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Senator Stephen Hutchins
Committee Chair
Parliamentary Joint Committee on the
Australia Crime Commission
PO BOX 6100,
Parliament House
Canberra, ACT 2600

Inquiry into legislative arrangements to outlaw serious and organised crime groups

Dear Senator Hutchins,

I acknowledge the commencement of the inquiry by the Parliamentary Joint Committee on the Australian Crime Commission into the legislative arrangements to outlaw serious and organised crime groups.

Victoria Police has previously provided submissions regarding legislative reform in relation to Outlaw Motorcycle Groups (OMCG) to the Ministerial Council for Police and Emergency Management – Police Senior Officers Group National OMCG Working Group chaired by Mr. Mal Hyde, Police Commissioner, South Australia. This Working Group was comprised of most Australian law enforcement agencies together with representatives of the Department of Justice (Victoria) and the Attorney-Generals Office (Commonwealth).

Victoria Police supports the majority of recommendations contained within the final report of the OMCG Working Group, particularly those that are focusing upon improving jurisdictional interoperability and an increased national cooperative approach.

However, Victoria Police does not support proposals intended to deal with OMCG members in a similar manner to that of terrorist groups by prohibiting groups and individual association between declared persons.

Victoria Police is of the view that such measures are disproportionate and unlikely to be effective for the following reasons:

- Rather than displacing OMCG organised crime activity from South Australia, it is likely that the new laws will increase police-OMCG conflict and merely drive the visible appearance of OMCG underground where the criminal activity will continue to function. The criminal enterprises in question will continue to operate with only the overt appearance of OMCG being influenced;
- The discussion has been narrowly focused upon OMCG and excluded an opportunity to broaden any proposed reform to include all organised crime activity;
- The South Australian legislative reform agenda is scheduled for introduction next year. Its operation will give us an ability to observe and assess its impact, particularly if it is the subject of legal challenge or it is not well received and supported by the judiciary;
- An adoption of similar reform in Victoria may possibly be inconsistent with Victoria's Charter of Human Rights & Responsibilities;
- Rather than enhance social cohesion in our community, such measures are likely to marginalise groups within the community.

The final recommendations of Victoria Police to the MCPEMP OMCG Working Group are attached.

Yours Sincerely,

Christine Nixon APM
Chief Commissioner

/ / 2008

**Victoria Police Recommendations to 2nd Ministerial Council for Police and
Emergency Management – Police Senior Officers Group National OMCG Working
Group**

The overall recommendations to the Police Ministers are supported with the exception of Recommendations No. 8 & 9.

- a) Recommendation no. 8. - Each jurisdiction adopt as a 'minimum standard' legislative provisions in the identified areas to assist in the dismantling and disruption of OMCG organised crime

It is suggested that the recommendation be amended as follows:-

Recommendation no. 8 – Each jurisdiction examine the viability of seeking preventative style legislation to dismantle and disrupt organised crime.

- b) Recommendation no. 9. - Each jurisdiction review the South Australian Legislative Reform model and consider enacting complementary legislative models which target the organisation of OMCG organised crime

It is suggested that the recommendation be amended as follows:-

Recommendation no. 9. – The South Australian Police progressively report upon the introduction of their legislative reform model and its impact upon OMCG and organised crime.

The recommendations to the Police Commissioners are supported with the exception of Recommendation no. 1 & 2.

- c) Recommendation no. 1.- A National OMCG Coordination Plan containing endorsed strategies is progressed by the (proposed) national OMCG coordination (NOC) forum

It is suggested that the recommendation be amended as follows:-

Recommendation no. 1 - A National OMCG Coordination Plan containing endorsed strategies is developed and progressed by input from all Australian policing jurisdictions.

- d) Recommendation no. 2 - The membership of the ACCF (including New Zealand) forms a stand-alone National OMCG Coordination (NOC) Forum to facilitate a coordinated national approach to OMCG activity.

The ACCF was recently dissolved due to the introduction of the Australia & New Zealand Policing Advisory Agency (ANZPAA). It is suggested that the recommendation be amended as follows:-

Recommendation no. 2 – ANZPAA forms a stand-alone National OMCG Coordination (NOC) forum to facilitate a coordinated national approach to OMCG activity.