

Parliament of Victoria

Criminal Organisations Control Amendment Bill 2024

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Bill Brief

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Executive Summary

The issue of organised crime, and the effectiveness of Victorian laws to address it, has attracted renewed scrutiny in the past year. Allegations of corruption and links to organised crime within key Victorian industries, including public construction, have highlighted the evolving nature and cost of serious and organised crime in the community, raising questions about how the *Criminal Organisations Control Act 2012* could be more effective in disrupting and preventing crime.

Following recent media scrutiny and a long-running statutory review of Victorian criminal organisation laws, the Victorian Government has introduced the Criminal Organisations Control Amendment Bill 2024 into the Legislative Assembly.

The Bill seeks to amend the principal Act in a number of ways, including through: expanding the scope of unlawful association provisions; replacing the existing declaration and control order scheme with a new serious crime prevention order scheme; banning the public display of insignia for certain criminal organisations; and banning members of those organisations from prescribed government worksites.

This Bill Brief provides an overview of the Bill and second reading speech, as well as background and context around its introduction—from a history of anti-consorting laws to more recent developments in the Victorian landscape, including how these laws relate to the conduct of ‘outlaw motorcycle gangs’. The Bill Brief also outlines responses from stakeholders and compares approaches across jurisdictions in Australia.

Please note that this paper is not an exhaustive summary of the Bill and does not constitute legal advice. It is intended as a useful guide to the topic to assist debate.

Introduction

Organised crime has been a concern for authorities across Australia's states and territories for many years. However, the issue has attracted renewed scrutiny in the past year. Several developments from jurisdictions across Australia, together with allegations of corruption and links to organised crime within key industries, have highlighted the evolving nature of serious and organised crime and the costs they incur on society more broadly. A report from the Australian Institute of Criminology placed the cost of serious and organised crime to the Australian community at over \$60 billion in 2020–21 alone.¹ These circumstances have placed the effectiveness of legislative regimes in the spotlight.

The Act governing Victoria's approach to disrupting organised crime, the *Criminal Organisations Control Act 2012* (the COCA), was introduced a little over a decade ago, and has been amended several times since. While these organised and serious crime laws have been subject to a long-running statutory review since prior to COVID-19, debate has been reinvigorated by allegations of 'serious misconduct and criminal links' in the Construction, Forestry and Maritime Employees Union (CFMEU).²

Premier Jacinta Allan announced in August that the government would be taking a number of actions to counter the influence of organised crime in Victoria, including toughening unlawful association laws.³ Prior to these developments, the statutory review's 2020 report had highlighted the evolving methods of groups such as outlaw motorcycle gangs (OMCGs), as well as a need for Victorian authorities to continue their 'vigorous' pursuit of organised crime through methods other than the existing declaration and control order scheme.⁴

On 28 August 2024, Minister for Police Anthony Carabines introduced the Criminal Organisations Control Amendment Bill 2024 into the Legislative Assembly. Through this legislation, the government seeks to increase the effectiveness of the COCA in preventing or disrupting organised crime. Measures include expanding the scope of anti-association provisions, replacing the existing declaration and control order scheme with a new serious crime prevention order scheme, banning the public display of insignia for certain criminal organisations, and banning members of those organisations from prescribed government worksites.

This Bill Brief provides an overview of the Bill as well as some key background and context around its introduction. First, the paper looks into the history of anti-consorting (or unlawful association) laws before providing context around the present-day focus on organised crime and OMCGs in particular. An outline of recent Victorian developments in combatting organised crime then leads into a summary of the Bill's second reading speech and an explanation of key provisions in the Bill. Finally, the Bill Brief outlines responses from stakeholders and provides a table comparing the approaches of Australia's states and territories.

This paper is not an exhaustive summary of the Bill and does not constitute legal advice. It is intended as a useful guide to the topic to assist debate.

¹ R. Smith & A. Hickman (2022) *Estimating the costs of serious and organised crime in Australia 2020–21*, Statistical Report 38, Canberra, Australian Institute of Criminology, p. 3.

² (2024) 'Victorian government announces terms of CFMEU independent review', *ABC News*, 21 July.

³ J. Allan, Premier of Victoria (2024) *Statement from the Premier*, media release, 15 July.

⁴ M. White & A. Cappie-Wood (2020) *Review of Victorian Criminal Organisation Laws—Stage One*, Melbourne, Department of Justice and Community Safety, 30 June, p. 6.

1 | History of anti-consorting laws in Australia

While the laws regarding consorting with or between criminals have been tightened over the last two decades, they are not new.⁵ What is new, however, is that while the laws were first introduced to deal with people consorting with vagrants and thieves, today the legislation is aimed at criminal organisations, such as OMCGs.⁶ Australian anti-consorting laws have their origins in medieval English vagrancy laws—when vagrants were seen as ‘proto-criminals’⁷ and there was a ‘perceived nexus between vagrancy and criminality’.⁸ Concerns about the behaviour of convicts, who had finished their sentences, also influenced the development of early Australian vagrancy laws.⁹

In 1852, the first vagrancy law in Victoria was introduced,¹⁰ but anti-consorting laws were first introduced in 1931. *The Police Offences (Consorting) Act 1931* amended the *Police Offences Act 1928*.¹¹ Part of the reasoning for the introduction of this offence was to stop people coming to Victoria for criminal activities, as explained by then Solicitor-General William Slater:

I anticipate that the effect of this legislation will be to disperse criminal gangs in Victoria, and it will probably be found that such gangs will congregate in those States where there is not so punitive a law as there is now in New South Wales and New Zealand, and there will probably be in Victoria and Queensland.¹²

The *Police Offences (Consorting) Act* prohibited people from habitually consorting with either reputed thieves, ‘prostitutes’ or vagrants, and if they were found to have done so, a person could be imprisoned for a sentence of no more than 12 months.¹³ While the Bill was largely based on the New South Wales law,¹⁴ one addition was that a person could be found not guilty if they could ‘provide a good account of his or her lawful means of support and of his or her consorting’.¹⁵

Mr Slater further stated that the Bill will provide:

... the safeguards which protect the general community—to prevent the congregation of criminals, men who, after coming out of prison, are able to consort to conceive crime and ultimately to carry it into execution ...¹⁶

There was opposition to the Bill because it gave police the power to charge someone who has never been charged with any other offence, but also because there was a view that it would encourage police who may be ‘inspired and encouraged by some such propaganda as disgraces the daily newspapers’ to arrest more people.¹⁷

This law has not remained static since 1931. Victoria has amended these laws several times, including repealing and re-enacting them,¹⁸ and removing references to prostitutes and

⁵ A. McLeod (2013) ‘On the origins of consorting laws’, *Melbourne University Law Review*, 37(1), p. 104.

⁶ *ibid.*

⁷ *ibid.*, p. 105.

⁸ *ibid.*, p. 110.

⁹ *ibid.*, p. 114.

¹⁰ *The Vagrant Act 1852*

¹¹ *Police Offences (Consorting) Act 1931*

¹² W. Slater (1931) ‘Second Reading Speech: Police Offences (Consorting) Bill’, *Debates*, Victoria, Legislative Assembly, p. 4092.

¹³ *Police Offences (Consorting) Act 1931*, s 2; *Police Offences Act 1928*, s 69.

¹⁴ W. Slater (1931) ‘Second Reading Speech: Police Offences (Consorting) Bill’, *Debates*, Victoria, Legislative Assembly, p. 4092.

¹⁵ McLeod (2013) *op. cit.*, p. 131-132.

¹⁶ W. Slater (1931) *op. cit.*, p. 4093.

¹⁷ M. Blackburn (1931) ‘Second Reading Speech: Police Offences (Consorting) Bill’, *Debates*, Victoria, Legislative Assembly, p. 4097.

¹⁸ *Police Offences Act 1958*, ss 2(1), 69(1)(c)(i); *Vagrancy Act 1966*, ss 2(1), 6(1)(c).

convicted vagrants from the types of people with whom consorting was banned—only ‘reputed thieves’ were retained.¹⁹

2 | Organised crime in Australia

Concerns around organised crime are often behind states and territories’ decisions to amend their anti-consorting laws.²⁰ In the wake of a 2002 meeting, the Australian Crime Commission (ACC) was established to replace the National Crime Authority, the Australian Bureau of Criminal Intelligence and the Office of Strategic Crime Assessments. Since then, the ACC has had a particular focus on combating ‘serious and organised crime’.²¹

Much has been written about the growth in organised crime, including two inquiries conducted by the federal Parliamentary Joint Committee on the ACC. These highlighted that the criminal gangs were diversifying their activities—with motorcycle gangs highlighted as being linked to organised crime networks.²² In 2009, the Standing Committee of Attorneys-General stated that states and territories should introduce legislation aimed at thwarting organised crime, including ‘consorting or similar provisions that prevent a person from associating with another person who is involved in organised criminal activity’.²³ A National Organised Crime Response Plan was released in 2015,²⁴ and a more recent federal parliamentary inquiry into the illicit tobacco industry further highlighted that organised crime groups are still operating across Australia.²⁵

Currently, much of the work combating organised crime occurs at a state level, but creating more uniform approach through federal legislation has been discussed. As there are different laws across the country, organised crime groups have selected what states or territories they are based in following ‘assessments of profit, risk and potential cost—that is, penalty or loss of profit’.²⁶ The most recent data from the Australian Institute of Criminology indicates that organised and serious crime cost Australia up to \$60.1 billion in 2020–21, including \$16.5 billion in illicit drug activity, \$4.9 billion in illicit commodities and \$700 million in crimes against the person.²⁷

¹⁹ McLeod (2013) op cit., p. 133; *Social Welfare (Homeless Persons) Act 1977*, s 3(2)(c); *Prostitution Regulation Act 1986*, s 77(a).

