used. It was not that ASIO previously lacked this mandate, as the organisation already monitored such activities through its broad counter-espionage and counter-subversion mandates. Instead, the legislation narrowed the scope of ASIO's counter-subversion mandate while also ensuring that foreign interference could be addressed by specifying 'active measures of foreign intervention' and subversive 'activities of foreign origin' under the definition of 'security'.

The Hawke reforms

The Hawke reforms to ASIO's mandate to counter foreign interference were similarly modeled closely on the recommendations of a Royal Commission, again chaired by Justice Robert Hope. Elected on 5 March 1983, the new Australian Labor Party government led by Prime Minister Robert (Bob) Hawke had early intentions for another inquiry into Australia's intelligence services, as parts of the ALP remained uneasy with ASIO. Hawke contacted Hope shortly after the 1983 election, telling him he wanted another inquiry to 'see how things had gone in the meanwhile'.³² Despite these innocuous origins, the Royal Commission ended up being dominated by a scandal over ASIO's role in countering foreign interference.

The scandal resulted from the activities of KGB officer Valerie Ivanov, who had arrived in Australia in June 1981 to serve in the Soviet Mission (the embassy) as First Secretary.³³ ASIO placed surveillance on him in August 1981, and over time successfully identified him as a KGB officer, installed microphones in his house and intercepted his phone calls.³⁴ ASIO came to be aware of Ivanov showing an interest in David Combe, who had been National Secretary of the ALP from 1973 to 1981 and was now a trade lobbyist.³⁵ ASIO became concerned that Ivanov was seeking to cultivate Combe as a potential agent of influence, and worried that Combe may have been acting in way that risked giving Ivanov

the impression that he was open to KGB recruitment. This was particularly prompted by a conversation ASIO recorded on 3 April 1983, when Combe and Ivanov appeared to discuss how to avoid ASIO surveillance.³⁶ On 20 April 1983, ASIO Director-General Harvey Barnett informed Hawke of ASIO's concerns and then briefed the National Intelligence and Security Committee of Cabinet.³⁷ Soon after, the government responded by expelling Ivanov from Australia and banning cabinet ministers from making use of Combe's lobbying services while ASIO investigated him.

However, by 10 May 1983, the incident had sparked a media scandal.³⁸ The government was accused of destroying Combe's livelihood and reputation at the behest of ASIO, and the media coverage was sceptical of ASIO's concerns over KGB activities in Australia. The Hawke government was denounced as 'McCarthyist' and 'paranoic', and Combe was portrayed as a victim of 'agent of influence syndrome gone mad'.³⁹ In this context, Hawke appointed Justice Hope to chair the Royal Commission on Australia's Security and Intelligence Agencies, and included the Combe-Ivanov affair in its terms of reference.

Widely referred to as the second Hope Royal Commission, this was again an inquiry into all of Australia's intelligence services but gained most public attention for its examination of ASIO. In light of the Combe-Ivanov affair, Hope devoted a greater focus on the question of foreign interference and revisited the recommendations from his first Royal Commission. In his *Report on the Australian Security Intelligence Organisation*, tabled in parliament on 22 May 1985, Hope noted that in his findings for the first Royal Commission he had not restricted ASIO's scope to monitor subversion when the subversive activity had a foreign origin, stating that in 'relation to activities of foreign origin "subversion" was to be given its ordinary dictionary meaning'.⁴⁰ He reflected:

I have concluded however that the present open-ended nature of the meaning of foreign subversion under the ASIO Act is not satisfactory. The practical result has been ... that ASIO has concentrated its efforts on the ascertainment of foreign links with potentially subversive groups in Australia without giving sufficient consideration to whether the activities of the groups can in fact be regarded as subversive or otherwise of security interest.⁴¹

To address this, Hope recommended removing all reference to foreign subversion, which would be instead addressed in a new concept that would also encompass what were previously called active measures. He recommended that the 'existing definitions of [subversive] "activities of foreign origin" and "active measures of foreign intervention" could be drawn on for this purpose and merged into a new definition'.⁴²

The new concept was 'acts of foreign interference'. Hope drew on Canadian legislation that referred to the threat of 'foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada and are clandestine or deceptive or involve a threat to any person'.⁴³ Hope added that the 'security agencies of most if not all powers investigate such activities'.⁴⁴ He also stated that his purpose in proposing 'a new name, "acts of foreign interference", and a new definition' was to 'ensure that ASIO and those guiding its path will have clearer guidelines as to the relevance of a foreign connection'.⁴⁵

In response, the Hawke government introduced the *Australian Security Intelligence Organization Amendment Act*, passed by the Federal Parliament in 1986.⁴⁶ The Act removed the concept of subversion, whether foreign or domestic, and replaced the concept of 'active measures of foreign intervention' with 'acts of foreign interference'. The Hawke reforms therefore narrowed the scope of ASIO's mandate to counter foreign

interference and clarified that it was not ASIO's role to investigate the 'foreign links' of every 'potentially subversive' organisation in Australia.⁴⁷ It marked a recognition, shown in Hope's reflections, that the Fraser reforms had not resulted in the level of clarity or constraint that had been intended.

The Turnbull-Morrison reforms

ASIO's mandate to counter foreign interference remained largely untouched for three decades after the Hawke reforms. This changed under the Turnbull government, when the Federal Parliament passed the *National Security Legislation Amendment (Espionage and Foreign Interference) Act 2018* (the *EFI Act*). Among other changes, the *EFI Act* amended the *Criminal Code Act 1995* to include a new offence of foreign interference. Under the Act, foreign interference was no longer just treated as a security concern that ASIO could legitimately monitor, it was now a crime. This changed ASIO's mandate to counter foreign interference by making it similar to ASIO's counter-terrorism role, involving closer collaboration with law enforcement and assistance with prosecutions, institutionalised through new arrangements like the Counter Foreign Interference Taskforce.⁴⁸

The new criminal offence defined an act of foreign interference as an act carried out 'on behalf of, or in collaboration with, a foreign principal' or 'directed, funded or supervised by a foreign principal' with the intent to 'influence a political or governmental process of the Commonwealth or a State or Territory', 'influence the exercise (whether or not in Australia) of an Australian democratic or political right or duty', 'support intelligence activities of a foreign principal' or 'prejudice Australia's national security' provided that the act 'is covert or involves deception', 'involves the person making a threat to cause serious harm, whether to the person to whom the threat is made or any other person', or 'involves the person making a demand with menaces'.⁴⁹ In some ways, this was broader than ASIO's own definition of foreign interference under the 1986 amendments, which required the individual to be acting on behalf of a 'foreign power', while the new offence only required a 'foreign principal' and therefore encompassed non-state actors.

