Criminal Organisations Control Act

Context

Victorian based organised crime groups are responsible for the most serious criminal acts, including murder, extortion, armed crime, child sexual abuse and exploitation, drug trafficking, production and importation, serious financial crime, firearms trade and sophisticated cybercrime, which contribute to the greatest harm to the Victorian community.

Victoria Police aims to minimise the harm caused by serious and organised crime by creating a hostile environment for serious and organised crime to operate in.

The *Criminal Organisations Control Act 2012* (the Act) allows Victoria Police to prevent, disrupt and inhibit serious and organised crime in Victoria by:

- enabling police to issue unlawful association notices (UANs) to prohibit certain individuals from associating with each other
- enabling the Chief Commissioner of Police (CCP) to apply to the County Court to make a serious crime prevention order (SCPO)
- prohibiting the public display of the insignia of prescribed organisations, and
- prohibiting members of prescribed organisations from entering Victorian Government worksites.

Policy at a glance

This policy includes:

- an overview of the intent and related offences of each of the four schemes under the Act
- the criteria, application, approval, service and review processes relevant to UANs
- relevant powers regarding the public display of insignia of prescribed organisations
- management of seized property regarding the public display of insignia of prescribed organisations
- the criteria, application, approval, service and variation/revocation/renewal processes relevant to SCPOs and corresponding orders
- relevant powers regarding the offence that prohibits members of a prescribed organisation from entering a prescribed Victorian Government worksite.

Contents

Definitions

Applicable offence - under the Act includes any of the following:

- an indictable offence that is punishable by at least 10 years imprisonment
- an offence specified at Schedule 1 of the Act
- an offence against sections 321, 321G or 321M, *Crimes Act 1958* in relation to an offence referred to above, or
- an offence against a law of either the Commonwealth, or another State, or Territory that is equivalent to an offence referred to above.

Associate with another person - under the Act includes either:

- being in another person's company - having sought another person's company or accepted being in the other person's company, or
- being in communication with another person - having sought to be in communication with another person or accepted being in communication with another person (including electronic communication).

Corresponding order - means An order made under a provision of a law of another jurisdiction that is prescribed under the Criminal Organisations Control Regulations 2025.

Criminal intelligence - under the Act means any information, document or other thing relating to actual or suspected criminal activity in Victoria or elsewhere, the disclosure of which could reasonably be expected to:

- prejudice a criminal investigation, including by revealing intelligence-gathering methodologies, investigative techniques or technologies, or covert practices, or
- enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement, or
- endanger a person's life or physical safety.

Eligible offender - under the Act means an individual to whom all of the following apply:

- has been convicted of an applicable offence
- was aged 18 years or older when the offence was committed, and
- has not had that conviction spent under the *Spent Convictions Act 2021*.

Additionally, under the Act an individual is an eligible offender if all of the following apply:

- they are aged 18 years or older
- they were convicted of a Category A serious youth offence within the meaning of section 3(1), the *Sentencing Act 1991*
- they committed that offence before reaching the age of 18 years, and
- no more than two years has elapsed since the commission of the offence.

Family member - defined at s.5A, the Act and includes any of the following:

- a person who is or has been married to the relevant person, or
- a person who is the relevant person's:
  - parent or grandparent
  - child or grandchild
  - sibling
  - first cousin.

Note: see s.5A, the Act for the complete list of whom may be a family member of the relevant person.

Insignia - under the Act is a mark of an organisation if any of the following apply:

- it denotes that organisation (including by being the organisation's name or logo)
- it indicates membership of that organisation, or
- indicates an association with the organisation.

Mark - under the Act means either:

- an image or symbol, including a logo, or
- a piece of text, including a name, abbreviation or acronym.

Member of an organisation - under the Act includes any of the following:

- an individual who is a current member of the organisation by virtue of paying a membership fee
- an individual who has been accepted as a member
- an individual who is an honorary member

- an individual who identifies themself as belonging to the organisation, including an individual who wears or displays the patches or insignia of the organisation
- an individual whose conduct in relation to the organisation would reasonably lead another person to consider the individual to be a member of the organisation, or
- an office holder of the organisation.

Organisation - under the Act means an incorporated body or association (including a company or registered foreign company within the meaning of the *Corporations Act 2001* (Cth) or an unincorporated body or association (however structured), whether any of the following apply to the body or association:

- is based in Victoria or elsewhere
- consists of persons who are not ordinarily resident in Victoria
- is part of a larger organisation, or
- is affiliated with another organisation.

Outlaw Motorcycle Gang (OMCG) - a motorcycle club whose members use the club, its reputation or membership for criminal activity.

Original decision maker - under the Act is the senior police officer who made the decision to issue or amend an unlawful association notice in relation to which an application is made under ss. 124M(1) or 124M(4), the Act.

Part 5B organisation - under the Act means an organisation prescribed in the Criminal Organisations Control Regulations 2025 for the purpose of the insignia scheme.

Part 5C organisation - under the Act means an organisation prescribed in the Criminal Organisations Control Regulations 2025 for the purpose of the worksite scheme.