²⁰ McLeod (2013) op cit., p. 133-134.

²¹ J. Norberry (2002) *Australian Crime Commission Establishment Bill 2002*, Bill Digest no. 54 2002–03, Parliamentary Library, Canberra, Parliament of Australia.

²² McLeod (2013) op cit., p. 135; Parliamentary Joint Committee on the Australian Crime Commission (2007)

Inquiry into the future impact of serious and organised crime on Australian society, final report, September, Canberra, The Committee; Parliamentary Joint Committee on the Australian Crime Commission (2009) *Inquiry into the Legislative Arrangements to Outlaw Serious and Organised Crime Groups*, final report, Canberra, The Committee.

²³ Standing Committee of Attorneys-General (2009) *Communique*, media release, 16–17 April.

²⁴ Attorney-General's Department (2015) *National Organised Crime Response Plan 2015-2018*, Canberra, AGD.

²⁵ Parliamentary Joint Committee on Law Enforcement (2020) *Inquiry into Illicit tobacco*, final report, November, Canberra, The Committee.

²⁶ *ibid*, p. 63.

²⁷ Smith & Hickman (2022) op. cit., p. 3.

3 | Outlaw motorcycle gangs

A lot of recent concern about organised crime surrounds outlaw motorcycle gangs.²⁸ Motorcycle gangs emerged in the United States after World War II as informal support networks for returned servicemen.²⁹ The 1960s saw the rise of these gangs in Australia.³⁰

While most motorcycle gangs have a devolved structure, they also often have developed:

... strict, military-inspired hierarchical structures, and have fostered broader ‘outlaw’ cultures characterised by violence, machismo and recklessness, but also camaraderie and loyalty.³¹

While not all members of these organisations are involved in criminal activities, some estimates suggest that three-quarters of all OMCG members have a criminal record—mostly related to fighting, traffic violations, drug possession or disorderly conduct.³² Over recent years, there have been suggestions that while many older members joined OMCGs for the camaraderie and ‘brotherhood’, younger members are more interested in ‘status and opportunities for illicit profit’.³³ These members are sometimes referred to as ‘Nike bikies’ (new-aged, tech-savvy non-motorcycle riders).³⁴

A 2007 report from the Parliamentary Joint Committee on the ACC heard that the ‘quasi-military modes of organisation and discipline of OMCGs make them particularly difficult to deal with from a law enforcement perspective’.³⁵ While some are critical of focusing on anti-consorting legislation to stop people from joining OMCGs, there is proof that many members are recruited through existing social networks.³⁶

In 2021 the Australian Criminal Intelligence Commission identified 38 OMCGs operating in Australia, with many different chapters across each state and territory.³⁷ National Task Force Morpheus is a joint law enforcement initiative targeting OMCGs through connecting law enforcement agencies across the jurisdictions to address illegal activity linked to OMCGs.³⁸

Several high-profile incidents involving OMCGs were reported in the media leading up to and around the time of Victoria’s new legislation on organised crime (see below). These include the following:

- A June 2007 assault on a woman by her partner in Melbourne’s CBD. A bystander who came to her assistance was killed and the woman and another man were also shot. The assailant was reportedly connected to the Hells Angels Motorcycle Club.³⁹
- A March 2009 incident at Sydney Airport, where a member of the Hells Angels Motorcycle Club was killed during a brawl with the Comanchero Motorcycle Club. The

²⁸ For more details on how the laws around governing OMCGs have changed, see: L. Bartels, M. Henshaw & H. Taylor (2021) ‘Cross-jurisdictional Review of Australian Legislation Governing Outlaw Motorcycle Gangs’, *Trends in Organized Crime* 24, pp. 343–360.

²⁹ C. Dowling et al. (2021) *The changing culture of outlaw motorcycle gangs in Australia*, Trends & issues in criminal justice no. 615, Canberra, Australian Institute of Criminology.

³⁰ T. Cubitt & A. Morgan (2024) *Predicting high-harm offending using national police information systems: An application to outlaw motorcycle gangs*, Research Report 30, Canberra, Australian Institute of Criminology, p. 2.

³¹ C. Dowling et al., (2021) op cit., p. 1.

³² *ibid.*, p. 2.

³³ *ibid.*

³⁴ White & Cappie-Wood (2002) op. cit., p. 22.

³⁵ Parliamentary Joint Committee on the Australian Crime Commission (2007) op. cit., p. 8.

³⁶ I. Voce, D. Boland, A. Morgan, C. Dowling, Y. Chiu, R. Lowe, J. Webster (2024) *Motives and pathways for joining outlaw motorcycle gangs*, Trends & issues in crime and criminal justice no. 685, Canberra, Australian Institute of Criminology, p. 1; L. McNamara & J. Quilter (2016) *The ‘Bikie Effect’ and Other Forms of Demonisation: The Origins and Effects of Hyper-Criminalisation*, *Law in Context*, 34(2).

³⁷ T. Cubitt, C. Dowling & A. Morgan (2023) *Crime by outlaw motorcycle gang members during club conflicts*, Trends & issues in crime and criminal justice no. 667, Canberra, Australian Institute of Criminology, p. 1.

³⁸ Australian Criminal Intelligence Commission (date unknown) *National Task Force Morpheus*, ACIC website.

³⁹ (2008) ‘Hudson gets life for Melbourne shooting’, *The Sydney Morning Herald*, 22 September.

same afternoon, there was a series of drive-by shootings involving members of the Bandidos and Notorious Motorcycle Clubs.⁴⁰

- Sixty raids were carried out in October 2013 by Victoria Police and the Australian Federal Police on clubhouses and other properties linked to the Hells Angels Motorcycle Club.⁴¹

4 | Recent Victorian legislative amendments

Criminal Organisations Control Act 2012

Victoria first modernised the state's anti-consorting legislation in 2012 with the passing of the Criminal Organisations Control Bill 2012.⁴² These would soon be supplemented by the Criminal Organisations Control Regulations 2013. The then Attorney-General, Robert Clark, said in his second reading speech, 'Criminal organisations pose a serious and ongoing threat to public safety and order in Victoria'.⁴³ He stated that more needed to be done to prevent criminal activity, especially among groups that are 'resistant to traditional policing methods'.⁴⁴

The new Act gave the Supreme Court the power to declare organisations a 'declared organisation', or an individual a 'declared individual'. These groups or individuals could then have a 'control order' made against them, which would disrupt the organisation's ability to operate and prohibit members from participating in the organisation, which could involve conditions prohibiting them from wearing or displaying the patches of an organisation.⁴⁵ The court would have the power to decide which prohibitions and conditions it wished to impose on an organisation or person. Police were required to demonstrate that there was evidence an organisation had planned or was planning to be involved in serious criminal activity or that two current, former or prospective members were using an organisation for criminal purposes.⁴⁶

The maximum penalty for an individual who broke a control order was 600 penalty units, imprisonment of five years, or both.⁴⁷

Criminal Organisations Control and Other Acts Amendment Act 2014

The 2014 amendments broadened the range of criminal offences that can trigger the making of a declaration against an individual or an organisation. Under the 2012 legislation, the person or organisation must have been convicted of an offence punishable by ten years imprisonment, but the new rules lowered it to 5 years.⁴⁸ The Amendment Act also lowered the standard of proof required for individual declarations from the criminal standard to a

⁴⁰ D. Welch, L. Kennedy & E. Harvey (2009) 'Bikie killed in Sydney Airport brawl', *The Sydney Morning Herald*, 23 March.

⁴¹ (2013) 'Hundreds of police involved in raids on Hells Angels and associates across Victoria', *ABC News*, 10 October.

⁴² *Criminal Organisations Control Bill 2012*

⁴³ R. Clark (2012) 'Second Reading: Criminal Organisations Control Bill 2012', *Debates*, Victoria, Legislative Assembly, p. 5070.

⁴⁴ *ibid.*

⁴⁵ *Criminal Organisations Control Act 2012* (Act as made), ss 45(2)(d), 47(2)(e), 3(e); White & Cappie-Wood (2020) *op. cit.* p. 5.

⁴⁶ White & Cappie-Wood (2020) *op. cit.*, p. 12; *Criminal Organisations Control Act 2012* (Act as made), s 19(2B).

⁴⁷ *Criminal Organisations Control Act 2012* (Act as made), s 68(1).

