

2019

**THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY**

**CRIMES (DISRUPTING CRIMINAL GANGS) LEGISLATION AMENDMENT BILL
2019**

SUPPLEMENTARY EXPLANATORY STATEMENT

**Presented by
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Attorney-General**

Crimes (Disrupting Criminal Gangs) Legislation Amendment Bill 2019

Outline of Government Amendments

On 24 October 2019 the Crimes (Disrupting Criminal Gangs) Legislation Amendment Bill 2019 (the Bill) was introduced to the Legislative Assembly. The Bill introduces a range of measures to improve public order and safety in the Territory, including where criminal activity occurs in the context of criminal organisations.

These amendments are minor or technical amendments that improve the operation of the legislation.

The explanatory statement accompanying the Bill provides a detailed account of the provisions contained in the Bill and can be accessed at:

https://www.legislation.act.gov.au/b/db_61179/

Government amendments to the Bill (the Government Amendments) are required to address issues that have arisen following the introduction of the Bill on 24 October 2019. These issues are:

1. providing clarity that the purpose of the licence or permit cancellation schemes is to target criminal activity;
2. providing clarity that the consequences of a cancellation order, for a person's suitability to hold a licence or permit or be involved in a business that was operated under the cancelled licence or permit, continues unless and until the cancellation order is revoked
3. clarifying and simplifying the definition of 'person of concern'

Human Rights

As outlined in the explanatory statement to the Bill, the Bill engages and limits a number of rights under the *Human Rights Act 2004* (the HRA). The Government Amendments do not further engage the HRA.

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Detail

Government amendment 1 – Clause 4, page 4, line 1

Government amendment 7 – Clause 22, page 37, line 4

These amendments are minor amendments and clarify that the ACAT must consider the need to minimise the possibility of criminal activity in the construction or liquor industry when considering making a cancellation order.

Ensuring that the ACAT *must* consider the need to minimise the possibility of criminal activity in the construction or liquor industry ensures the purposes of the legislation are met and that any cancellation is in relation to criminal activity.

Government amendment 2 – Clause 16, page 28, line 6

Government amendment 3 – Clause 16, page 28, line 15

These amendments are minor and technical amendments that are necessary as the definition of ‘involved’ currently only applies to new part 11B of the Bill, but this term is also used in new section 69A. The amendments ensure that new section 69A operates as intended to prevent the holding of a liquor licence or permit by persons that were involved with a liquor licence or permit and have had a cancellation order made on the basis, or partly on the basis, of their criminal activity. This restriction operates for five years after the cancellation order is made unless the order is sooner revoked under section 187K.

Government amendment 4 – Proposed New Clause 17A, page 33, line 11

This amendment is a minor and technical amendment that replaces the existing definition of ‘person of concern’ to clarify that a person of concern is a person subject to a cancellation order made under part 11B, and that the cancellation order was made on the basis, or partly on the basis, of the criminal activity of the person.

The definition also now ensures that the person of concern is subject to a cancellation order, rather than the person has simply had a cancellation order made against them at any point. This was the original intention of the provision and is made clearer in the new definition.

The intent of the definition remains the same in all other respects, and this amendment is a minor and technical amendment that clarifies the definition in simpler language.

This definition replaces the definitions in clause 19 and clause 21.

Government amendment 5 – Clause 19, Page 34, line 1

Government amendment 6 – Clause 21, Page 35, line 1

These amendments omit the definition of ‘person of concern’ and are technical amendments as a result of the new definition in Government amendment 4.

Government amendment 8 – Clause 22, page 39, line 20

Government amendment 9 – Clause 22, page 40, line 9

These amendments are technical amendments to reflect the original intention of the provision that the person must be subject to a cancellation order for the offences in new section 187L of the Liquor Act to apply.