Protection application - under the Act means an application for a Criminal Intelligence Protection Order made under s.70, the Act.

Publicly display - under the Act means to display a thing either:

- in a public place, or
- so that it is visible from a public place.

Note: to publish a thing on the internet is not to publicly display it for the purposes of the Act e.g., uploading an image to a social media website. However, in terms of internet publications, displaying an image that is published on social media website on a screen in a public place is to publicly display it for the purposes of the Act.

Relevant party - to a substantive application for an SCPO under s.69, the Act, means:

- if the substantive application was made by the CCP, the respondent to the application, or
- otherwise, the person who made the application.

Reviewing officer - is the police officer appointed under section 124N(1), the Act to review a UAN who must be of a rank that is the same as or higher than the original decision maker and not lower than the rank of Inspector.

Selected individual - means a person that has been issued with a UAN.

Specified individual - means a person that the selected individual cannot associate with.

Senior police officer - means a police officer of or above the rank of senior sergeant.

Substantive application - means an application to the County Court to make/vary/revoke an SCPO or an application to the court to register/vary/cancel a corresponding order (s.69, the Act).

Ulterior purpose - means the purpose of avoiding the application of an Unlawful Association Notice or the purpose of planning, inciting or committing an offence or the purpose of expanding an organised criminal group or criminal network.

Unlawful Association Notice (UAN) - a notice issued to an individual under s.124D or 124E, the Act who is known to have associated with a person or persons who are eligible offenders and the association is to establish, maintain or expand a criminal group or network.

'1%' or '1%er' - a term used by OMCGs to refer to the theory that only 1% of motorcycle riders operate outside the law. A mark that consists of 1% or 1%er is an insignia of an organisation if the mark relates to that organisation.

Also refer to the general **VPM Dictionary** for definitions and acronyms.

Scope and application

This policy applies to all employees involved with investigating and/or prosecuting offences under the Act.

Unlawful Association Notice scheme

1. Overview

- The objective of the unlawful association scheme is to prevent and inhibit the criminal conduct of criminal groups or networks, by preventing associations that may lead to this conduct.
- A UAN can be issued against an individual who is known to have associated with an eligible offender, and the association is to establish, maintain, or expand a criminal group or network.
- The Act requires the CCP to report to the Independent Broad-based Anti-corruption Commission (IBAC) on the use of UANs. To ensure compliance with record keeping and reporting requirements under the Act, Specialist Support Division, Crime Command is responsible for maintaining the Criminal Organisations Control Act (COCA) Registry.
- Refer to the **Unlawful Association Notice and Serious Crime Prevention Order schemes Practice Guide** for a detailed process flow for the UAN application and approval process.

2. Offence

2.1 *Offence to breach an unlawful association notice*

Section 124A, the Act provides an offence for an individual who has been served a UAN (selected individual) if they associate with an individual specified in that notice (specified individual).

3. Unlawful association notice application and approval process

3.1 *Criteria for applying for an unlawful association notice*

- A police officer may apply to a senior police officer to issue a UAN to an individual aged 18 years or older (s.124D, the Act). Note: the selected individual does not need to be an eligible offender themselves, but the specified individual must be an eligible offender for police to apply for a UAN to prohibit their association.

- The applicant must:
  - complete both Part A and Part B of the Unlawful Association Notice Application [Form 1530]
  - include supporting information to assist the senior police officer to determine whether to issue the notice, such as:
    - LEAP priors with relevant convictions highlighted to establish the specified individual is an eligible offender
    - LEAP involvements to indicate previous associations such as field contacts and co-offender involvements
    - LEAP dossier information and information sourced from Interpose i.e., Intelligence Reports
  - attach a draft Unlawful Association Notice [Form 1531]
  - provide the completed Form 1530 and Form 1531 to an I&R supervisor for review who must ensure it is forwarded to the senior police officer for assessment via Interpose.

3.2 *Criteria for issuing an unlawful association notice*

- In accordance with s.124D, the Act a senior police officer may issue a Form 1531. Note: only senior sergeants or above that have completed the relevant training are authorised to approve a Form 1530 and issue a Form 1531.

- A senior police officer may issue a UAN via a Form 1531 in respect of an individual who is aged 18 years or older if all of the following apply:
  - they believe on reasonable grounds that the individual has, on at least one occasion, associated with an eligible offender
  - they are satisfied on reasonable grounds that preventing those individuals from associating with each other is likely to both:
    - prevent or inhibit the establishment, maintenance or expansion of a criminal group or a criminal network, and
    - prevent or inhibit criminal activity
  - they are satisfied on reasonable grounds that the issue of the notice is appropriate in all the circumstances.

- In making the assessment as to whether the issue of a UAN is appropriate in all circumstances, a senior police officer must have regard to all of the following:
  - the nature and gravity of the offence and the time that has passed since the offence
  - whether the eligible offender’s behaviour indicates they are involved in a criminal group or a criminal network (and the extent of that involvement)
  - whether the issuing of the notice is proportionate to achieve the intent of the notice, and
  - any other relevant matter.