⁴⁸ White & Cappie-Wood (2020) *op. cit.*, p. 39; *Criminal Organisations Control and Other Acts Amendment Act 2014*, s 60.

civil standard, and created two tiers for organisation declarations: ‘prohibitive’ (requiring the criminal standard of proof) and ‘restrictive’ (requiring the civil standard of proof).⁴⁹

The amendments also made changes to the principal Act, including removing the requirement that, before a declaration can be made, the offence must have involved substantial planning and organisation.⁵⁰

Further, the amendments introduced rules to ensure that members of a declared organisation could not just leave the organisation to avoid a control order, and a person with an ‘individual declaration’ was prohibited from possessing a firearm.⁵¹ The amendments also added a requirement previously found in the regulations that the Chief Commissioner must affix a notice of the control order applying to a declared organisation to or near an appropriate place.⁵²

In the Bill’s statement of compatibility, the then Attorney-General said, ‘The amendments are intended to assist the scheme to achieve its stated purpose of preventing and disrupting the activities of organisations involved in serious criminal activity’.⁵³

Criminal Organisations Control Amendment (Unlawful Associations) Act 2015

The Criminal Organisations Control Amendment (Unlawful Associations) Act repealed the consorting offence in the *Summary Offences Act 1966* and instead inserted the new Part 5A into the COCA, thereby establishing the ‘unlawful association’ scheme.⁵⁴ The new amendments gave Victoria Police the power to issue a notice to persons warning them not to associate with each other and warning them they may be committing the offence of unlawful association.⁵⁵

No offence is committed unless a warning notice is given first and only association between people who have been convicted of a serious offence may be the subject of a warning notice.⁵⁶ The Bill did provide instances when unlawful association is not an offence—for example, among family members or in the course of education or employment.⁵⁷

The age limit for issuing an unlawful association notice is a minimum of 18 years, and a person issued a notice can request an internal review, which will be conducted by a senior police officer not involved in the issuing of the original decision.⁵⁸

⁴⁹ White & Cappie-Wood (2020) op. cit., p. 39; *Criminal Organisations Control and Other Acts Amendment Act 2014*, ss 60, 65, 67.

⁵⁰ White & Cappie-Wood (2020) op. cit., p. 39; *Criminal Organisations Control and Other Acts Amendment Act 2014*, s 104.

⁵¹ White & Cappie-Wood (2020) op. cit., p. 39; *Criminal Organisations Control and Other Acts Amendment Act 2014*, ss 87–92.

⁵² White & Cappie-Wood (2020) op. cit., p. 39; *Criminal Organisations Control and Other Acts Amendment Act 2014*, s 78.

⁵³ R. Clark (2014) ‘Statement of compatibility: Criminal Organisations Control and Other Acts Amendment Bill 2014’, *Debates*, Victoria, Legislative Assembly, 26 June, p. 2378.

⁵⁴ White & Cappie-Wood (2020) op. cit., p. 39; *Criminal Organisations Control Amendment (Unlawful Associations) Act 2015*, ss 5, 9.

⁵⁵ White & Cappie-Wood (2020) op. cit., p. 39; *Criminal Organisations Control Amendment (Unlawful Associations) Act 2015*, s 5.

⁵⁶ White & Cappie-Wood (2020) op. cit., p. 40; *Criminal Organisations Control Amendment (Unlawful Associations) Act 2015*, s 3.

⁵⁷ White & Cappie-Wood (2020) op. cit., p. 40; *Criminal Organisations Control Amendment (Unlawful Associations) Act 2015*, s 5 (new section 124A(3)).

⁵⁸ White & Cappie-Wood (2020) op. cit., p. 40; *Criminal Organisations Control Amendment (Unlawful Associations) Act 2015*, s 5 (new sections 124D, 124E(5), 124M–N).

Subsequently, the statutory review of the COCA was deferred until three years after the commencement of the unlawful association scheme. These changes commenced on 1 July 2016.⁵⁹

The then Attorney-General, Martin Pakula, in his second reading speech said that the amendments were necessary because bikie gangs had become more sophisticated, especially when recruiting new members. He stated that ‘this bill will ensure that Victoria has consorting provisions that are best suited to target the sophisticated forms of organised crime facing us in 2015’.⁶⁰

Confiscation and Other Matters Amendment Act 2016

The Confiscation and Other Matters Amendment Act removed the distinction that was introduced in 2015 between ‘prohibitive’ and ‘restrictive’ declarations.⁶¹ It also adopted the lower threshold (civil standard) for all declarations.

The government stated that this would ‘simplify the declaration provisions’ and ‘make it easier for Victoria Police to obtain declarations which can then be used as the basis for a control order condition preventing the organisation from operating, carrying on business, or taking on new members’.⁶²

The Supreme Court continued to have the power to make control orders.

Review of Victorian Criminal Organisation Laws—Stage One

While the government had intended to update the scheme in 2018 after consultation with Victoria Police, the Justice Legislation Amendment (Unlawful Association and Criminal Appeals) Bill 2018, which would have done so, lapsed at the end of the 58th Parliament.⁶³ The scheme has not been used since it was introduced in 2015, and the amendments were a response to concerns from Victoria Police that the scheme was ‘impractical to enforce’.⁶⁴ The amendments were modelled on the NSW scheme introduced in 2012.⁶⁵

As the Bill did not pass parliament, the statutory review required under section 137 of the COCA could commence to examine the scheme as legislated. The review was conducted in two stages, due to the COVID-19 pandemic.⁶⁶ Stage One was tabled in parliament in June 2020 and Stage Two was commissioned. The review looked at whether or not the COCA’s policy objectives are still valid and if provisions in the COCA are fit for purpose.⁶⁷

The authors looked at the legislative changes made since 2012 and how other jurisdictions had approached similar issues. It made four recommendations:

1. The objective of preventing and disrupting organised crime continues to be pursued vigorously.

⁵⁹ White & Cappie-Wood (2020) op. cit., p. 40; *Criminal Organisations Control Amendment (Unlawful Associations) Act 2015*, s 8.

⁶⁰ M. Pakula (2015) ‘Second reading speech: Criminal Organisations Control Amendment (Unlawful Associations) Bill 2015’, *Debates*, Victoria, Legislative Assembly, 2 September, p. 3011.

⁶¹ White & Cappie-Wood (2020) op. cit., p. 40; *Confiscation and Other Matters Amendment Act 2016*, ss 27, 29(4).

⁶² R. Scott (2016) ‘Second reading: Confiscation and Other Matters Amendment Bill 2016’, *Debates*, Victoria, Legislative Assembly, 9 March, p. 843.

⁶³ *Justice Legislation Amendment (Unlawful Association and Criminal Appeals) Bill 2018*

⁶⁴ M. Pakula (2018) ‘Second reading speech: Justice Legislation Amendment (Unlawful Association and Criminal Appeals) Bill 2018’, *Debates*, Victoria, Legislative Assembly, 25 July, p. 2333.

⁶⁵ *ibid.*

⁶⁶ White & Cappie-Wood (2020) op. cit., p. 2.

⁶⁷ *ibid.*, p. 6.

2. The objective of preventing and disrupting organised crime be pursued by means other than the declaration and control order provisions in the COCA.
3. Consideration be given to developing a more operationally practical and effective method of limiting associations between serious criminals and others likely to be involved in organised crime.
4. Further work be done, in consultation with stakeholders, to strengthen existing legislation and develop and implement additional provisions to prevent and disrupt organised crime.⁶⁸

5 | Second reading speech

The Criminal Organisations Control Amendment Bill 2024 was introduced into the Legislative Assembly on 28 August 2024 by the Minister for Police, Anthony Carbines. He delivered the second reading speech the next day, outlining the key provisions within the Bill, which include:

- reforming the state’s unlawful association scheme;
- introducing a new serious crime prevention order;
- prohibiting the display of insignia of certain organisations; and
- prohibiting members of certain organisations from entering government worksites.

Key targets for these laws are OMCGs, many of which have a presence in Victoria. In the speech, the minister indicated that, by Victoria Police estimates, around 2,000 OMCG members have links to Victorian addresses, with four in five possessing a criminal history and younger members having a much higher likelihood of entering the justice system than the average person.⁶⁹

The minister highlighted the Bill’s role in responding to the increasing sophistication of organised crime networks, saying that ‘high ranking members of OMCGs have shifted residence from other Australian states to Victoria’ due to ‘effective interstate anti-association laws and serious crime prevention orders’.⁷⁰

Overall, the minister concluded that ‘the Government has worked hard to ensure the reforms are both operationally workable and effective for police and subject to appropriate protections and oversight’.⁷¹

Unlawful association

The second reading speech notes that the introduction of an unlawful association scheme has been operating in Victoria since 2016, when the Labor Government amended the COCA, but that it has not been used. Part of the reasoning is due to the narrow scope of persons to whom the laws apply to ‘prevent and inhibit criminal conduct of criminal groups or criminal networks’.⁷²

The Bill seeks to broaden the categories of people who can be directed to not associate with one another, expanding these powers to capture those accused of less serious offending and also increasing the range of conduct that police wish to prevent. Instead of having to ‘believe a crime is likely to be prevented’, police applying for an unlawful association notice must be ‘reasonably satisfied’ a notice would ‘prevent or inhibit the establishment, maintenance or expansion of a criminal group or a criminal network’.⁷³

There will also be a lower tolerance threshold for when people subject to a notice will be judged to commit an offence when non-compliant with that notice. This will, according to the minister, ‘increase the efficacy of the scheme by making it easier for Victoria Police to

⁶⁸ *ibid.*, p. 6.

⁶⁹ A. Carbines, Minister for Police (2024) ‘[Second reading speech: Criminal Organisations Control Amendment Bill 2024](#)’, *Debates* [Proof], Victoria, Legislative Assembly, 29 August, p. 27.

⁷⁰ *ibid.*

⁷¹ *ibid.*, p. 33.

⁷² *ibid.*, p. 27.

