

Australian government boosts police and parole powers

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4 April 2012

Without any public discussion or media coverage, the Australian government has pushed through legislation that enhances a range of police and parole powers, strengthening the apparatus established in the “war on terrorism” since 2001. Backed by the Greens, as well as the Liberal National Coalition opposition, the Gillard Labor government secured the passage of several measures that go beyond those imposed by the previous Howard government.

Attorney-General Nicola Roxon last month welcomed the outcome of the final Senate vote on the Crimes Legislation Amendment (Powers and Offences) Act 2012, saying it showed that “this government takes very seriously” the task of “providing law enforcement agencies with the necessary tools to combat crime.”

The most far-reaching provisions allow the Australian Crime Commission (ACC), a body with unprecedented interrogation powers created in 2002, to share its information with other federal and state policing and intelligence forces, overseas spy and law enforcement agencies, and major corporate entities such as banks and telecommunications providers.

The ACC was established as a result of a “security summit” of federal, state and territory leaders convened by the Howard government in 2002. At that gathering, Liberal-National and Labor governments approved the introduction of anti-terrorism laws to give the Australian Federal Police (AFP) and the Australian Security Intelligence Organisation (ASIO) police-state powers, including secretly detaining and interrogating people without charge or trial.

Similar powers, officially referred to as “coercive powers,” were also handed to the ACC, in the name of

combatting other “serious” or “organised” crime, including corruption, narcotics and money laundering. The ACC can secretly examine people behind closed doors. Witnesses can be compelled to answer questions, and hand over documents, abolishing the centuries-old protection against self-incrimination.

In 2002, the governments of the day claimed that such powers would be constrained by strict limits on the capacity of the ACC to divulge the information it extracted. Those limits have now been lifted, allowing the ACC to feed information to federal and state ministers, members of parliament and major companies. This will permit close collaboration between the ACC and the political and corporate establishment.

According to the legislation’s explanatory memorandum, the authorised list of recipients of ACC material will include “banks, financial institutions, telecommunications companies, internet service providers or insurance companies, or companies conducting business in a specified location or type of location, such as specified categories of airports or ports.”

A further provision expands the powers of the AFP-led Criminal Assets Confiscation Taskforce that the Gillard government set up last year to track and seize assets deemed to be “proceeds of crime.” The taskforce includes the ACC, the Director of Public Prosecutions (DPP) and the Australian Taxation Office. Courts will also have stronger powers to keep freezing and restraining orders secret. A related law, the Crimes Legislation Amendment Bill (No. 2) 2011, will allow the AFP to institute “proceeds of crime” litigation, a power previously confined to the DPP. This will make it easier to pursue anyone, like former Guantánamo Bay detainee David Hicks, accused of profiting from “crime” by giving media

interviews or publishing books.

Another measure permits federal authorities to impose longer periods of parole and monitoring on released prisoners. Parole and supervision periods will no longer be limited to five years, but can extend to the length of the original sentence. Automatic parole will also be abolished for prisoners sentenced to less than 10 years' imprisonment and they will be forced to participate in prison programs in order to qualify for parole.

Other clauses remove restrictions on the enforcement of federal fines by state and territory agencies, enable Custom officers to seize drugs without a warrant, and give police greater powers to obtain DNA material and exchange DNA data with overseas agencies.

The Greens voted for the legislation, as they have done repeatedly with laws bolstering the state apparatus. Senator Penny Wright told the Senate that she agreed with "everybody here" on equipping law enforcement agencies with "appropriate processes and resources," while "striking the right balance" with "democratic freedoms and human rights."

Following criticism of the ACC's expanded powers by lawyers' groups, including the Law Council of Australia, Wright said she was reassured by a proposed audit by the attorney-general of the investigative and coercive powers available to security and law enforcement agencies.

This audit will merely provide a cover for the retention, if not further expansion, of the powers accumulated since 2001. That was evidenced last month, when the government also welcomed the first report of the "Independent National Security Legislation Monitor," Bret Walker SC, into the operation of the counter-terrorism and national security legislation. Attorney-General Roxon's spokesperson immediately reiterated the government's commitment to retaining the terrorism laws, noting that Walker's review contained no recommendations for change.

Walker cited the coercive powers given to the ACC to justify the maintenance of similar powers in the hands of the AFP and ASIO. He argued that a precedent had been set that went beyond the field of terrorism. "Australian parliaments have decisively taken the course of empowering officials to question people, the answers

being compulsory, in some cases without privilege against self-incrimination, in schemes sanctioned by criminal penalties," he stated.

This reasoning illustrates the manner in which the extraordinary powers established on the false pretext of protecting ordinary people from terrorism have been extended throughout the legal system, overturning fundamental legal and democratic rights. With the help of the Greens, the Labor government has entrenched all the measures introduced by the Howard government. The AFP and ASIO can also secretly search premises, intercept telecommunications and hack into computers. Both agencies have approximately tripled in size since 2001, giving them previously-unmatched levels of personnel and resources.

These measures cannot be explained by any increase in organised crime, or terrorism. It is clear, however, that the political and security establishment is preparing for heightened social and political unrest as the global economic crisis produces deeper budget cuts, job losses, inequality and social distress.

Last year, both the AFP chief Tony Negus and the ASIO director general David Irvine publicly warned that the protests and turmoil in Egypt and across Europe could spread to Australia. Negus revealed that Prime Minister Julia Gillard had been personally involved in discussions about preparations to deal with riots similar to those that had just occurred across Britain (see: "In wake of British riots, Australian government preparing for youth unrest").

The latest legislation, the bipartisan line-up behind it, and the lack of any media criticism are warnings of the readiness of the ruling elite to resort to repressive measures to counter opposition to the ongoing dismantling of social conditions, without regard for basic democratic rights.



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