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### The Wood Inquiry: Special Branch - the Future?

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#### Citation

FINDLAY, Mark. The Wood Inquiry: Special Branch - the Future?. (1985). *Legal Services Bulletin*. 10, (3), 266-272.

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# The Wood Inquiry Special Branch—the future?

Mark Findlay

**This article ties together the Wood Report dealing with the three Ananda Marga members convicted for conspiring to murder Robert Cameron, leader of the National Front in 1978 with the operation of the State Special Branches and ASIO.**

In May 1985 Mr Justice Wood submitted his report of the Inquiry (under s.475 of the *Crimes Act* (NSW) held into the convictions of Timothy Anderson, Paul Alister and Ross Dunn.<sup>1</sup> The Government responded to the report by immediately issuing pardons for all three.

Along with the questions concerning the guilt of Anderson, Alister and Dunn, the Inquiry dealt with the conduct of the NSW Special Branch, officers of which were principal witnesses against the three in their trials. Weeks of the Inquiry were occupied with evidence concerning the nature and reliability of the Branch's informant, Richard Seary. Various taped conversations between Seary and the Branch officers were analysed in detail. The links between ASIO and Special Branch during the period after the Hilton bombing were examined, as were the activities of individual Branch officers. At the end the judge was invited to make a variety of findings on the operations of Special Branch which might have greatly influenced the Government's decision as to whether it should follow other Labor States (most recently WA, Victoria and SA) in disbanding or radically restructuring their Special Branches. In particular, he was invited to make determinations on:

- the propriety of the Branch in recruiting and using Seary;
- the integrity of the tape-recorded interviews between Seary and Branch officers;
- whether there had been any 'cover up' or suppression of material from these tapes;
- whether the Branch's claim for privilege on the basis of national security was justified and whether there had been a conspiracy to withhold relevant evidence from the accused; and
- why the traditional relationship between Special Branch and ASIO (of the almost automatic interchange of information) should have been reversed in this case.

## SEARY — ON WHOM THE CASE TURNED

Mr Justice Wood reported to the Government that he was satisfied that the police acted *bona fide* in the recruitment and subsequent handling of their agent, Richard Seary, although he said that more positive vetting of his intelligence by Special Branch and more careful surveillance of him by the police on the day of the arrest of Alister, Anderson and Dunn should have taken place. The judge was satisfied further that Seary was never induced by any police officer to fabricate the information and evidence he gave about the 'Hilton bombing' or the alleged crimes of the three on 15 June 1978. He directed blame for the contriving of evidence onto Seary himself.

He posed two alternatives concerning Seary's role in the construction of the case. Were the three men and the police carefully manoeuvred into position by Seary and the central facts skilfully manipulated by him? Or did Seary, convinced of the Petitioners' guilt, yet fearful that the Crown case might not be watertight, embellish and fill in the areas where he suspected problems might arise? The judge said that he inclined to the latter view, but that the first alternative could not be excluded. This he said, must colour the remainder of the evidence, and only one conclusion was possible. 'Doubts exist both concerning the reliability and accuracy of Seary's evidence, and as to the convictions of the Petitioners on all counts.'

Deputy Commissioner of Police, John Perrin, went on ABC TV following publication of the Wood Report and, surprisingly in the light of evidence, reaffirmed his belief in Seary's reliability. As Inspector Perrin he was head of Special Branch between 1 January 1976 and 1 December 1979. It was Perrin who authorised Seary's use as an agent but they did not meet until months after Seary had commenced working for the police. He agreed that the use of agents had to be carefully supervised and con-

trolled because an informer might compromise an investigation and subsequent prosecution. But he did not carry out that supervision and control himself.

Constable Krawczyk, who was Seary's 'agent master', indicated to counsel for the Margiis that he considered the information supplied by Seary was reliable. This seems incredible when Krawczyk had worked so closely with the man for months.

### WHY DID SPECIAL BRANCH TARGET THE MARGIIS?

Most of the offences dealt with by Special Branch in Perrin's time involved street offences arising out of demonstrations. They had not prosecuted anyone for a major crime before Alister, Anderson and Dunn.

