



COMMONWEALTH OF AUSTRALIA

# Official Committee Hansard

JOINT COMMITTEE ON THE AUSTRALIAN CRIME  
COMMISSION

**Reference: Legislative arrangements to outlaw serious and organised crime groups**

MONDAY, 27 OCTOBER 2008

HOBART

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**JOINT STATUTORY  
COMMITTEE ON AUSTRALIAN CRIME COMMISSION**

**Monday, 27 October 2008**

**Members:** Senator Hutchins (*Chair*), Mr Wood (*Deputy Chair*), Senators Barnett, Fielding, Parry and Polley and Mr Champion, Mr Gibbons, Mr Hayes and Ms Ley

**Members in attendance:** Senators Barnett, Fielding, Hutchins, Parry and Polley and Mr Gibbons, Mr Hayes and Mr Wood

**Terms of reference for the inquiry:**

To inquire into and report on:

The effectiveness of legislative efforts to disrupt and dismantle serious and organised crime groups and associations with these groups, with particular reference to:

- a. international legislative arrangements developed to outlaw serious and organised crime groups and association to those groups, and the effectiveness of these arrangements;
- b. the need in Australia to have legislation to outlaw specific groups known to undertake criminal activities, and membership of and association with those groups;
- c. Australian legislative arrangements developed to target consorting for criminal activity and to outlaw serious and organised crime groups, and membership of and association with those groups, and the effectiveness of these arrangements;
- d. the impact and consequences of legislative attempts to outlaw serious and organised crime groups, and membership of and association with these groups on:
  - i. society
  - ii. criminal groups and their networks
  - iii. law enforcement agencies; and
  - iv. the judicial/legal system
- e. an assessment of how legislation which outlaws criminal groups and membership of and association with these groups might affect the functions and performance of the ACC.

**WITNESSES**

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**Committee met at 10.49 am**

**CHAIR (Senator Hutchins)**—I declare open this public hearing for the Parliamentary Joint Committee on the Australian Crime Commission. This is the fourth hearing for the committee's inquiry into the legislative arrangements to outlaw serious and organised crime groups. The terms of reference are on the committee's website. The committee will be holding its fifth hearing in Melbourne tomorrow and hearings in Canberra and Brisbane in November. The committee's proceedings today will follow the program which has been circulated.

I remind all witnesses that, in giving evidence to the committee, they are protected by parliamentary privilege. It is unlawful for anyone to threaten or disadvantage a witness on account of evidence given to a committee, and such action may be treated by the Senate as a contempt. It is also a contempt to give false or misleading evidence to a committee.

The committee prefers that all evidence be given in public but, under the Senate's resolutions, witnesses have the right to request to be heard in private session. It is important that witnesses give the committee notice if they intend to ask to give evidence in camera. If a witness objects to answering a question, the witness should state the ground upon which the objection is taken, and the committee will determine whether it will insist on an answer, having regard to the ground which is claimed. If the committee determines to insist on an answer, a witness may request that the answer be given in camera. Such a request may, of course, also be made at any other time.

I remind members of the committee that the Senate has resolved that government officials should not be asked to give opinions on matters of policy and should be given reasonable opportunity to refer questions asked of an officer to a superior officer or to a minister, if that is appropriate. The resolution does not include questions asking for explanations of policy or factual questions about when or how policies were adopted.

[10.51 am]

**HERBERT, Sergeant Stephen Mark, State Intelligence Service, Tasmania Police**

**HINE, Mr Darren Leigh, Acting Commissioner, Tasmania Police**

**LIEUTIER, Inspector Fiona Catherine, State Intelligence Service, Tasmania Police**

**TILYARD, Mr Scott Anthony, Acting Deputy Commissioner, Tasmania Police**

**CHAIR**—I welcome representatives from the Tasmania Police. I invite you to make a brief opening statement, at the conclusion of which members of the committee will be invited to ask questions.

**Commissioner Hine**—Thank you for the opportunity to come along today to present to your committee. We certainly think it is timely that you have come down here. It is also an area which we take great interest in in relation to the ACC and organised and serious crime and outlaw motorcycle groups. Tasmania definitely has outlaw motorcycle groups. There are five identified outlaw motorcycle groups in Tasmania. The numbers associated with those groups exceed 200 we believe. We have a number of pieces of legislation which we use to combat any organised or serious crime. Recently we have charged a number of people in relation to drug activity.

We have also had recent evidence of a person coming from South Australia to Tasmania. It was certainly of interest to us that someone associated with a South Australian motorcycle group came along here, but we certainly do not believe that there is serious organised crime in relation to outlaw motorcycle gangs. Having said that, we certainly use intelligence based policing. We continue to monitor the situation. If we get intelligence that suggests otherwise then we will target that organisation, individual or group to make sure that we combat that problem before it becomes a major problem. Intelligence based policing is importance to us so that we can continue to monitor and target those illegal activities that we need to target and put resources into.

**CHAIR**—Would anyone else like to make a brief opening comment?

**Deputy Commissioner Tilyard**—Certainly, our experience and intelligence here in Tasmania indicates that, whilst there is a level of serious and organised crime, is not to the same level that tends to be experienced in most other jurisdictions, particularly the larger jurisdictions. Whenever you have a commodity where there is the potential for significant profits to be made then you always have individuals or groups prepared to exploit that and take whatever risks might be associated with it in order to obtain those profits. Here in Tasmania it has been most notable in the areas of drugs, as experienced in all the jurisdictions, and mainly, because of our unique circumstances down here, in marine products as well, notably abalone.

We have run a number of successful operations in recent years involving the ACC in relation to drugs and abalone. Certainly, the involvement of the ACC with us prior to 2005 was critical because up until then we did not have our own telecommunications interception capability. We



received that in 2005. So, in terms of the legislation that the acting commissioner mentioned that is potentially of assistance to us in combating serious and organised crime, telecommunications interception has been critical and proceeds of crime legislation has been very important as well. We have had some significant successes there, albeit our legislation here is conviction based legislation so it does differ from what at least a couple of the other jurisdictions do have.

About two years ago we also had antifortification legislation enacted here. That has not been operationally acted upon at this stage but it is another avenue that we can call on in terms of some premises. I guess that is of particular relevance to outlaw motorcycle gangs around the country. We often experience situations where some of their clubhouses or other premises do have a level of fortification.

Also there were some changes in November last year to strengthen our firearms act. One area that we think has a lot of potential is close association prohibitions in relation to firearms dealers. The people they associate with have to be fit and proper persons to be associated with a firearms dealer. It is still early days in relation to that relatively new legislation, but there is certainly some potential there.

The other piece of legislation that we have here is consorting legislation. It is extremely old legislation. In fact, the provisions still talk about consorting with reputed thieves, known prostitutes and people who have insufficient lawful means of support, so essentially vagrants. You can see how many years that has been around for. Essentially, it does need a contemporary review because I cannot recall the last occasion when anybody was actually charged under that consorting legislation. It is only summary legislation as well.

In terms of legislation that should be proclaimed fairly shortly, we have four key pieces that are based on national model legislation. They have a lot of potential in relation to serious and organised crime groups. They are the surveillance devices, controlled operations, assumed identities and witness protection legislation. Once they commence here in the state that will give us a whole suite of additional legislative powers, authority and options in terms of people involved in serious and organised crime.

We are certainly aware of some of the legislative developments in other jurisdictions, particularly the New South Wales criminal groups legislation and the more recent South Australian criminal organisations legislation. At this stage we intend to monitor the operation and the effectiveness of that legislation. Although it is too early I think to draw a definitive conclusion on the issue, we believe we may have already experienced some displacement as a result of that legislation commencing in South Australia. I think that is going to be an issue that will be of concern to all jurisdictions.

Generally speaking, we are very supportive of a national coordinated approach to addressing issues associated with serious and organised crime groups. They do pose a significant risk to community safety in Australia. Law enforcement certainly needs to work with all other key stakeholders in terms of combating that.

**CHAIR**—You said you have not used your antifortification legislation yet; is that correct?

**Deputy Commissioner Tilyard**—That is right.

**CHAIR**—It states:

... within 7 days after the day on which the notice is given to the owner of the premises or any further period allowed by the Commission, the fortifications at the premises must be removed or modified ...

Is that essentially giving them notice to stop and if they stop then they will not get bulldozed?