- A senior police officer must complete Part C of Form 1530, noting the reason for their decision, and either issue the Form 1531 or refuse to issue the Form 1531.

- If a senior police officer determines it is appropriate to issue the UAN, they must both:
  - sign Form 1531, and
  - return the completed Form 1531 to the applicant for service.

- Where a selected individual is present, a senior police officer who issues a Form 1531 must do both of the following:
  - ask the selected individual if they are an Aboriginal person or a Torres Strait Islander person (s.124DA, the Act), and
  - inform them that the reason for asking the Standard Indigenous Question (SIQ) is to ensure that Victoria Police complies with its legal obligation to accurately report on the issue of UANs in respect of Aboriginal and Torres Strait Islander persons.

  Note: if the senior police officer already has information to reasonably believe that the selected individual is an Aboriginal or Torres Strait Islander person, or the individual has already stated so, the senior police officer is not required to give the abovementioned information or ask the SIQ under the Act.

- If the senior police officer issues a UAN under s.124D, the Act, they must issue a Unlawful Association Notice [Form 1531A] in respect of each specified individual named in the Form 1531, unless they consider that exceptional circumstances exist that do not warrant the issuing of a UAN in accordance with s.124E, the Act.

- If a senior police officer determines it is appropriate to issue a UAN under s.124E, the Act, they must both:
  - complete and sign the Form 1531A(s), and
  - return the completed Form 1531A(s) to the applicant for service.

- The senior police officer must ensure the completed Form 1530, Form 1531 and Form 1531A(s) are sent via Interpose link to the COCA Registry via email to PBEA: COCA-REGISTRY-MGR for recording.

- If a senior police officer refuses to issue a UAN, they must ensure the completed Form 1530 is sent via Interpose link to the COCA Registry via email to PBEA: COCA-REGISTRY-MGR for recording.

3.3 *Service of an unlawful association notice*

- A senior police officer must ensure the Form 1531 and Form 1531A(s) are served on the selected individuals as soon as practicable after they are issued.

- The Form 1531 and Form 1531A(s) should be served by delivering it personally to the selected individuals, however, the Act also allows for service by either of the following means:
  - by sending it by prepaid ordinary post to the individual at their usual or last known residential or business address, or
  - by leaving it at the individual's usual or last known residential or business address with an individual on the premises who is apparently at least 16 years of age and apparently residing or employed there.

- A UAN is enforceable from the date it is served on the individual in respect of whom it is issued and remains in effect for two years from the date it is issued, unless it is revoked prior. The expiry date of a UAN is the same day and month as the issue date. For example, if the UAN was issued by the senior police officer on 1 January 2026, the expiry date would be 1 January 2028.

- Following service of the UAN, the applicant must ensure that copies of the affidavits of service and completed Form 1531 and Form 1531A(s) are sent in PDF format to the COCA Registry via email to PBEA: COCA-REGISTRY-MGR for recording and copy CDEB PBEA: POLICE ENQUIRIES SERVICE-RSD-MGR for updating LEAP after hours.
- Following receipt, the COCA Registry is responsible for creating a UAN Person Warning Flag (PWF) on the selected individual's LEAP Master Name Summary screen. The COCA Registry will also create a LEAP UAN association record between the selected individual and the specified individuals. Note: CDEB will perform this function after hours.
- The PWF Remarks field will contain the UAN expiry date and detail around whom the selected individual cannot associate with. In the event that the selected individual is subject to multiple UANs, the Remarks field will reflect the detail of all subsequent UANs.
- When persons are found to be associating contrary to the UAN, members should refer to the Remarks field of the PWF and consider arrest and charge options where appropriate.

4. Review or revocation of the issuing of an unlawful association notice

4.1 *Overview*

- A selected individual can apply to the CCP for an internal review of either the decision to issue the UAN or a decision to amend a UAN (s.124M, the Act).
- To apply for a review or revocation of a decision, a selected individual must submit an application by completing Page 2 of the Form 1531 before sending it via email to the COCA Registry to PBEA: COCA-REGISTRY-MGR, or post to Crime Command within 28 days of service. Note: the selected individual can request an extension of up to 56 days.
- Applications for a review or revocation of a UAN will be allocated to an independent reviewing officer by the COCA Registry via Interpose. The appointment of the independent reviewing officer must be made by the relevant delegate under **Instrument of Delegation COCA 2** and must be made:
  - on a case-by-case basis in relation to each application, and
  - in writing using the email templates outlined at Appendix A of this policy.

4.2 *Review process*

- The reviewing officer must consider all the information, material and evidence that was available to the original decision maker.
- The reviewing officer must make a decision within 28 days after the application is made that does any of the following:
  - affirms the decision of the original decision maker
  - amends the decision of the original decision maker, or
  - revokes the original UAN.

- As soon as practicable after making the decision, the reviewing officer must ensure a notice is served on the applicant advising of the outcome of the officer's decision using Unlawful Association Notice Outcome of Internal Review [Form 1534].
- The reviewing officer must ensure copies of Form 1534 are saved to the Interpose shell and are sent in PDF format to the COCA Registry via email to PBEA: COCA-REGISTRY-MGR for recording and copy CDEB PBEA: POLICE ENQUIRIES SERVICE-RSD-MGR for updating LEAP after hours. Note: CDEB does not need to be notified of the outcome of the review if the reviewing officer affirms the decision of the original decision maker.