The Branch, as a unit of the police force, had four general areas of operation: civil disorder within NSW, the activities of factions within ethnic communities, the provision of security escorts for VIPs and the transmission to ASIO through the Commissioner of Police of information which appeared to be of national security interest gathered during the course of its other functions. However, Perrin did not recall ever being instructed on the criteria for determining whether information was of national security interest. He said the practice developed whereby he referred information to ASIO directly without channelling it through the Commissioner of Police. He said that he personally decided which individuals and organisations would be targeted.

For some time before the Hilton bombing and Seary's recruitment Special Branch had been interested in the Ananda Marga. Following the abduction of the Indian military attache by a member of the Ananda Marga in Canberra in 1977, the NSW Special Branch began a running sheet on the sect. ASIO and the Indian Consulate supplied the Branch with a mass of information about them.

No terrorist group claimed responsibility for the Hilton bombing. Seary at first directed suspicion towards the Hare Krishna sect; however, within a short time of his initial contact with the police he was recruited by Special Branch and turned away from the Hare Krishnas towards the Ananda Marga. Why this happened was not entirely explained. During a conference between ASIO and Special Branch, ASIO indicated that the Margiis were a 'soft target'. Yet the Branch persisted in their interest and in Krawczyk's words 'chased it up and proved them [ASIO] wrong'.

### RECRUITMENT OF SEARY

The judge found that some uncertainty surrounded the recruitment of Seary. The inquiries made about him, prior to and during his employment by the police, were confined to a perusal of his fingerprint record and an oral clearance from ASIO that it had no adverse information in relation to him. He was recruited with little investigation into his background, even though it was known that he once abused drugs and that he had adopted a nomadic and fringe lifestyle. Further information about him could have been obtained, according to the Wood Report, from court files and from the records of the Adult Probation Service. This inquiry would have provided the professional assessment of him by Dr Nurcombe (prison psychiatrist), Dr Dalton (a specialist in drug rehabilitation), Mrs Burgoyne (a social worker) and Mr Cossins (a probation officer). Dr Nurcombe had concluded that Seary had severe personality defects and

was likely to take drugs again if he remained in Sydney. Dr Dalton's view was that although Seary's drug addiction was not a major problem, it could become so if it remained untreated. Seary had described himself to Mr Cossins as 'slightly schizophrenic'. To Mrs Burgoyne, he had given an alarming history of prolonged drug abuse (including cocaine, LSD, heroin, opium and amphetamines), which Mrs Burgoyne had systematically recorded. She doubted the truth of much of what Seary had told her, noting him as 'bland, schizoid'. The judge said that he regarded Mrs Burgoyne as a witness of truth.

Although these inquiries weren't made, Special Branch officers knew that Seary was being treated at the Queen Elizabeth II Rehabilitation Centre as they left material for him there. More importantly they interviewed Dr Voss (a specialist in rehabilitation) who was treating Seary at the time. Dr Voss gave evidence that Seary exhibited a personality disorder with schizoid traits. Within a week of meeting the Special Branch officers and agreeing to infiltrate the Ananda Marga, Seary sought referral to a psychiatrist at the rehabilitation centre. Dr Fischer, a consultant psychiatrist who saw him then, expressed the conclusion that Seary had a personality disorder and was rather schizoid. This sits unhappily with the Branch's duty to employ truthful, responsible and reliable agents.

It was suggested to Krawczyk by counsel for the Margiis that one of the reasons for Seary's role as an agent being kept secret from ASIO was the concern that Seary might easily be shown by ASIO to be 'crazy and unreliable'. Krawczyk denied this and even suggested that he didn't consider that ASIO or the Commonwealth Police could assist the Branch in assessing the reliability of their agent. This is an extraordinary view in light of the complementary roles played in past ASIO-Branch association. The real reason would appear to have been, according to Special Branch officers, their fear that ASIO would steal Seary away to use as their own agent. Whatever the reason, Special Branch kept Seary's existence secret from ASIO; in fact it was clear from evidence given at the Inquiry that ASIO was unaware that Seary was a Branch agent until he gave evidence at the committal.