The *EFI Act* allowed people to be prosecuted not only for acts of foreign interference, but for more inchoate offences like preparing for an act of foreign interference, which were explicitly modeled on preparatory offences for terrorism.⁵⁰ The Turnbull government also introduced the *Foreign Influence Transparency Scheme Act 2018*, which requires individuals and entities in Australia to register their relationships with 'foreign principals'.⁵¹ This legislation involved ASIO less directly, as it was concerned with ensuring transparency in foreign *influence* rather than directed at foreign *interference*, but nonetheless allowed the sharing of certain information with ASIO.⁵²

Under the Morrison government, the Federal Parliament passed the *Australian Security Intelligence Organisation Amendment Act 2020* which, among other changes, expanded ASIO's compulsory questioning powers.⁵³ These powers, highly controversial when introduced in 2003, were initially restricted to counter-terrorism investigations. With this reform, ASIO can also subject persons of interest in espionage and foreign interference investigations to compulsory questioning. The Morrison government also created the University Foreign Interference Taskforce (UFIT), which ASIO also plays a role in.⁵⁴

The Turnbull-Morrison reforms had many consequences. They featured prominently in diplomatic disputes with China; as David Schaefer notes, no 'account of the declining

Australia–China relationship in the late 2010s can avoid the fallout over the Huawei decision or the discussion of foreign interference laws introduced by the Turnbull government'.⁵⁵ Domestically, the reforms led to unprecedented prosecutions. This is evident in the case of Sunny Duong, the first person convicted and imprisoned under the *EFI Act*. Duong was a Chinese-Australian businessman who had developed a close association with a government minister, provided political donations, and sought to influence policy. The conviction rested on Duong having concealed several personal connections to the United Front Work Department, the Ministry of State Security and the Chinese Consulate in Melbourne.⁵⁶ Under the prior approach, the activities Duong engaged in would have been cause for ASIO attention, but not a crime.

Another example of the difference between the Turnbull-Morrison reforms and the Fraser-Hawke reforms is the new criminal offence of 'reckless' foreign interference. In the 1980s, the ALP had proposed to Justice Hope that an 'unwitting agent of influence' could not be a legitimate target of ASIO surveillance.⁵⁷ In contrast, the Turnbull government's *EFI Act*, passed with the support of the ALP opposition, criminalised engagement in foreign interference in cases where an individual did not necessarily know that they were acting on behalf of a foreign principal. The full impact of these new measures, and consequent prosecutions, is unclear. It can be intuited that they likely made Australia a more difficult target for foreign interference, but may have come at a significant social cost, with concerns that the breadth of the powers could result in a chilling effect on peaceful political activity and stigmatisation of Chinese-Australians.⁵⁸

Therefore, the Turnbull-Morrison reforms to ASIO's mandate to counter foreign interference differed dramatically from the Fraser-Hawke reforms. The new reforms criminalised foreign interference and preparatory acts thereof, required ASIO to cooperate more closely with law enforcement in a manner analogous to its counter-terrorism role, expanded ASIO's coercive powers, and gave ASIO a role in new administrative arrangements such as the Foreign Influence Transparency Scheme (FITS) and UFIT. This raises the question of what prompted these reforms, and why they differed so much from the earlier reforms.

Explaining the changes to ASIO's mandate to counter foreign interference

Several potential factors are worth examining to explain why the Turnbull-Morrison reforms were introduced and why they differed so much from the Fraser-Hawke reforms by being more outward-facing and coercive, and by being ahead of many other democracies rather than derivative. This section inquires into both foreign and domestic factors. At the foreign relations level, this section draws from traditions that see state behaviour as driven by changes in the threat environment and in how the threat environment is perceived. This is consistent with an approach taken by Frank Foley, who drew on realist 'balance of threat' approaches that were initially developed to explain states' international behaviour (particularly alliance behavior) to instead explain states' domestic security measures.⁵⁹ This section also examines the role of policy transfer, where reforms partly resulted from Australian governments adopting policy options from allies.⁶⁰

At the domestic level, this article examines domestic debates over foreign interference and the resulting incentives for different governments, to identify ways in which decisions behind the reforms factored in the 'political needs of the government by responding to

constituents and other domestic interest groups'.⁶¹ However, it also draws from the historical institutionalism literature in the study of public policy and comparative politics, which 'focuses on the impact of political struggles on institutional outcomes and the way institutional outcomes in turn shape further rounds of political struggles over policy and institutional rules'.⁶² To do so, this section examines how the policy routines for intelligence reform in Australia had changed substantially from the Cold War era through to the aftermath of the War on Terror era and highlights the potential path dependencies this created for the Turnbull-Morrison reforms.⁶³ It identifies this to be a particularly important addition to explaining the outward-focused and coercive nature of the foreign interference reforms that Australia took somewhat of an international lead in introducing.

Foreign relations

The Fraser-Hawke reforms reflected the recommendations of two Royal Commissions, both of which were prompted in part by domestic political contestation over ASIO's legitimacy. This may seem to suggest that foreign relations are of little importance for explaining these reforms, in contrast to the importance of the Soviet espionage threat and the escalating Cold War in driving ASIO's creation in 1949. However, Australia's foreign relations did play some role in the conduct of the Royal Commissions and the resulting reforms.

