

Appendix 8

SCAG Resolutions for a national response to combat organised crime

Ministers:

Agreed that organised crime is a national issue requiring a nationally coordinated response by all jurisdictions.

Noted that the Commonwealth is developing an Organised Crime Strategic Framework, with mechanisms to engage the States and Territories, for agreement by the Commonwealth Government by mid-2009. The purpose of the Framework is to enhance understanding of the threats from organised crime; improve our capacity to effectively prevent, disrupt, investigate and prosecute organised crime activities; and strengthen information sharing and interoperability.

Noted that the Commonwealth will consider the introduction of a package of legislative reforms to combat organised crime including measures to:

- strengthen criminal asset confiscation, including unexplained wealth provisions
- to the extent practical and effective and having regard to constitutional power, consorting or similar provisions that prevent a person associating with another person who is involved in organised criminal activity as an individual or through an organisation
- enhance police powers to investigate organised crime, including model cross-border investigative powers for controlled operations, assumed identities and witness identity protection
- facilitate greater access to telecommunication interception for criminal organisation offences, and
- address the joint commission of criminal offences.

Noted that the Ministerial Council on Corporations is considering the issue of director disqualification under the Corporations Act 2001 in relation to organised criminal activity.

Agreed to the States and Territories considering the introduction of the following legislative measures to combat organised crime where they have not already done so:

- Measures that permit coercive questioning of individuals to assist with the investigation of organised crime offences
- Consorting or similar provisions that prevent a person associating with another person who is involved in organised criminal activity as an individual or through an organisation
- Measures that enable police to engage in controlled operations
- Measures that enable the use of assumed identities to facilitate investigations and intelligence gathering
- Legislation to permit the use of surveillance devices for the purposes of investigating serious and organised crime
- Witness protection legislation
- Asset confiscation legislation to enable a court to restrain and forfeit a person's assets where they are tainted
- Model cross-border investigative powers for controlled operations, assumed identities, witness identity protection and surveillance devices.

Agreed to arrangements to ensure cooperation between each jurisdiction in relation to organised criminal activity in any particular jurisdiction.

Agreed to coordinate law enforcement efforts through developing shared priorities including improving interoperability, facilitating improved information and intelligence sharing and coordinating investigative and target development activities.

Agreed to establish a SCAG Officers' Group to undertake work on legislative, interoperability and information sharing measures in consultation with MCPEMP officers and report back to SCAG as soon as possible.