

Government questions whether Dastyari fit to be a senator, in new row over Chinese donor

Written by Michelle Grattan, Professorial Fellow, University of Canberra

Opposition Leader Bill Shorten is again under pressure over the behaviour of high-profile Labor senator Sam Dastyari, who warned a political donor with Chinese Communist Party links that his phone was likely tapped.

Fairfax Media on Wednesday [reported](#) that before Dastyari and Huang Xiangmo spoke, the senator “gave Mr Huang counter-surveillance advice, saying they should leave their phones inside and go outside to speak”.

The story said the meeting last year was at Huang’s home in Sydney and occurred some weeks after Dastyari had to quit the frontbench over his dealings with Huang, who is a Chinese citizen and an Australian permanent resident.

It also happened after ASIO briefed political figures including from Labor about Huang’s opaque links to the Chinese government, the Fairfax report said.

The new controversy about Dastyari comes amid deepening security concerns about increasing Chinese interference in Australia.

The government questioned whether Dastyari should remain in the Senate, with Prime Minister Malcolm Turnbull saying Dastyari “has very, very grave questions to answer”.

“This is a very, very serious issue of national security.” Dastyari “should really be considering his position in the Senate”, Turnbull said.

Shorten indicated he had given Dastyari a warning but did not suggest he would take any more action against him.

“I have made it clear to senator Dastyari that this is not the first time his judgement has been

called into question, but I certainly expect it to be the last,” Shorten said.

Dastyari’s demotion was followed by partial rehabilitation when he became deputy Labor whip in the Senate.

Turnbull asked rhetorically: “Whose side is he on?”

“Here he is, an Australian senator who has gone to a meeting with a foreign national, with close links to a foreign government and advises that foreign national, Mr Huang, to put their phones inside to avoid the possibility of surveillance,” Turnbull said.

“Why is he trying to alert Mr Huang that perhaps Australian security agencies may have an interest in him?”

Foreign Minister Julie Bishop said if the allegations were accurate, “they will show that senator Dastyari was acting against Australia’s national interest, against Australia’s national security concerns”.

This would make his position in the Senate “untenable”, she said.

Turnbull also challenged Shorten, asking why he told Dastyari “directly or indirectly, about possible interest from security services, in Mr Huang”.

Dastyari argues that his remark about the likely phone tapping was passing on press gallery gossip.

He said he had never been briefed by any security agency, or received any classified information about any matter.

“I’ve never passed on any protected security information – I’ve never been in possession of any,” he said.

He quoted a comment he had made to the ABC’s Four Corners some months ago, when he said: “After the events of last year, I spoke to Mr Huang to tell him that I did not think it was appropriate that we have future contact. I thought it was a matter of common courtesy to say this face to face. Neither my office or I have spoken to Mr Huang since.”

He said this information has been publicly available since June.

Shorten said he had not passed on any information from a security briefing to Dastyari. “However I do not believe the senator is the subject of any national security investigation.”

Dastyari had never made a secret of the fact that this meeting took place, Shorten said. “He has again confirmed that he did not pass on any classified information, because he didn’t have any.”

Peter Jennings, head of the Australian Strategic Policy Institute, said the incident was “as serious as it gets” and called for a public investigation.

He said that if, when he was a public servant, he had had a conversation with a foreign national warning them their phone was likely tapped, “it would have been a career-ending moment for me – probably leading to legal action”.

Jennings said over the past two to three years, “we’ve had a number of examples of Chinese involvement at senior political levels that are deeply questionable in terms of appropriateness. For the health of our democracy we have to get to the bottom of these issues.”

UPDATE

Late on Wednesday, in another damaging blow to Dastyari, [audio was leaked](#) of his remarks in June last year supporting the Chinese over the South China Sea, in flat contradiction of ALP policy.

Although a report of part of his comments had previously come out via the Chinese media, the audio, following hard on the heels of the revelation of his phone tapping warning to Huang, will be extremely damaging to him and put Shorten further on the spot.

The comments were made at a Sydney news conference for the domestic Chinese media, with Huang standing beside Dastyari.

Later, Dastyari was quoted as having said: “The South China Sea is China’s own affair, Australia should remain neutral and respect China on this matter”.

The audio indicates how deliberate his comments were and gives more precision and detail of what he said.

Dastyari says in the tape: “The Chinese integrity of its borders is a matter for China.

“And the role that Australia should be playing as a friend is to know that we think several thousand years of history – thousands of years of history – where it is and isn’t our place to be involved.

“And as a supporter of China and a friend of China the Australian Labor Party needs to play an important role in maintaining that relationship and the best way of maintaining is knowing when it is and isn’t our place to be involved.”

In response to the audio, Dastyari said in a statement: “In September last year, I resigned from the ALP frontbench, over comments I made at a June 17 press conference which were wrong and not consistent with ALP policy.

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"I have acknowledged this a number of times previously. I should not have made these comments at the press conference. I have acknowledged this, and I paid a price for this error.

"I expect Turnbull and the Liberals to smear me, but for he and his colleagues to suggest that I am not a true or loyal Australian is incredibly hurtful – and hurtful to all overseas-born Australians. I might've been born overseas, but I'm as Australian as he is."

He said his last contact with Huang was 14 months ago. "I haven't spoken to him since."

Michelle Grattan does not work for, consult, own shares in or receive funding from any company or organisation that would benefit from this article, and has disclosed no relevant affiliations beyond their academic appointment.

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