When Justice Hope was conducting his first Royal Commission, foreign interference activities against the United States and its allies were on the rise. By the late 1970s, 'disinformation became well-resourced and fine-tuned, honed and managed, lifted to an operational science of global proportions, administered by a vast, well-oiled bureaucratic machine'.⁶⁴ The Soviet Union was now the most powerful perpetrator of such operations. In the Second World War's aftermath, it had been 'American intelligence agencies leading the way in aggressive and unscrupulous operations', but the 1960s saw 'the East gaining the upper hand'.⁶⁵ Under Yuri Andropov, who became Chairman in 1967, the KGB established Service A for 'active measures'.⁶⁶ Between 1975 and 1985, Service A expanded from around 50 to 80 officers, and KGB officers outside of Service A were required to participate in 'active measures' alongside their other duties.⁶⁷

Australia's allies were increasingly concerned about foreign interference at this time, which influenced Hope's findings and recommendations. Soon after beginning the Royal Commission, Justice Hope travelled to Europe, North America, Southeast Asia and New Zealand to consult with a range of intelligence services and their overseers.⁶⁸ According to Hope's biographer, the 'American agencies convinced Hope that the Soviet Union posed a real threat, against which the West had to guard, and that the "active measures" undertaken by the Soviet agencies, including disinformation, deception and other forms of covert action, went far beyond those of which the CIA was actually or allegedly guilty'.⁶⁹ This allied influence falls far short of the role that US and UK pressure played in ASIO's creation in 1949 but nonetheless indicates an element of policy transfer in the Fraser reforms.

A less direct form of allied influence was evident in some of the public material used by Hope. For example, his explanation of the concept of agents of influence drew on the 1974 book *KGB: The Secret Work of Soviet Secret Agents*, which was itself in part a covert influence operation.⁷⁰ At the time, the CIA sought to retaliate against the KGB for the

publication in 1968 of a book called *Who's Who in the CIA*, which had undermined CIA operations worldwide through its combination of false information and disclosure of real CIA secrets. In return, the CIA (along with the FBI and the UK Secret Intelligence Service) worked closely but secretly with *Reader's Digest* journalist John Barron to produce a tell-all book that exposed the identities of hundreds of KGB operatives, a 'rare Western joint active measure directed against Soviet Intelligence'.⁷¹ There is a certain irony that Hope's recommendations to address Soviet influence operations were themselves informed by a covert influence operation.

Concerns about foreign interference were given greater credibility with the Cold War heating up in the late 1970s. The Fraser government had strong concerns about Soviet intentions worldwide, heightened by the growing Soviet naval presence in the Indian Ocean, which may have contributed to the government's receptiveness to ASIO's concerns about potential KGB interference within Australia.⁷² It is therefore not surprising that, while seeking to clarify ASIO's role, the Fraser government was similarly receptive to Hope's recommendations to ensure that any such activity could continue be monitored.

It is less clear what role Australia's foreign relations played for the Hawke reforms. The threat of foreign interference persisted and was perceived to persist, as reflected by ASIO uncovering Valery Ivanov's attempted cultivation of David Combe. This helps to explain why the Hawke government perceived the need to ensure ASIO maintained a role in countering foreign interference. However, there is also evidence that the threat was not perceived to be escalating at this stage, with Hope stating that the 'threat from espionage and other forms of foreign interference has remained at much the same general level, rising or falling from time to time', which helps to explain the government's openness to reforms that constrained ASIO's scope.⁷³ There is also some evidence of policy transfer, with Hope drawing on Canada's legislation and noting that many countries had similar concepts in their own legislation. Three decades later, Australia's approach to addressing foreign interference would be less derivative than the Fraser-Hawke reforms were, and Australia would take more of a lead.

By the 2010s, the threat environment was profoundly different. Technological advances and changes in the global information environment, notably global digital connectivity and in particular the rise of social media, had made foreign interference campaigns less costly and more frequent.⁷⁴ However, these technological transformations not only changed the threat itself, they correspondingly changed the perception of the threat. The same technological changes that increased the vulnerability of democratic societies to foreign interference also resulted in greater awareness of foreign interference. Covert influence operations frequently became more obvious, often run through 'troll-farms' rather than being the preserve of specialised intelligence operatives.⁷⁵ So brazen were these campaigns that attribution was no longer the exclusive role of governments; media organisations, think-tanks and enthusiastic hobbyists could now, with considerable but varying success, identify foreign interference campaigns through open sources.⁷⁶ In this context, foreign interference increasingly became a topic of political discussion in democracies.

In Australia, ASIO perceived foreign interference to be escalating, and drew both governmental and public attention to the threat. ASIO's 2013–2014 Annual Report described the threat as 'worse than previously thought' and its 2016–2017 Annual Report described the threat as 'extensive, unrelenting and increasingly

sophisticated’.⁷⁷ As the intelligence services perceived a growing threat of foreign interference, Australia’s political leadership correspondingly perceived a growing threat, particularly after Malcolm Turnbull became Prime Minister on 15 September 2015. In Turnbull’s telling, shortly after coming to power he was briefed extensively on foreign interference activities in Australia, and that ‘China was by far the biggest player’.⁷⁸ Turnbull asked Attorney-General George Brandis to prepare a brief on foreign interference for Cabinet and John Garnaut (a China scholar in his office) to work with the Office of National Assessments to prepare a detailed report.⁷⁹

Concerns about foreign interference were far from unique to Australia, as democracies across the world became more concerned about covert influence operations in the wake of Donald Trump’s 2016 election victory, but Australian leaders perceived distinct vulnerabilities to Chinese government activities. Australia’s defence and foreign policy debates had long anguished over the dilemma posed in the event of tension between the country’s greatest strategic partner (the US) and its greatest trading partner (China), but decisions could be delayed so long as US primacy in Australia’s region was uncontested. In the wake of the Global Financial Crisis, the disappointments of the Obama Administration’s ‘pivot to Asia’ and the erratic policies of the Trump Administration, the balance of power in the Asia-Pacific gradually shifted towards China, making it harder for Australia to maintain that there was no need to choose between China and the United States.⁸⁰ The dilemma was heightened by Xi Jinping’s rule, under which China became more domestically repressive and internationally assertive, strengthening its military presence in the South China Sea and other potential flashpoints.⁸¹

Australian political leaders correspondingly perceived an increasing need to take measures to reduce vulnerability to China across a wide range of areas, including espionage (shown by the banning of Huawei from participating in Australia’s 5 G rollout), critical infrastructure (shown by changes to the Foreign Investment Review Board), cyber-security, economic coercion and other concerns of which covert influence operations were just one among many.⁸² Turnbull’s successor, Scott Morrison, similarly perceived such vulnerabilities and led a broader reorientation of Australian national security policy regarding China, which included further foreign interference reforms among far more prominent initiatives like the AUKUS partnership.⁸³ Therefore, the specific threats that Australia perceived itself to be facing from China in the context of the regional power shift partly helps to explain why Australia took an international lead on foreign interference reforms. However, there are limits to how sufficiently foreign relations can explain the impetus behind the Turnbull-Morrison reforms to ASIO’s mandate to counter foreign interference, or the specific nature of the reforms. As noted, the Turnbull-Morrison reforms exceeded measures taken at the height of the Cold War and were often ahead of Australia’s traditional partners, so it is also necessary to examine domestic factors.