4.3 *Amendment of unlawful association notices following review*

- If the reviewing officer decides to amend or set aside the original decision and substitute a different decision, the reviewing officer must do both of the following:
  - issue a Form 1534, and
  - follow the process regarding service at section 3.3 of this policy.

  Note: the duration that the UAN is in effect does not change, regardless of any amendments made.
- To update the PWF Remarks and any LEAP UAN association records, the reviewing officer must ensure copies of Form 1534 are saved to the Interpose shell and are sent in PDF format to the COCA Registry via email to PBEA: COCA-REGISTRY-MGR for recording and copy CDEB PBEA: POLICE ENQUIRIES SERVICE-RSD-MGR for updating LEAP after hours.
- Following service, the serving member must ensure that a copy of the affidavit of service is sent in PDF format to the COCA Registry via email to PBEA: COCA-REGISTRY-MGR for recording.

4.4 *Revocation process*

- The reviewing officer may revoke the UAN if satisfied that either:
  - there has been a substantial change in circumstances since the UAN was issued and that because of that change, the basis for the notice no longer applies, or
  - it is otherwise appropriate to do so e.g., on compassionate grounds.
- The reviewing officer must refuse the revocation application if not satisfied on the grounds above.
- As soon as practicable after making a decision, the reviewing officer must follow the process at section 3.3 of this policy for service and advise the applicant of the outcome using Unlawful Association Notice of Outcome of Revocation Application [Form 1535].
- The revocation takes effect from when the reviewing officer completes the Form 1535. For the removal of the UAN PWF from the selected individual's LEAP Master Name Summary screen, the reviewing officer must ensure a copy of the completed Form 1535 is saved to the Interpose shell and is sent in PDF format to the COCA Registry via email to PBEA: COCA-REGISTRY-MGR for recording and copy CDEB PBEA: POLICE ENQUIRIES SERVICE-RSD-MGR for updating LEAP after hours.
- Following service of the Form 1535, the serving member must ensure that a copy of the affidavit of service is sent in PDF format to the COCA Registry via email to PBEA:

COCA-REGISTRY-MGR for recording.

4.5 *Review of related unlawful association notices on revocation*

- If the reviewing officer decides to revoke a UAN, they must also review all related UANs and decide whether, as a result of the revocation, any of the UANs should be amended or revoked.
- If the reviewing officer decides that a related UAN is to be amended, they must follow the process at section 4.3 of this policy.

  Note: the duration that the UAN is in effect does not change, regardless of any amendments made.
- If the reviewing officer decides that a related UAN is to be revoked, the officer must follow the process at section 4.4 of this policy.
- Following service of either Form 1534 or Form 1535, the serving member must ensure that a copy of the affidavit of service is sent in PDF format to the COCA Registry via email to PBEA: COCA-REGISTRY-MGR for recording.

4.6 *Lawful association authority*

- A selected individual can apply to the CCP for a lawful association authority to associate with a specified individual at an event or gathering.
- A selected individual must submit the application by completing Page 2 of the Form 1531 before sending it to the COCA Registry, Crime Command.
- The COCA Registry must forward the application to a senior police officer via Interpose for a decision to either grant or refuse the application.
- Once the application has been reviewed, the senior police officer must record their decision using the Lawful Association Authority [Form 1533] and upload this form to the Interpose document shell.
- The senior police officer must ensure a copy of the completed Form 1533 is sent via Interpose link emailed to the COCA Registry to PBEA: COCA-REGISTRY-MGR for recording and the immediate updating of the UAN PWF.
- The COCA Registry notifies the selected individual of the outcome of the request by sending the completed Form 1533 via return email or post (depending on how it was received).

Prohibition to publicly display insignia of a prescribed organisation

5. Overview

- The Act prohibits the public display of the insignia of certain organisations, prescribed in the Criminal Organisations Control Regulations 2025, without a lawful excuse. A list of the prescribed Part 5B organisations can be found on the Crime Command COCA intranet page.
- Prescribed organisations are typically OMCGs. Prior to attempting any intercept or in-person contact with OMCGs (whether planned or unplanned), members must consider SAFE TACTICS.
- If a frontline member intercepts or otherwise encounters a person or vehicle publicly displaying the insignia of a Part 5B organisation, members must question the person

wearing the insignia, or in charge of the vehicle, in accordance with **VPM Interviews and statements**.

- Following interactions with OMCG members, an information report (which includes images) should be submitted in accordance with **VPM Intelligence**.

6. Enforcement

6.1 *Direction power – cease public display of insignia of a Part 5B organisation*

- Section 124ZR, the Act provides a power for a police officer to give an individual aged 18 years old or older, or a body corporate, a direction to cease the public display of the insignia, if they reasonably believe that the individual or body corporate is committing an offence against s.124ZN, the Act.
- A police officer who gives a direction under this section may do so orally or in writing. Generally, a direction which relates to a property should be given in writing. Templates for the notice to cease public display of insignia are available on the Crime Command COCA intranet page.
- A police officer who gives a direction under this section must specify a reasonable time within which the public display must cease. It is intended that a reasonable time for the removal of a piece of clothing i.e., immediately (other than a safety item such as a motorcycle helmet) would be different to the removal of a sign affixed to a building.

