



Speech by

Peter Lawlor

MEMBER FOR SOUTHPORT

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CRIMINAL CODE (ORGANISED CRIMINAL GROUPS) AMENDMENT BILL

Mr LAWLOR (Southport—ALP) (8.03 pm): I oppose this bill for several reasons, mainly because it seeks to penalise people not for their conduct but for with whom they associate. The stated intention of the bill is to render members of organised criminal groups liable for punishment, even though they may not have been directly involved in the group's criminal activity. New subsection (2) of proposed section 545A states that the wearing of clothing, patches, insignia or symbols relevant to the group would be considered to be proof of membership of an organised criminal group. I presume a symbol would include tattoos. So what would happen to a young man who joins a bikie gang but, as he gets older, loses interest in the gang? Unless he removes the tattoo surgically, he would always be walking, talking proof that he was a criminal and, according to this bill, would be subject to five years jail.

Under this bill an organised criminal group is defined as three or more persons who have as their objective or one of their objectives a prescribed list of criminal activities. How would the members opposite go about proving that? It would be virtually impossible to prove as crime gangs do not usually have a charter of aims and objectives that includes participation in criminal activity. The explanatory notes claim that the mere presence at a location where other group members commit an offence renders a person guilty. That highlights the schizophrenic nature of the National Party particularly, but since the Liberals want to include themselves in this debate, that term probably applies to them, too. Last year the son of Alex and Susie Douglas attended his school's after-formal party at the Mermaid Beach headquarters of the outlaw bikie gang, the Bandidos. In the *Gold Coast Bulletin* he described the party as 'the safest and best party I've ever been to'. The article went on to state that both Mr and Mrs Douglas knew where the party was being held and had no problems. There were 120 people at the party and the list of students who attended, according to the article, who were children of high-profile businessmen reads like a who's who of the captains of industry. Dr Douglas is quoted in the article as saying, 'I'm prepared to give people'—that is, bikies—the benefit of the doubt.'

Why did I refer to that article? For those members who are not aware, Alex Douglas is the National Party candidate for Fadden in the forthcoming federal election and Susie is a Gold Coast city councillor but is also a senior vice-president of the National Party. They are happy to defend the bikies. I am not saying that they are correct, but that just shows, as I said, how schizophrenic the members of the National Party are. One of them reckons that bikies are the greatest blokes on earth; the others want to lock up everyone for wearing colours and so on. I am not recommending the Bandidos' clubhouse as a function venue, but if this bill became legislation the 120 guests at that party that night may be in danger of being charged with a criminal offence and getting locked away for five years. That would be a bit of an interruption to their career, since it was an after-graduation party.

Mr Shine: They would have to close down The Southport School.

Mr LAWLOR: I purposely did not mention the school. The Queensland Criminal Code already contains provisions in sections 7 and 9 that extend liability to persons who are involved in, but who may not have physically participated in, the commission of an offence. Even if an offence has not actually been

committed, a person who is a party to an agreement to carry out an unlawful purpose may be charged with conspiracy under sections 309, 541, 542 or 543 of the code.

I notice that the member for Moggill said in his contribution that this bill was one of the greatest pieces of legislation that he has ever seen. Really, if the people who were investigated in Printgate were charged and convicted, maybe the Liberal Party might have constituted an organised criminal group. But they would have a pretty good defence because they are far from organised, I can tell members that.

It is interesting to read, too, this letter to the Scrutiny of Legislation Committee from the member for Burnett. I have never seen such a mishmash of non sequiturs. Firstly, in the letter the member expresses his disappointment that the Scrutiny of Legislation Committee sought the assistance of Mr Robert Sibley, a barrister-at-law who has had vast experience in the area of legislation. The member criticises the committee for seeking his advice but not referring to the Queensland Police Service and the Crime and Misconduct Commission. Why would you go to the Queensland Police Service for a legal opinion on the impact of this mishmash of legislation? The interesting point to note—and I will not go through the whole correspondence—is the member's definition of 'participation'. The committee queried the member's definition of 'participation' after pulling the whole bill apart. The member responded as follows—

Participation: Has intentionally not been defined so as to attract the usual meaning and a commonsense interpretation of the term.

If 'participation' is not defined, the common-sense interpretation—and members can look in the dictionary there—is—

1. The action or fact of partaking, having or forming part of. 2. The fact or condition of sharing in common with others or with each other partnership or fellowship.

So that definition gets back to the 120 guests, who would be doing five years if the members opposite had their way and this legislation were law. In summary, for the reasons that I have outlined, this bill is just one of the most ill-conceived bits of legislation that I have ever seen, except for the bill that will follow this debate, and that is the Bail and Penalties and Sentences Amendment Bill. I oppose this bill.