



# Hon Greg Smith SC MP

Attorney General  
Minister for Justice

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## MEDIA RELEASE

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### BIKIE LAWS TO BE FIXED

The Attorney General, Greg Smith SC, said the NSW Government will today introduce legislation aimed at outlaw motorcycle gangs as part of its tough package to tackle organised crime.

However, Mr Smith said the legislation to repair a key section of the *Crimes (Criminal Organisations Control) Act 2009* was only the first step in what must be a national response to the issue.

As foreshadowed late last year, the Act will enable NSW Police to apply to an eligible Supreme Court judge to have a bikie gang declared a criminal organisation and to have control orders imposed which prohibit gang members from associating with each other.

“Importantly, judges will now be required to give reasons for declaring a criminal organisation, which will address a key issue in the High Court decision which struck down NSW bikie laws last year,” Mr Smith said.

“We are fixing the rushed and flawed legislation put in place by the previous Labor Government, which was ultimately struck down by the High Court.”

Mr Smith said the government had examined methods that deal with organised crime across the world and that the new laws on firearms and consorting, announced yesterday, would assist any future application to have a gang declared a criminal organisation in the Supreme Court.

“These are modern laws for modern policing,” he said.

“The NSW Government – working with police – will not stand by and let outlaw motorcycle gangs run riot on our streets.

“We will continue to give police the powers and resources they need in their war against criminal organisations.

Mr Smith warned there would be problems with the previous legislation when it was introduced by Labor in April 2009. He told Parliament it was “rushed” and that it may infringe the provisions in the constitution which enshrine judicial independence. The High Court’s ruling reflected the Attorney General’s concerns.

The Attorney General said the requirement for a judge to give reasons should “remove any apparent constitutional impediment to the re-enactment of the laws”. There will also be amendments to cover the provision of confidential information.

“This means the court can take steps to protect information that they consider to be properly classified by the commissioner as criminal intelligence,” Mr Smith said.

The Attorney General noted that Western Australia and the Northern Territory had introduced similar legislation, but said more needed to be done on a national level. He said there were continuing discussions with other states and that he hoped the Prime Minister would soon take a more active role – just as the federal Justice Minister, Jason Clare, had done this week on gun crime.

“The recent shooting in South Australia emphasises that bikie gang crime knows no boundaries,” Mr Smith said. “The NSW Government will continue to work with other states and territories to ensure these gangs have no place to hide in Australia.”