



NEW SOUTH WALES

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PARLIAMENTARY JOINT COMMITTEE ON  
THE AUSTRALIAN CRIME COMMISSION

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FROM:

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SECRETARY: *[Signature]*

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

19 MAY 2008

*Steve*  
Dear Senator,

I write in relation to your letter dated 20 March 2008 inviting a submission in relation to the *Inquiry into the Legislative Arrangements to Outlaw Serious and Organised Crime Groups*.

In 2006 NSW enacted strong anti-gang legislation. The *Crimes Legislation Amendment (Gangs) Act 2006* commenced in December 2006 and introduced into the *Crimes Act 1900* several new offences relating to participation in criminal groups, including:

- Participating in a criminal group knowing, or being reckless as to whether, participation in that group contributes to the occurrence of any criminal activity (s93T(1)); and
- Recruiting a person/child to commit a criminal act (s351A).

The reforms also introduced specific provisions in relation to assault and destruction of property with the intent to participate in any criminal activity of a criminal group and fortification removal orders, which direct persons to remove or modify any fortifications at the premises which are intended to prevent or impede police access to the premises.

I further understand that South Australia is also looking at introducing a range of new provisions in relation to combating serious and organised crime groups, including the declaration of groups as 'prohibited criminal groups' and the imposition of certain restrictions upon these groups (see the *Serious and Organised Crime (Control) Bill (SA)*).

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Whilst I am advised that NSW has some of the strongest anti-gang legislation in Australia the NSW Government is committed to continually examining new and improved ways to combat serious and organised crime groups and will follow with interest the effectiveness of the South Australian measures, once commenced.

In June 2007 the *Ministerial Council for Police and Emergency Management – Police (MCPEMP)* established a working group to develop a national approach to gangs. At the November 2007 MCPEMP meeting each jurisdiction agreed to “review its legislation pertaining to the disruption and dismantling of serious and organised crime and consider enacting complementary and harmonised legislation to achieve this outcome”.

NSW is more advanced than other jurisdictions in terms of its operational and legislative response and a key area for improving the national response to organised crime groups would be closing legislative gaps between jurisdictions which can be exploited by increasingly sophisticated crime syndicates. Of course in considering a national approach to organised crime groups, I would not support weakening or undermining the effectiveness of anti-gang laws in NSW.

This submission represents the NSW Police Portfolio position and should be taken to formally represent the views of the NSW Police Force and the NSW Crime Commission.

Thank you for the opportunity to comment.

Yours sincerely,



David Campbell MP  
**Minister for Police**  
**Minister for the Illawarra**