

How good is the Australian Crime Commission?

How good is the ACC? Actually, not very. Based on destroying Australia's sporting reputation without justification or need – on dubious "intelligence" without evidence or fact – the ACC is getting worse.

But don't believe Civil Liberties Australia's word: read what the Minister responsible for the ACC, Jason Clare, has to say. As seen on TV, the ACC from time to time takes credit or part-credit for huge drug busts on yachts, in the post, hidden in containers, or secreted in table lamps that are trotted out in typically-staged media performances. The Minister for Justice attributes the real credit for these drug busts:

"The increase in seizures is a direct result of increased intelligence and information sharing between jurisdictions in Australia and with our overseas partners. Intelligence is the key to seizing drugs on the street and at the border," Mr Clare said. "96 per cent of drug seizures come from intelligence from law enforcement agencies before the parcel or container even arrives in Australia."

– 'Better intelligence leads to record seizures', media release, 17 May 2012

In other words, 96% comes from overseas agencies, and only 4% of drug seizures in Australia are to the credit of Australian police and crime agencies, a small part of which is to the credit of the ACC.

The ACC's reputation has become increasingly poor over the past few years among police forces, CLA is told. It's standards are not the equivalent of most of the nation's police forces. The ACC is widely considered a "second-class agency" (a direct quote from a very senior person in the crime/police field).

The most telling contribution made in the first week of the Drugs in Sport debate has been by the Australian Federal Police. If anyone is to be prosecuted criminally and federally for 'drugs in sport', it is the AFP which will have to produce the hard evidence, lay the charges and make them stick in court. So, what has the AFP said so far about Drugs in Sport to back up its colleague, the ACC?

Nothing. Not a word from the AFP. Silence. Truly eloquent.

A noted non-sporty media commentator, normally not in agreement with CLA, said:

"The ACC's report does not justify its media-grabbing title Organised Crime and Drugs in Sport. If organised crime has established such "a tangible and expanding footprint" as the report suggests, then you would expect it would have come to the attention of the Australian Federal Police and its state and territory counterparts."

– Gerard Henderson in Fairfax/National Times online on 12 Feb 2013. <http://tiny.cc/nz4csw>

Minister for Justice, Jason Clare, acknowledged on TV that the ACC has the most draconian powers of any agency. It can force you to answer questions, tap all your communications, put surveillance on at the drop of a hat, and compel you to produce documents. If it has demonstrably abused these powers by acting inappropriately as a "central intelligence agency" (CIA). In CLA's opinion, it should lose the powers.

Other agencies like to team with ACC because its powers give them access to information they probably would not get any other way. But that can lead to problems, as will probably be the case with the Drugs in Sport "intelligence" claims and ASADA, the drugs body. The courts are likely to throw out any evidence obtained by the ACC and passed to the anti-doping or therapeutic goods agencies. That's what happened to ACC "intelligence" in a number of major tax cases in August 2012: see [Court spikes Wickenby case 120818](#) (See also [Bob Bottom's analysis and evidence to Parliament, from 2008](#), plus [What the ANAO said](#))