6.2 *Written direction to cease public display of insignia of a Part 5B organisation*

- A police officer who gives a direction in writing must identify the person to whom the direction is given using the notice to cease public display of insignia. Whilst the Act permits any member of the police force to give such direction, only Echo Taskforce members may give written directions related to properties and vehicles where an insignia of a Part 5B organisation is being publicly displayed.
- In the case of a motor vehicle, the police officer may specify the registered owner of the vehicle in the direction. In the case of a property (such as an OMCG clubhouse), the police officer may specify the occupier of the premises.
- If a direction is unable to be given in person, a written direction must be either:
  - left at the property where the Part 5B organisation insignia is being displayed or,
  - affixed or placed on a vehicle in a conspicuous manner if the display is on a vehicle.

6.3 *Seizure power – property bearing insignia of a Part 5B organisation*

- Section 124ZW, the Act provides a power to seize a thing bearing an insignia of a Part 5B organisation if a police officer reasonably believes a person is committing, or has committed, an offence of publicly displaying the insignia of a Part 5B organisation. Note: police officers also have powers to seize in accordance with s.124ZV, the Act (see section 7.5 of this policy) or common law provisions.
- A police officer may seize the property bearing the insignia of a Part 5Borganisation immediately without needing to first issue a direction to remove the insignia from public display.
- Before seizing the item, the member must do all of the following:

- inform the person that they believe the person is committing an offence against s.124ZN, the Act
- inform the person that police have the power to seize the thing and intend to do so
- inform the person that reasonable force may be used to assist in the seizure, and,
- ask the person to hand the thing over.

6.4 *Search warrants*

Section 124ZV, the Act provides that s.465, *Crimes Act* applies to and in respect of an offence against s.124ZN as if it were an indictable offence. This provides for a magistrate to issue a search warrant which allows police to search and seize evidence related to the offence of public display insignia of a Part 5B organisation.

Note: only Echo Taskforce members may seek a search warrant.

6.5 *Power of arrest*

Offences at sections 124ZN, 124ZS and 124ZU, the Act are summary offences, however, police have a power of arrest, in accordance with s.458, *Crimes Act*.

7. Offences

7.1 *Offence to publicly display insignia of a Part 5B organisation*

- Section 124ZN, the Act provides an offence for an individual aged 18 years or older, or a body corporate, to publicly display a mark if it is an insignia of a Part 5B organisation, and they know, or ought reasonably to know that the mark is an insignia of such organisation.
- Frontline members can investigate and charge for s.124ZN offences. Prior to seeking authorisation for a brief of evidence, frontline members must consult the Echo Taskforce for advice via email to PBEA: CRIME-ECHO TASKFORCE-OIC.
- The Echo Taskforce will review any material and provide advice as to whether the insignia is the insignia of a Part 5B organisation and confirm any other requisite evidential documents that demonstrates the insignia is prohibited from being publicly displayed.
- Responsibility for approving briefs of evidence is detailed in **VPMP Briefs of evidence** and **VPMG Brief preparation and management**.

7.2 *Offence to fail to comply with a direction*

- Sections 124ZR and 124ZT, the Act, provides for a police officer to direct a person to cease the public display of insignia if they believe the individual or body corporate is committing an offence against s.124ZN by that public display.
- Section 124ZS, the Act provides a person commits an offence if they fail to comply with a direction given by a police officer pursuant to s.124ZR within the reasonable time period specified, and they do not have a reasonable excuse for failing to do so.
- Section 124ZU, the Act provides a person commits an offence if they fail to comply with a direction left by a police officer pursuant to s.124ZT within the reasonable time period specified, and they do not have a reasonable excuse for failing to do so.

8. Seized and forfeited property

8.1 *Return of seized property*

- Property seized without warrant under the Act must be returned to the owner where any of the following applies:
  - no person has been charged with a relevant offence within three months
  - a decision has been made not to charge within three months, or
  - where a person has been charged with an offence, when all relevant proceedings have concluded without a forfeiture order being made.
- An item seized under warrant, is subject to the conditions of that warrant.

8.2 *Collection of seized property*

- The work unit manager where a seized item is kept must give written notice to each person whose status as a relevant person can be discerned from the records of Victoria Police to collect the seized item, under s.124ZY, the Act.
- Reasonable steps must be taken to identify the owner if Victoria Police has no record of who owns the item at the time the item was seized.
- The work unit manager where the seized item is kept must allow a relevant person to either attend that police station and collect the item, or have another person attend and collect the item on their behalf.

