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Qld 4114

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Inquiry Secretary
Legal Affairs and Community Safety Committee
Parliament House
George Street
Brisbane Qld 4000
Email: lacsc@parliament.qld.gov.au

Dear Sir/Madam

RE: Serious and Organised Crime legislation Amendment Bill 2016

I write to you today as a concerned citizen of Queensland. The changes to the laws in regards to motorcycle clubs/criminal organizations have me greatly concerned. Let me say firstly that I do agree that if you commit a crime you should stand before the courts to defend your actions but at this point you are and should be innocent until proven guilty, not with the reverse onus of having to prove yourself innocent.

It seems to be of late that politicians and parliament are producing new laws to try and combat crime within our society even though I believe that there are enough laws already in place, if these laws were used to their full potential.

The latest batch of new laws appears to stem around the banning of motorcycle club colours in public and strengthening the extremely faulty VLAD laws. This concerns me as where does this lead to next, will it be a sporting club or a religious group that will have their uniform/traditional dress (read as "colours") banned from our society. At present it is legal to wear these colours in public **only** if there are less than 3 present and not in any licensed premises. I fail to see how the wearing of these items can prove that you are a criminal. The declared clubs list was in fact flawed in the very way that it was assembled. How can a person be labelled a criminal just because others in the same organization (or wear the same "colours") have committed a crime? If this is the case then the Queensland police force and the Queensland parliament would also need to be declared as criminal organizations and we all agree that that is just plain ludicrous. If there was in fact enough evidence (secret or otherwise) to find a club to be a criminal organization then the evidence should have been presented to a court of law with the accused ready to stand trial and defend themselves against these charges. This is the only way that the judicial system has and can continue to work in this state/country. By allowing secret or sealed evidence to be admitted into a court of law you are taking away a person's fundamental right to defend themselves against, at this point unsubstantiated allegations.

I have heard it said a lot lately that the Labor government want to stop the intimidation, but where is this intimidation where is the factual evidence of this intimidation. If there is evidence then send the police to arrest the perpetrators, this should not be used as political grandstanding or a political lever against either side of politics.

I would ask if I may, that you please take a look back to when the VLAD laws were first introduced, when we were all told and led to believe that these laws were there only to target organized crime and that the ordinary motorcyclist would not be affected in any way. I can tell you from personal experience this was not the case. I have been harassed, followed, pulled over and photographed by members of the QPS for no other reason than I was riding a Harley and looked like a bikie! How will this situation get any better for the average "Joe Blow" if the police can't identify who the real "bikies" are? It has been proven time and again that even the media can't seem to identify who a Hells Angel is and who is just a member of a social club that happens to be wearing a vest with a patch or insignia on it (please see footage of the recent funeral for Hells Angel [REDACTED]). This situation can only in the foreseeable future become worse than it already is with Police unable to tell who's who and therefore wasting precious time, money and resources chasing ghosts. It is getting to the stage where there almost as many Police Officers as there are motorcyclists on these rides.

Can I also point out that many experts have said that to stop or prevent crime you need more police on the ground to enforce the laws not more laws, because laws in themselves can do nothing. This is also true of putting stiffer jail terms in place, this will do nothing to deter the serious criminal or they wouldn't commit crime in the first place. The justice system that we have, has been and should continue to be based on the rule of law, it should be respected and should always err on the side of the accused with the onus on the prosecution to prove a person's guilt with open and factual evidence, not for that person to try and prove his innocence, against evidence that he and his legal team have no right to see or defend against. Then it is up to the judge to impose the sentence allotted to that crime.

After reading the Parliamentary Committee Briefing Note from the Department of Justice and Attorney-General it would seem that under the proposed consorting laws a person with NO criminal record can be warned at an officers discretion if they are seen to be "consorting" with a recognised offender even if there is NO link to criminal activity. (Please keep in mind the definition of a recognised offender is a person who has been convicted of an indictable offence with a jail term of 5yrs or more). So even though you are not engaged in committing or planning a criminal act you can be charged as if you were, and if you see that person or persons a second time you can be charged with "habitual consorting". Webster's defines a habit as: a usual way of behaving: something that a person does often in a regular and repeated way. Again the onus is on the individual to prove his or her innocence. What if the recognised offender turns their life around, serves his time, rehabilitates himself, and gets a good paying job? Is there a limitation to how long he can be seen as a recognised offender?

I believe we are entering into a very slippery situation with no end in sight when we start to tell people what they can and can't wear, who they can and can't talk with, where they can and can't go, all with no evidence of a crime being committed.

Please consider before passing future law, is this the legacy, the Australia we want to leave for our children? One of control and fear!

If we believe in “freedom”, we don’t get to choose whose freedom is most worth defending.

Yours sincerely

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