⁷³ *ibid.*, p. 27.

charge persons for associating in contravention of a notice'.⁷⁴ Further, while family members remain exempt from this offence, the Bill narrows the definition of 'family member' so that the exception 'applies to a more confined group of people'.⁷⁵

In tasking the Independent Broad-based Anti-corruption Commission (IBAC) with an oversight function for the laws, the minister also acknowledged the shortfalls of similar legislation in New South Wales, which the NSW Ombudsman and NSW Law Enforcement Conduct Commission indicated disproportionately impact young people and Aboriginal people.⁷⁶ The Bill aims to avoid repeating this effect by excluding under-18s from the unlawful association scheme, as well as requiring police to include in its quarterly reports to IBAC the number of Aboriginal and Torres Strait Islander peoples who receive a notice or are charged with offences.

Replacing declarations and control orders with serious crime prevention orders

While current legislation already provides for a 'declaration and control order scheme', this scheme has not been used since it was introduced, with the minister stating that the new 'serious crime prevention order scheme' will be better placed to 'prevent and inhibit the involvement of individuals in serious criminal activity'.⁷⁷

The serious crime prevention scheme proposed in the Bill is modelled closely on the scheme contained in NSW's *Crimes (Serious Crime Prevention Orders) Act 2016*, with the NSW scheme already having been upheld in the High Court through *Vella v Commissioner of Police for New South Wales (2019) 269 CLR 219*.⁷⁸ The Bill's second reading speech indicates that empowering a court to make a serious crime prevention order when an eligible offender has been merely 'involved in' serious criminal activity 'reflects that some individuals, for example leaders of organised crime groups, may not directly offend but facilitate others offending, and provides a mechanism to restrict those individuals' activities'.⁷⁹

The minister also stated that the court's discretion and oversight of the scheme 'reflects the significance of serious crime prevention orders on the lives and activities of the persons subject to them'.⁸⁰

It is intended that these provisions will be subject to a review by the Attorney-General three years after the scheme's commencement, to identify if the scheme is operating in a 'proportionate and effective' manner and if there have been 'any unintended consequences'.⁸¹

Insignia of certain organisations

Another set of provisions aims to target OMCs by making it an offence to display 'insignia' for certain organisations in public. The speech indicates Victoria Police's view that 'such public displays are used to intimidate, stand over and influence others in the community by creating fear and an implied threat of violence, and also to attract and recruit new members through visual presence and status'.⁸² The Bill aims to provide 'a strong deterrent to such conduct'.⁸³

⁷⁴ *ibid.*, p. 28.

⁷⁵ *ibid.*, p. 28.

⁷⁶ *ibid.*, p. 28.

⁷⁷ *ibid.*, p. 29.

⁷⁸ *ibid.*, p. 29.

⁷⁹ *ibid.*, p. 29.

⁸⁰ *ibid.*, p. 30.

⁸¹ *ibid.*, p. 30.

⁸² *ibid.*, p. 30.

⁸³ *ibid.*, p. 31.

The minister states that the move will ‘bring Victoria in line with other Australian jurisdictions and have a positive outcome for community order and safety’.⁸⁴ It is the minister’s intention that any organisations to whom this prohibition applies are prescribed in regulations, rather than the Act, to allow for ‘flexibility and adaptability if organisations alter their insignia to circumvent the prohibition’.⁸⁵

While the proposed changes capture organisation insignia and also the ‘1%’ and ‘1%er’ symbols—used by OMCGs who ‘pride themselves on being the 1 per cent who operate outside the law’—the speech iterates that the ‘vast majority’ of motorcyclists will not be affected.⁸⁶

Exclusion of members of certain organisations from Victorian Government worksites

The second reading speech also acknowledges recent allegations of organised crime links within the construction arm of the CFMEU, indicating the move to exclude members of certain organisations from government worksites is part of a response to these allegations.

The minister stated that the Bill aims to ensure in part that ‘government funded construction projects operate with integrity’, by making it an indictable offence for an adult member of a regulation-prescribed organisation to enter a Victorian Government worksite where work is occurring.⁸⁷ This is intended to be ‘applied in a way that is proportionate to and justified by the risk of organised crime involvement in the construction industry’.⁸⁸

6 | The Bill

Unlawful association

The Bill includes a number of new provisions amending unlawful association laws within the COCA, which are intended to prevent or inhibit criminal activity by allowing police to prohibit certain people from associating.⁸⁹ Key proposals in the Bill seek to lower thresholds for issuing a notice.

Clause 31 seeks to ensure that a police officer no longer needs to have ‘reasonable belief’ that a crime is likely to be committed; rather, they would need to be ‘satisfied on reasonable grounds’ that a unlawful association notice would be ‘likely to prevent or inhibit the establishment, maintenance or expansion of a criminal group or a criminal network, and thereby to prevent or inhibit criminal activity’.⁹⁰

Table 1 explains what would be required for an amended unlawful association notice to be issued.

⁸⁴ *ibid.*, p. 30.

⁸⁵ *ibid.*, p. 31.

⁸⁶ *ibid.*, p. 31.

⁸⁷ *ibid.*, p. 32.

⁸⁸ *ibid.*, p. 32.

⁸⁹ ‘[Explanatory Memorandum](#)’, Criminal Organisations Control Amendment Bill 2024, p. 24.

⁹⁰ [Criminal Organisations Control Amendment Bill 2024](#), cl 31.

Table 1: Unlawful association notice requirements

Unlawful association notice requirements
<p>A notice may be issued to an individual who is 18 years or older, if the senior police officer—</p> <ul style="list-style-type: none"> • believes on reasonable grounds that the individual has, on at least one occasion, associated with an eligible offender; • is satisfied on reasonable grounds that preventing those individuals from associating with each other is likely to prevent or inhibit the establishment, maintenance or expansion of a criminal group or a criminal network, and thereby to prevent or inhibit criminal activity; and • is satisfied on reasonable grounds that the issue of the notice is appropriate in all the circumstances.⁹¹

Clause 31 also sets out the considerations that the issuing police officer must have regard for before deciding to issue a notice, including the human rights (under the *Charter of Human Rights and Responsibilities Act 2006*) of the individual receiving the notice. A police officer would be able to ask, at the time of issuing, if the person they are issuing the unlawful association notice to is an Aboriginal and/or Torres Strait Islander person.⁹² The notice would now only be valid for two years, instead of three as the law stands currently.⁹³

Definitions of ‘associate with’ and ‘family member’

The Bill inserts two key concepts underpinning the unlawful association provisions, the definitions of ‘associate with’ and ‘family member’.⁹⁴

The definition of ‘**associate with**’ indicates that in order for two people to be ‘associating’, a person must have either sought out the other’s company or accepted being in the company of that other person. The definition includes ‘electronic communication’,⁹⁵ but excludes an ‘accidental meeting or communication’.⁹⁶

Associations between family members are exempt from the unlawful association provisions as long as a meeting is not for an ulterior purpose. However, the definition for ‘**family member**’ is proposed to be narrowed. The definition would include people related by marriage, blood relatives, domestic partners, a person co-sharing caring responsibilities for a child, guardians and family members under Aboriginal and Torres Strait Islander concepts of family, among other designations.⁹⁷ However, the definition does not include those considered ‘like family’.⁹⁸

Exceptions to the unlawful association offence

The Bill proposes a number of instances where those issued an unlawful association notice will be excepted from an offence of non-compliance. These include where people under an unlawful association notice are:

- providing voluntary emergency services support, including responding to an emergency and training, practising and time spent on active standby duty;⁹⁹

⁹¹ 'Explanatory Memorandum', Criminal Organisations Control Amendment Bill 2024, p. 25.

⁹² Criminal Organisations Control Amendment Bill 2024, cl. 32.

⁹³ *ibid.*, cls 33–34.

⁹⁴ *ibid.*, cls 5, 8.

⁹⁵ *ibid.*, cl 5.

⁹⁶ 'Explanatory Memorandum', Criminal Organisations Control Amendment Bill 2024, p. 2.

⁹⁷ Criminal Organisations Control Amendment Bill 2024, cl 8.

⁹⁸ 'Explanatory Memorandum', Criminal Organisations Control Amendment Bill 2024, p. 4.

⁹⁹ Criminal Organisations Control Amendment Bill 2024, cl 9.

- receiving one of several welfare services, including drug and alcohol, housing, domestic violence support and other services;¹⁰⁰ or
- engaging in or performing a cultural practice or obligation, where the notice recipient is descended from, identifies as and is accepted as part of an Aboriginal and/or Torres Strait Islander community.¹⁰¹

‘Eligible offenders’ and ‘applicable offences’

The Bill expands the scope of who can be issued an unlawful association notice through amended definitions of the terms ‘applicable offence’ and ‘eligible offender’.

The term ‘**applicable offence**’ constitutes the threshold of criminal activity that an offender must have been convicted of to be eligible for being issued an unlawful association notice. The Bill raises the maximum penalty threshold, so that people convicted of offences punishable by at least 10 years’ imprisonment would be eligible for an unlawful association notice.¹⁰²

Applicable offences will now also include offences against interstate or federal laws that would be applicable if committed in Victoria.¹⁰³ Applicable offences are listed in new Schedule 1 to the COCA, containing a number of offences under the *Control of Weapons Act 1990*, *Crimes Act 1958*, *Drugs, Poisons and Controlled Substances Act 1981* and *Firearms Act 1996*.¹⁰⁴

An ‘**eligible offender**’ would be required to have been convicted of an ‘applicable offence’ committed when they were over 18 years of age and which is not spent. However, the Bill expands eligibility to category A serious youth offences committed within the previous two years.¹⁰⁵

To expand the scope of eligible offenders, the applicable offence conviction will no longer be required to be ‘on indictment’, thereby allowing a notice to be issued to someone whose conviction was determined summarily or following a guilty plea.¹⁰⁶ An individual would be able to apply to the Chief Commissioner of Police to have a notice decision reviewed.¹⁰⁷

Oversight by IBAC

The Bill proposes a new oversight function for the Independent Broad-based Anti-corruption Commission (IBAC), which will be tasked with monitoring Victoria Police’s use of the unlawful association provisions.¹⁰⁸ IBAC will assess the content of and compliance with police procedures, as well as the unlawful association provisions’ impact on Aboriginal and Torres Strait Islander peoples, homeless people, victims of family violence and people with disabilities.¹⁰⁹ IBAC will report to the Attorney-General.¹¹⁰

Compatibility with human rights

The statement of compatibility raised potential issues with several rights listed in the Charter of Human Rights and Responsibilities Act. For these particular provisions, the minister addressed and provided justification for possible curtailment of the following rights:

- Peaceful assembly and freedom of association
- Freedom of movement
- Privacy

¹⁰⁰ *ibid.*, cl 10.