The judge said that it was of some concern that Seary was recruited and infiltrated into the sect so quickly.

There was a risk of his being a counter-agent whose task was either to provide disinformation covering the Ananda Marga Sect, and/or to acquire intelligence concerning police operations against it. Either way he might have compromised investigations into the Sect and the Hilton Bombing. Further, he was placed into position without any guidance or training, even though current intelligence suggested his undercover assignment might be extremely hazardous. So far as the Police were concerned, they were dealing with a terrorist group which was suspected of one of the most serious acts of violence in the criminal history of the State, and which was also suspected of dealing harshly with defectors and informers.

The judge also reported areas of concern in relation to the events of 15 June 1978 (the day of the arrest at Yagoona). Most significantly Seary was allowed to remain unobserved by police between 9 p.m. and 11 p.m. that day. During this time it was his responsibility to collect a car and drive to the Carillon Avenue 'pickup'. Had he

been watched by police during this period, no question could have remained as to whether it was he who took the bomb to Newtown and how he came by the car used to drive to Yagoona. He had told Krawczyk on a number of occasions that he had been told by the Margiis to steal a car, but made no mention of this to Inspector Perrin when closely questioned about it. Doubts about the guilt of the accused could also have been removed by the use of a car fitted with recording or listening equipment. It is surprising that the facilities and expertise of the Police Electronics Unit were not employed.

The judge conclude ( : 'while . . . no significant criticism of the handling of Seary before and including the 15th of June is justified, there were areas which were left in shadow'.

## THE INTEGRITY OF THE TAPES AND TRANSCRIPTS

It was submitted by counsel for the Margiis and by counsel assisting the judge that the integrity of the police tapes of their debriefings with Seary was critical. Evidence about the tapes was given by Mr Craig (a consultant engineer for Lewis A. Challiss and Associates). He found anomalies in a number of them. In his view there was no doubt that tape 9 had been *crudely edited by rewinding and overdubbing*. In the course of the Crown address no attack was made on the qualifications of Mr Craig to give his evidence or on his conclusions.

There was no other expert evidence called on the tapes. Despite the uncontradicted evidence the Wood Report concluded that although there were some 'curious aspects shown to exist in relation to the tapes, they are insufficient to leave me with *any real doubt* as to their authenticity, or to cause me to suspect the involvement of the police in any unlawful conspiracy'. A strange conclusion indeed!

The judge noted, however, that a number of the tapes were incorrectly dated and sequenced. The work was carried out by Special Branch, but he said he could not attribute responsibility for the errors to any one person. He concluded that the Petitioners should have been allowed access, before or during the first trial, to much of the material given by Seary to the police. They were only given access to a transcript of tape 9, recorded on the day of their arrest, and a heavily edited version of tape 6, recorded some days before.

The editing of tape 6 was ostensibly carried out on the grounds of national security, but edited out of the version supplied to the Petitioners was a reference to Seary's access to the typewriter in the offices of the Ananda Marga upon which the Crown alleged letters incriminating the accused were typed. This was of great importance to the defence and could have nothing to do with national security. Portions of tape 6A were of considerable relevance to the charges before the court as they recorded discussion speculating on what might be planned for the National Front leader, as well as evidence of Seary's knowledge of and experience with explosives, which was critical to the defence.

In relation to the editing of tape 6 the judge reported: 'No witness acknowledged responsibility for this task . . . I think it most improbable . . . that the task would have been carried out by a police officer without some assistance from Mr Forbes [Deputy Crown Solicitor]'. The judge however, ignored the consequences of those findings. Why was material of relevance to the defence edited out of transcripts by the police and the Deputy

Crown Solicitor, when it had not the slightest connection with national security? In evidence to the Inquiry, Mr Forbes agreed that he had not heard of any of the tapes, nor read any of the transcripts in full before forming his opinion that they contained matters pertaining to national security. He had not discussed the detail of the Crown case or the defence with the Crown Prosecutor before advising on the claim for immunity.