**Deputy Commissioner Tilyard**—Essentially, that is the intent of the legislation. If the Commissioner is of the view that a premise is heavily fortified—and essentially that just means that there is fortification in place that would not normally be expected to be associated with premises of that nature—then he or she can apply to a magistrate for an order to remove that particular fortification. The owner or controller of the premises is obviously given a period of time to comply with that order and, if they do not, action can be taken by the Commissioner to have it removed.

**CHAIR**—At this stage there are no fortifications on premises, and you see reasons—

**Deputy Commissioner Tilyard**—There are certainly one or two premises that it could be argued for within the scope of that legislation that we are looking but, at this stage, we have not gone to the extent of approaching a magistrate to get an order.

**CHAIR**—Are these premises owned by motorcycle gangs?

**Deputy Commissioner Tilyard**—They are.

**Mr GIBBONS**—Is that because you have not got any evidence to suggest there is anything illegal going on on the premises?

**Deputy Commissioner Tilyard**—In part that is a reason for it. Of course, it is a case of where it fits in relation to our other strategic priorities as well.

**CHAIR**—In relation to the South Australian legislation, there seems to be a number of forces throughout the country saying, ‘We will watch it and see what happens.’ Then there is Victoria Police, which does not support the legislation at all, probably for the reason that you outlined, which was that there is some displacement occurring already. Does the police force here in Tasmania have a view about the South Australian legislation at all?

**Commissioner Hine**—We have been actively involved in discussions in relation to the legislation with South Australia and all the other states as well. When we talk about ‘displacement’, we have had the evidence of one individual so far that we know of. So it is not high level. There are not a lot of people coming into this state from South Australia. There is one individual at this stage who we are well aware of. We are certainly, as I said before, looking at that legislation. We have been in discussions on it. And it is a case of looking and waiting to see what effect that legislation has before we take that up and discuss it with government. So we are looking. In reality, we are looking and we have had discussions with the South Australians to see what their legislation is and what impact their legislation has. So we will continue that ‘watch and see’ approach.

**CHAIR**—So you have not come to a conclusion yourselves as to whether or not it would be effecting, disrupting or dislodging organised crime?

**Commissioner Hine**—Not at this stage. We will continue that ‘wait and see’ approach and look to see what evidence there is of the effectiveness of that legislation. They have a bigger issue than we have in relation to outlaw motorcycle gangs anyway. We have far fewer problems and issues obviously than they have.

**Mr WOOD**—You said you had a South Australian bikie figure come into the state. What level of his organisation was he? Was he a president or a member or what?

**Commissioner Hine**—I would not like to identify the person and the position that the person held. But through intelligence we get to hear about people moving within the state and outside the state in relation to crime gangs, so we do have intelligence on one individual, and that is—

**Mr WOOD**—Was he doing forward reconnaissance to see about other gang members actually coming into the state, do you believe? Or do you think it was just by opportunity that he was planning to come back to Tasmania?

**Commissioner Hine**—I think it is fair to say that he is a Tasmanian who is returning to Tasmania. But as far as the other bit I would not like to speculate or go into too much in relation to that because obviously we base our intelligence on the receiving information and there is nothing to indicate that we have had a mass influx into Tasmania at all.

**CHAIR**—I do not expect you to comment, Commissioner, on this as it is another force, but the Victoria police had a criticism to a degree of the impact of the legislation saying it would displace gangs to other states like their state, New South Wales or Western Australia or that it would push them underground. It would appear on the surface that, with displacement occurring, that is already coming to fruition. I do not expect you to comment. This is the first evidence we have had of displacement occurring.

**Commissioner Hine**—All we are saying is that we are aware of it. I think it is putting too strong a point on it to say that this is the first evidence of displacement. It could be as simple as a Tasmanian returning to Tasmania.

**Deputy Commissioner Tilyard**—In terms of that type of legislation, conceptually, even without any evidence or intelligence that things are happening, people will think that there is always the potential for the legislation to encourage people to move elsewhere where it does not apply and to drive people who involved further underground, which in some ways can make it more difficult to police as well or create other problems. On a conceptual basis, those were always two possibilities. It may be proven in the fullness of time to occur, but it may not eventuate either.

**CHAIR**—That is one example of legislation introduced by forces throughout the country. Are there any operational difficulties for the force here within the current legislative framework? I know you mentioned that there are four areas that are now about to come to fruition: witness protection, surveillance and others. Are there any other areas where you believe the current legislative framework needs to be strengthened or improved?

**Commissioner Hine**—We talk with our counterparts throughout Australia. There are regular meetings to ascertain what is working where and what is a good practice in other jurisdictions and where there might be unintended consequences of one jurisdiction having a lesser practice—for want of a better term—than another jurisdiction. We are always looking at that and discussing with our counterparts across Australia. There are none that spring to mind of where our legislation is not supporting other legislation in other states. That is not to say that we are not going to continue to look at other legislation across each state to make sure that we have good practice and we are supporting other states as best we can in regard to the intelligence of the threat or the risk to our community.

**Senator PARRY**—Do you have a zero tolerance policy in Tasmania for outlaw motorcycle gangs? We discussed this in the private session, but without going to those details for the record can you explain how you treat outlaw motorcycle gangs in daily regular law enforcement activities?

**Commissioner Hine**—I am always reluctant to use the term ‘zero tolerance’ because as police officers we always have a discretion as to what tolerance we will allow people. If outlaw motorcycle gangs come to this state, our expectation is that they will obey the laws, including the traffic regulations, the Australian road rules. We will continue to police them like we do the general motoring public and the general public. They get no special rights or privileges when they come to this state.

**Senator PARRY**—In relation to fortification, what was not stated in answer to the chair’s question was that provisions still exist under ordinary legislation in the pursuit of a crime or search and seizure powers if there is evidence to provide that under warrant. Is the fortification law basically to ensure that, in advance of potential ordinary searches, the fortifications are removed to enable that? If there is a need to enter premises that are fortified, you can still enter those through any physical means necessary if you believe a crime has been committed or are in hot pursuit. Would you like to expand on that?

**Deputy Commissioner Tilyard**—To answer your second question first, there is no impediment to us entering the premises provided we have lawful justification to do so by virtue of a warrant or otherwise. The fact that it is fortified does not defeat our capability in gaining access to virtually any premises as, obviously, there are various options open to us. The intent of the legislation is to prevent fortification to the extent where, for example, police have difficulty entering if there is an allegation of illegal conduct happening inside. Even from a public safety perspective, if there was a fire or a medical emergency it would be extremely difficult to access people inside premises that are heavily fortified. Whilst security is important for any premises, and we are certainly not suggesting anything that detracts from general property security, some of these premises, even in residential areas, have all the windows removed and steel plates bolted in their place. So we are not talking about somebody who takes additional precautions to keep their home safe from burglars; we are talking about people who take particular action to try to make their premises, for want of a better term, a fort and to fortify it to stop invasion or whatever other term you want to use. This is not targeted at the average citizen who just wants to keep themselves, their property and their family safe at home. This is about individuals who are taking proactive steps to try to counter lawful efforts from people like police to gain rapid entry should it be required.

**Senator PARRY**—I noticed on the weekend, and Acting Commissioner Hine identified this earlier today, the *Advocate* newspaper reported about a fortified premises in East Devonport which has a liquor licence. Do all outlaw motorcycle gang premises have liquor licences in Tasmania?

**Deputy Commissioner Tilyard**—I could not comment as to whether they all do, but certainly some do.

**Senator PARRY**—Would the licensing laws allow you to inspect, whether the premises were fortified or not?

**Deputy Commissioner Tilyard**—Liquor licences include a provision to allow police to go on to the premises to ensure that the relevant laws in relation to liquor licensing are being complied with.

**Senator POLLEY**—I will say from the outset that, from the statistics that we see regularly through this committee, Tasmania has a very low organised crime rate as we see it. But in terms of the crimes that are organised here, is there any connection between internet fraud and child pornography? We Tasmanians are aware of the abalone industry and the amount of money that is taken from there, but can you give me an overview of where we are in terms of the organised crimes that are committed in the state?