¹⁰¹ *ibid.*, cl 11.

¹⁰² ‘[Explanatory Memorandum](#)’, Criminal Organisations Control Amendment Bill 2024, p. 6.

¹⁰³ [Criminal Organisations Control Amendment Bill 2024](#), cl 13.

¹⁰⁴ *ibid.*, cl 18.

¹⁰⁵ *ibid.*, cl 14.

¹⁰⁶ *ibid.*, cl 16.

¹⁰⁷ *ibid.*, cls 23–24.

¹⁰⁸ *ibid.*, cl 29.

¹⁰⁹ *ibid.*, cl 29, new section 124R.

¹¹⁰ *ibid.*, cl 29, new section 124R.

- Reputation
- Freedom of expression
- Recognition and quality before the law
- Right to take part in public life
- Cultural rights.¹¹¹

Serious crime prevention orders

The new scheme

The Bill seeks to repeal the current declaration and control order scheme and replace it with a new ‘serious crime prevention order’ scheme modelled on NSW laws. The new scheme is proposed in clause 41, which outlines processes and requirements around making, varying or revoking, and renewing a serious crime prevention order.¹¹² It also sets out the penalty for contravening an order, which would be an indictable offence punishable by a fine of 600 penalty units (currently equal to \$118,554)¹¹³ or imprisonment for up to five years, or both.¹¹⁴

The Chief Commissioner of Police may apply to the County Court for a serious crime prevention order. In doing so, the Chief Commissioner must identify the individual (‘the respondent’), the grounds for seeking the order, the conditions they are seeking to impose to protect the public from potential criminal activity, and the details of any previous application concerning the respondent in question, together with an affidavit.¹¹⁵

Only the court can grant a serious crime prevention order. Table 2 outlines the requirements that would need to be met for the court to make an order.

Table 2: Serious crime prevention order requirements

Serious crime prevention order requirements

In making a serious crime prevention order for an individual (‘the respondent’), the court must be satisfied:

- that the respondent is an ‘eligible offender’, or has been involved in criminal activity (an applicable offence for which an individual’s conviction is not spent) while 18 years and older;
- there are reasonable grounds to believe that compliance with an order would protect the public by preventing or inhibiting the respondent from being involved in serious criminal activity; and
- the imposition of the order’s conditions are otherwise appropriate in all circumstances.¹¹⁶

Several further considerations are prescribed for the court in granting an order, including whether the respondent is already subject to conditions, including court undertakings, correctional orders, family violence safety notices and other conditions.¹¹⁷ Conditions that might be imposed include: unlawful association notices; prohibitions on entering certain

¹¹¹ A. Carbines, Minister for Police (2024) ‘Statement of compatibility: Criminal Organisations Control Amendment Bill 2024’, *Debates* [Proof], Victoria, Legislative Assembly, 29 August.

¹¹² *Criminal Organisations Control Amendment Bill 2024*, cl 41.

¹¹³ The value of a penalty unit in Victoria for the financial year 2024–2025 is \$197.59; Department of Justice and Community Safety (2024) ‘Penalties and values’, DJCS website.

¹¹⁴ *Criminal Organisations Control Amendment Bill 2024*, cl 41, new section 31.

¹¹⁵ *ibid.*, cl 41, new section 14.

¹¹⁶ *ibid.*, cl 41, new sections 16(1)–(2).

¹¹⁷ *ibid.*, cl 41, new section 16(4).

places, leaving the country, possessing firearms or certain telecommunications devices; and reporting to Victoria Police, among others.¹¹⁸

A court may **vary** or **revoke** an order on application from either the Chief Commissioner or the respondent themselves (the latter by leave of the court).¹¹⁹ The court may vary the order if it consider ‘there has been a substantial change in circumstances since the order was made’ that warrants the variation, and if the respondent consents to the variation.¹²⁰ The court may revoke an order if it is no longer satisfied by the reasoning for the order originally submitted under new section 16(1), and again only if the respondent consents to the revocation.¹²¹

The order cannot be applied for longer than five years.¹²² However, an order can be renewed if, after application by the Chief Commissioner of Police, the court is satisfied that the reasoning under new section 16(1)(b) and (c) still stands, whereupon certain conditions may be varied.¹²³

A renewed order cannot run for longer than five years, but an order may be renewed more than once.¹²⁴ While the statement of compatibility acknowledges the common law principle of ‘double jeopardy’, where a person cannot be subjected to multiple prosecutions for an offence already finalised in court, it states that this does not apply as the serious crime prevention order is a ‘civil rather than criminal scheme’ and the order’s ‘purpose is preventative and does not constitute a penalty’.¹²⁵

Supporting amendments and provisions

Under clause 44, the Chief Commissioner of Police may apply for protection of criminal intelligence while making an application for a serious crime prevention order.¹²⁶ This includes where criminal intelligence constitutes any ‘information, documents or other thing relating to actual or suspected criminal activity’ that might, if disclosed, ‘prejudice a criminal investigation, risk the discovery of confidential sources or endanger a person’s life or safety’.¹²⁷

The court would retain the discretion to accept or deny this application, balancing confidentiality of the evidence with the respondent’s right to a fair trial free from prejudice. Applications to the court for protection of criminal intelligence will be closed-court hearings—whereupon the individual cannot attend.¹²⁸

The minister acknowledges in the statement of compatibility that this non-disclosure of evidence may result in unfairness, but that this is balanced by the provision for a special counsel to act on the individual’s behalf, the court’s already existing ‘substantial discretion’ and the likelihood of the intelligence in question relating to ‘serious or organised crime’ and having ‘serious ramifications’ for ongoing investigations and public safety.¹²⁹

¹¹⁸ *ibid.*, cl 41, new section 17.

¹¹⁹ *ibid.*, cl 41, new section 21.

¹²⁰ *ibid.*, cl 41, new section 23.

¹²¹ *ibid.*

¹²² *ibid.*, cl 41, new section 19.

¹²³ *ibid.*, cl 41, new section 27.

¹²⁴ *ibid.*, cl 41, new sections 28 and 30.

¹²⁵ A. Carbines, Minister for Police (2024) ‘[Statement of compatibility: Criminal Organisations Control Amendment Bill 2024](#)’, op. cit., p. 20.

¹²⁶ [Criminal Organisations Control Amendment Bill 2024](#), cl 44.

¹²⁷ A. Carbines, Minister for Police (2024) ‘[Statement of compatibility: Criminal Organisations Control Amendment Bill 2024](#)’, op. cit., p. 18.

¹²⁸ *ibid.*, p. 18–19.

¹²⁹ *ibid.*, p. 19.

Compatibility with human rights

The statement of compatibility raised a number of potential interferences with human rights. For these particular provisions, the minister addressed and provided justification for the curtailment of a number of rights:

- Freedom of movement
- Privacy
- Peaceful assembly and freedom of association
- Cultural rights
- Property rights
- Fair hearing
- Rights in criminal proceedings
- Right not to be tried or punished more than once.¹³⁰

Prohibition on public display of insignia of certain organisations

Definitions of ‘insignia’ and ‘publicly display’

The Bill seeks to ban the public display of insignia of certain organisations, which will be prescribed in regulations. New definitions are inserted for ‘insignia’ and ‘publicly display’ to allow for the implementation of new part 5B in the principal Act.¹³¹

A ‘mark’ is an ‘**insignia**’ if it signifies an organisation (for example, it is the organisation’s logo), membership of that organisation or association with the organisation. This provision is designed to be flexible, allowing for changing insignia over time and marks with dual meanings. The Bill also provides for prohibitions of the public display of ‘1%’ and ‘1%er’ marks in certain situations where they are intended to denote ‘affiliation with a motorcycle club or gang which represents itself, or whose members represent themselves, as operating outside of the law and expected societal norms’.¹³²

‘**Publicly display**’ would be defined as displaying a mark either in a public place or in a place where it is visible from a public place. This will not include publishing that thing on the internet, but if an insignia published online is displayed on a screen in public, it is taken to be publicly displayed.¹³³

Prohibition of insignia of certain organisations

Clause 93 introduces new part 5B, ‘Insignia of certain organisations’. The offence of an individual or body corporate publicly displaying an insignia of a ‘Part 5B organisation’ will carry a penalty fine of 60 penalty units (currently \$11,855) for an individual and 300 penalty units (currently \$59,277) for a body corporate.¹³⁴

Exceptions are proposed for insignia being displayed for academic and education purposes, in artistic performance, in fair and accurate reporting, and by law enforcement and justice bodies in the conduct of their duties, among other contexts. Tattoos of insignia would also be exempt.¹³⁵

Police would be able to direct a person 18 and older to cease displaying an insignia; directions would also be able to be made for the cessation of displaying an insignia on private property where it is visible from a public area. Penalties for non-compliance with

¹³⁰ *ibid.*

¹³¹ *Criminal Organisations Control Amendment Bill 2024*, cls 90, 92.

