



# **Australian Crime Commission Parliamentary Joint Committee**

**Inquiry into the legislative  
arrangements to outlaw serious  
and organised crime groups**

**Submission of the Northern  
Territory Police**

**February 2009**

## Threats posed by Serious and Organised Crime Groups

The Northern Territory offers an extremely lucrative market for organised crime groups for the following reasons:

- A relatively young population base more likely to create demand for party drugs
- The difficulty for Law Enforcement to actively infiltrate organised crime groups due to the limited resources available to a smaller jurisdiction and the "closeness" of the criminal fraternity.
- The strategic location of Darwin as a gateway to Asia. The Northern Territory capital is ideally geographically positioned for access to the Asian drug market, via aircraft or vessel. Not only do the formal trade routes allow direct access to Darwin once trade contraband has arrived in Darwin, it can be easily transported via road, rail or aircraft to the southern states.

Currently there are two Outlaw Motorcycle Gangs (OMCG) with a permanent presence in the Northern Territory:

- The Darwin chapter of the Hells Angels Motorcycle Club; and
- A Finks motorcycle club member in Alice Springs.

The Northern Territory Police believe that members and associates of these gangs are involved in numerous and continuing criminal offences including drug manufacture and distribution, fraud, blackmail, extortion, firearms offences and money laundering. That belief is based upon information gained during investigations into these offences and credible, reliable and contemporary intelligence compiled from the analysis of all collected information.

Current threats to the Northern Territory from these groups include:

- Importation, Manufacture and Distribution of Dangerous Drugs
- Threatened violence and intimidation used to infiltrate legitimate industry and businesses.
- Increased sophistication and resourcefulness
- Expansion into the greater criminal community
- Trafficking and use of firearms and other weapons
- Increased illegal trade in native fauna.
- Acquisition of crime derived property and other assets.

The Northern Territory Police assess that members and associates of OMCG are continuing and will continue to commit serious drug and personal violence offences in the Northern Territory. These persons use threats and intimidation to ensure that witnesses, accomplices and victims maintain a strict code of silence in relation to their activities. That situation hampers the ability of Police to gather the necessary evidence for successful convictions through the criminal justice system.

This will have the effect of actually *preventing* the problem from escalating and in terms of police enforcement of the criminal law may be seen as treating the cause of the problem i.e. the criminal association, rather than the traditional approach of treating the symptoms of the problem which are the individual crimes themselves. Reforms including the proposed Serious and Organised Crime legislation will undoubtedly assist in addressing this issue and increase the ability of Police in dismantling and disrupting those enterprises.

### **Current Legislative Controls on Organised Crime**

Organised crime groups are involved in a myriad of both criminal and legitimate enterprises. These groups often use drug manufacturing and distribution to create the wealth that enables them to purchase and maintain these enterprises. It is important to recognise that one of the greatest motivations for individuals or groups becoming involved in organised crime is the ability to quickly create vast amounts of wealth.

The Northern Territory has taken a lead role in introducing legislation that assists in the identification, prosecution and dismantling of organised criminal groups. Legislation such as the *Criminal Property Forfeiture Act* integrates civil and criminal law principles in targeting assets that have been acquired as a result of criminal activity.

This Act has special provisions for the forfeiture of unexplained wealth and assets belonging to Declared Drug traffickers who are repeat and major convicted offenders. To date there have been two declared drug traffickers and several successful unexplained wealth matters completed.

Once declared a "Drug Trafficker", some of the processes of the Act, which would require the hearing of evidence, become automatic, for instance, any property under restraint immediately becomes forfeit to the crown.

Whilst traditional methods of illicit drug interventions are still employed, legislation that targets the entire criminal enterprise is extremely effective. In this respect, assets forfeiture legislation allows Police to seize the wealth created by these criminal enterprises without the need for a conviction.

In some circumstances, the Act puts the onus on the respondent to explain how and by what means, assets were acquired. In this way, Police can remove one of the greatest motivations for becoming involved and continuing to be involved in Organised Crime.

To date the Northern Territory Police has seized over \$13 million dollars in criminal property forfeiture cases with approximately \$5 million forfeited to the Crown at this time.

The Northern Territory has also introduced a number of amendments to the *Misuse of Drugs Act* that have enabled Police to more effectively target those

organised criminal elements that produce and distribute dangerous drugs. These amendments make it an offence to possess chemical precursors or have in possession documents containing instructions for the manufacture of dangerous drugs. This has been an extremely effective tool in prosecuting members and associates of organised crime groups without the need for the manufacture of the drugs to have taken place.

The places where drugs are dealt from have also been the subject of legislative improvement. The introduction of Drug Premises Legislation contained in the *Misuse of Drugs Act* has been highly successful in the targeting and subsequent closing down of premises from where drugs are dealt. This initiative puts a greater onus on the owner of the private premises or commercial premises to assist Police in the move to eradicate drug activity from those locations and offers increased powers to search declared drug premises without warrant.

The process relies on the issue of up to three notices to the owner and occupier when drugs are suspected of being sold or distributed from those locations. Since 2002 there have been 286 first notices issued, 32 second notices and 7 third notices issued. There have been three drug premises declared in the past with no current declarations in place.

There are a range of special provisions that apply to premises declared to be a drug premises:

- Drug premises may be searched by police without warrant.
- There are special offences relating to premises to which drug premises. order related to not resisting or warning of police searches.
- Restraining orders if breach of the peace occurs on premises.
- Tenants and residents may be evicted by the owner of the premises.
- All residents on premises taken to have possession of drug found on those premises.
- Commissioner of Police may apply for suspension of liquor licence if the premises is licensed.

In 2006, the Northern Territory introduced changes to legislation with a view to limiting the activities of organised criminal networks. That legislation, the *Justice Legislation Amendment (Group Criminal Activities) Act 2006* contained a number of provisions:

- **Non-association and Place Restriction Orders** - This was a series of amendments to the *Sentencing Act* which allowed Courts to make orders in regard to being in company with certain persons, communicating with certain persons and visiting certain places. These orders are conviction based, to be made at the time of sentencing and must specify person whom that person cannot associate with.

- **Non-association and Place Restriction Conditions for Bail** - This was a series of amendments to the *Bail Act* which allowed for the Courts to make conditions to Bail in regard to being in company with certain persons, communicating with certain persons and visiting certain places.

Utilising aspects of appropriate and currently available legislation, the NT Police have achieved some notable successes in operations against both the Hells Angels and Finks OMCG in the NT.

Organised crime is not restricted to OMCG. There are other established criminal networks that operate in the NT. The OMCG are used in this case as exemplars because they embody all of the features found in established criminal networks and, unusually for established criminal networks who generally prefer to be anonymous, they have a public profile and are visible in the community.