Domestic political incentives

In the Fraser-Hawke years, there were domestic political incentives to clarify and constrain ASIO’s role. Unease with ASIO played a part in how Hope’s recommendations were initially received. After Hope’s *Fourth Report* was tabled in Parliament in November 1977, a similar inquiry into the security intelligence unit of South Australia Police took issue with Hope’s

concerns about 'active measures'. In December 1977, the report of Judge J. M. White's inquiry into the South Australian Special Branch included a section titled 'A caution about "active measures"' which discussed Hope's arguments and expressed scepticism about whether such measures were a legitimate security concern. White argued that:

The price of some security measures might well be too high. When peripheral security risks have been driven out by over-zealous security measures, the second state of the nation may be worse than its first.⁸⁴

Therefore, while Hope's inquiry into ASIO warned of dangers to democracy posed by foreign interference, White's inquiry into the South Australian Special Branch warned of dangers posed by efforts to counter such measures. This scepticism was reflected in some of the media reaction to Hope's *Fourth Report*, with the journalist Richard Hall arguing that '[t]he "agents of influence" obsession has provided justification for spying on almost any form of dissent, from feminists to uranium protesters'.⁸⁵ These critiques show the domestic controversy surrounding the idea of foreign interference at the time, discussed through the concepts of active measures and agents of influence.

These domestic constituencies uneasy with ASIO created incentives for the government to clarify and to some extent constrain ASIO's role. However, there was a limit to how much traction these constituencies had. Much of the Liberal-National Party's support base was comfortable with ASIO, and the Fraser government took the Soviet threat highly seriously. The time at which the Fraser reforms were implemented, the late 1970s, coincided with the 'zenith' of 'Fraser's Cold War crusade'.⁸⁶

The Hawke government paid greater attention to domestic constituencies that were uneasy with ASIO, not least because much of this came from the ALP's support base and because the Combe-Ivanov scandal had caused a political crisis almost immediately after the 1983 election. The media response was sceptical of ASIO's entire role, with journalists denouncing 'ASIO's agent of influence doctrine'.⁸⁷ While Hawke steadfastly supported ASIO's Director-General Harvey Barnett, there was discontent within the ALP and the Hawke government itself. Attorney-General Gareth Evans was 'not a fan' of the ASIO Director-General and saw him 'as a complete Cold Warrior and utterly without nuance'.⁸⁸ Clarifying ASIO's role and narrowing its mandate to counter foreign interference were political priorities, with Hope's recommendations providing a way forward that the Hawke government was comfortable with.

Decades later, Australia's domestic political debates over foreign interference had changed greatly. In the years leading up to the *EFI Act's* passage in 2018, concerns over Chinese government activities in Australia gained domestic political traction. These began with Chinese government takeovers of independent diaspora media in Australia in the early 2010s and gradually gained more mainstream attention with events like the Chinese government detention of a University of Sydney Technology professor in March 2017, competing claims of undue Chinese government influence in the Bennelong by-election in December 2017, and the publication of Clive Hamilton's book *Silent Invasion* in February 2018.⁸⁹ There was also the scandal surrounding Sam Dastyari, an ALP Member of Parliament who expressed positions on the South China Sea dispute that differed from ALP policy, and was later revealed to have received undisclosed payments from businessmen associated with the Chinese government.⁹⁰ In December 2017, it was also revealed that Dastyari had held a discussion with Huang Xiangmo, a businessman of interest to

ASIO for his 'opaque links to the Chinese government', about the need to avoid surveillance by the US and Australian governments.⁹¹

The Sam Dastyari affair had certain parallels with the Combe-Ivanov affair, including concern over whether Dastyari was acting in a way that would convey susceptibility to becoming an agent of influence, but with an entirely different media reaction. The overwhelming majority of the media denounced Dastyari and he was disowned by both sides of politics. The ALP removed Dastyari from his roles as Senate Deputy Opposition Whip and as a Senate Committee chair, and on 12 December 2017 Dastyari announced he would resign from Senate.⁹² This shows how much Australia's domestic politics over foreign interference had changed. While the Combe affair prompted a media groundswell calling for ASIO to be further reined in, the Dastyari affair prompted media calls for further action against potential foreign interference.

This domestic political environment enabled the bipartisan passing of the *EFI Act* by June 2018. After the Bill was introduced in 2017, there were various sources of opposition, including from business, academic and media sectors. Concerns were raised that the measures taken in the name of protecting Australian democracy from foreign interference could themselves harm democracy, which was a familiar critique from the debates over ASIO's role in countering foreign interference in the 1970s and 1980s. Given that the *EFI Act* was more coercive than any earlier reforms Australia had undertaken to address foreign interference, these critiques had more merit in the 2010s than they did in the 1970s and 1980s, and they tended not to be accompanied by skepticism about whether the threat even existed. Nonetheless, the critiques had little impact. Andrew Chubb has shown how Australia's domestic politics over 'Chinese influence' enabled the passing of the *EFI Act*.⁹³ The broad-brush term 'Chinese influence' undermined the distinction ASIO routinely emphasised between 'influence' and 'interference'.⁹⁴ The notion of 'Chinese influence' was securitised, creating strong political incentives for a security response that ultimately overcame traditional sources of opposition, including from the business community which had traditionally been hesitant about any actions that could undermine Australia's relationship with China.⁹⁵