8.3 *Forfeiture provisions*

- In the case of seized property (other than a motor vehicle) which was seized under warrant or the provisions of the Act, if a court finds a person guilty of the offence, the court may, on application by a police officer, order that the item is forfeited to the Crown. The seized item cannot be disposed of until the relevant appeal period has expired.
- A forfeiture order should be applied for in all circumstances upon conviction.
- In the case of a motor vehicle seized under warrant or the provisions of the Act, if a court finds a person guilty of the offence, Division 1 of Part 3, *Confiscation Act 1997* applies. The seized property must be treated as tainted property and a forfeiture order applied for.

Serious Crime Prevention Orders

9. Overview

- The purpose of the SCPO scheme is to prevent and inhibit the involvement of individuals in serious criminal activity. The scheme enables the CCP to apply to the County Court to make an SCPO that restricts the activities of individuals aged 18 years or older.
- Provided the court is satisfied that certain criteria are met i.e., the individual is an eligible offender, it may make an SCPO requiring an individual to comply with conditions commensurate to their risk profile, to reduce future involvement in serious criminal activity. An SCPO can be in effect for a maximum of five years and may be renewed upon application by the CCP before it expires.
  - The Act requires the CCP to report to IBAC on the use of SCPOs. To ensure compliance with reporting requirements under the Act, Specialist Support Division,

Crime Command is responsible for maintaining the COCA Registry.

10. Offence

10.1 *Offence to contravene serious crime prevention order*

- Section 31, the Act provides that it is an indictable offence to contravene a condition imposed under an SCPO.
- A person commits an offence if they either know that an SCPO that applies to them is in effect, or is reckless as to that fact, and contravenes a condition imposed under the SCPO.

11. Making of Serious Crime Prevention Orders

11.1 *Applying for a Serious Crime Prevention Order*

- Only members from Crime Command are authorised to apply to the court for an SCPO, in consultation with Legal Services Department.
- The application must be made by an Inspector within Crime Command and approved by the Assistant Commissioner, Crime Command.
- The application must state the grounds on which the order is sought and state the conditions that are sought to be imposed e.g., restriction on movements and include details of any previous applications.
- The application must be accompanied by at least one affidavit which addresses the grounds on which the SCPO is sought. Note: a closed affidavit must also be prepared if a Criminal Intelligence Protection Order is sought (see section 16 of this policy).
- Once approved, the application must be filed with the registry of the County Court, after which it will be allocated a hearing date.
- The application must be served on the respondent as soon as practicable after the application is made.
- The application should be served by delivering it personally to the individual, however, the Act allows for service by either of the following means:
  - by sending it by prepaid ordinary post to the individual at their usual or last known residential or business address, or
  - by leaving it at the individual's usual or last known residential or business address with an individual on the premises who is apparently at least 16 years of age and apparently residing or employed there.

11.2 *Service of a Serious Crime Prevention Order*

- Once granted by the court, a copy of an SCPO must be served on the individual to whom it applies as soon as practicable after the order is made, but no later than seven days after that making.
- A SCPO takes effect on the day specified in the order and remains in effect for the duration specified in the order, unless varied or revoked prior.
- Service of the SCPO can be effected in the same manner as the application.
- Following service, the applicant must ensure that copies of the affidavit of service and SCPO are sent in PDF format to the COCA Registry via email to PBEA: COCA-

REGISTRY-MGR for recording.

- Following receipt of the SCPO, the COCA Registry is responsible for creating a SCPO PWF on the respondent's LEAP Master Name Summary screen. The Remarks field will contain detail on the duration of the SCPO and the conditions the Respondent must abide by.

12. Variation or revocation of Serious Crime Prevention Orders

12.1 *Application for variation or revocation of a Serious Crime Prevention Order*

- Only members from Crime Command are authorised to apply to the court for a variation or revocation of an SCPO, in consultation with Legal Services Department.
- The individual who is the subject of an SCPO may also apply for variation or revocation.
- The application must only be made by an Inspector within Crime Command and approved by the Assistant Commissioner, Crime Command.
- The application must state the grounds on which the variation or revocation of an SCPO is sought and the conditions that are sought to be imposed i.e., restriction on movements and include details of any previous applications.
- The application must be accompanied by an affidavit which addresses the grounds on which the variation or revocation is sought. Note: a closed affidavit must also be prepared if a Criminal Intelligence Protection Order is sought (see section 16 of this policy).
- The application must be served on the respondent as soon as practicable after the application is made.
- Service can be effected in the same manner as the application for an SCPO.
- Following service, the serving member must ensure that copies of the affidavit of service and application are forwarded in PDF format to the COCA Registry via email to PBEA: COCA-REGISTRY-MGR for recording.
- If the court varies or revokes an SCPO, a copy of the varied SCPO or revoked order must be served on the individual to whom it applies as soon as practicable after the order is made, but no later than seven days after the variation or revocation.
- Following service, the serving member must ensure that copies of the affidavit of service and varied SCPO or revoked order are forwarded in PDF format to the COCA Registry via email to PBEA: COCA-REGISTRY-MGR for recording.
- Following receipt of the varied SCPO or revoked order, the COCA Registry is responsible for updating or removing the SCPO PWF on the respondent's LEAP Master Name Summary screen.