**Commissioner Hine**—Yes, we have what we call low-level organised crime, although it all depends on your definition of ‘organised’. There are some individuals who get together with other individuals and therefore semi-organise themselves to commit illegal activity. We have had a number of people charged in relation to internet based fraud crime and child pornography. We work with other jurisdictions to make sure that when the evidence comes to us we act upon it and we work in conjunction with other law enforcement organisations. As for the level of ‘organised’, I will hand over to Inspector Lieutier to give you a bit more detail.

**Mrs Lieutier**—There is limited evidence in Tasmania that we have serious and organised crime in relation to internet fraud and child pornography. We certainly do not appear to be taking the lead in organising those sorts of crimes; we are more incidental to those crimes occurring. Our focus does tend to be more on the organised and serious crime associated with natural resources and also our outlaw motorcycle groups. Having said that though, in relation to our outlaw motorcycle groups it is definitely not as significant as that in just about every other mainland jurisdiction.

**Commissioner Hine**—But, having said that, as I said before, complacency is our biggest danger. We will continue to monitor it and we will continue to look at the intelligence we gather to make sure that those groups do not become organised and do not become a problem to us. Being a small jurisdiction, we have the advantage of having good intelligence and we will make sure that we monitor those groups to make sure that they do not become organised or involved in further illegal activities.

**Senator POLLEY**—I think it is fair to say that in not only this hearing but other hearings that we have conducted as a committee from all jurisdictions there is always obviously a need for more resources. In terms of trying to get some uniform laws, whether you are talking about

organised crime or another issue such as one I am involved in at the moment, child abandonment, each state and territory has different laws. In being able to utilise the resources that are available to the police force, is there any evidence that this would aid you and can you give us an example of where you actually share resources and expertise that could be built upon to combat crime, because we always seem to be behind the criminals in terms of technology and they always seem to have the money to put into their resources?

**Commissioner Hine**—We are again probably unique being a smaller jurisdiction. We work very closely with the Australian Crime Commission, the Australian Federal Police, Customs and the Attorney-General's Department, so we have representatives of this state in all those organisation, so we work very closely with them. We have a good intelligence-sharing network with those organisations, and we often share resources across the various organisations. We have a number of proactive intelligence probes where we share information resources and other operations. We have had a number of good successes with that, and we will continue to do it because, being smaller, we can react quicker, we can work closely with those other organisations and we have a good working relationship with them. I think we are at the forefront of sharing resources and reacting to a situation where intelligence suggests that we need to react. I am not saying that we get it right all the time. I am not saying that we have not got some issues that we are not on top of. But, as far as resource sharing, I think we do it pretty well.

**Senator POLLEY**—I think you said there were five motorcycle gangs that operate here, and obviously there are others that come over for their rides through our great state. In relation to their activities, what sort of processes do you put in place to ensure that those visiting gangs abide by our laws?

**Commissioner Hine**—They have their rides where they come to Tasmania from the mainland to enjoy our great scenery in our great state, as you said. We have had situations where we have liaised with the presidents of their motorcycle clubs and basically explained what we expect and what our laws are in Tasmania. So we have a good liaison with them and they know what to expect when they come to Tasmania. I must admit, it has worked pretty well. Everyone is aware of what we expect and we have liaisons with their groups so if we have an issue we know who to contact and before a problem develops we can address it really quickly. It is one of those things where, once we are aware of it, we will contact them and we will go through that liaison process. So they know fully what to expect in Tasmania. But it is not only just the laws; it is the riding conditions as well. For a start, when you come to Tasmania, we have different roads and we have different driving conditions. So road safety is an important issue for us as well. We had one situation where a motorcycle group came to Tasmania and unfortunately there was a fatality. Again, they need to be aware of the driving conditions. As we all know, it can be dry one day and wet the next. We have a lot of windy roads. There is great scenery and good motorbike-riding conditions, but you have to be careful. So it is about not only explaining the road rules and the different laws but staying safe when they are in Tasmania.

**Senator POLLEY**—My final question is: in relation to the sort of violence that has been reported in Victoria in the last week or so, is there any evidence of that sort of level of violence happening here with rival gangs?

**Commissioner Hine**—It is certainly not to the level that was experienced in Geelong. There will always be some minor issues every now and then which are reported to police, but I am not sure that we have any intelligence to suggest that.

**Mrs Lieutier**—We generally find that we are quite different to the mainland states in relation to our groups in that they actually tend to affiliate with each other quite well whereas the mainland groups are very alienated from each other and have an attitude that is quite different and destructive to the groups. Here from time to time members change groups and they also work with each other. Therefore that level of violence does not occur.

**Commissioner Hine**—When we are aware of any violence that may be occurring whether it is on the streets among members of the public or it is a motorcycle organisation we will certainly react to it. Again it is about evidence based policing and intelligence based policing.

**Senator BARNETT**—Acting Commissioner Hine, following on from the comments you were making and those in your opening statement, you indicated there were over 200 members of bikie gangs here in Tasmania. I am interested to ask you about the objectives of those motorcycle gangs and their structures and how they are different to the mainland gangs as Inspector Lieutier referred to. Can you describe how it operates in Tasmania and how that may be different to the mainland.

**Commissioner Hine**—I will do a general overview and then hand over to Inspector Lieutier. We are aware of over 200 members of various organisations. Of course that changes as time passes—people leave and people get recruited—but that is the number we are aware of. We are certainly aware that they have associations with other mainland groups. Their structures tend to be similar across the world I would imagine because they have certain objectives and structures that they all follow to become the one percenters. So I would imagine that they are fairly similar across the world, let alone Tasmania, when compared to the mainland. I will hand over to Inspector Lieutier.

**Mrs Lieutier**—Probably it would be more appropriate to be in camera rather than in a public forum to go into detail.

**Senator BARNETT**—I am happy to move to my next question if we are happy to hold that question for the in camera session. You might want to answer this question in camera too. I will take advice from you. The *Advocate* article on Saturday on one side portrayed a fun-loving, enjoyable, warm and fuzzy environment for a men's club as it were on the north-west coast in this particular bikie gang but on the other side there were quotes in there regarding the smashing of people if certain things were done which they deemed inappropriate. How would you respond to those sorts of comments?

**Commissioner Hine**—We read the article with interest as well. Again there is our intelligence based policing as in that is a self-identified group that has come out and spoken to the media. Therefore the veracity of what they say is what it is. We know sometimes it is right and sometimes it is not. Individuals say certain things—it is a statement. We look at it. But whether it is an accurate statement is something again that we look at as part of our intelligence based policing.

**Senator BARNETT**—It is pretty threatening if you are wanting to smash a person. Smash is deemed to be a pretty terrorising type of behaviour.

**Commissioner Hine**—Again we can go into a little bit more detail but any threats in the media or a reporting by someone about violence is of concern to us. Whether it is a member of a motorcycle gang or it is a member of the public when they start using those sorts of terms of course it is a concern.

**Mr GIBBONS**—Is it an offence in Tasmania to threaten any person with violence?

**Commissioner Hine**—There is the legislation, you have to follow it up with some sort of action.

**Mr GIBBONS**—It is just a threat of violence. If I say to you, ‘I’m going to blow your head off,’ I cannot be charged?

**Commissioner Hine**—No, unless you actually can carry it out or I believe your threat.

**Senator BARNETT**—There has to be a reasonable suspicion.

**Commissioner Hine**—You have to go down that track but if it is just because someone has been quoted in the media, yes, we certainly look at it but it is a matter for the individual who said it.

**Senator BARNETT**—The other question is in terms of initiatives that you are currently considering to combat organised and serious crime groups. Deputy Commissioner Tilyard referred to the four pieces of legislation that are ‘soon to be proclaimed’—surveillance devices, controlled operations, witness protection and, I think, one other. Could you just clarify ‘soon to be proclaimed’ and give a quick summary of those four pieces of legislation and then perhaps other initiatives that you are considering to combat the threat of serious and organised crime, if that is possible.