The judge said that he had no doubt that senior police officers honestly believed Special Branch should protect its records from public disclosure. It was the judge's view however, that documents concerning Seary's initial contact with police, his allegations implicating the Hare Krishna movement in the Hilton bombing, his knowledge of explosives, his access to the Ananda Marga typewriter, his involvement in an earlier plot to bomb the Homebush abattoirs and the circumstances in which Anderson asked Seary to find Cameron's (the National Front leader's) address, were all matters relevant to issues raised in the trial. None of them had the slightest connection with national security.

## CONCLUSION

Justice Wood said that he was satisfied that on his examination of the evidence and documents produced, no question arose as to the existence of a conspiracy between police officers and Seary and there was nothing sinister in the way that the tapes and transcripts of the Seary debriefings were handled. He made little of the apparent question of whether, because of his character and past history, the police could have actually believed the evidence presented by Seary. He said nothing about the propriety of using such a man as an agent.

Despite the judge's reluctance to make adverse comments on the nature of the police evidence and the operation of the Branch in this affair, logic must draw one to this critical conclusion. If there is some doubt as to the guilt of Alister, Anderson and Dunn then in turn there must be some doubt as to the case against them. If such a doubt exists, it must come from the evidence on which that case was substantially based. On even the most generous reading of the evidence of Special Branch officers and Seary it is apparent that if the truth of that evidence is in question then certain presenters of that evidence may have conspired in its presentation. In relation to the admissions alleged to have been made by the three, the judge reported: 'the doubt that attaches to oral admissions, well recognised by the courts and judicial enquiries, remains, and nothing was proven before me to dispel or lessen the reservations that must attach to this form of evidence by its very nature'.

The shadows are dense indeed as to some of the activities of the Special Branch and its officers in this case. Important questions for the Minister of Police and the Government are:

- In the light of the Branch's record for the 'successful' prosecution of crime is its continuation in any form justified?
- How did Special Branch officers wrongly date and sequence the tapes?
- How did Special Branch officers come to overlook the transcription of all the tapes?
- Why was material of great relevance to the defence case edited out of a transcript ostensibly on the grounds of national security?
- Why was Seary's background not fully investigated by the police?

- Why was his existence and his 'intelligence' concealed from ASIO?
- Why did the head of Special Branch adopt the practice of communicating with ASIO otherwise than through the Commissioner of Police?
- Why did Deputy Commissioner Perrin go on television after Mr Justice Wood reported that Seary was not reliable, and suggest that he (Perrin) regarded Seary as reliable?

Despite the answers suggested to these questions by various witnesses and Mr Justice Wood the Government's responsibility for Special Branch requires that it gets its own answers and act so that no further doubts about the guilt of people sent to prison can arise. Specifically arising out of this unique insight into police 'intelligence' practice is the question of how a police unit such as Special Branch could possess the structured freedom to orchestrate an investigation in such a manner. Finally, it is essential to question what motivates a police unit like Special Branch and how their operational goals conflict with the non-partisan ideology of civil policing. When police operational practice strays into considerations of state 'subversion' and political order, the reality of the political, class-based origin of policing and their integration into the wider political superstructure of the state becomes most clear.

## HISTORY OF PREVIOUS INQUIRY INTO THE SPECIAL BRANCH

In November 1977 the Dunstan Labor Government in South Australia appointed the then Mr Acting Justice White of the State Supreme Court to investigate and report on the functions of their 'Special Branch'. The Government suspected that the Branch was far from satisfactorily accountable to it and that controls over records kept by the Branch were insufficient. In December 1977 White presented a report<sup>2</sup> which was extremely critical of the Branch's activities. Of their record-keeping practices he said 'Material which I know to be inaccurate and sometimes scandalously inaccurate appears in some dossiers and on some cards'.<sup>3</sup> He went on to criticise the Branch for 'the cost and waste involved in the mindless collection of masses of useless information based on false and unjust premises'.<sup>4</sup> On the question of accountability, his views were well summarised in the covering letter which accompanied the report. 'The Special Branch believed that it owed a greater loyalty

to itself and its own concept of security, than to the Government.'<sup>5</sup>

The White Report was also critical of the connection between the Special Branch of a State police force and ASIO. This criticism centred on the nature and quality of the information exchanged between these two organisations, the regular and free flow of such information and the absence of any satisfactory structure to ensure that such exchange was always monitored by the State Government. In fact White recognised the development of a service/client relationship between ASIO and the Branch. The historical origins of State Special Branches makes such a relationship intended and unavoidable.<sup>6</sup> This is what makes the reluctance of the NSW Special Branch to 'share' Seary with ASIO all the more remarkable.

