

Legal Affairs and Community Safety Committee (the committee)

Re: Serious and Organised Crime Legislation Amendment Bill 2016

My name is Graham Carman, I am 56 years of age and have been riding motorcycles on the road for 40 year. I am very passionate about motorcycles and have owned and customized over 50 motorcycles. I have ridden in excess of 1.8 million kilometres during my life so you could say motorcycling is my life. I have NO affiliation with any Outlaw Motorcycle Club but over the years have enjoyed numerous motorcycle shows etc (many of which were held by the Outlaw Clubs) Beside providing a function for like minded people to enjoy, it is common knowledge these events were a means of raising funds for the respective club and a portion of the profits were donated to charities.

One of the few enjoyments I have left is riding motorcycles however since the VLAD laws were introduced this enjoyment has been severely tempered by the aggressive and deliberate campaign by the police against ALL motorcycle riders. The police are utilizing a profiling methodology whereby a motorcyclist is stopped, questioned, (sometimes made to strip off all clothing) photographed, and added to a database regardless of the fact that they have NO connection or association with any Outlaw Motorcycle Club. In fact at the height of the fervour by police, one motorcyclist while riding to a job interview about 4 hours from where he lived, he was interdicted by police no less than 6 times, delayed for approximately 20-30 minutes each time during their profiling with NO traffic violations being issued. Because of this he was late for the interview and was refused a job solely on the premise he was not reliable because he could not make it on time.

Now the Palaszczuk government wants to introduce more legislation which no doubt will create even more anxiety and frustration to an already agitated and angry motorcycling community, because of the following facts.

The 2016 Wilson review recommended **the use of the consorting laws be focused only on serious or organised crime, and prohibited from being used to tackle minor or nuisance offending.**

In reality, the proposed Queensland law does not necessarily focus on consorting for the purpose of criminal activity. It says:

... "the person's association with the other person need not have a purpose related to criminal activity"

This seems at odds with the government's claims that the laws:

... "would enable law enforcement agencies to tackle all forms of serious organised crime ... by focusing on people's criminal activity, rather than a focus on any individual group".

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[REDACTED]

To give the committee an idea of what's actually happening already, without consorting laws, I provide the following facts:

The Qld Government told us that "***Social Motorcycle Riders Clubs and riders would not be affected by the VLAD Laws or receive undue harassment***".

There are numerous videos on YouTube that adequately demonstrate the absurdity of that statement. Even while these new laws are being reviewed the harassment continues unabated. For example, in blatant contradiction of the Government's statement, on 17/9/2016 the Brisbane Poker run hosted by Viking Breed Social Motorcycle Club and attended by many other Military and Social Clubs, was held. There was a high Police presence with riders being scrutinised, breathalysed, licenses checked and bikes inspected on entry to the start point at The Royal Mail Goodna. This is commonly referred to as Police Profiling and Harassment, however the Police will tell you it is to make sure there is no infiltration of OMG members on these rides or in the social clubs. **Bikers unanimously reject that reasoning by police.** If that were the case, why were so many minor defect notices issued for the likes of Handlebar height, Mirror size and Number Plate defects etc, at the start point. (*many of these type of defects have been challenged in court and found to be wanting, however the police don't care and just keep using these tactics to justify their actions, much to the annoyance and inconvenience of riders who then have to take motorcycles for inspection, to be told in many circumstances the claimed defect is in fact NOT a defect because police are misinterpreting or cherry picking pieces of the Australian Design Rules*). To add insult to injury the police began telling all those defected if they went on the ride, their bikes would be confiscated.

After all the licence checks and defect notices etc, the police proceeded to follow the Poker Run to the first stop and issued more traffic infringement notices.

The police had already checked all those who were on the ride at Goodna so following the procession and issuing more infringements can only be seen as deliberate and prolonged harassment. Given the above typical police modus operandi, the motorcycle community is rightfully becoming very concerned the police harassment will increase significantly if the new consorting law is enacted. The motorcycle community is equally concerned the actions by police will escalate and sooner or later motorcyclist will begin reacting out of sheer frustration. (you can only poke even the mildest mannered sleeping bear with a stick for so long, before it wakes up and retaliates).

As one social club member put it: "*We are Social Clubs on a Social ride with mates from other Social Clubs. But because we ride motorcycles the QLD Police and Government treat us as a criminal class*". The police acting as the enforcement arm of government are just creating growing resentment and indeed hatred by the way they are targeting / harassing / profiling ALL motorcycle riders. I ask on behalf of the broader motorcycling community, for all committee members and all politicians to seriously consider if introducing consorting laws (that have not worked in NSW) is really in the best interests of QLD.

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Video footage of the police presence at start of Poker run can be viewed here:

<https://www.facebook.com/gary.maxwell.395/videos/1102197109835953/>

"Police presence at Viking Breed SMC Poker Runin and out of town... Footage to show some of the police harassment of a social ride last weekend in Queensland - yes social not 1% club, another reason why the laws need to be scrapped - they still can't tell the difference but should not be harassing anyone just for riding! So much for SMCs not being harassed ..Cars were let through while random alcohol and drug testing, licence checks and defecting only targeting bikes"

To provide an overall picture of the state of motorcycling in QLD, some of the above information was sourced from social media and posts by Gary Maxwell et.el.

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