Therefore, domestic politics played an important role in the evolution of ASIO's mandate to counter foreign interference. In the Fraser-Hawke years this created incentives for clarification and constraint, but by the time of the Turnbull-Morrison reforms this had changed. Whether ASIO had a legitimate role in even monitoring such activities was no longer an open question; instead, the domestic political environment created incentives to expand ASIO's role. This partly helps to explain why the Turnbull-Morrison reforms were so different to the Fraser-Hawke reforms enacted to address a somewhat similar threat, but it does not fully explain it. For example, domestic political incentives cannot completely explain the Turnbull government's response, given the active role the government played itself in creating those incentives alongside a broader advocacy coalition.⁹⁶

Combining the domestic political incentives with the changes in Australian foreign relations, particularly the vulnerabilities Australian governments faced from the China challenge as part of the regional power shift, allows for a more complete explanation. However, it does not fully explain the timing nor why the Turnbull-Morrison reforms took the highly outward-facing and coercive form that they did. Another part of the answer lies in the normative and institutional context of intelligence reform in Australia, particularly

how the standard processes of reform (and the precedents that reforms drew on) had changed from the 1970s and 1980s through to the 2010s.

Policy routines

In the Cold War era, the Australian approach to intelligence reform, at least where ASIO was concerned, followed a particular routine. The Commonwealth government would initiate a Royal Commission, which would be followed by a single act of legislation altering ASIO's role. This was pioneered in the early Cold War years, when the Menzies government responded to the Petrov defection in 1954 by announcing the Royal Commission on Espionage, and followed this by introducing the *ASIO Act* in 1956. This marked a shift from the first half of the 20th century, when Australia's intelligence arrangements were created on ad hoc basis through executive decree.⁹⁷ Menzies' approach set the tone for subsequent legislative reform to Australia's intelligence arrangements during the Cold War. The approaches taken by the Fraser and Hawke governments followed similar routines. The Fraser reforms closely followed the Royal Commission on Intelligence and Security's recommendations, while the Hawke reforms closely followed the Royal Commission on Australia's Security and Intelligence Agencies' recommendations.

Therefore, Australia's Cold War era policy routines for reforms to ASIO's role centred around prominent public inquiries, with judicial legitimacy, followed by legislation that broadly reflected the inquiries' outcomes. Royal Commissions were a key institutional mechanism for these routines. Moreover, the reforms that resulted from these processes reflected certain norms of the time that kept ASIO's role more secretive, and less coercive, than it would later become. Most importantly, Hope's recommendations for ASIO's role in countering foreign interference did not involve criminalisation of foreign interference or of preparatory activities, coercive questioning powers, or new public administrative arrangements for ASIO to participate in. These measures may not have been thinkable at the time, particularly after the failure of the Menzies' governments efforts to ban the CPA and the public controversies that had resulted from ASIO's interventions into Australian politics on counter-subversion grounds which had prompted the Whitlam government to initiate the first of Hope's Royal Commissions.

However, by the Cold War's end, Australia's political leaders seeking intelligence reform reduced their reliance on Royal Commissions. The Hawke government had set up new institutional arrangements like the Inspector-General for Intelligence and Security (IGIS) to routinely inspect the legality of intelligence activity. The IGIS was described as a 'standing Royal Commission', although it could not recommend law reform.⁹⁸ The Hawke government also established the Parliamentary Joint Committee on ASIO; former ASIO Director-General Harvey Barnett noted in his memoirs that he hoped this would mean 'no more royal commissions'.⁹⁹

There were subsequent inquiries into Australia's intelligence services, but they now took a different form. For example, in 1992 the ALP government under Prime Minister Paul Keating announced a review into whether ASIO's resources could be reduced to take advantage of the post-Cold War 'peace dividend'.¹⁰⁰ Rather than appoint another Royal Commission, the review was assigned to a senior public servant, Dennis Richardson (who later became a Director-General of ASIO).¹⁰¹ Similarly, in 1994 a series of public scandals

surrounding the Australian Secret Intelligence Service led the Keating government to announce a Commission of Inquiry. This Commission was co-chaired by retired judge Justice Gordon Samuels and retired senior public servant Michael Codd, but it was again not a Royal Commission.¹⁰² Therefore, the 1990s marked an evolutionary change, where Australian intelligence reform was becoming less dependent on Royal Commissions and credible reviewers no longer had to be drawn solely from the judiciary. While this was partly due to institutional changes undertaken in the 1980s that reduced the need for a routine resort to Royal Commissions, it may also have reflected that intelligence and security issues were less domestically salient now that the Cold War had ended and the international environment appeared far more secure. Intelligence reform was no longer a high-profile or controversial political issue.

Furthermore, at the start of the 21st century external shocks reshaped Australia's legislative approach to domestic security, with lasting consequences for the routines Australian political leaders adopted when reforming ASIO's role. After the 9/11 attacks and the 2002 Bali bombings, the Federal Parliament passed waves of legislation to prevent acts of terrorism in Australia. The pace of drafting and passing domestic security legislation, and the scale of legislation passed, had increased rapidly. Canadian law professor Kent Roach described Australia's approach as 'hyper-legislation', arguing that Australia's 'degree of legislative activism is striking compared even to the United Kingdom's active agenda and much greater than the pace of legislation in the United States or Canada'.¹⁰³ In contrast to party-political divides over ASIO in the early Cold War years, most of the legislation reforming ASIO's role in the early War on Terror years passed with the support of the Opposition, reflecting a norm of relative bipartisanship on national security that had begun to take shape in the 1980s.¹⁰⁴ Some of this legislation changed ASIO's role, granting the agency coercive questioning powers and creating counter-terrorism criminal offences that necessitated greater ASIO cooperation with law enforcement, changing the norms of ASIO-police interaction.¹⁰⁵ Given Justice Hope's emphasis on the distinction between intelligence and law enforcement, such coercive measures may not have been thinkable in the Fraser-Hawke years, sitting well outside the norms of the era.¹⁰⁶