Earlier in 1977, Mr Justice Hope had completed his final report<sup>7</sup> for the first Royal Commission on Intelligence and Security in Australia. He made the following recommendations:

*'... the relationship has been based on arrangements of a rather informal kind made between A.S.I.O. and each police force; the arrangements have not been made between the Commonwealth Government and the relevant State Government. Sometimes it has appeared that a State Government is not aware, either of the details of operations or*

intelligence communicated or even the nature of the arrangements made between A.S.I.O. and its own police force. The relationship should be regulated by arrangements made at government level.

From their inception the various State Special Branches have been cloaked in secrecy. Before the White Report, there had been no public exposure of their workings anywhere in Australia. Since then only NSW has subjected its Special Branch to limited public scrutiny. In January 1978 Premier Wran instructed the NSW Privacy Committee to inquire into the record-keeping practices of the NSW Special Branch.<sup>8</sup> An examination of the information on file at the Branch showed that the external influence of ASIO not only affected the nature and emphasis of the data, but also controlled the relevance accorded such information by the Branch. This in turn affected both the continued data collection networks of the Branch, and the direction of its limited analysis.

In July 1983 the Chief Commissioner of Police in Victoria announced that his Special Branch was to be disbanded. Its responsibilities were to be rationalised

and a new police unit would be responsible for the collection, collation and dissemination of 'intelligence' on anti-terrorist incidents, and 'to gather information which may lead to violence between groups in the country'. At first blush this might appear to be 'a rose by any other name'. However, the difference between the Victorian Special Branch as it was and this new unit, is that the re-organised Branch should only concern itself with incidents, individuals and organisations which have a clearly recognisable potential for violence and terrorism. This is a considerable circumscription of the former Branch's interests, towards more traditional police concerns.

Soon after, Western Australia disbanded its Special Branch and a new unit was established within its force for the coverage of VIP protection and counter-terrorist intelligence. In 1984 South Australian Attorney-General Sumner announced that the Special Branch in that State would be disbanded. He indicated the importance of the distinction between acts or threats of violence to the individual or the nation and its institutions (which are clearly the legitimate subject of police action) and political dissent and activity (which is not). He admitted that while there 'are some grey areas which are not easy to define, we should start from the assumption that individuals or groups operating openly in the democratic process, should not be the subject of attention by security organisations'.<sup>10</sup>

Mr Sumner was strongly critical of the Branch, particularly their lack of accountability to the Government and the fact that information could be made available to ASIO and other Special Branches without Ministerial approval. With the disbanding of Special Branch, those 'legitimate and important'<sup>11</sup> security activities will be carried on by the SA police force.

## **INTELLIGENCE EXCHANGE BETWEEN ASIO AND THE NSW SPECIAL BRANCH**

There appears to have always been some divergence between the formal process of intelligence exchange between these two bodies, and the system which operates in practice. Mr Justice Hope implied the usual procedure should be that ASIO, through its Director-General, would convey the relevant information to the Prime Minister, who in turn would pass it on to the Premier of the State in question. There may, however, be cases where the Director-General would be justified in going direct to the Premier.<sup>12</sup> In fact the exchange of

information is far more low key, regular and even automatic. Large volumes of often unsolicited data in the form of card entries, dossiers, photographs, etc. is sent by ASIO operatives direct to the Branch. Where ASIO requests information of the Branch, it is usually (but not always) done through a written form<sup>13</sup> which is authorised by the officer in charge of the Branch. However, this does not account for informal transfers by telephone and the like.