**Deputy Commissioner Tilyard**—Just in relation to the four pieces of legislation I mentioned, the first is the Surveillance Devices Act. At the moment we have a Listening Devices Act which allows us under certain circumstances to install listening devices into premises et cetera to monitor conversations. That particular legislation will be essentially overtaken by once the Surveillance Devices Act once it commences because it goes further in terms of legislation governing tracking devices, for example, as well as listening devices and a range of other different types of surveillance devices and techniques that are used. Controlled operations is really about specific legislation in relation to major operations that law enforcement agencies conduct to ensure that those members who are actively involved in the operations themselves have the appropriate legislative safeguards as well in relation to some of the activities that they may be exposed to during the course of the operation, which is particularly relevant, of course, if you are talking about undercover operatives et cetera. Assumed identities allows under legislation for witnesses in particular to be given new identities to protect them, especially if they are required to give evidence on some of the individuals involved in criminal activities. And the witness protection legislation, again, is specific legislation that allows law enforcement



agencies and others to ensure the safety of witnesses, which may involve relocation, and it ties in with new identities, to protect them and their families.

**Senator BARNETT**—Do you have under consideration further initiatives to combat serious and organised crime in Tasmania?

**Deputy Commissioner Tilyard**—We do. I do not want to go into too much detail in relation to the specifics of those, obviously. I guess the one that we have talked about a little bit is outlaw motorcycle groups. We run particular operations, including intelligence operations, in relation to monitoring the activities of these groups and the individuals who are part of them and establish task forces as required as well to address particular issues as they arise. I guess that is the only initiative I really want to go into detail on in this forum.

**CHAIR**—That is something you might talk to us in camera about at the end.

**Senator FIELDING**—We mentioned briefly before how some of the gangs in South Australia may be going elsewhere because of the legislation in South Australia. Does that mean that it is tougher legislation in South Australia, and why wouldn't the rest of Australia actually do the same thing? In other words, I am a bit concerned that if someone has tougher legislation it therefore disperses them elsewhere. Why wouldn't all of Australia look at that legislation, and how long after you ascertain whether it is working in South Australia would you look at it in, say, Tasmania?

**Commissioner Hine**—It is one of those things where you would do a risk based assessment or an assessment of what is going to suit your community and what issues you are actually dealing with in your state or jurisdiction. We are not facing the same issues that South Australia are obviously facing; therefore, they saw the need to enact different legislation. Just because they enact different legislation does not mean to say we would recommend to our government that sort of legislation if we have not got that problem. That is why there will be that 'wait and see' approach before we would recommend to government to change to anything different. That is not to say that government may not wish to look at it themselves but, from a policing aspect, we are always looking at the policies and procedures they have in place to see if we can learn something and to see how their legislation is impacting on their problem. It may have unintended consequences; we do not know. That is why at this stage, from a policing point of view, we are waiting to see what the impact is. We obviously do not have the same problems that they do. It is a matter, again, of what your community expects, what risks you are facing and what problems you are facing. That is why we are adopting that approach, as a lot of other states are too.

**Senator FIELDING**—Another one that seems to be working or seems to be positive is the Northern Territory's unexplained wealth legislation in combating potential organised crime. Is that something that Tasmania has looked at or will be looking at?

**Deputy Commissioner Tilyard**—Certainly we have been having discussions with our justice department over a period of time now in relation to exploring opportunities to improve our proceeds of crime legislation. Western Australia and the Northern Territory are the two that I know of, off the top of my head, that do have unexplained wealth provisions. It is an interesting concept from a law enforcement perspective. The initial reaction is one of some attraction to that because there are circumstances obviously where some individuals have seemingly significant

unexplained wealth but again, as I said, we are negotiating with our justice department to see what opportunities there might be there to enhance our current legislation. As to whether or not we will go so far as to mirror some of what is in place in those other jurisdictions it is too early to say at this stage.

**Senator FIELDING**—The reason I raised that was that there are some advantages to having a Federation with the states. When a state picks up one issue, runs with it and it really works, how long does it take for that to roll across to the other states? That was the reason I was asking the question. Certainly organised crime is a fairly key issue that we need to make sure that we stay on top of.

**Commissioner Hine**—It is a point we are aware of and we certainly work closely with other law enforcement agencies in other jurisdictions to make sure that we have the best approach that we think we should have that meets our community needs. Some of the other jurisdictions have different approaches to different problems. What is going to meet one community's needs may not meet the needs of another. We certainly work very closely with other organisations and jurisdictions to make sure that we are doing the best we can with what we have and also to make recommendations or have discussions with government about strengthening law.

**Senator FIELDING**—You said that you were looking at strengthening the witness protection program. Is that compared to the other states? If someone comes forward and gives you some information that is pretty vital to a particular case then obviously that is something that takes a fair bit of resources to put in place. What are the issues there?

**Deputy Commissioner Tilyard**—Whilst we have not got specific witness protection legislation, which will commence fairly shortly, we have obviously been involved in witness protection in conjunction with other jurisdictions for a number of years. This change simply gives us a firmer legislative basis in terms of ensuring the safety of witnesses through the enactment of the legislation. We are certainly involved in the protection of witnesses and have been for quite some time in conjunction with other jurisdictions. This will give us our own legislation as part of the national legislative model to govern that appropriately and more consistently across the country.

**Senator FIELDING**—Is it similar to the other states? Witness protection has been around for a while that is all.

**Deputy Commissioner Tilyard**—It is similar to the other states but, as the acting commissioner says, there is some variation in other jurisdictions in terms of the departmental policies and procedures that underpin the legislation in the internal operations of the departments—how things are done essentially and how they are structured. For example, some areas might have a specific part of the department that only manages witness protection. In a place like Tasmania for example, we might not have a need for a specific section, so there are some internal operational issues that will vary from jurisdiction to jurisdiction.

**Mr WOOD**—How many bikie clubhouses are there in Tasmania?

**Mrs Lieutier**—We have 13 chapters, so that would equate pretty much to the number of clubhouses. In addition to those 13 there are probably an additional five that would be unofficial clubhouses.

**Mr WOOD**—How many of those would be fortified?

**Commissioner Hine**—It is a matter again of what the definition is of ‘fortified’. We have not had any evidence that we would take action on under the legislation, so again it becomes the issue of: where do you cross the line from fortification to good security?

**Mr WOOD**—Taking up the point of the Deputy Commissioner before, he said there are certain places with obviously fortification with high levels of security. My point is this: you have had the legislation for two years and you have obviously had situations where clubhouse premises are fortified. If you do have a major problem where you have, for example, people coming in from South Australia going to these clubhouses and some drugs or whatever can be stored there and you have these laws and you are not using them, isn’t that a potential danger? Is it that the law is not strong enough or that it simply does not meet the requirements of Tasmania at this stage?

**Commissioner Hine**—I have one brief comment before I hand over to Deputy Commissioner Tilyard. We do not have a perceived problem coming from South Australia. I will keep emphasising that. We only have at the moment one individual. We do not have an influx and I do not wish to give that impression. We are certainly monitoring—

**CHAIR**—Nor do you want one.

**Commissioner Hine**—We do not want that either, so we will certainly modify our approach to it. Again, it is intelligence based policing, so we will keep monitoring. We have not got any evidence that there is a major influx from South Australia. I will hand over to the Deputy Commissioner to answer the rest of your question.

**Deputy Commissioner Tilyard**—In relation to the fortification issue, as I have said, there are probably two that I am aware of that arguably are fortified. And, yes, I agree that we have not actually gone to the step of approaching a magistrate yet in relation to either of those premises, but it is something that is under consideration.

**Senator PARRY**—Who instigates that?

**Deputy Commissioner Tilyard**—The Commissioner of Police, under the legislation, makes the application to a magistrate for the order to be issued.

**Senator BARNETT**—Are you waiting for advice or are you getting further evidence to determine whether you should proceed? Is that what is happening?

**Deputy Commissioner Tilyard**—I would rather not comment on that at the moment, if that is okay.

**Mr WOOD**—How helpful would it be to have standardised national laws when it comes to fighting crime?

**Commissioner Hine**—Standardising any law makes it easier to police and makes it easier for the public to understand what the law is. But, whilst standardising law is a great concept, it is not easy for each state to adopt standardised laws. We have a number of standardised laws anyway. Whether they are for road rules or crimes, they were all based on the Westminster system anyway. It is just different laws for different states dealing with different problems. Yes, I think there is—

**Mr WOOD**—Would the police have a certain view and the lawmakers have another view? Without trying to put words in your mouth, is that the problem? Or do you prefer not to answer?

**Commissioner Hine**—I would prefer not to answer. That is a bit of a difficult question. We enforce the law and we make recommendations to government, like in every state, in relation to what we consider may be worthy laws to assist us in our job. And government have discussions with us as well, so it is a two-way process. That is the system that we work within.