Under these new routines, there was no longer an expectation that the legislation needed to necessarily follow recommendations from public inquiries. Instead, the Parliamentary Joint Committee on ASIO somewhat supplanted the role that Royal Commissions had earlier played. The committee grew in scope and functions, becoming the Parliamentary Joint Committee on ASIO, ASIS and DSD (PJCAAD) in 2001 and the Parliamentary Joint Committee on Intelligence and Security (PJCIS) in 2005. The PJCIS played an important role in the new routines, particularly as a forum for the two major parties to deliberate and agree on security and intelligence legislation before it was voted on in Parliament, but this differed greatly from the Cold War routines of a Royal Commission followed by a single act of legislation to amend ASIO's role. Similarly, another new institution, the Independent National Security Legislation Monitor (INSLM) created in 2010, would frequently review legislation that governed ASIO's powers.¹⁰⁷ The INSLM is in many ways more analogous to a 'standing Royal Commission' than either the IGIS or the PJCIS is, as it can both examine the legality of operational conduct and recommend law reform. However, its role has been unlike the Hope Royal Commissions as it has tended to have a retrospective focus rather than driving reform. Therefore, the post-9/11 era not

only saw new norms that legislation to reform ASIO's role could include more outward-facing and coercive components, particularly questioning powers and strengthened cooperation with law enforcement, but also new norms that such legislation did not require the extent of prior deliberation that had characterised the Hope commissions and resulting debates. This helps to explain how the Turnbull government introduced its reforms to ASIO's mandate to counter foreign interference so quickly, exceeding other Five Eyes countries.

The Hope tradition of holistic and anticipatory review had not become redundant. Indeed, it was revived through the pattern of independent intelligence reviews, such as the 2004 Flood review, the 2011 Cornell and Black review, the 2017 L'Estrange and Merchant review and the 2024 Smith and Maude review. However, these reviews were not Royal Commissions or judicial inquiries, they played less of role in the legislative process than the Hope Royal Commissions had, and they were somewhat separate to the processes of reform for domestic security. Therefore, even though intelligence reform had become a high-profile political issue in the post-9/11 environment, as it had been during the Cold War, this did not result in a return to regular Royal Commissions. New institutional entities like the IGIS, PJCS and INSLM replaced many of the functions that Royal Commissions had earlier fulfilled, and were supplemented by the new tradition of Independent Intelligence Reviews. Moreover, greater bipartisanship on national security reduced the need for the circuit-breaking role that Royal Commissions had helped to play during the highly partisan Cold War years, judicial figures were no longer seen as indispensable actors in intelligence reform, and the urgency of the terrorist threat undermined the habit of waiting for formal reviews and public deliberation before making major amendments to ASIO's role.

Therefore, the policy routines for Australian intelligence reform in the 21st century took two main forms: holistic review through non-judicial means, and bipartisan 'hyper-legislation' on domestic security concerns that reshaped ASIO's role and created norms of greater coercive powers, greater cooperation between ASIO and other public sector institutions, and of speedier legislative processes. These institutional changes and normative context have particular value for explaining why the Turnbull-Morrison reforms differed so greatly from the Fraser-Hawke reforms, as they show direct connections to the outward-facing and particularly the coercive nature of the Turnbull-Morrison reforms, given their strong resemblance to counter-terrorism measures.

A quick comparison with the two other junior Five Eyes provides tentative additional evidence for this explanation. Canada and New Zealand have both introduced foreign interference legislation in recent years. However, their reforms occurred at a slower pace than Australia's and involved less expansive and coercive legislation. For example, Canada and New Zealand's foreign interference legislation was passed in 2024 and 2025, respectively, and does not include the same types of preparatory offences or grant coercive questioning powers to their security intelligence services. For the institutionalist argument presented in this section to hold up, Canada and New Zealand would need to have developed different routines for intelligence reform after 9/11 than Australia did. The argument would require that Canada and New Zealand lacked Australia's post-9/11 normalisation of speedy legislation that expanded security intelligence powers.

This appears to be the case. For example, Kent Roach has compared Australia and Canada's counter-terrorism law-making in the aftermath of 9/11, highlighting that Canada

passed less legislation over the time period examined, and that the legislation was more limited in scope (such as by having fewer restrictions on speech, not criminalising membership of terrorist organisations, and not granting as much power to security intelligence).¹⁰⁸ It attributed this difference partly to institutional factors such as Canada's human rights charter.¹⁰⁹ Similarly, New Zealand's Royal Commission into the 15 March 2019 Christchurch massacre noted the country's lack of counter-terrorism legislation when compared to Australia, partly attributing this to intelligence and security matters being a relatively 'toxic' political issue in New Zealand that law-makers were unwilling to take 'political ownership' of, in contrast to Australia's routine resort to new domestic security legislation.¹¹⁰ While this is a brief comparison based on a low evidentiary threshold, it further adds to the plausibility of post-9/11 policy routines as a necessary part of the explanation for why Australia's recent foreign interference reforms were faster and more expansive than in comparable countries.

Conclusion

This article traced the evolution of ASIO's mandate to counter foreign interference and proposed explanations of what drove these intelligence reforms. Activities that are today termed foreign interference were a concern for ASIO from its origins in the early Cold War context, but came under ASIO's broad mandate to counter espionage and subversion rather than being explicitly specified as a distinct security concern. This changed with the Fraser-Hawke reforms in the 1970s and 1980s, which clarified ASIO's role in countering foreign interference (initially under the terminology of active measures and foreign subversion) and, particularly under Hawke, constrained ASIO's scope. This changed again with the Turnbull-Morrison reforms, which included criminalising foreign interference and preparatory actions, requiring a level of ASIO-police cooperation comparable to counter-terrorism, providing coercive questioning powers for ASIO officers tackling foreign interference, and giving ASIO a role in new administrative and advisory arrangements like the FITS and UFIT.

The reforms were partly driven by international factors. For example, while foreign interference was not a new threat, technological changes in the information environment allowed the threat to become more frequent and prevalent, but also more obvious and tangible. Heightened strategic competition increased the incentives for foreign interference campaigns, and revelations of Russia targeting the 2016 United States election caused dismay in many democracies and created an imperative for counter-measures. None of this was unique to Australia, but the specific vulnerabilities Australia perceived itself to be facing from China in the context of the regional power shift partly help to explain why Australia took an international lead on foreign interference reforms. On the domestic side, attitudes towards ASIO had become more positive after decades of relative bipartisanship on domestic security, while concerns over 'Chinese influence' (a related but more amorphous notion than foreign interference) had gained domestic political traction.¹¹¹ However, while these factors help to explain much of the impetus behind the Turnbull-Morrison reforms, they are of less help in explaining why the reforms took their specific form.

