

Senator Steve Hutchins  
Committee Chair  
Parliamentary Joint Committee  
on the Australian Crime Commission  
Parliament House  
CANBERRA ACT 2600

Dear Senator Hutchins

Thank you for your letter dated 20 March 2008 and invitation to comment on the Terms of Reference for the inquiry into the legislative arrangements to outlaw serious and organised crime groups. I wish to comment on the Terms of Reference as follows:

- (b) In relation to the need in Australia to outlaw specific groups known to undertake criminal activities, and membership of and association with those groups, the Department of Police and Emergency Management for Tasmania notes that organised criminal organisations are far from prolific in Tasmania, but we are supportive of further discussions towards a national coordinated approach towards this issue.

The extent of organised crime in Tasmania is not as evident as it is perceived on mainland Australia. There is evidence to suggest that there is some level of organised and serious crime, particularly in the areas of outlaw motor cycle gangs, the importation and distribution of drugs, the fishing industry, car re-birthing, firearms, protection rackets and the security industry. With the availability of current and emerging technology it is expected that serious and organised crime groups in the areas of computer fraud and child pornography will also become evident in Tasmania in the future.

Due to the ease in which serious and organised criminal groups operate across borders, it is advocated that a co-ordinated national approach will be the only effective strategy. Consequently, my department supports the development of a national response following appropriate discussions which strengthens the ability of all Australian law enforcement agencies, including the Australian Crime Commission (ACC) and other Commonwealth agencies to respond to serious and organised crime groups.

- (c) In respect to the effectiveness of Australian legislative arrangements relating to serious and organised crime groups, currently Tasmanian legislation does not provide for these groups to be outlawed. However, recent amendments to the *Police Offences Act 1935 (Tasmania)* now make provision for the removal and modification of heavily fortified premises, and amendments to the *Firearms Act 1996 (Tasmania)* addressed matters arising from national resolutions concerning trafficking in firearms and close associate provisions for firearms dealers. These provisions and authorities are yet to be exercised.

In combating serious and organised crime groups, Tasmania is supported by Commonwealth agencies such as the ACC operating under legislation such as the *Australian Crime Commission (Tasmania) Act 2004* and the *Telecommunications (Interception) Tasmania Act 1999*. While this legislation has been and is useful particularly from an intelligence and investigative point of view, any additional legislative measures which outlaw serious and organised crime groups is supported and add another tier to the legislative tools available to Australian law enforcement agencies.

- (d) In relation to the expected impact and consequences of legislative attempts to outlaw serious and organised crime groups on society, it is likely that the primary benefit would be a safer community for all Australians.

In respect to the likely impact and consequences on crime groups, although the legislation may not totally eliminate these groups, it is envisaged that it would be more difficult for these groups to operate, and it is hoped that the legislation would act as deterrent to not only the members of such groups, but also those who might otherwise associate with them. Close associate provisions to draw in those who would normally be recognised as acting lawfully, for example financiers, would also be required should such legislation be provided for and be effective.

In respect to law enforcement agencies, the proposed legislation would strengthen the ability of law enforcement and other Commonwealth agencies to combat serious and organised crime by providing a raft of legislative measures which do not currently exist. Ultimately, however, the benefit of such legislation will largely be determined by the raft of investigative and enforcement measures accompanying such legislation along with the additional application of resources.

A potential increase in prosecutions relating to serious and organised crime may create challenges for the judicial/legal system, for example ensuring that witnesses are properly protected. This, in turn, may have resource implications for law enforcement agencies through increased demand for witness protection programs.

- (e) In respect to how such legislation might affect the functions and performance of the ACC, the Tasmania Police Service has in recent years been well served by the ACC in combating serious and organised crime in this State. Due to the cross border nature of most serious and organised crime, any legislation that would improve the ability of the ACC to respond to serious and organised crime would also enhance the ability of the Tasmania Police Service to respond. This would increase the likelihood of a favourable outcome for Australian law enforcement overall and would benefit the Australian community.

Yours sincerely

Jim Cox  
MINISTER FOR POLICE AND EMERGENCY MANAGEMENT