

Australian Crime Commission's police-state powers revealed in sports "doping" affair

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The publicity surrounding last week's release of an Australian Crime Commission (ACC) report into performance-enhancing drugs in sport has shed light on a powerful intelligence agency whose existence was barely known to most people.

Behind the backs of the population, a body has been established with extraordinary powers, including to conduct inquisition-style forced interrogations, overturning fundamental legal and democratic rights.

The ACC's "coercive powers" far exceed those exercised by state and federal police forces. It can summon people for secret questioning, and compel them to hand over any material, even if they are not suspected of any offence whatsoever. The centuries-old right not to incriminate oneself, or anyone else, has been explicitly abolished.

Anyone who refuses to answer a question, or gives false or misleading information, or obstructs or hinders the ACC's work, can be jailed for up to five years. Alternatively, they can be detained, potentially indefinitely, on the orders of the Federal Court or a state Supreme Court, for contempt of the ACC. Any legal representative is bound by the same rules.

Those hauled before the ACC cannot tell anyone else, even their families, or the media, that they have been questioned. Even to reveal a "coercive examination," let alone its contents, can bring one year's jail. In other words, there is no avenue to protest or challenge one's treatment by the ACC.

Evidence extracted in interrogation sessions cannot be used directly in prosecutions, but can be given to federal and state police forces for use in laying charges, or in any other way they choose, including to coerce confessions or the supply of information. Businesses can also be handed information, opening the door to victimisations.

These powers effectively scrap the right to remain silent, and not to be detained without trial—principles forged over hundreds of years in the struggle against the old absolutist monarchies and their regimes of torture, inquisitions and Star Chambers. None of these rights is enshrined in the Australian Constitution, which contains no bill of rights, but they have generally been regarded in the legal establishment as sacrosanct, until the present period.

Together with the state and federal police, intelligence and anti-corruption agencies, the ACC also has virtually unlimited phone tapping powers. Selected judges or tribunal members can issue telephone interception warrants "to assist in connection with" an investigation.

In addition, the ACC has wide powers to secretly enter and search premises, including private homes. An "issuing officer"—a specially appointed magistrate or judge—can grant a warrant to search for any items "connected" with an investigation, and to seize such items.

These powers can be, and are, used for purely political purposes. More than any other security agency, the ACC explicitly serves the political requirements of the federal and state governments. Under the ACC legislation, their ministers determine the agency's "strategic direction" as members of the Inter-Governmental Committee on the ACC.

Even according to the ACC's annual reports—the only limited source of information about its activities—these powers are being used on a large scale. During 2011-12, the most recent year reported, the ACC conducted 328 coercive examinations, and issued hundreds of notices to produce documents.

Since its inception in 2002, the ACC has also grown almost as quickly as its chief partners, the Australian

Federal Police (AFP) and the domestic spy agency, the Australian Security Intelligence Organisation (ASIO), both of which have roughly trebled in size over the past decade. In 2011-12, the ACC reported it had 598 staff—up from 492 in 2003—and a \$91 million budget—about a third more than in 2003.

Taken together with their state and territory counterparts, these powers and resources constitute the scaffolding of a police state, complete with a vast database. The ACC operates the Australian Criminal Intelligence Database (ACID), which “provides more than 24 Commonwealth, state and territory law enforcement agencies and other regulatory authorities with the ability to securely share, collate and analyse criminal information and intelligence nationally.”

The ACC’s secret 12-month investigation against elite-level sporting clubs and their players illustrates the potentially sweeping scope of its operations. The ACC was established to investigate “serious crime,” but has already been used by the Labor government to target two of the most vulnerable sections of the working class—refugees and Aborigines.

Last August, it was revealed that the government had set the ACC loose against asylum seekers, under the guise of tackling supposed “people smuggling.” ACC chief John Lawler told the *Australian* that his agency had already conducted 31 compulsory questioning sessions in the previous 18 months and planned to hold more before the end of 2012. (See: “Australian government authorises forced interrogation of refugees”).

Indigenous people have been singled out as well. During 2011-12, no less 42 coercive examinations—one-eighth of the year’s total—were conducted to “overcome barriers to accessing information about the nature and extent of violence and child abuse in Indigenous communities.” The ACC’s National Indigenous Intelligence Task Force has been underway since 2006. It is part of the police-military intervention into Aboriginal communities, unleashed by the Howard government, and extended by the Labor government, under the fraudulent banner of protecting children from sexual abuse.

The origins of the ACC go back to 1984, when the Hawke government established the National Crime Authority (NCA). Under the guise of combatting “rapidly rising organised crime,” that the Labor

government gave the NCA the then unprecedented power to force people to answer questions, under the threat of being jailed for up to six months if they refused to do so. Those powers were strengthened and given more scope when the NCA was merged with the Australian Bureau of Criminal Intelligence and the office of Strategic Crime Assessments, to form the ACC in 2002.

The new super-agency was established amid the atmosphere of fear whipped up over the “war on terrorism.” The former Howard Liberal government also pushed laws through parliament to allow the AFP to detain people, without a hearing, for “investigation” and ASIO to secretly detain and question any person suspected of having information relating to terrorism. The ACC was given similar powers, supposedly to combat “serious and organised crime.”

Initially, the ACC’s legislation restricted its capacity to share the information it extracted via forced questioning. Last year, however, Prime Minister Julia Gillard’s government enacted laws allowing the ACC to supply its results to other police and intelligence forces, overseas agencies, and major corporate entities, such as banks and telecommunications providers, as well as federal and state ministers. (See: “Australian government boosts police and parole powers”).

As the *World Socialist Web Site* warned from the outset, the “war on terror” declared in 2001 was a vehicle for the erection of police-state apparatuses, directed primarily not against suspected terrorists but perceived political threats to the capitalist establishment. In the hands of the Labor government, like the Obama administration in the US, this repressive apparatus has been bolstered and expanded in preparation for dealing with social discontent and unrest as the post-2008 global economic breakdown deepens.

The growing prominence of the ACC shows how far and fast the most basic legal and democratic rights have already been eroded.



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