In every instance examined by the NSW Privacy Committee, of an exchange of information with ASIO, the officer in charge completed the 'formality' of a direction for the attention of the NSW Commissioner for Police, as well as signing the authorisation on the Commissioner's behalf. Thus the procedural safeguards governing the transfer of information to ASIO did not in practice have any effect. The reality was that the then Commissioner, as he expressed to the author in a conversation before the Privacy Committee's examination, had little if any detailed knowledge of the nature and the extent of the relationship between ASIO and Special Branch.

The South Australian experience was similar with respect to the ASIO connection. The interpretation by Special Branch of 'domestic subversion' was heavily influenced by external agencies, principally ASIO. White emphasised the fact that unlike ASIO, but like the FBI, Special Branches, by reason of their formation within ordinary police forces, can call upon the resources and carry out the functions of the ordinary police, if the Commissioner so permits.<sup>14</sup> The natural corollary of this is that if the connection between ASIO and the Branch was close, ASIO may use the Branch as a conduit through which they can actively promote their intelligence-gathering activities without violating jurisdictional barriers.

The White report concludes that the continued situation where a State Special Branch operates as a part of the executive arm of ASIO, even by informal arrangement, should cease. Perhaps the strongest argument for this rests in the evidence that as ASIO works through a State agency such as the Special Branch it may infringe on the sovereignty of that State, and in its most basic operations seems in no way directly accountable to the elected Government of that State.

## **THE ASIO 'FRONT' PRIOR TO THE 'SEARY OPERATION'**

In 1975 the NSW Police Commissioner gave a directive to Special Branch which specified the relationship between ASIO and the NSW Special Branch. The Branch was to convey information of 'national security' interest obtained in the course of its other functions, to the Regional Director of ASIO. In practice, as previously discussed, the traffic of information between these two agencies, went far beyond these limits.

To appreciate the extent of ASIO's influence in NSW, through the offices of the Special Branch, is not an easy task. The reciprocal transfer of information from the Branch to ASIO is not constantly documented in Branch files. No specific criteria have been laid down as to what constitutes information of national security interest which should be accumulated by the Branch and passed on. It appeared during the Privacy Committee Inquiry, that no assessment was made by the Branch of whether requests by ASIO for information should be acceded to. The request alone seemed to justify the presumption that the data requested related to national security matters. Such requests were processed and responded to as

a matter of course despite the nature of the standard form reply which implied some decision on behalf of the Commissioner having been made. Once information was supplied to ASIO, the Branch may not have been aware of its use nor did it have any control over the access to this information allowed to third parties. More than simply supplying ASIO with information and relying on it for a vast amount of data which through its limited resources it could not amass, the Special Branch acted for ASIO in liaison with other State agencies. When acting on ASIO's behalf the Special Branch either overtly, or covertly, may have been the only legitimate legal, administrative or operational means through which ASIO could promote its interests through all aspects of government. The Branch represented an official point of contact for most dealings between ASIO and all aspects of the NSW police force.

Despite the fact that so little about the ASIO—Special Branch connection has been committed to writing and that the nature and extent of the initial reliance of one agency on the other is impossible to establish in any complete sense, the following major conclusions about the relationship can be drawn even from an understanding of the general file-keeping practices of the Special Branch prior to and during the 'Seary Operation'.

1. Because of the disparity between the vast amount of data being regularly entered and stored in the Special Branch information systems and the size of the operational staff in the Branch, one could only conclude that a considerable proportion of this information emanated from a larger intelligence agency, i.e. ASIO. For example the Special Branch alleged that they took few if any photographic records for their own purposes and yet the Branch's photography index was very extensive.
2. Much of the data entered on Branch files was from interstate and federal sources. This could only come from other State Branches or from ASIO.
3. Much of the Branch's time and interest was spent on monitoring political movements or organisations which had presented threats to the security of other governments besides NSW, e.g. the Branch had carried out extensive monitoring of the Ananda Marga in NSW after the kidnapping of the Indian Consul in Canberra and well before any suggestion of their involvement in subversion or terrorism in this State. A large proportion of the information on the Ananda Marga, held by the Branch had nothing to do with NSW and had come from ASIO. To this extent ASIO was directly influencing the emphasis attached by the Branch to the activities of this organisation at large and its consequent threat for NSW.
4. Because of the ignorance which prevailed amongst senior politicians and police officers in NSW concerning the activities of the Special Branch, it seemed obvious that the Branch was essentially servicing agencies outside that State.
5. The principal function of the Branch was the gathering of information to counter subversion. As such it concerned itself with the operation of national political, trade union, ethnic and social action groups. Its interest was not too much with the legitimate interest of governments in NSW. It was more concerned with monitoring the 'left' and extremist right factions for the benefit of centre/conservative