**Mr WOOD**—Deputy Commissioner, you mentioned serious crime going underground when you talked about bikie groups. That is one of the things I take great exception to. I kind of look at it that, if someone is involved in organised crime to a sophisticated level, you are not going to see people driving around with drugs and money and therefore I look at their crime as being underground anyway, so how can having laws directed at outlaw motorcycle gangs make them go more underground? Can you try to explain that, please.

**Deputy Commissioner Tilyard**—Just to clarify the point I made previously, I did talk about how conceptually there is the potential for that to happen when legislation like this comes in. So I am talking concepts rather than realities at this point in time. I guess the reason why I formed that conceptual view is because, of groups who are allegedly involved in organised or serious crime, outlaw motorcycle gangs are probably one of the most high-profile because they are quite overt in terms of saying, ‘Hey, here we are.’ They ride around with jackets on with their names on them, they have designated club rooms and they speak openly about the fact that they are members of a group, so it is quite easy to identify in many cases who they are and where they are most of the time. When you know who someone is and where they are, if you have a need to target any aspect of what they get up to, from a law enforcement perspective, it is easier to do.

If, for example, you have legislation that is more focused on associations than on actual criminal acts per se, some people are going to be reluctant to be seen to be associated with the organisation even if, in fact, they are. There are no guarantees that they are going to cease any criminal activity they might be involved in; it may just be more difficult for police to identify individuals who are involved because they are not wearing a jacket or attending a clubroom and doing some of those other things. So, on a conceptual basis, I can see that potentially it could be more problematic. That is not to say that it could not be overcome.

**CHAIR**—You see, they are hardly a book club, are they?

**Deputy Commissioner Tilyard**—Not in our view.

**Mr WOOD**—I have one final question. With that, we have heard evidence from other states that people have used the branding of being connected to a certain outlaw motorcycle gang very effectively for blackmail purposes where they would come around in their colours. Are we having situations like that in Tasmania where there have been offences of blackmail specifically using the brand name of an outlaw motorcycle gang to enforce the intimidation?

**Deputy Commissioner Tilyard**—I certainly cannot comment on blackmail as such, which is a specific crime, but there is no doubt that there is a certain level of intimidation within the community associated with these groups. You only have to drive your car down the road, look in your rear-vision mirror and see 20 of them coming up behind you to be intimidated, even though they may well be complying with the road rules and doing everything else okay. I think that even within the, for want of a better term, criminal community there is a fairly significant level of intimidation associated with these groups by reputation, if for no other reason. I will just leave my comments at that, I think.

**Mr HAYES**—Given the fact that the crooks do not actually observe state or territory boundaries—and I understand the position that you have explained in terms of serious and organised crime in Tasmania and also our discussion of outlawed motorcycle gangs—what I am curious about is: as senior and professional law enforcement officers, do you see that there is a case to be made out for not necessarily uniform but nationally consistent laws when it comes to serious and organised crime? I put it on the basis that the ACC, unlike its predecessor, is unique insofar as it now has police commissioners on its board, yet we still do not have a recommendation for nationally consistent laws when it comes to serious and organised crime.

**Commissioner Hine**—Each police commissioner, as you rightly explained, is a member of the ACC board, and there are a lot of high-level discussions to try and get a consistency, whether it be through targeted operations or whatever. Having nationally consistent laws in relation to anything is obviously going to be an advantage, again, to the public and to law enforcement, but again it comes down to the level of risk that you have within your community, the level of laws governing your community and what your community is going to accept. What may work in Tasmania may not work in another state, because we have our natural borders whereas other states do not have natural borders, and therefore crossing over the borders here is a lot more difficult. What our community would accept in relation to nationally consistent laws is going to be different in each state. I hear your question. It is probably more a question for your side of the table than for this side of the table, because we work very closely with each commissioner to make sure that we share information and have a common set of operating procedures or approaches to various threats. The threats and risks to each state vary, as they do for us.

**Mr HAYES**—I suppose that, as a general snapshot of crime, those who participate are in a form of business. Their business model is going to be: ‘Where is the smallest amount of resistance? What is the market?’ et cetera. On that basis, crime will move depending on those parameters. I go back to what I said originally—that is, that the ACC is now in a unique position in terms of combating crime across the nation, yet there seems to be a resistance to pressing ahead with national codification of respective crimes legislation.

Notwithstanding that, I am aware that for the past 15 years the police ministers conference undertook and accepted that they have had to do it. At this stage, now that the ACC is in its current form, we are all concerned about what the appropriate tools are for a modern-day police

force to be able to contemporarily police a community. Given the fact that we do have mobility within crime and crime organisations, is it now time that we start seriously looking at bringing about some form of uniformity in criminal policing?

**Commissioner Hine**—There are a number of examples, especially in the counterterrorism legislation, where there is complementary legislation between the Commonwealth and the states. There are a number of examples where that has occurred. There are various code offences that are very similar in each state. Is there an opportunity to strengthen and look at those? I believe there should always be an opportunity to look at the various laws across various states. If we can get a consistent basis for those laws, whether it is through the ACC or somewhere else, I think it is always something we should look at. It is not always easy to get that agreement across states because that is the nature of our system. I think there is always an opportunity to look. It would be wrong to say that we do not look and that we do not work closely. There may be an issue there where there is a serious gap where we are falling down because we do not have exactly aligned laws between the states. But are we falling down greatly because we are not aligned in every respect? That would be a bit harsh to say that.

**Mr GIBBONS**—I would like to explore further the concept of driving these groups underground, because I know it is causing my colleague some concern. I understand that the protocols for bikie gangs are that they ride American motorcycles—sometimes British but predominantly American motorcycles. You do not see them riding Hondas or Suzukis. So if there are 200 outlawed motorcycle gang members in Tasmania that means that there are 190 Harley Davidson motorcycles. How many Harley Davidson motorcycles are registered in the state of Tasmania in total?

**Commissioner Hine**—I could not tell you off the top of my head. It would not take much to find out.

**Mr GIBBONS**—Let us say, for example, that there are 800 Harley Davidson motorcycles registered in Tasmania and we know that 190 are ridden by outlaw motorcycle gang members. If they take off their colours and do not go near their clubhouse, which is being sold and dismantled because they have gone underground, then they would look like every other Harley Davidson rider in Tasmania. That would make monitoring and watching them and trying to detect any illegal activity far more difficult for you people. Would that be a fair assessment?

**Commissioner Hine**—That is one of those things about driving crime underground. Normally criminals want to stay below the radar anyway. Outlaw motorcycle gangs actually wear their colours and those sorts of things. But you do not get criminals wearing a sign saying ‘I’m a criminal’ on their backs. Therefore crime, by its very nature, is underground and covert.

**Mr GIBBONS**—If you concentrate on outlaw motorcycle gangs, the thing that actually makes you watch them is that they are riding motorcycles with their colours on their back. If they look like every other Harley Davidson rider in Tasmania it would be far more difficult to allocate the manpower to monitor them because, over a period of time, people would be riding motorcycles and you would have no reason to monitor them and they could be up to illegal activity.

**Commissioner Hine**—A lot of outlaw motorcycle gang members drive cars or wear suits to work. On the weekend they may put their colours on. Therefore the time that they are riding their motorcycles around in numbers with their colours may be only a small percentage of the time. If we had only had to rely on seeing them ride around then we would be behind the eight ball anyway. We have to do other things to gather intelligence other than just observing them. That is one tool that we need to operate with, but that is just one tool that we use.

**Senator POLLEY**—In relation to organised crime and motorcycle gangs, is there anything that is unique about Tasmania apart from the fact that it is an island, it has a smaller population and the income is lower? What are the attributes that have kept Tasmania virtually organised crime free? What can other jurisdictions learn from the Tasmania Police? Although we Tasmanians might feel, from time to time, that it is a very small place, or too small, is being small is one of the things that makes us more effective? Is it the intelligence that we gather because it is a smaller community?

