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## Ombudsman recommends repeal of the *Crimes (Criminal Organisations Control) Act 2012*

The Acting NSW Ombudsman, Professor John McMillan, has completed his review of the NSW Police Force's use of the *Crimes (Criminal Organisations Control) Act 2012*. The Attorney General tabled the Ombudsman's report in Parliament today.

The Ombudsman's report contains only one recommendation: that the *Crimes (Criminal Organisations Control) Act 2012* be repealed.

**'The Crimes (Criminal Organisations Control) Act was intended to enable police to restrict members of criminal associations from associating with each other, recruiting new members, and participating in certain occupations',** said Professor McMillan. **'However, our review found that the Act does not provide police with a viable mechanism to do this. We think it is unlikely that police will ever be able to use it.'**

**'Since the Act commenced, police have made only one application to the Supreme Court for a declaration that an Outlaw Motorcycle Gang was a criminal organisation',** said the Ombudsman. **'This led one of the gang's members to challenge the legislation, which the High Court held was unconstitutional.'**

**'A series of subsequent legislative amendments – intended to keep the law safe from further constitutional challenges – have made the Crimes (Criminal Organisations Control) Act cumbersome and resource intensive for police to use',** said Professor McMillan. **'For three years a unit was dedicated to preparing another application. Last year the NSW Police decided to stop their efforts to use the Act to combat organised crime.'**

**'Other Australian jurisdictions that have enacted similar legislation have had similar experiences',** said the Ombudsman. **'Their experience suggests that the difficulties experienced by NSW Police could not be easily remedied by further legislative amendment.'**

**'Police already have a suite of simpler and more effective powers to combat organised crime',** said the Ombudsman. **'These include the modernised consorting law, expanded search and seizure powers under the Restricted Premises and Firearms Acts, and criminal group participation offences.'**

The Attorney General is responsible for completing a statutory review of the *Crimes (Criminal Organisations Control) Act* as soon as possible after 20 March 2017. The purpose of the review is to consider whether the Act's policy objectives remain valid and the terms of the Act remain appropriate for achieving those policy objectives.

**'In our view, while the policy objectives of the Act arguably remain valid, the Act has not been successful to achieve those objectives,'** said Professor McMillan. **'Given the practical difficulties that police have encountered in using the law, the Attorney may choose to adopt my recommendation and propose its repeal.'**

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