¹³² ‘*Explanatory Memorandum*’, *Criminal Organisations Control Amendment Bill 2024*, p. 52.

¹³³ *Criminal Organisations Control Amendment Bill 2024*, cl 92.

¹³⁴ *ibid.*, cl 93, new section 124ZN; DJCS (2024) ‘*Penalties and values*’, *op. cit.*

¹³⁵ *Criminal Organisations Control Amendment Bill 2024*, cl 93, new section 124ZO–ZQ.

either of these offences is punishable by either ten penalty units (for an individual; currently \$1,975) or 50 (for a body corporate; currently \$9,880).¹³⁶

The Bill also introduces powers for search, seizure and forfeiture in relation to property bearing a relevant insignia. A magistrate would be empowered to issue a search warrant where police suspect an offence has or will likely be committed relating to the public display of a part 5B organisation insignia.¹³⁷ New section 124ZW provides the power for police to seize property upon certain conditions and considerations.¹³⁸ Further provisions provide for collection, forfeiture and potential disposal of property, including motor vehicles, seized under these powers.

Regulations

Clause 89 establishes the definition of ‘Part 5B organisation’ as a prescribed organisation, and a new section 124ZZC provides powers for the Governor in Council to prescribe a ‘Part 5B organisation’ in regulations upon recommendation from the Minister, having consulted with the Chief Commissioner of Police.¹³⁹

Exclusion of members of certain organisations from Victorian Government worksites

New part 5C provides for the exclusion of members of certain organisations from Victorian Government worksites. A member of one of these organisations who is over 18 years old and enters a Victorian Government worksite where public access is restricted and development is taking place would face imprisonment for up to three years or a fine of 360 penalty units (currently \$71,132), or both.¹⁴⁰ These organisations will be prescribed in regulations as ‘**Part 5C organisations**’ by the Governor in Council, on recommendation from the minister, following consultation with the Chief Commissioner of Police.¹⁴¹

A ‘**Victorian Government worksite**’ will also be prescribed in regulations for the purposes of this provision. This decision will be made by the Governor in Council upon recommendation from the minister, with the minister having indicated they are satisfied that the prohibitions will likely assist in disrupting or preventing criminal activity in relation to public construction. These worksites will include ‘project areas’ within the meaning of such Acts as the *Major Transport Projects Facilitation Act 2009* and *Suburban Rail Loop Act 2021*, among others, while ‘public construction’ will mean ‘construction, maintenance, rehabilitation, alteration, extension or demolition of any improvements on land by, or on behalf of a Department or a public body’.¹⁴²

Other notable amendments

There are also key amendments to definitions of the terms ‘involved’ and ‘serious criminal activity’, with relevance to both the serious crime prevention order scheme and prohibition of certain organisations’ insignia.

To be ‘**involved**’ in serious criminal activity would mean to engage in that activity, facilitate someone else to do so, or behave in a way that ‘is reasonably likely to facilitate another person engaging in serious criminal activity’.¹⁴³

¹³⁶ *ibid.*, cl 93, new section 124ZR–ZU; DJCS (2024) ‘Penalties and values’, op. cit.

¹³⁷ ‘Explanatory Memorandum’, Criminal Organisations Control Amendment Bill 2024, p. 59; [Criminal Organisations Control Amendment Bill 2024](#), cl 93, new section 124ZV.

¹³⁸ [Criminal Organisations Control Amendment Bill 2024](#), cl 93, new section 124ZW.

¹³⁹ *ibid.*, cl 89; cl 93, new section 124ZZC.

¹⁴⁰ *ibid.*, cl 98, new section 124ZZD; DJCS (2024) ‘Penalties and values’, op. cit.

¹⁴¹ [Criminal Organisations Control Amendment Bill 2024](#), cl 98, new section 124ZZE.

¹⁴² *ibid.*, cl 98, new section 124ZZE.

¹⁴³ *ibid.*, cl 100.

‘**Serious criminal activity**’ in the context of this Act would be defined as conduct that has been engaged in that constitutes an applicable offence, as well as conduct that would be an applicable offence if it were engaged in.¹⁴⁴

7 | Stakeholder responses to the Bill

Preliminary reactions

Prior to the Bill’s introduction, the Department of Justice and Community Safety (DJCS) had undertaken a statutory review of the *Criminal Organisations Act 2012*, which was conducted in two stages. A report on stage one was released in September 2020, while the second stage of the review was completed last year and the report released in October 2023 (though not publicly).

According to a report in *The Age* on 2 November 2023, the stage two paper indicated that the current legislative regime ‘was not achieving its purpose of preventing and disrupting organised crime’, while legislative settings also ‘sets the bar too high and renders the scheme operationally unworkable’.¹⁴⁵ At the time, a Victoria Police spokesperson said the police force ‘would support any government consideration in relation to improving the workability of the COCA, in order to enhance our ability to combat serious and organised crime’.¹⁴⁶

Upon hearing of these reforms, the principal lawyer for the Police Accountability Project, Gregor Husper, said that, with more powers, ‘meaningful oversight’ was required to avoid the measures undermining ‘cherished rights of association, privacy, reputation and security of the person’.¹⁴⁷

A coalition of organisations including the Australian Lawyers Alliance (ALA), Liberty Victoria and the Victorian Aboriginal Legal Service (VALS), also raised concerns with the proposals, saying that the measures ‘impinge too far on individual rights’.¹⁴⁸ Jeremy King of the ALA said, ‘The proposed plan to give IBAC further monitoring tasks simply increases the strain on an organisation that already cannot cope with its current police misconduct remit’.¹⁴⁹ Further, he stated:

It is very concerning that people will lose the right to be able to associate with anyone they would like, to wear a uniform as a member of a particular organisation, and to even travel to certain places here and abroad.

Crime exists in all social groups, in all professions and in all organisations of any size.¹⁵⁰

VALS’s CEO, Nerita Waight, said that reforms must reflect First Nations peoples’ inherent rights ‘to engage in cultural practices and enjoy their connection to their culture and community as protected in Victoria’s human rights charter and international human rights instruments’.¹⁵¹

In August 2024, Premier Jacinta Allan announced that the reforms were imminent in the wake of allegations of corruption and criminal links within the CFMEU. Shadow Attorney-General Michael O’Brien said that anti-association laws in force were as ‘useful as a waterproof teabag’ and had ‘failed to assist Victoria Police in stopping the growth of outlaw motorcycle gangs’.¹⁵²

¹⁴⁴ *ibid.*, cl 101.

¹⁴⁵ C. Houston (2023) ‘Victoria bikie gang laws to strip members of colours’, *The Age*, 2 November.

¹⁴⁶ *ibid.*

¹⁴⁷ *ibid.*

¹⁴⁸ Australian Lawyers Alliance (2023) *Proposed anti-bikie laws infringe too far on rights and freedoms*, media release, 16 November.

¹⁴⁹ *ibid.*

¹⁵⁰ *ibid.*

¹⁵¹ *ibid.*

¹⁵² A. Smethurst (2024) ‘Police fear the human rights charter is a hurdle for bikie reforms’, *The Age*, 17 August.

Asked about the Victorian Charter of Human Rights and Responsibilities potentially being a hurdle for new measures being effective, Associate Professor Julie Debeljak, from Monash University, was reported to be of the opinion that ‘while the charter would make it harder for the government, it could insert an exceptional circumstances threshold to overcome any challenge in the court’ and that this proved the charter was ‘not strong enough’.¹⁵³

Responses to the Bill

Following the Bill’s introduction, Attorney-General Jaclyn Symes told media that, with these new laws, ‘Police will be able to charge people if they are a current member of a proscribed criminal organisation, [when] they enter a Victorian worksite’.¹⁵⁴ Further, the Attorney-General said that exceptions to the offences listed in the COCA were being narrowed to close loopholes used by organisations to ‘come together and fraternise and discuss criminal activities’.¹⁵⁵

Minister Carbines said that, having observed the regimes in other states, the Victorian Government could ‘go further to give Victoria Police the most contemporary powers in the nation to tackle organised crime’, and emphasised the ‘need to continue to be nimble and responsive to what Victoria Police need’.¹⁵⁶

However, Leader of the Opposition John Pesutto was critical of the steps being taken, saying, ‘It’s too little, too late and it actually won’t fix the problem’.¹⁵⁷ He said the current legislation countering organised crime was ‘too weak’ and that this Bill’s introduction was merely reacting to allegations of CFMEU misconduct and of bikie gangs’ involvement on worksites.¹⁵⁸ The opposition leader indicated the coalition would support any improvements on the status quo but said that the current Bill would ‘be a limited approach that revolves around Vic Pol rather than actually addressing contracts when they’re let to the market’.¹⁵⁹

¹⁵³ *ibid.*

¹⁵⁴ K. Rooney (2024) ‘Bikies to lose access to government worksites under new law’, *The Age*, 28 August.

¹⁵⁵ *ibid.*

¹⁵⁶ *ibid.*

¹⁵⁷ C. Douglas et al. (2024) ‘Ban on bikies wearing club logos, working on government building under fire as ‘too little, too late’, *Herald Sun*, 28 August.