13. Renewal of Serious Crime Prevention Orders

- Only members from Crime Command are authorised to apply to the court for the renewal of an SCPO, in consultation with Legal Services Department.
- The application for renewal must be made before the SCPO ceases to have effect.
- The application must be made by an Inspector from Crime Command and approved by the Assistant Commissioner, Crime Command.

- The application must meet the requirements set out at s.14, the Act and be accompanied by at least one affidavit which addresses the grounds on which the renewal is sought.
- The application must be served on the respondent as soon as practicable after the application is made.
- Service can be effected in the same manner as the application for an SCPO.
- Following service, the applicant must ensure that copies of the affidavit of service and application are sent in PDF format to the COCA Registry via email to PBEA: COCA-REGISTRY-MGR for recording.
- If the court renews an SCPO, a copy of the renewed SCPO must be served on the individual to whom it applies as soon as practicable after the order is made, but no later than seven days after that making.
- Following service, the serving member must ensure that copies of the affidavit of service and renewed SCPO are forwarded in PDF format to the COCA Registry via email to PBEA: COCA-REGISTRY-MGR for recording.
- Following receipt of the renewed SCPO, the COCA Registry is responsible for updating the SCPO PWF on the respondent's LEAP Master Name Summary screen. The Remarks field will contain detail on the duration of the SCPO and the conditions the Respondent must abide by.

14. Registration of corresponding orders

- Section 99, the Act provides for police to seek the registration of corresponding orders in Victoria (orders made under a prescribed provision of a law of another jurisdiction) to recognise equivalent interjurisdictional orders.
- The conditions imposed under a corresponding order are not enforceable in Victoria unless the corresponding order has been registered in a Victorian court.
- Only members from Crime Command are authorised to apply to the court to register a corresponding order, in consultation with Legal Services Department.
- The application must be made by an Inspector or above from Crime Command under **Instrument of Delegation COCA 1** and approved by the Assistant Commissioner, Crime Command.
- The application must be accompanied by both:
  - a copy of the corresponding order to be registered, and
  - an affidavit that includes enough information to enable the County Court Registrar to find that the order both:
    - is a corresponding order within the meaning of the Act, and
    - is in effect.

Note: an application for the registration of a corresponding order does not need to be served on the respondent.

14.1 *Service of a registered corresponding order*

- If the court registers a corresponding order, it comes into effect in Victoria on the day it is served on the respondent.
- A copy of the registered corresponding order must be served on the respondent as soon as practicable after Victoria Police receives a copy, but no later than seven days after receipt.

- A registered corresponding order comes into effect on the day on which the order is served on the respondent. The corresponding order remains in effect until one of the following occurs –
  - the registration of the corresponding order ceases to have effect in accordance with s.107, the Act, or
  - the registration of the corresponding order is cancelled under s.121, the Act.
- Service can be effected in the same manner as the application for an SCPO.
- Following service, the applicant must ensure that copies of the affidavit of service and corresponding order are sent in PDF format to the COCA Registry via email to PBEA: COCA-REGISTRY-MGR for recording.
- Following receipt of a registered corresponding order, the COCA Registry is responsible for creating a SCPO PWF on the respondent's LEAP Master Name Summary screen. The Remarks field will contain detail on the duration of the registered corresponding order and the conditions the Respondent must abide by.

15. Variation or cancellation of registered corresponding orders

- Only members from Crime Command are authorised to apply to the court for a variation or cancellation of a corresponding order, in consultation with Legal Services Department (the subject of a corresponding order may also apply to the court for a variation or cancellation).
- The application must be made by an Inspector from Crime Command and approved by the Assistant Commissioner, Crime Command.
- The application must meet the requirements set out at either:
  - s.113, the Act and be accompanied by at least one affidavit which addresses the grounds on which the variation is sought, or
  - s.119, the Act and be accompanied by at least one affidavit which addresses the grounds on which the cancellation is sought.
- The application must be served on the respondent as soon as practicable after the application is made.
- Service can be effected in the same manner as the application for an SCPO.
- Following service, the applicant must ensure that copies of the affidavit of service and application are sent in PDF format to the COCA Registry via email to PBEA: COCA-REGISTRY-MGR for recording.
- If the court varies or cancels the registration of a corresponding order, a copy of the varied order or notice of the cancellation of the registration must be served on the individual to whom it applies as soon as practicable after the determination is made, but no later than seven days after that determination.
- Following service, the serving member must ensure that copies of the affidavit of service and variation or cancellation are forwarded in PDF format to the COCA Registry via email to PBEA: COCA-REGISTRY-MGR for recording.
- Following receipt of the variation or cancellation, the COCA Registry is responsible for updating the SCPO PWF on the respondent's LEAP Master Name Summary screen.

