

CLA has been warning about ACC for months

Civil Liberties Australia's complaints and criticisms concerning the Australian Crime Commission are not wisdom after the Drugs in Sport event. We have been sounding warning bells – about the potential behaviour of the ACC and its CEO, Mr Lawler – for most of 2012.

We have been closely watching the ACC since 2008. Civil Liberties Australia specifically warned the Australian Parliament about probable misuse of “intelligence” by the ACC in August and October 2012. We cautioned the Parliamentary Joint Committees on Law Enforcement about the dangers of reputations being trashed without facts or evidence.

Here is what we told a Parliamentary Committee about ACC behaviour on 9 August 2012:

In fact, the ACC is more like the US Federal Bureau of Investigations than the US CIA, though the ACC contains elements of both internal and external operations. The history of abuse by the CIA and, particularly, the FBI, of secretive intelligence, sometimes against politicians, is a clear cautionary tale for how the ACC is evolving.

After appearing at a formal hearing, on 5 October we agreed to a request to define “intelligence”, in relation to the ACC, in a supplementary written submission. Here is part of that submission of 19 October:

What is intelligence? Firstly, it is not evidence...if it were, it would called evidence.

Intelligence is a broad sweep of guess, speculation, scuttlebutt, gossip, suspicion, hypothesis... A centralised database of intelligence is a most dangerous tool to the innocent...

We comment further on the above:

The more that “intelligence” – this poor relation of fact – gets circulated, the wishy-washier it is at the edges. The less reliable it is, the more fuzzy it becomes, and the more dangerous that it gets things wrong: wrong person, wrong emphasis, wrong link...leading to potentially severe miscarriages of justice...some that you, me or the victim will never even know about, which is what is most perfidious about this type of “intelligence”, or “criminal intelligence”.

Because it is just “intelligence”, swapped behind the scenes, with no-one able to monitor and check its accuracy, it can do enormous damage without ever being formally “used” in any traceable way. A wink or a nod can do as much damage, if not more, than an adverse formal finding: at least the formal finding can be challenged.

In the next sentence in our supplementary submission, we gave a precise example of how “intelligence” could be abused, paraphrasing the response given by Mr John Lawler, head of the ACC, in a hypothetical situation in answer to a question from a Parliamentarian. Three CLA members were present at the time Mr Lawler spoke: what was said was recorded aurally by Hansard. We were quoting formal evidence.

However, because we named Mr Lawler in our submission, we were told our submission would not be posted on the Parliamentary Committee's website (that is, we were censored) because it may harm Mr Lawler's reputation. How ironic is that? Parliament inappropriately censors Civil Liberties Australia in a wrong-headed attempt to protect the reputation of the man who, just 16 weeks later, goes on to trash the reputation of Australia and all its sportspeople around the world without quoting fact or evidence.

theguardian

News Sport Comment Culture Business Money Life & style

Sport Drugs in sport

Australian doping inquiry finds illegal drugs rife in country's sport

- Australian sport in turmoil after doping revelations
- Report finds use of illegal substances across codes
- Findings represent 'blackest day in Australian sport'

Alison Rourke
guardian.co.uk, Thursday 7 February 2013 09:44 GMT

We have a formal complaint, lodged on Australia Day 2013 and before the Privileges Committee of Parliament, over our submission being censored. Here is what we said:

The issue in question – both the substance of what was said and the name/position of the speaker – is fundamentally important to civil liberties and human rights in Australia, particularly in the realm of misuse of “intelligence” by Australian crime and intelligence agencies.



The words of Civil Liberties Australia were prophetic. Within just a handful of days of lodging our letter of complaint to the Privileges Committee of Parliament, on Australia Day 2013, what we had warning about generally for a year, and specifically for four months,

came to pass. A crime/intelligence agency, the ACC, has in our opinion misused “intelligence” to destroy Australia’s sporting reputation, locally and overseas, abetted by the stupidity of two Ministers.

So far, we have had no response from the Privileges Committee. We asked it to censure the censoring Parliamentary Committee and allow our submission to be posted. We also asked for the Privileges Committee to set out guidelines for Parliamentary Committees so that the repressive behaviour of suppressing public debate unreasonably would not be encouraged.

It appears the Executive and the Parliament will continue to ignore warnings, even though what has been warned about is now fact. In Civil Liberties Australia’s opinion, the ACC and its CEO have publicly demonstrated they can not be trusted to act responsibly in charge of the most draconian and sweeping surveillance powers in Australia, or with centralised custody of the nation’s secret “intelligence” files.

The Australian Crime Commission and its CEO, Mr Lawler, were wrongly given those powers by MPs in the first place. Now that it is proven, to our mind and to the minds of very many Australians, that the ACC has abused its sweeping and draconian powers, the powers should be taken away from them.



CLA Civil Liberties Australia
Box 7438 Fisher ACT Australia
Email: [secretary \[at\] cla.asn.au](mailto:secretary[at]cla.asn.au)
Web: www.cla.asn.au