

ACC supremo could be Australia's J. Edgar Hoover, CLA warns

New legislation before the Australian Parliament could turn a Chief Executive Officer of the elite Australian Crime Commission into the local version of America's J. Edgar Hoover.

Under the proposed law, the CEO gains individual carte blanche to swap and 'shop' information – not evidence – across virtually all government departments and agencies, and with the private sector, not only in Australia but around the world.

Hoover's power was constrained inside America. But the ACC CEO, currently John Lawler, is to be given the OK to operate globally.

It would be extraordinary power without restraint, CLA has warned the parliamentary committee reviewing the proposed legislation.

The new law would not even restrict Lawler to "serious and organised crime". He could target anyone, at any level, for any crime, including the most minor offence.



At a parliamentary hearing in Canberra last month, Lawler (*pictured*) indicated he would 'shop' a bank employee to the bank's bosses if the employee was seen to enter premises where organised crime figures were known to be meeting.

Too bad if you suddenly suffered bladder problems, and had to duck in to the toilet, CLA says.

Under 'Lawlerness', you'd be sacked and unable to get a job in the banking industry ever again as your reputation was trashed, based on information, not evidence. Without any proof whatsoever that you had even contemplated committing a crime, your career would be ended on a whisper from Australia's hush-hush crime agency.

Lawler had earlier hinted of his approach to crime fighting in a speech he gave late last year:

"The good guys have to abide by the rules," Lawler said at the third annual eCrime Symposium in Canberra in November 2011.

"The criminals have got no rules, no morals. They'll just trash anybody and everybody to make money."

The prosecutorial approach — gathering evidence, preparing a brief, mutual assistance with international law enforcement agencies, extraditing offenders and so on — is "just out of the game", Lawler said. "The volume and extent of offending is such that that sort of response is doomed to fail." <http://tiny.cc/ejqad>

If the CEO of the ACC is given unbridled powers by the parliament, the potential is for whoever occupies the position of CEO of the ACC to turn into a J. Edgar Hoover figure.

Hoover, head of the FBI for decades, "used the FBI to harass political dissenters and activists, to amass secret files on political leaders, and to collect evidence using illegal methods", according to Wikipedia's entry on him. <http://tiny.cc/378ym> — see references 2 & 3.

The irony is that the most pronounced victims of Hooverism were the politicians of the USA. If that is not a cautionary tale for Australia's MPs, nothing is.

By the way, the ACC is already under suspicion: the ACLEI (see below) annual report for 2010-11 says: "At 30 June 2011...one investigation was being conducted by the AFP about the ACC".

CLA asks parliament to rein in ACC power

Because of the dangers of unfettered power being given to one man, CLA has asked parliament to put constraints into the proposed ACC legislation (*see lead story, above*).

The powers should apply to only serious and organised crime offences, to operate only when the money involved reached significant amounts, such as \$50-100,000, CLA said.

The ACC CEO should be accountable under pre-agreed Ministerial protocols for international information swapping, just like the Australian Federal Police now is, after the lessons of the Bali 9 fiasco were learned. CLA also questions why there should be two or more conduits to overseas crime bodies: the AFP is already undertaking the same role.

We also called for a proper public interest monitoring and auditing process, with non-aligned members of the public able to inspect randomly-selected files. The ACC board is the exact opposite of an independent body – all of Australia's police chiefs plus the Director-General of ASIO comprise 9 of the 13 board members.

We made these comments in our supplementary submission, requested by the committee. In that submission, CLA agreed with the statement made by a member of the committee, Judy Moylan, the Member for Pearce WA, in her maiden speech on 6 May 1993:

The collectivist assumption that each additional state power will be used for the common good is a proven lie.

Moss gets two-year extension



The government is extending the five-year term of inaugural (July 2007) and current Australian Commission for Law Enforcement Integrity (ACLEI) Commissioner, Philip Moss (pictured), by two years.

The ACLEI Commissioner is meant to investigate corruption in the Australian Crime Commission, Australian Federal Police, Australian Customs and Border Protection Service, and the former National Crime Authority.

The corruption he has found so far has been underwhelming. This could be a good thing, if there is little, or could mean he isn't investigating hard enough.

The real problem is that Moss is a long-term member of the SPIE – the security, police and intelligence elite in Australia – rather than a person whose career has been independent of that elite.

The other problem is the investigation should cover the activities of those bodies, not just whether corruption exists.

If those bodies were exceeding their remit, abusing their powers, conducting personal witchhunts, or simply making gross errors through incompetence, we may never know...because no-one, including Moss, is charged with looking for such problems. His brief is "corruption".

That's why CLA says we need independent, random monitoring of activities of agencies such as these.

ACLEI itself is part of Australia's growing "spook" problem: ACLEI's own annual report for 2010-11 says: "Accordingly, ACLEI grew in size by forty percent in the reporting period." In two years, according to the annual report, ACLEI has more than doubled in size, from 12 to 26 people.

ENDS excerpt from March 2012 newsletter