governments such as those traditionally in power in the Federal sphere.

Thus the Special Branch in NSW as in other States developed from its original connection with Commonwealth intelligence agencies, as an executive arm of ASIO.

The potential for ASIO to extend its operations within any State is increased when one considers the involvement of the Special Branch in normal police investigations. Through such involvement the Branch has acquired information it considered relevant to subversion by dubious means involving the exercise of police powers of arrest, search and seizure. The dangers of abuse of power where a body responsible for collection of 'subversion' intelligence also has these police powers are considerable. The dangers posed to the civil rights of State citizens, when such information is conveyed to ASIO are obvious.

### THE CASE AGAINST SPECIAL BRANCH

It is the autonomous operation of Special Branch (when compared with other units within a disciplined force), its symbiotic relationship with other non-police agencies and its specific political/ideological motivation, which makes it unique within the State's mechanics of social control. As the 'Seary Operation' illustrates, its potential to achieve an orchestrated ideological victory in terms of a particular police investigation is significant. And through a combination of traditional police powers and overt political intention it represents an essential conduit through which the 'independent' process of political intelligence is advanced.

However, has its present development strayed away from original police concerns or is it rather a more significant extension of the early police endeavour to 'control the dangerous classes'? As Silver<sup>15</sup> argues, the London police from their creation in 1829 were not only conceived of as a repressive, coercive force — they were also envisaged as a 'bureaucracy of official morality'.<sup>16</sup> The police of the day had a mission against the dangerous classes and political agitation in the form of mobs and riots. Despite the objection to the first suggestions of a centralised police force in Britain, it was the success of the new police in suppressing such social dissent that saw the police develop from a barely tolerated novelty to a part of the British tradition in a short time.

Even if one accepts that police power also relies on at least a minimal level of moral consensus and a pervasive moral assent, it cannot be denied that the functional application of police power is at base political. In almost every instance of its exercise, police discretion, if not grounded in political considerations, produces a 'political' consequence. Even the essential decision of selective enforcement infects modern police practice with a political perspective.

In general, the continued existence of the Special Branch seems assured by default. If its functions remain ill-defined, then their relevance to society, their appropriateness to the civil police force and the manner in which they are exercised cannot be criticised. Such sources of internalised bureaucracy do, as the Seary Operation indicates, influence other police activities. Should the internal definition of police aims and responsibilities develop along the lines of the Special Branch model, then it will not be long before the transition of the police from an agency of government to a government within a government is complete.

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3. White report, pp. 52-8.
4. White report, p. 36.
5. Quoted in Sumner, C., Speech to Adelaide Jaycees, 8 June 1984, p. 7.
6. At a conference of State Police Commissioners in 1948 it was agreed to set up a Special Branch in each force to liaise with the Federal Government's 'D Branch', later to become ASIO.
7. Royal Commission into Intelligence and Security (Hope J.), *Report*, AGPS, Canberra, 1977.
8. The author and the Executive Member of the Privacy Committee did the investigation.
9. Sumner, p. 28.
10. Sumner, p. 6.
11. Sumner, p. 30 – these should be confined to acts of violence against the democratic process, the community, VIPs and visiting dignitaries.
12. Hope report, Report Four (Vol. 1), p. 132.
13. NSW Privacy Committee, *Report on the NSW Special Branch*, NSW Govt Printer, Sydney, 1978 – see Appendix 1 for example form.
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