

Submission Response

Dear Honorable Ministers,

I write to you today as a concerned citizen of Queensland. The changes to the laws in regards to motorcycle clubs/criminal organizations has me greatly concerned. Firstly please let me say that people that commit crime and have been caught with factual evidence and have gone through the court/justice system is the way and the only way of a democratic society can exist.

What i am seeing more and more are politicians and our parliament making certain things into a crime and the latest to come out is the banning of colours of these motorcycle clubs, and this leaves me greatly concerned as were does this stop. Today it is legal to wear colours in public in a certain number and is illegal to go into a licensed premises with motorcycle colours/memorabilia being worn of a declared criminal organization that is on the declared list, again this list has not been proved in a court of law, it has been made by politicians. But it stands as that and under the liquor act and also the licensee can refuse service to anyone they please.

You say you want to stop the intimidation but again there is no actual factual proof given of said intimidation. Now please look at it this way, with what you are suggesting on doing in the removing of the identifying clothing of these people. How are the QPS to enforce the other new law you want to introduce with the consorting laws. I would like to at this time refer you to look at Queensland's history books on how the consorting laws that you want introduced and Queensland had repealed many years ago, they failed us miserably. These consorting laws are continuing to punish people that have paid for their crime, they have done their time, and they have paid the price and have been punished. So why do you ministers want to continue to punish these supposedly rehabilitated individuals by making a simple conversation between individuals into a crime. Why do you want to give a criminal record to those that don't have one for talking with another person, so you want to introduce yet another law that makes something now legal into an illegal act? Where is the factual evidence they were conspiring to commit a crime, please look long and hard at this, are you not able to see what you are doing, you are making a lawful ability of having a conversation into a crime.

Please look at it in another way, if our armed services were to be sent after an unidentifiable force, how are they to distinguish between them and the ordinary citizen, they couldn't, and we have witnessed during different conflicts the destruction and loss of life from not being able to identify. We saw and some felt this same thing at the beginning of the introduction of the VLAD laws of ordinary motorcyclists being blatantly harassed by being pulled over and photographed and searched and all details taken in a way that was degrading to say the least, believe me as I was on numerous occasions treated in this way. Believe it when I say, there were many articles written on multi millions of dollars lost in the motorcycle industry and tourist dollars lost as people were giving Queensland a wide berth not because of the motorcycle clubs but because of the misguided pullovers and harassment from QPS because they believe declared club members were riding within in social clubs and without their colours. Which they were not yet anybody on two wheels were inconvenienced and profile people for no other reason than for traveling on two wheels. The police commissioner may not remember this as he stated in recent article but there was a meeting between the police commissioner and police minister with many motorcycle

advocacy groups and social clubs that made it very clear of the profiling and harassment that took place. You must want a repeat of that failure as you are returning to exactly this by banning colours/identifiers.

What I have also noticed in the SOCL Explanatory Notes is the repeated words you have found thing Justifiable to take away a person's rights once again making what was once my rights and liberties into a crime and you say it's justifiable, well I am here to tell you, no it isn't.

Your government has repeatedly stated that you want to make law that cannot be taken to the high court to be challenged, well through your very own admission your new laws you the government is breaching our the people's rights and liberties, so how can this not be able to be challenged in the high court, let alone any court for that matter

This is but one paragraph of many throughout the SOCL Explanatory Notes these are your words honorable ministers:- that state "a potential breach of a person's rights is justified"

This potential breach of a person's right to personal liberty, rights to privacy and their common law right to silence is justified on the basis that these interactions are required in order to appropriately administer the law. Well no it isn't, you don't have the right to take another rights and liberties away. If a law that works within the boundary of natural justice and the rule of law is broken then and only then is a person to be punished by a court of law. We need to take a look back to when last the consorting law was in power here in Qld and why it was repealed as it did not work, please stop repeating the same thing over and over again and thinking you and all your political ministers will achieve a different outcome, you will not, it is an impossibility. It is time for you ministers to listen to the people with the FACTS, talk to, better still listen to ██████████ ██████████ and look at the amount of crime overall that is being committed, and put more police on the ground to enforce the laws that we have that use innocent until proven guilty and the rule of law, that give the police the opportunity to gather evidence and commit to trial, not make crimes out of what people have been doing for decades. Please take a moment to think, we have laws that cover Murder right down to Speeding fines but not one law prevents any crime from happening, what has been proven that does prevent crime is more visible policing. The Labor party introduced the anti-association laws in 2009 they were thought as fair as in that all had to go before a judge with evidence to declare a club or organization a criminal organization and also go before a court to place a control order. Why are you not just repealing the VLAD suite of laws and using the laws we already have. Please I beg of you, to stop playing politics with the rights and liberties of the people that elect and have elected you.

I attached an article that has been written just a few weeks that really describes what is about to happen in Queensland and it makes me think and I hope it makes you think as well. We as Queenslanders and as Australians really need to have a long hard look at what is happening and base all laws on genuinely factual information. I, as every other law abiding citizen want to see a good, well thought out law and order policy for ALL citizens, I'm sure when I say this, im not just talking for myself, when I say, the last thing we want is more laws that make what we do today that is legal, into a crime tomorrow.

If we believe in "freedom", we don't get to choose whose freedom is most worth defending.

It has been said by many experts and more learned than I, that to stop or prevent crime what is needed is more police not more laws. The justice system we have based on rule of law should be respected and should always err on the side of the accused, we should pride ourselves on justice system, and not take away a person's liberty to lawfully go about their business dressed in way they have legally done for decades and associate with people. To be social will be made to be a crime, were will this end. We are entering a very slippery slope as you are going against our rights as humans to be social beings, not to mention trademark law as well, so please think long and hard and put all that you are about to change through many scenarios to test these laws before you bring them into law.

Article :- The bike-ini ban: we can't be selective of whose freedom we defend

<http://www.sbs.com.au/topics/life/culture/article/2016/08/31/bike-ini-ban-we-cant-be-selective-whose-freedom-we-defend>

Thank you

Stephen Clancy