¹⁵⁸ *ibid.*

¹⁵⁹ *ibid.*

8 | Other jurisdictions

Over the last decade and a half, all Australian jurisdictions, with the exception of the ACT, have updated their anti-consorting laws and introduced restrictions on the wearing of certain insignia or colours. South Australia, Queensland and New South Wales all saw their systems challenged in the High Court resulting in each state amending and updating its legislation.¹⁶⁰ While the schemes vary between each jurisdiction, they each focus on the ‘formal and hierarchical nature of groups’.¹⁶¹

Apart from Western Australia, all other jurisdictions’ restrictions on wearing insignia and club colours are limited to venues that have a liquor licence.

Table 3: Comparison of current anti-consorting legislation in the other Australian jurisdictions

Jurisdiction	Anti-consorting / anti-association laws	Restrictions on colours and insignia	Relevant legislation & previous reports
ACT	None currently.	None currently.	In August 2024, the Liberal Party introduced the Crimes (Anti-consorting) Amendment Bill 2024 .
NSW	<p>Crimes Act 1900</p> <ul style="list-style-type: none"> Section 93X—Consorting Section 93Y—Defence 	<p>Liquor Regulations 2008</p> <ul style="list-style-type: none"> Section 53K—Exclusion of persons from subject premises Sections 53ZG—Exclusion of persons from CBD subject premises 	<p>Relevant legislation:</p> <ul style="list-style-type: none"> Crimes (Criminal Organisations Control) Act 2012 Criminal Legislation Amendment (Organised Crime and Public Safety) Act 2016 Crimes (Serious Crime Prevention Orders) Act 2016 Criminal Legislation Amendment (Consorting and Restricted Premises) Act 2018 <p>Relevant reports:</p> <ul style="list-style-type: none"> Tajjour v State of New South Wales; Hawthorne v State of New South Wales; Forster v State of New South Wales [2014] HCA 35.

¹⁶⁰ E. Brune (2014) [NSW bikie consorting laws upheld: High Court, ABC News](#), 8 October; F. Nelson (2014) ‘High Court’s anti-bikie law decision prompts calls for a Charter of Rights’, [Lawyers Weekly](#), 20 November; (2010) [Bikie laws declared unconstitutional, The Sydney Morning Herald](#), 11 November.

¹⁶¹ White & Cappie-Wood (2020) *op. cit.*, p. 23.

Jurisdiction	Anti-consorting / anti-association laws	Restrictions on colours and insignia	Relevant legislation & previous reports
			<ul style="list-style-type: none"> New South Wales Ombudsman (2016) <i>The consorting law: Report on the operation of Part 3A, Division 7 of the Crimes Act 1900</i> Department of Communities and Justice (2016) <i>Statutory Review: Crimes (Serious Crime Prevention Orders) Act 2016</i> New South Wales Ombudsman (2016) <i>Review of police use of powers under the Crimes (Criminal Organisations Control) Act 2012 Section 39(1) of the Crimes (Criminal Organisations Control) Act 2012</i> Law Enforcement Conduct Commission (2023) <i>Review of the operation of amendments to the consorting law under Part 3A Division 7 of the Crimes Act 1900</i>
NT	<p><i>Summary Offences Act 1923</i></p> <ul style="list-style-type: none"> Section 55A—Consorting with known Offenders <p><i>Summary Offences Regulations 1994</i></p> <ul style="list-style-type: none"> Regulation 9—Prescribed offences 	<p>In the NT, the wearing of ‘any item of clothing, jewellery or other personal belonging’ that shows the insignia of an identified club or organisation cannot be worn on licensed premises. See here.</p>	<p>Department of the Attorney-General and Justice (2013) <i>Final Report – Review of the Summary Offences Act</i></p>
Qld	<p><i>Criminal Code Act 1899</i></p> <ul style="list-style-type: none"> Chapter 9A—Consorting 	<p><i>Summary Offences Act 2005</i></p> <ul style="list-style-type: none"> Section 10C—Wearing or carrying prohibited item in a public place Section 10D—Defence for s 10C <p><i>Liquor Act 1992</i></p> <ul style="list-style-type: none"> Section 173EAA(2)—Identified Organisations 	<p><i>Relevant legislation</i></p> <ul style="list-style-type: none"> <i>Vicious Lawless Association Disestablishment Act 2013</i> <i>Serious and Organised Crime Legislation Amendment Act 2016</i> <p>Relevant reports:</p>

Jurisdiction	Anti-consorting / anti-association laws	Restrictions on colours and insignia	Relevant legislation & previous reports
			<ul style="list-style-type: none"> • Kuczborski v The State of Queensland [2014] HCA 46 • Taskforce on Organised Crime Legislation (2016) Report on the Taskforce on Organised Crime Legislation (Wilson Review) • Serious and Organised Crime Legislation Review (2023) A review of certain provisions enacted by the Serious and Organised Crime Legislation Amendment Act 2016 (Qld) • Public Interest Monitor (Qld) 2019, 21st Annual Report – Reporting Period 1 July 2018–30 June 2019; Public Interest Monitor (Qld) 2018, 20th Annual Report – Reporting Period 1 July 2017–30 June 2018; Public Interest Monitor (Qld) 2017, 19th Annual Report – Reporting Period 1 July 2016–30 June 2017
SA	<p>Summary Offences Act 1953</p> <ul style="list-style-type: none"> • Section 13—Consorting <p>Criminal Law Consolidation Act 1935</p> <ul style="list-style-type: none"> • Part 3B—Offences relating to criminal organisations 	<p>Liquor Licencing Act 1997</p> <ul style="list-style-type: none"> • Part 7B—Offences relating to criminal organisations 	<p>Relevant legislation:</p> <ul style="list-style-type: none"> • Serious and Organised Crime Control Act 2008 • Statutes Amendment (Serious and Organised Crime) Act 2015 <p>South Australia v Totani (2010) HCA 39</p>
Tas	<p>Police Offences Act 1935</p> <ul style="list-style-type: none"> • Division 3—Consorting 	<p>Police Offences Act 1935</p> <ul style="list-style-type: none"> • Section 6(A)— Display of certain insignia, &c., prohibited 	<p>Relevant legislation:</p> <ul style="list-style-type: none"> • Police Offences Amendment (Prohibited Insignia) Act 2018 • Police Offences Amendment Consorting Act 2019

Jurisdiction	Anti-consorting / anti-association laws	Restrictions on colours and insignia	Relevant legislation & previous reports
			Relevant reports: <ul style="list-style-type: none"> <li data-bbox="1420 292 1962 411">Department of Police, Fire and Emergency Management (2018) <i>Organised Criminal Gangs Legislation Position Paper</i>
WA	<i>Criminal Law (Unlawful Consorting and Prohibited Insignia) Act 2021</i>	<i>Criminal Law (Unlawful Consorting and Prohibited Insignia) Act 2021</i>	

Reference List

Legislation

- *Confiscation and Other Matters Amendment Act 2016*
- *Criminal Organisations Control Act 2012* (Act as made)
- *Criminal Organisations Control Act 2012* (Act in force)
- *Criminal Organisations Control Amendment (Unlawful Associations) Act 2015*
- Criminal Organisations Control Amendment Bill 2024
- 'Explanatory Memorandum', Criminal Organisations Control Amendment Bill 2024.
- *Criminal Organisations Control and Other Acts Amendment Act 2014*
- Criminal Organisations Control Bill 2012
- Justice Legislation Amendment (Unlawful Association and Criminal Appeals) Bill 2018
- *Police Offences (Consorting) Act 1931*
- *Police Offences Act 1928*
- *Police Offences Act 1958*
- *Prostitution Regulation Act 1986*
- *Social Welfare (Homeless Persons) Act 1977*
- *The Vagrant Act 1852*
- *Vagrancy Act 1966*

References

- (2008) 'Hudson gets life for Melbourne shooting', *The Sydney Morning Herald*, 22 September. <https://www.smh.com.au/national/hudson-gets-life-for-melbourne-shooting-20080922-4le8.html>
- (2013) 'Hundreds of police involved in raids on Hells Angels and associates across Victoria', *ABC News*, 10 October. <https://www.abc.net.au/news/2013-10-10/melbourne-police-raid-motorcycle-gang-clubhouses/5013092>
- (2024) 'Victorian government announces terms of CFMEU independent review', *ABC News*, 21 July. <https://www.abc.net.au/news/2024-07-21/cfmeu-victorian-government-independent-review-scope/104123330>
- Allan, J., Premier of Victoria (2024) *Statement from the Premier*, media release, 15 July. <https://www.premier.vic.gov.au/statement-premier-130>
- Attorney-General's Department (2015) *National Organised Crime Response Plan 2015–2018*, Canberra, AGD. <https://www.homeaffairs.gov.au/criminal-justice/files/national-organised-crime-response-plan-2015-18-accessible.pdf>
- Australian Criminal Intelligence Commission (date unknown) *National Task Force Morpheus*, ACIC website. <https://www.acic.gov.au/about/task-forces/national-task-force-morpheus>
- Australian Lawyers Alliance (2023) *Proposed anti-bikie laws infringe too far on rights and freedoms*, media release, Australian Lawyers Alliance website, 16 November. <https://www.lawyersalliance.com.au/news/proposed-anti-bikie-laws-infringe-too-far-on-rights-and-freedoms>
- Bartels, L, M. Henshaw & H. Taylor (2021) Cross-jurisdictional Review of Australian Legislation Governing Outlaw Motorcycle Gangs, *Trends in Organized Crime*, 24. <https://eds.p.ebscohost.com/eds/pdfviewer/pdfviewer?vid=2&sid=2ba61657-3ad8-4447-94c7-a5ba71152051%40redis>
- Blackburn, M (1931) 'Second Reading Speech: Police Offences (Consorting) Bill', *Debates*, Victoria, Legislative Assembly. <https://www.parliament.vic.gov.au/499954/globalassets/hansard-historical-documents/sessional/1931/19311015-19311110-hansard-combined.pdf>
- Carbines, A., Minister for Police (2024) 'Second reading speech: Criminal Organisations Control Amendment Bill 2024', *Debates* [Proof], Victoria, Legislative Assembly, 29 August. <https://www.parliament.vic.gov.au/4a4d4a/globalassets/hansard-daily-pdfs/hansard-2145855009-27480/hansard-2145855009-27480.pdf>
- Carbines, A., Minister for Police (2024) 'Statement of compatibility: Criminal Organisations Control Amendment Bill 2024', *Debates* [Proof], Victoria, Legislative Assembly, 29 August.

