

Madam Speaker Aagaard took the Chair at 10 am.

TABLED PAPER
Sitting Dates for 2010

Madam SPEAKER: Honourable members, I table the sitting dates for 2010. I note there are no Monday sitting days. All sittings are for two weeks.

SERIOUS CRIME CONTROL BILL
(Serial 48)

Continued from 11 June 2009.

Ms CARNEY (Araluen): Madam Speaker, the intention of this bill is to disrupt and restrict the activities of individuals engaged in organised criminal activities, which is why the bill is supported. The bill is similar to the South Australian *Serious and Organised Crime (Control) Act 2008*, and New South Wales' *Crimes (Criminal Organisations Control) Act 2009*. There are some differences, which is somewhat ironic given Attorneys-General wanted uniform legislation. However, we will not dwell on that.

Those interested will know the South Australian bill was successfully challenged in recent times. There were several grounds, as I understand it, for the appeal, but one valid challenge was in relation to removing discretion from the courts when making a control order. The South Australian legislation included the word 'must', and I understand it will subsequently be amended to include the word 'may'. There are amendments which will pass this morning, and an amendment to the current bill takes into account that difficulty. The government has, in anticipation of what happened in South Australia, amended the bill accordingly, which we also support.

I will turn to some of the details in the bill because it is important legislation, unprecedented in so many ways and, given its ramifications, its purpose and some of its detail, my view was it was appropriate for the opposition to outline some parts of the bill.

An eligible judge is a judge of the Supreme Court who has given consent for the Administrator to give them powers under the act, clause 12; the judge can revoke consent at any time. There are currently six full-time Supreme Court judges in the Territory, two additional Supreme Court judges and three acting Supreme Court judges. There is no indication in the initial bill tabled that any full-time Supreme Court judge can become an ineligible judge, or if the additional or acting judges are able to act as an eligible judge. Perhaps I could have expressed that better, but there are further amendments which clarify that

aspect, and we are very happy to see those amendments.

The Police Commissioner can make an application to an eligible judge to have an organisation sanctioned as a declared organisation under clause 18. The eligible judge can make the declaration against the organisation, dismiss the application, or hold a hearing to determine the merits of it. If the application is successful, notification must be published in the Northern Territory Gazette, and a Territory-wide circulated newspaper within seven days of the decision. This is also the procedure if an eligible judge decides to hold a hearing into the application.

As part of the application, the Police Commissioner must specify the name of any person who is reasonably believed to be a member, or former member, of the organisation. Each of the specified persons must be notified in the event of a hearing into the application, and notified when the organisation is listed as a declared organisation.

The declaration order for the organisation takes effect on the day the notification is published in the *Gazette*, or on a date specified by the *Gazette*. The declaration will remain in place against the organisation for a period of 10 years, or a lesser period as specified by the judge making the declaration. The declaration can be reversed only by the judge who made the declaration pursuant to clause 22 and, if that judge has passed away, retired, is absent from the Territory, or otherwise incapacitated, another eligible judge can act on their behalf under the section.

Revocation can be requested in writing by the Police Commissioner or on application of a member of the declared organisation. If a person is a member or past member of a declared organisation, there are no automatic restrictions on their activities or movements until they are subject to a control order. The Police Commissioner or a senior police officer can make an application to the Supreme Court to have a control order imposed on the person, pursuant to clause 23; such person does not have to be a member or former member of a declared organisation.

Grounds for making a control order are the person is a member or former member of a declared organisation engaged in criminal activity, and regularly associates with members of the declared organisation engaged in criminal activity, and regularly associates with persons who engage or have engaged in criminal activity. At a hearing of the application of the control order, the Supreme Court may hear further information from