**Senator PARRY**—It is the excellent police force, Senator.

**Senator POLLEY**—That goes without saying and it is a very clean police force, I might add.

**CHAIR**—The Tasmanians are getting a lot of leeway.

**Senator POLLEY**—It is a serious question. Are there things that other jurisdictions can learn from us?

**Commissioner Hine**—It is a good question and it is a very complex issue. If only we could bottle what we do and take it to other states and other states could do the same thing. You cannot say there is one solution that fits all when there are so many different factors that have contributed to the way we have tackled crime, whether it is the way we gather intelligence, the way we commit our resources, the way we measure crime or the way we give a problem-oriented approach to policing, there are myriad things that fit within what affects crime.

It is a worldwide phenomenon to try to look at what affects crime. We have done a lot of studies and research, working with youth and working in relation to volume crime that has an impact. Overall, what you do will affect the impact. What is going to work in a suburb of Launceston may not work in a suburb of Hobart. You have to be very reactive in relation to how you do things. There are complex issues.

Do we have all the right answers? Probably not. Are we prepared to try different things for different solutions? Yes, that is what we must do and continue to do. We have to measure it and make people accountable in the law enforcement area. We have to work with other government agencies.

We have to work with the youth of Tasmania because if we can stop them becoming involved in crime, we need to do that. There are a lot of things that make Tasmania unique. Again, Tasmania is unique by its very position and by its very nature, so law enforcement becomes unique. Therefore we have to have unique solutions for our state.

**Mr WOOD**—Regarding the issue of crime going underground: from evidence we have heard before and other information we have received, in the bikie clubs the majority of those carrying the drugs or moving the firearms are normally the nominees—the ones who do not have the patches on the leather jacket. Is that the same experience in Tasmania with the bikie gangs? Those who get to do the dirty work, to prove themselves to become a gang member at the start, do not have the patches on them?

**Mrs Lieutier**—Yes, that would be a pretty accurate assessment of how it is in Tasmania.

**CHAIR**—Thank you very much. We will now go in camera. Could the public gallery be cleared please.

*Evidence was then taken in camera but later resumed in public—*



[12.15 pm]

**WHITE, Professor Robert Douglas, Private capacity**

**CHAIR**—I now welcome Professor Rob White from the University of Tasmania. Do you have anything to say about the capacity in which you appear today?

**Prof. White**—I am here in an independent capacity as an expert in criminology.

**CHAIR**—Thank you. I now invite you to make an opening statement, which will be followed by questions from the committee.

**Prof. White**—Okay. My first confession is that I actually know very little about outlaw motorcycle gangs or, for that matter, organised crime, although I do have interests in that area—which I should put a plug in for, perhaps, at some stage! I am looking at issues like hazardous waste, but we will leave that one aside. As I understand it, the reason I am here today is work I have done in the area of youth gangs. I have undertaken the first and only national study of youth gangs in Australia. If there is a link, it is with the movement of some—and I emphasise ‘some’—young people out of the ranks of youth gangs into the ranks of the outlaw motorcycle clubs. I emphasise that I am not here as an expert on organised crime or on the outlaw motorcycle gangs as such, but really to look at the movement, perhaps, of some people into those groups. That is really all I have to say.

**Senator BARNETT**—Thanks, Professor White. Thanks for being here. We appreciate your expertise on youth gangs and trends in terms of youth gangs. I am just wondering if you can outline your overview of the trends in terms of youth gangs in Australia, the types of youth gangs and, specifically, how those here in Tasmania compare with those on the mainland. Do they, to some degree, feed into the motorcycle gangs? We have had evidence in other parts of Australia where there was some view that that was the case with respect to certain gangs, so I am just wondering if you can comment on the situation in Tasmania compared to the mainland regarding youth gangs and those trends.

**Prof. White**—So you want the little questions first! Basically, one of the difficulties we have in discussing youth gangs is partly one of definition. I am not going to review all the ins and outs of that, but I will say that we have to be very careful. Related to the question of definition is the question of fluidity, in the sense that groups can take the form of youth gangs but, in fact, not be youth gangs and that individuals can slide into membership of a group and then slide out very quickly. So it is a very fluid situation. I cannot say whether youth gangs have increased in number, because in fact we have no national database for youth gangs. What we have is anecdotes from around the country, but if you want to talk about whether they are increasing in number then you would have to have some kind of benchmark data; we do not have that.

What I have also discovered is that the nature and dynamics of youth groups and youth gangs vary greatly depending upon the city. We have done interviews with up to 50 young people in every capital city, including Canberra; we have done Adelaide, Sydney, Melbourne, Hobart and so on. But the character has changed dramatically depending on where you are. I suppose one of

the key characteristics of youth gangs is territory. They are very territorial. They are groups of young people who call themselves, often, by the name of a local suburb. I will come back to the question of Tasmanian gangs and so on in a second. The question of territory looms large.

The other thing that looms large and that does vary somewhat depending on where you live is the racialisation of the public portrayal of youth gangs. If you are in Sydney, of course, we have the notion of Lebanese youth gangs. If you are in Cabramatta, it used to be Vietnamese youth gangs. If you go to Melbourne, Vietnamese youth gangs used to be high on the radar, as well as Pacific islanders down around Frankston. If you go to some other places now, you will start to see a public portrayal—not necessarily reality—of, say, Sudanese young people as being part of gangs. That is happening in parts of Melbourne. If you go further west—say, out to Perth—Vietnamese and Chinese young people are often seen as part of gangs. If you go to parts of the Northern Territory it might be Indigenous people, and so on. So the racialisation is a broad characteristic.

The exception to that—even though our research has shown that you have people from a whole variety of ethnic backgrounds associating in ways that lend themselves to criminal behaviour—is in Tasmania, where the public image of gangs has ostensibly been nonracialised in the sense that they are seen as bogans, which is a way of non-racialising what is in fact a racialised image. It is, to some extent, the exception. We have in Hobart the so-called Glenorchy mafia, which ebbs and flows depending upon the number of young people and so on. But the image of the Glenorchy mafia itself has not been racialised in the way I have described before. It is basically seen as a white Anglo group, even though the reality, in terms of its composition, is that that is not the case at all. We have some more media panic starting to emerge a little bit around Sudanese young people which, again, I think is terribly unfair. They are, in a sense, an easy target.

In terms of youth gang activity, we in Tasmania do not really have a gang problem as such. Do we have young people engaging in violence? Yes. Do I think that there is an issue in Australia today of youth violence? Yes. But I think that is distinct and quite separate from the issue of youth gangs. I do not think youth gangs are the problem.

**Senator BARNETT**—All right. You mentioned the Glenorchy mafia, have you got any ideas on membership and its key objectives and focus? Secondly—and this is where I am going with this questioning—youth gangs lead into organised crime. To what extent do youth go from youth gangs into serious and organised crime, whether they be motorcycle gangs or some other type of gang?

**Prof. White**—Most of the gangs that we have looked at nationally do not have a formalised structure. There is no hierarchy in many cases. In fact, of all the gangs we have researched, I have come across only one where they had a ritual of introduction where people had to go through certain activities. But beyond that there is no real formal membership. We also found that people can leave or come into the groups without undue duress or hardship. There tends to be a core group of young people who are at the centre, but if that core group changes, for example, if some of them end up in prison—in our case Risdon in Tasmania—or get a job and leave the gang, the group as a whole will often collapse. So it is very fluid, it is not hierarchical, it is not very well organised and it is based more on friendship networks. That includes what I would call a ‘youth gang’. It is based on friendship networks as well.

The other key thing is that they are based on family in many cases. So, if we are going to talk seriously about youth gangs, we have to start thinking through the implications of family members being at the core of that. In terms of the link between youth gangs and outlaw bikie gangs and so on, the link through family is really stronger than any other link. You might have a father or an uncle involved in the organised crime side and they may have a son or a nephew involved in the street gang. Basically that is just a waiting period for that kid to move into the family business as such.

In the work that we have done nationally, I have not seen a lot of active recruitment out of the street gangs. That is partly because the street gangs are so fluid. They come together; they collapse. They are loose networks, and there are some family people, but I do not see an active recruitment process occurring. What I see is self-selection, if anything.

**Senator BARNETT**—Notwithstanding that they are fluid and collapse and so on, what percentage of those in youth gangs end up flowing through to serious and organised crime groups and gangs?