- <https://www.parliament.vic.gov.au/4a4d4a/globalassets/hansard-daily-pdfs/hansard-2145855009-27480/hansard-2145855009-27480.pdf>
- Clark, R (2012) 'Second Reading: Criminal Organisations Control Bill 2012', *Debates*, Victoria, Legislative Assembly. https://hansard.parliament.vic.gov.au/images/stories/daily-hansard/Assembly_2012/Assembly_Daily_Extract_Thursday_15_November_2012_from_Book_17.pdf
- Clark, R (2014) 'Statement of compatibility: Criminal Organisations Control and Other Acts Amendment Bill 2014', *Debates*, Victoria, Legislative Assembly, 26 June. https://hansard.parliament.vic.gov.au/images/stories/daily-hansard/Assembly_2014/Assembly_Daily_Extract_Thursday_26_June_2014_from_Book_9.pdf
- Cubitt, T. & A. Morgan (2024) *Predicting high-harm offending using national police information systems: An application to outlaw motorcycle gangs*, Research Report 30, Canberra, Australian Institute of Criminology. https://www.aic.gov.au/sites/default/files/2024-03/rr30_predicting_high-harm_offending_using_national_police_information_systems.pdf
- Cubitt, T., C. Dowling & A. Morgan (2023) *Crime by outlaw motorcycle gang members during club conflicts*, Trends & issues in crime and criminal justice no. 667, Canberra, Australian Institute of Criminology. https://www.aic.gov.au/sites/default/files/2023-03/ti667_crime_by_omcg_members_during_club_conflicts.pdf
- Department of Justice and Community Safety (2020) *Review of Victorian Criminal Organisation Laws—Stage One*, Melbourne, DJCS, 30 June. https://www.parliament.vic.gov.au/491bc1/globalassets/taled-paper-documents/taled-paper-4885/criminal_organisation_laws_review_-_stage_one_report_gf98wpdb.pdf
- Department of Justice and Community Safety (2024) 'Penalties and values', DJCS website. <https://www.justice.vic.gov.au/justice-system/fines-and-penalties/penalties-and-values>
- Douglas, C., A. McIntyre & A. White (2024) 'Ban on bikies wearing club logos, working on government building under fire as 'too little, too late'', *Herald Sun*, 28 August. <https://www.heraldsun.com.au/news/victoria/ban-on-bikies-wearing-club-logos-working-on-government-building-under-fire-as-too-little-too-late/news-story/ccaf3e051db10503a1eb4613a8016790>
- Dowling, C., D. Boland, A. Morgan, J. Webster, Y. Chiu & R. Lowe (2021) *The changing culture of outlaw motorcycle gangs in Australia*, Trends & issues in criminal justice no. 615, Canberra, Australian Institute of Criminology. https://www.aic.gov.au/sites/default/files/2021-02/ti615_changing_culture_of_outlaw_motorcycle_gangs_in_australia.pdf
- Houston, C. (2023), 'Victoria bikie gang laws to strip members of colours', *The Age*, 2 November. <https://www.theage.com.au/national/victoria/bikies-to-be-stripped-of-colours-in-plan-to-target-organised-crime-20231101-p5egkj.html>
- K. Rooney (2024) 'Bikies to lose access to government worksites under new law', *The Age*, 28 August. <https://www.theage.com.au/politics/victoria/bikies-to-lose-access-to-government-work-sites-under-new-laws-20240828-p5k5xq.html>
- McLeod, A (2013) 'On the origins of consorting laws', *Melbourne University Law Review*, 37(1). https://law.unimelb.edu.au/_data/assets/pdf_file/0004/1699051/37_1_31.pdf
- McNamara, L & J. Quilter (2016) The 'Bikie Effect' and Other Forms of Demonisation: The Origins and Effects of Hyper-Criminalisation, *Law in Context*, 34(2). <https://search.informit.org/doi/10.3316/agispt.20170134>
- Norberry, J (2002) *Australian Crime Commission Establishment Bill 2002*, Bill Digest no. 54 2002–03, Parliamentary Library, Canberra, Parliament of Australia. https://parlinfo.aph.gov.au/parlInfo/download/legislation/billsdgs/YG076/upload_binary/ygo7616.pdf;fileType=application%2Fpdf
- Pakula, M (2015) 'Second reading speech: Criminal Organisations Control Amendment (Unlawful Associations) Bill 2015', *Debates*, Victoria, Legislative Assembly, 2 September. https://hansard.parliament.vic.gov.au/images/stories/daily-hansard/Assembly_2015/Assembly_Daily_Extract_Wednesday_2_September_2015_from_Book_12.pdf
- Pakula, M (2018) 'Second reading speech: Justice Legislation Amendment (Unlawful Association and Criminal Appeals) Bill 2018', *Debates*, Victoria, Legislative Assembly, 25 July. https://hansard.parliament.vic.gov.au/images/stories/daily-hansard/Assembly_2018/Assembly_Daily_Extract_Wednesday_25_July_2018_from_Book_9.pdf

- Parliamentary Joint Committee on Law Enforcement (2020) *Inquiry into Illicit tobacco*, final report, November, Canberra, The Committee.
https://parlinfo.aph.gov.au/parlInfo/download/committees/reportjnt/024342/toc_pdf/IllicitTobacco.pdf;fileType=application%2Fpdf
- Parliamentary Joint Committee on the Australian Crime Commission (2007) *Inquiry into the future impact of serious and organised crime on Australian society*, final report, September, Canberra, The Committee.
https://www.aph.gov.au/~media/wopapub/senate/committee/acc_ctte/completed_inquiries/2004_07/organised_crime/report/report_pdf.ashx
- Parliamentary Joint Committee on the Australian Crime Commission (2009) *Inquiry into the Legislative Arrangements to Outlaw Serious and Organised Crime Groups*, final report, Canberra, The Committee.
https://www.aph.gov.au/binaries/senate/committee/acc_ctte/laoscg/report/report.pdf
- Scott, R (2016) 'Second reading: Confiscation and Other Matters Amendment Bill 2016', *Debates*, Victoria, Legislative Assembly, 9 March.
https://hansard.parliament.vic.gov.au/images/stories/daily-hansard/Assembly_2016/Assembly_Daily_Extract_Wednesday_9_March_2016_from_Book_3.pdf
- Slater, W (1931) 'Second Reading Speech: Police Offences (Consorting) Bill', *Debates*, Victoria, Legislative Assembly. <https://www.parliament.vic.gov.au/499954/globalassets/hansard-historical-documents/sessional/1931/19311015-19311110-hansard-combined.pdf>
- Smethurst, A. (2024) 'Police fear the human rights charter is a hurdle for bikie reforms', *The Age*, 17 August. <https://www.theage.com.au/politics/victoria/police-fear-the-human-rights-charter-is-a-hurdle-for-bikie-reforms-20240816-p5k2zp.html>
- Smith, R & A. Hickman (2022) *Estimating the costs of serious and organised crime in Australia 2020-21*, Statistical Report 38, Canberra, Australian Institute of Criminology.
https://www.aic.gov.au/sites/default/files/2022-04/sr38_estimating_the_costs_of_serious_and_organised_crime_v2.pdf
- Standing Committee of Attorneys-General (2009) *Communique*, media release, 16-17 April.
<https://documents.parliament.qld.gov.au/tp/2012/5312T6242.pdf>
- Voce, I., D. Boland, A. Morgan, C. Dowling, Y. Chiu, R. Lowe, J. Webster (2024) *Motives and pathways for joining outlaw motorcycle gangs*, Trends & issues in crime and criminal justice no. 685, Canberra, Australian Institute of Criminology. <https://www.aic.gov.au/publications/tandi/tandi685>
- Welch, D L. Kennedy & E. Harvey (2009) 'Bikie killed in Sydney Airport brawl', *The Sydney Morning Herald*, 23 March. <https://www.smh.com.au/national/bikie-killed-in-sydney-airport-brawl-20090323-95xc.html>
- White, M & A. Cappie-Wood (2020) *Review of Victorian Criminal Organisation Laws—Stage One*, Melbourne, Department of Justice and Community Safety.
https://www.parliament.vic.gov.au/491bc1/globalassets/taled-paper-documents/taled-paper-4885/criminal_organisation_laws_review_-_stage_one_report_gf98wpdb.pdf

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