To more completely explain the Turnbull-Morrison reforms to ASIO's mandate to counter foreign interference, it was necessary to examine how institutional changes

enacted in response to the Hope Royal Commissions, followed by the end of the Cold War and the shock of the early War on Terror years, had resulted in new routines for intelligence reform in Australia. The habit of regularly reaching for Royal Commissions into intelligence issues had declined by the end of the Cold War and was superseded by the 'hyper-legislation' approach to domestic security adopted in the early years of the War on Terror. These new policy routines were consolidated in the first 15 years after 9/11 and reinforced by institutional underpinnings like the consensus-building role of the PJCIS and the post-enactment review role of the INSLM. These processes solidified new norms of coercive powers for ASIO and greater police-ASIO cooperation, strengthening the potential path dependencies for how intelligence reform would be undertaken for future security concerns. Therefore, when the perception (and reality) of the foreign interference threat rose in the mid-2010s, Australia's new routines for intelligence reform influenced what approaches were perceived as appropriate and necessary in response. These new routines help to explain the timing of the Turnbull-Morrison reforms, as the 'hyper-legislation' approach enabled faster enactment of reforms to ASIO's role. However, they most strongly help to explain the outward-facing and coercive nature of the Turnbull-Morrison reforms, as the foreign interference laws introduced in 2018 and afterwards had a stronger resemblance to early 2000s counter-terrorism measures than to the Fraser-Hawke reforms undertaken in response to Cold War concerns over foreign interference.

Notes

1. Bongiorno, "An Indiscreet Dinner with a Soviet Spy."
2. For Canada, see: Tomazin, "Canada Asks Australia for Help as It Faces Backlash over China Meddling"; Birtles, "Five Years after Australia's Reckoning with Chinese Foreign Interference, Canada Has Its Moment." For New Zealand, see: Manch, "Government to Criminalise Harming NZ for 'foreign Power'; "New Zealand's Government Divided Ahead of Pivotal Report on Chinese Political Interference." For the UK, see: "National Security Bill – Hansard – UK Parliament"; and Wark, *How Allies Do It*, 7.
3. For example, Andrew Chubb notes that, "In addition to traditional espionage, the concern of the Australian Security Intelligence Agency (ASIO) with 'foreign interference' stretches back decades. This is not widely understood." Chubb, *Security and Social Cohesion*. However, even Chubb's work understates the extent of the difference between the Cold War era reforms and the 21st century reforms. For example, his highly valuable 2023 article (drawn on multiple times in this article) states that in 1986 Australia introduced an "offence" of foreign interference, yet a criminal offence of foreign interference was not actually introduced until 2018. Chubb, "The Securitization of 'Chinese Influence' in Australia," 23.
4. Chubb, "The Securitization of 'Chinese Influence' in Australia"; Tyler and Disting, "Countering Foreign Interference"; Garnaut, "Australia's China Reset" The political actors frequently examined in such accounts include Malcolm Turnbull, John Garnaut and Andrew Hastie. Autobiographical accounts have also followed this approach: for example, Turnbull ascribes a driving role to his increased personal awareness of Chinese government interference operations upon becoming Prime Minister. Turnbull, *A Bigger Picture*, 423–24.
5. Hall and Taylor, "Political Science and the Three New Institutionalisms," 937–42; Hysing and Olsson, *Green Inside Activism for Sustainable Development*, 31–33; and Lowndes, "Institutionalism." For an example of the use of historical institutionalist theory in intelligence studies, see: McMahon, "Layering and the Foundations of the Modern American Surveillance State, 1970–2020."
6. Institutional theory stresses the importance of routines, and when specific routines become apparent in the policy-making process, such as within or between the executive

and legislative branches of government, or parts of the public bureaucracy, they are sometimes described as “policy routines” or “policy making routines.” For some applications see: Hicks, Swank, and Ambuhl, “Welfare Expansion Revisited”; Zysman, “How Institutions Create Historically Rooted Trajectories of Growth”; and Schwartz, “Explaining Australian Economic Success.”

7. Hysing and Olsson, *Green Inside Activism for Sustainable Development*, 32.
8. Lowndes, “Institutionalism,” 67.
9. Shires, “The Simulation of Scandal”; Kux, “Soviet Active Measures and Disinformation”; Walton, “What’s Old Is New Again”; and Dukalskis et al., “The Long Arm and the Iron Fist.”
10. Rid, *Active Measures*; and Paterson and Hanley, “Political Warfare in the Digital Age.”
11. Rid, *Active Measures*; Singer and Brooking, *Likewar*; Cooley and Nexon, *Exit from Hegemony*; and Schleffer, “The Political Effects of Social Media Platforms.”
12. Johnson, *The Third Option*.
13. Horner, *The Spy Catchers*, 97.
14. Australian Security Intelligence Organization Act 1956, para. 2.
15. See note 13 above.
16. *Ibid.*, 103–225.
17. McKnight, “Rethinking Cold War History,” 192–3.
18. Australian Security Intelligence Organization Act 1979, 1979.
19. Royal Commission on Intelligence and Security, *Fourth Report: Volume 1*, 131.
20. *Ibid.*, 28.
21. *Ibid.*
22. *Ibid.*
23. *Ibid.*, 30.
24. *Ibid.*
25. *Ibid.*, 31.
26. *Ibid.*, 33.
27. *Ibid.*, 28.
28. *Ibid.*, 34.
29. *Ibid.*, 39.
30. Australian Security Intelligence Organization Act 1979, 1979, para. 4.
31. *Ibid.*, para. 5.
32. Blaxland and Crawley, *The Secret Cold War*, 267.
33. Royal Commission on Australia’s Security and Intelligence Agencies, *Report on Term of Reference (c)*, 12–14.
34. Blaxland and Crawley, *The Secret Cold War*, 214–5.
35. *Ibid.*, 249.
36. Royal Commission on Australia’s Security and Intelligence Agencies, *Report on Term of Reference (c)*, 20–22.
37. *Ibid.*, 23–37.
38. Manne, “‘Even Old Stacks Talk’,” 184; and Blaxland and Crawley, *The Secret Cold War*, 260–65.
39. Manne, “‘Even Old Stacks Talk’,” 189, 234.
40. Royal Commission on Australia’s Security and Intelligence Agencies, *Report on the Australian Security Intelligence Organization*, 66.
41. *Ibid.*, 67.
42. *Ibid.*, 40.
43. *Ibid.*
44. *Ibid.*
45. *Ibid.*
46. Australian Security Intelligence Organization Amendment Act 1986.
47. Royal Commission on Australia’s Security and Intelligence Agencies, *Report on the Australian Security Intelligence Organization*, 67.
48. Tyler and Dusting, “Countering Foreign Interference,” 67.