**Prof. White**—I would not see very many at all. I could not give a percentage, but I would say, in the greater scheme of things, organised crime is not dependent upon recruitment from youth gangs. Organised crime is dependant upon recruitment of criminals. Most of the young people in the gangs are involved in criminal activity, but I would not necessarily see them as criminal. They are involved in violence and street fights, they are involved in drugs and the drug trade, they are involved in armed hold-ups and the use of weapons to rob people, but in many cases that tends to be transient and the vast majority of young people who at one stage identified as being a gang member move out of it and do not flow on. They are not really the hardcore criminals. If you are going to go into organised crime then you want to recruit the hardcore criminals. To recruit, there tends to be either family members who you trust and who are groomed or you get the so-called exceptional gang member whose life, in a sense, is set before them in terms of a life of crime. But for a lot of gang members, it is more or less a phase that they go through.

**Senator PARRY**—Who typically becomes a youth gang member?

**Prof. White**—Now we are getting into that huge overlap of circles. Any time you get a group of young people, particularly young men, then you are going to have behaviour that to the outside spectator looks virtually the same. If you get your cricket club together out for a night on a Saturday night and they have had a few drinks, what is the difference—especially if they get a bit aggro? In the end, if you are going to talk about groups where the people identify as being gang members and say, ‘I am a gang member,’—which is very significant, because our research has shown that where people say, ‘I am a gang member,’ they are involved in a disproportionate amount of violence compared to those who do not say that they are a gang member—the members of that group who claim gang membership tend to be from your low socioeconomic background. It is people who have grown up in socially disadvantaged situations; it is those with fewer options. The usuals really: the low education levels, literacy is a difficulty, often coming from chaotic or violent households and households where there is a lot of alcohol and drug use, which should not be terribly unsurprising.

The other type of gang formation, though, associated with class factors, is based on ethnicity. This is where you feel strength in numbers and you literally speak the same language or culturally speak the same language. So we find Pacific Islanders hanging out with Pacific Islanders, depending on which area. Samoans hang out with Samoans, Tongans with Tongans and ne'er the twain do meet kind of thing. It is partly a question of class, it is partly a question of culture, but it is also a question of racism. This can bring people together and they will go en masse through the streets of communities because basically they feel vulnerable and unsafe.

**Senator PARRY**—You mentioned earlier how you do not see it as being a recruitment area for outlawed motorcycle gangs, but you said there was a degree of self selection. Can you explain 'self selection'? I presume you mean a gang member will set himself up—I presume it is generally all-male, very rarely female—to be a member of a motorcycle gang.

**Prof. White**—That is how I would view it. Again, I do not see it as a widespread phenomenon from the work that I have done, partly because of the fluid nature of gangs and so on. Yes, self selection is basically where somebody—

**Senator PARRY**—So someone outside the family group, someone outside that family connection, would self select them. What sort of process would they do? How would they proffer themselves to an outlawed motorcycle gang?

**Prof. White**—From what I understand in other places, it is akin to hero worship in the sense that you start to hang out where the bikies hang out, you start to do little jobs for them and you get brought into the fold over time that way. A connection can also be through a family member. You might have a gang person for a while who is a son or nephew of an outlawed gang, who is engaged with street gang stuff, so you might be a good mate of that person. But like I said, the vast majority of the people who we have studied in our youth gang study, they just do not mention the bkie gangs. It is not part of their consciousness. The people we have looked at tend to be groups of young people between 12 and 24 and they hang out in a territory and in a community that they feel good and safe in, but they are not necessarily branching out into the other kinds of criminal activity.

**Senator PARRY**—Do you find that those who do self select and end up becoming part of a bkie gang alienate themselves or disassociate themselves from the original youth gang?

**Prof. White**—I think that is what happens.

**Senator FIELDING**—Professor White, your stuff is fascinating reading. I think it is quite good. What did you find with regard to the leaders of these sorts of informal gangs? Do they have certain traits? Are a high proportion of the informal leaders fairly smart but have a learning difficulty? I know a lot about learning difficulties. I am just trying to work out whether they are misunderstood a bit—they are smarter than the average bear but do not learn the same way as others and, therefore, are considered more dysfunctional. There are a lot of followers that form gangs but there are usually some leaders.

**Prof. White**—It is hard to generalise. It sounds like I am being evasive, but in fact I am not. It varies greatly from place to place. A lot of it really is just a question of people hang out together. Any time you get young people hanging out together there are going to be a couple that come to

the fore. Where you do have strong leadership then you are talking about people with street smarts and then you are starting to see the movement of a criminal career proper, which is unusual in terms of street gangs. A lot of the street gang stuff is the exuberance of young men in particular—it is a very masculinised activity—who get into fights, get a buzz from fighting and all that kind of stuff. When people start to make the decision that they are going to make themselves a career of being a crim then they dedicate themselves to that career. That is when they start to pull out from the gang stuff as such.

In other research we did in the mid-1990s in Melbourne looking at the drug trade and we found that the young people involved in the drug industry had well and truly pulled out of the street present young people because they did not want to bring attention to themselves. If you are going to deal heroin on the streets, you do not want to be part of the larger group that the police and everybody else is going to be surveying. They had already pulled out.

The leaders would probably come from what we could say are dysfunctional and chaotic families and households. As part of the chaos of their upbringing they may not have gone to school and, therefore, they may not be particularly literate when compared to their cohorts and so on. But they are basically intelligent and have street smarts. It is not a learning disability as such; it is more an unfortunate family and household situation.

**Senator FIELDING**—Is there any link between the rise in the size of gangs as an aggregate and youth unemployment rates going up and down?

**Prof. White**—That is a difficult one. As much as anything the phenomenon of gangs as we have looked at it is a question of territoriality combined with issues surrounding public space. Where you have unorganised as well as organised activities in a variety of different public spaces you will probably have less of that sense of gangs. In fact, for a lot of the people we have talked to most of their time is not involved in gang activity as such. They hang out with their mates. When we interviewed, for example, young people in Western Sydney we found that the Samoan Australian young people and the Lebanese Australian young people all hung out in the same areas, all listened to rap music and talked about smoking weed and this kind of stuff and basically that is what they did most of the time. They admired each other's rapping and that kind of stuff. Sometimes they would join together and fight, not each other but in support of the local neighbourhood, which when you peel across the layers of labelling is fairly typical young male behaviour.

I think that we do have a connection between groups that feel under threat. We do have different groups of young people with chips on their shoulder. If you are a young Lebanese person in New South Wales you are going to have a chip on your shoulder because there has been a whole lot of negative media that has been going on in that state since at least 1991 and the first Gulf War.

**Senator FIELDING**—I quite like your papers which clearly show that intervention to help with this particular area of gangs should not just look exclusively at coercive things like increased supervision or, as you state:

... suppression of youth, but must also involve provision of services and opportunities through education and job programmes ...

Can you articulate a bit more about the second part, 'job programmes', because that is an important part, isn't it?

**Prof. White**—It is my belief that most people want to contribute, most people want to be valued and most people want to give. When we listen to Mel and Kochie on TV in the morning it makes everybody feel good, because they are helping the battlers and it makes everybody feel good. It is the same with these people.

I will give you two examples. One is of a young Vietnamese bloke we interviewed who—ironically, if you know gang stuff—had been part of a Chinese drug gang. He left the gang and has become active in the Catholic Church and has become a youth leader. There is hope.

The other interesting example is of an Islamic Lebanese young man in Western Sydney who was still a member of the gang. If you read the transcript you will see that this guy is a thug—he is violent and so on. He talked about how he volunteers his time at the local mosque. In addition to that there is a local white teenager who has Down syndrome who the local group has adopted as one of theirs.

There are so many positive attributes that can be interwoven. These people have very complex lives. I think that if we can provide the opportunities for them to give and work on the strengths and capacities they have, and indeed the feelings they have for other people—because protecting your mates is actually a positive thing if we can just channel it in the right direction.

**Senator POLLEY**—Is the definition of a gang five or ten youths who are gathering together? In Launceston, the northern capital of the state, there has unfortunately been some negative publicity given to Sudanese refugees who have come to our city. The media's interpretation of some community members—because they are different and they do stand out—is that sometimes that can be misinterpreted because they happen to hang out together and walk the streets together, as quite often they feel threatened as well from the rest of the community. Would that be a fair summation that people sometimes just want to belong somewhere, because of difficulties at home or they do not fit in at school or they do not fit into the box that we think they ought to? Is it a matter of belonging?