16. Criminal Intelligence Protection Order

- If a substantive application for an SCPO is made, the CCP or an Inspector or above from Crime Command under **Instrument of Delegation COCA 1** may apply to the court for a Criminal Intelligence Protection Order (protection application) in relation to any information, document or other thing related to that substantive application that they believe on reasonable grounds is criminal intelligence (s.70, the Act).
- A protection application must be in writing and state the grounds on which the order is sought and be accompanied by an affidavit which addresses those grounds, e.g., would reveal a human source, disclose police methodology, endanger the safety of a person/s.
- If the court declines to make a Criminal Intelligence Protection Order in respect of all or any part of the information, document or other thing, then:
  - the CCP is not obliged to adduce that information, document, other thing or part in evidence in the proceeding on the substantive application, and
  - the CCP or their delegate may withdraw the substantive application.
- The CCP or their delegate may also withdraw the substantive application if the court at any time during the proceeding on the substantive application makes an order for discovery of all or any part of the information, document or other thing that was the subject of the protection application, whether or not a Criminal Intelligence Protection Order was made (s.75, the Act).

Exclusion of members of certain organisations from entering Victorian Government worksites

17. Overview

- The purpose of this section of the Act is to exclude members of certain organisations from entering Victorian Government worksites to substantially assist in preventing or disrupting criminal conduct in relation to public construction.
- Three elements must be achieved in order to operationalise the worksite scheme and enforce the new offence. Victoria Police must:
  - demonstrate an organisation warrants consideration to be prescribed as a Part 5C organisation based on the statutory criteria at s.124ZZE, the Act
  - prove members of that organisation have been involved in criminal activity in the public construction industry, and
  - prove a member of that organisation has entered a prescribed Victorian Government worksite.
- Regulations under the Act prescribe organisations whose members will be subject to the worksite scheme (referred to as Part 5C organisations).

18. Offence

- Section 124ZZD creates an offence that prohibits members of a Part 5C organisation from entering a prescribed Victorian Government worksite. A person aged 18 years or older and who is a is a member of a Part 5C organisation commits an offence if all of the following apply:
  - they enter an area that is, or is located at, a Victorian Government worksite
  - they enter an area to which public access is restricted, and
  - they enter an area where development is taking place.

- Offences against s.124ZZD must only be investigated by members from Crime Command.
- Refer to the Crime Command COCA intranet page for more information.

Related documents

- VPM Interviews and statements
- VPM Crime attendance – initial action
- VPMP Briefs of evidence
- Unlawful Association Notice and Serious Crime Prevention Order schemes Practice Guide

Further advice and information

For further advice and assistance regarding this policy, contact the Crime Strategy and Projects Unit via PBEA: CRIME-STRATEGYPROJECTS-MGR.

Update history

DATE UPDATED	SUMMARY OF CHANGE	FORCE FILE NUMBER
26/08/2025	New policy created to operationalise the *Criminal Organisations Control Amendment Act 2024* which amends the *Criminal Organisations Control Act 2012.*	FF-275044 1
05/09/2025	Minor administrative update to reflect the Unlawful Association Notice and Serious Crime Prevention Order schemes Practice Guide title.	n/a
18/11/2025	Administrative updates to clarify the Unlawful Association Notice and Serious Crime Prevention Order application and approval process and the insignia scheme.	FF-275044 1

Appendix A – Appointment of independent reviewing officer

The following email templates should be used by the delegate when making appointments under ss. 124JA and 124N of the Act. The relevant application should also be attached to the email.

Appointment under s.124JA

The appointed police officer:

- must not be the senior police officer who issued the unlawful association notice or have been substantially involved in the making of the decision to issue the notice, and
- must be of a rank that is the same as, or above, the rank of the senior police officer who issued the notice and not lower than the rank of Inspector.

Dear [name and rank of appointed police officer],

As delegate of the Chief Commissioner of Police, I:

- *have received an application dated [date of application] made by [name of affected person making the application] under s.124JA(1), Criminal Organisations Control Act 2012 for revocation of an unlawful association notice that was served on them*
- *appoint you under s.124JA(2) of that Act to determine the application.*

[signature block/email signature with delegate's name, rank and position]

Appointment under s.124N

The appointed police officer:

- must not be the original decision maker or have been substantially involved in the making of the original decision, and
- must be of a rank that is the same as, or above, the rank of the original decision maker and not lower than the rank of Inspector.

There are two ways that an appointment under s.124N can arise:

- where the delegate receives an application under s.124M(1) for a review of the decision to issue an unlawful association notice:

  Dear [name and rank of appointed police officer],

  As delegate of the Chief Commissioner of Police, I:

  - *have received an application dated [date of application] made by [name of affected person making the application] under s.124M(1), Criminal Organisations Control Act 2012 for a review of the decision to issue an unlawful association notice that was served on them*
  - *appoint you under s.124N(1) of that Act to review the decision to issue the notice.*

  [signature block/email signature with delegate's name, rank and position]

- where the delegate receives an application under s.124M(4) for a review of the decision to amend an unlawful association notice:

  Dear [name and rank of appointed police officer],

  As delegate of the Chief Commissioner of Police, I:

  - *have received an application dated [date of application] made by [name of affected person making the application] under s.124M(4), Criminal Organisations Control Act 2012* *for a review of the decision to issue an unlawful association notice that was served on them*

- *appoint you under s.124N(1) of that Act to review the decision to issue the notice.*

[signature block/email signature with delegate's name, rank and position]