49. National Security Legislation Amendment (Espionage and Foreign Interference) Act 2018, para. 92.2.
50. Kendall, "Preparing for Espionage, Foreign Interference and Sabotage."
51. Foreign Influence Transparency Scheme Act 2018.
52. Parliamentary Joint Committee on Intelligence and Security, *Review of the Foreign Influence Transparency Scheme Act 2018*, 20.
53. Australian Security Intelligence Organisation Amendment Act 2020.
54. Visentin, "Ramped up Dramatically."
55. Schaefer, "Spies and Scholars in the Cyber Age," 113. A similar point is made in Tyler and Dusting, "Countering Foreign Interference," 67–69.
56. CDPP v Duong [2024] VCC 182.
57. Royal Commission on Australia's Security and Intelligence Agencies, *Report on the Australian Security Intelligence Organization*, 37–39.
58. Tyler and Dusting, "Countering Foreign Interference"; Jiang, "Usual Suspects"; and Sorial, Morris, and Greste, "Foreign Interference and the Incremental Chilling of Free Speech."
59. Foley, "Reforming Counterterrorism."
60. Renard, "Counter-Terrorism as a Public Policy," 5.
61. Raymond, "Two-Level Games and Australia's Defence Procurement," 349.
62. Koelble, "The New Institutionalism in Political Science and Sociology," 242.
63. Migone, Howlett, and Howlett, "Paradigmatic Stability, Ideational Robustness, and Policy Persistence"; Foley, "Reforming Counterterrorism"; Renard, "Counter-Terrorism as a Public Policy"; and Hall, "Historical Institutionalism in Rationalist and Sociological Perspective."
64. Rid, *Active Measures*, 7.
65. Ibid.
66. Walton, "What's Old Is New Again," 55.
67. Ibid., 56.
68. Edwards, *Law, Politics and Intelligence*, 161.
69. Ibid., 166.
70. Royal Commission on Intelligence and Security, *Fourth Report: Volume 1*, 28–29.
71. Rid, *Active Measures*, 218.
72. Gyngell, *Fear of Abandonment*, 135–37; and Blaxland and Crawley, *The Secret Cold War*, 195–200.
73. Royal Commission on Australia's Security and Intelligence Agencies, *General Report*, 12.
74. Rid, "A Revolution in Intelligence," 1109–1100.
75. Singer and Brooking, *Likewar*.
76. Rid, "A Revolution in Intelligence," 1106–9.
77. *ASIO Annual Report 2013–14*, ix; and *ASIO Annual Report 2016–17*, 23.
78. Turnbull, *A Bigger Picture*, 424.
79. Ibid.
80. Clarke and Sussex, *China, Australia's National Security Choices*, 24.
81. Taylor, *The Four Flashpoints*.
82. Schaefer, "Spies and Scholars in the Cyber Age," 112–15.
83. Clarke and Sussex, *China, Australia's National Security Choices*, 28–33; and Kelly, *Morrison's Mission*.
84. Inquiry into Special Branch Security Records, *Initial Report*, 24.
85. Hall, *The Secret State*, 107.
86. Blaxland and Crawley, *The Secret Cold War*, 198.
87. Marr, *The Ivanov Trail*, 95.
88. Blaxland and Crawley, *The Secret Cold War*, 253.
89. Chubb, "The Securitization of 'Chinese Influence' in Australia," 5–6; Davidson, "Chongyi Feng"; Hamilton, *Silent Invasion*; and Joske, "Bennelong Byelection."
90. Chubb, "The Securitization of 'Chinese Influence' in Australia," 22; and Remeikis, "Sam Dastyari Quits as Labor Senator over China Connections."
91. McKenzie, Massola, and Baker, "Labor Senator Sam Dastyari Warned."

92. Remeikis, "Sam Dastyari Quits as Labor Senator."
93. Chubb, "The Securitization of 'Chinese Influence' in Australia."
94. Ibid., 31; ASIO Annual Report 2017–18, 26–27.
95. Ibid.; Jiang, "Usual Suspects."
96. Chubb, "The Securitization of 'Chinese Influence' in Australia," 9–11.
97. Horner, *The Spy Catchers*, 11–52.
98. Gynge and Wesley, *Making Australian Foreign Policy*, 147.
99. Barnett, *Tale of the Scorpion*, 218.
100. Hartcher, "Agent for Change."
101. Blaxland, "Reviewing the Intelligence Reviews (so Far)."
102. Ibid.; *Report on the Australian Secret Intelligence Service – Public Edition*.
103. Roach, *The 9/11 Effect*, 310.
104. Carr, "Is Bipartisanship on National Security Beneficial?"
105. Hardy and Williams, "Two Decades of Australian Counterterrorism Laws."
106. Edwards, *Law, Politics and Intelligence*, 207.
107. Blackbourn, "The Independent National Security Legislation."
108. Roach, "A Comparison of Australian and Canadian Anti-Terrorism Laws."
109. Ibid., 83–85.
110. March 2019, *Report of the Royal Commission of Inquiry into the Terrorist Attack on Christchurch Masjidain on 15 March 2019*, 441, 612.
111. See note 93 above.

Acknowledgements

The author would like to thank David Schaefer, Deborah Zorzi, Robert Merriel, Karen Merriel, the anonymous peer reviewers and the editors of *Intelligence and National Security* for their advice and assistance with this article.

Disclosure statement

No potential conflict of interest was reported by the author(s).

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