**Prof. White**—With youth groups in general it is all about hanging out with your mates and feeling comfortable and safe with those you hang out with. I do not know any young people, male or female, who do not hang out in their own enclaves and their own groups. I think that what can feed a gang mentality is a panic over the fact that there might be a group of people from a similar background, whether it is Sudanese, Lebanese or Ravenswood. If you start hanging around as a group then sometimes there is the perception that you are a gang but in fact in most cases you are not a gang. You may engage in what I call gang-like behaviour occasionally—so there will be fisticuffs on the street—but having a punch-up with another group does not necessarily mean that either group is a gang. For them to be called a gang that activity has to persist over time.

**Senator POLLEY**—In Tasmania do any of the so-called gangs have colours? I would be interested in your observation of New Zealand legislation that was brought in in the last couple of years, where they have banned youth gangs going into the city with their colours on. Do you have a view of whether or not that sort of legislation is needed in Australia?

**Prof. White**—This is really complicated. In Tasmania we have some identifiers—they are not necessarily colours; for example, the GM, the Glenorchy mafia, have tats—but basically I do not think it is significant. There might be a core group but the periphery is large. When we talked to the Samoan young people and the Tongan young people in New South Wales we discovered that the size of the group at any point in time in part determines whether that group is a gang. If you have five to 10 Samoans together rapping, they are not necessarily a gang. But if the call went out, ‘We’re being invaded by this other group,’ and they swell to 50 they become a gang because they see themselves as a gang. When they are in smaller groupings they do not see themselves as a gang, they are just hanging out having a good time. So the size actually matters.

The other related thing to that is that it is not only your personal group ties but your kin ties and community ties that start to matter. For example, the Samoan young people talked about being the bloods and the Tongans were the crypts. Even though they are adopting American gang language, they are really talking about two communities whose young men do not like each other. They will mobilise and have an identity that crosses the Tasman. They have a larger identity but it is an ethnic/community identity; it is not a gang identity.

There are colours that go with those communities over time. It becomes very hard to disentangle the wearing of colours from the identity of the community as a whole. So this community adopts red as its colour and another community adopts blue. They are not necessarily gang colours; they become community colours over time.

**Mr WOOD**—You talked about Lebanese gangs. It was obviously a very hot issue with the riots in New South Wales. Are Lebanese gangs connected to extremism in regard to religion? You spoke before about a person connected to a mosque. I am looking at the issues of terrorism.

**Prof. White**—In my research, the answer is no. When we talked to the Lebanese young people we had Christian Lebanese and Muslim Lebanese. If they are from this area, they identify themselves as Bankstown boys, or whatever you want to call them. So it is territorial and it is ethnic, but it is not necessarily religious, interestingly enough.

The only instance of extremism that I have seen related to gang stuff has been after the fact. I think this is a well-known case. A young Lebanese guy in New South Wales was arrested, spent time in prison and took a fundamentalist Islamic stance whilst he was in prison. He ended up going overseas to Lebanon and did some terrorist training. The authorities have had their eye on him for awhile. In terms of the research we have done in talking directly with young people, funnily enough, religion is not a big factor. It is more territory and ethnicity.

**Mr WOOD**—Are extremists trying to cultivate Lebanese gang members into becoming extremists?

**Prof. White**—I would not say that that is a gang phenomenon at all. If there were any evidence—and I have no evidence that that is happening—I would say that that were a different dynamic, a different kind of politics.

**Mr WOOD**—Just following up from a question that Senator Fielding asked before, you mentioned gaps in education and trying to not maybe stop a gang but stop them from becoming violent. You talked about youth activities, sporting clubs, rap clubs, book clubs, prayer clubs or

whatever. What are your recommended activities to stop groups from working solely as a Lebanese gang, a Samoan gang or an Anglo-Saxon gang. Is there something that can get them together and break that?

**Prof. White**—The best stuff I have seen is where we collectively go and talk to the young people directly. A large part of the time we do not bother. We make the assumptions and put them down. But when you talk to them directly you realise that they are just human beings and they are just kids growing up and doing it tough in many cases. If you want to respond to a presumed gang problem then we actually have to go into the communities and talk directly with the young people themselves.

I am a big fan of youth and community workers. I am also a big fan of police programs and training which incorporate cross-cultural education and antiracist education. There have been some successful police interventions. We can probably look to not just Victoria but the ACT, WA and so on for good programs. We are working directly with the police in the communities but not as authoritarian figures but as people who want to work with the communities. All of us, including our young people, are afraid of violence and random violence. The stronger links we can build at the communal level then the better. I really think it is a question of listening and talking with our young people directly.

**Mr WOOD**—Are you talking about members of parliament, police or community leaders bridging the gap? Who should go in and confront them and talk to them? Is it happening anyway?

**Prof. White**—I think it is a general phenomenon. At least one response to the Cronulla riots was to get local community members to talk to each other and find out more about each other. They tried this for awhile at least in New South Wales. The police in some places like Bankstown and Lakemba would go to the mosque and discover what a mosque is. The Australasian Police Multicultural Advisory Bureau used to do stuff nationally, except that New South Wales pulled out. That involved New Zealand as well as every state and territory in the country. They were doing some terrific stuff in liaising between the police and so on. It is to go beyond the stereotypes. It is a two-way street. If we want to gain respect from young people in these disadvantaged communities and so on then we have to gain their respect and that means having a listen.

**CHAIR**—You may be able to clear this up. It appears that what you are saying is that the youth gangs here are not necessarily recruiting grounds for serious and organised crime whereas information you read about the United States says that suburbs are owned by criminal gangs and that youth gangs are the initiation into higher levels of the gang and into other areas of organised crime. Is that a reasonable conclusion or is that simplistic? Would you like to comment on it?

**Prof. White**—Yes and no. Again, it is very complicated. The American gang researchers are finding that gangs in the United States are very diverse as well. There is the Eurogang paradox and that refers to researchers going into Europe and saying, ‘We can’t see any American style gangs.’ In the Australian setting researchers initially have the same kind of paradox as the Eurogang paradox: ‘We’re looking for an American style gang and we can’t see it.’ If you go to the United States you will not see it either. In other words, there are a lot of stereotypes as to what is a gang, a coloured gang and all this type of stuff. In fact, there are very few bona fide



stereotypical gangs as described in American movies. What you have is a proliferation of many different kinds of youth gatherings and youth groups, like we have here in this country. You have in some instances in some communities a defined gang structure but that is the exception to the rule.

But where you have that defined gang structure it is like going to parts of Rio de Janeiro—you are going to find a defined gang structure closely associated with the drug trade. In the case of some suburbs in American cities, you have, for example, Salvadorian young people who are hooked up in a transnational linkage with gangs, the drug trade and so on, but that is the exception, so that is not even the American model either.

**CHAIR**—What about with us here, then? If that is an exception, do we have exceptions here?

**Prof. White**—Not yet.

**CHAIR**—Not with, say, the Lebanese kids in Western Sydney or the Pacific islander groups?

**Prof. White**—We have a suggestion that we have to start watching the possibilities of trans-Tasman connections occurring, but that is still fairly loose. I think that what we have to do is assert ourselves at a community level here to make sure that people in this country feel safe and secure in this country. By the way, one of the saddest things I have ever heard was when we interviewed some of the young Lebanese. They said, ‘We’ve been kicked out of Palestine. We’ve been kicked out of Lebanon. You’re telling us that we don’t fit in this country, so who are we? Where do we live?’ These are young people who have been born in Australia. At least on the basis of the research that we have done so far, certainly we do not have any kind of territorial control in the way that you have described anywhere in Australia that I am aware of. We are starting to get some transnational connections, but they are fairly loose and they are still connections mainly based on ethnicity and community, not gangs.

**CHAIR**—They are still the youth gangs whether they are based on ethnicity or location. I suppose sometimes the ethnicity and location or territory is overriding, isn’t it?

**Prof. White**—They can in a sense facilitate each other, yes.

**CHAIR**—As there are no further questions, thank you very much, Professor White, for coming along today. I thank the witnesses who have given evidence today. The next public hearing of the committee will be held tomorrow in Melbourne. I now declare this meeting of the Parliamentary Joint Committee on the Australian Crime Commission adjourned.

**Committee adjourned at 12.53 pm**