



Speech by

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MEMBER FOR KAWANA

Hansard Wednesday, 25 November 2009

CRIMINAL ORGANISATION BILL

Mr BLEIJIE (Kawana—LNP) (8.00 pm): I rise to speak against the Criminal Organisation Bill 2009 which is before the House this evening. I will premise my contribution to this debate by noting the speaking list for this bill. For such a piece of legislation and the fact that we on this side of the House have received so many interjections and accusations from those opposite of being in bed with bikies and outlaw motorcycle gangs, 70 per cent of LNP members are on the list to speak. How many of the 51 government members are speaking to this legislation? Fifteen per cent! Yet those opposite have the audacity to throw accusations across the chamber at us all day about climbing in bed with bikies and having secret meetings and deals when only 15 per cent of the 51 members of the government have the courage to support this legislation.

An opposition member: They're lazy!

Mr BLEIJIE: That is exactly right.

Mr Johnson: Do you know why they won't get up to speak? They know we're right.

Mr BLEIJIE: That is exactly right. Some 70 per cent of opposition members are speaking to this bill. The bill seeks to disrupt and restrict the activities of organisations involved in serious criminal activity and the members and associates of those organisations. It will amend the Bail Act, the Criminal Code, the Evidence Act, the Judicial Review Act, the Legal Profession Act, the Parliament of Queensland Act and the Police Powers and Responsibilities Act. This draconian piece of legislation will enable the Supreme Court of Queensland to make declarations and orders for the purposes of disrupting and restricting the activities of organisations in suspected serious criminal activity and of those people who are members or associates of that organisation. These powers include declaring groups of citizens a criminal organisation, applying control orders against individual members of declared organisations, stopping members of declared organisations from associating, and ordering the removal of fortifications such as metal gates which prevent police access. I note that the shadow Attorney-General has indicated that we have nothing against the fortification laws.

While the objective clause of this bill states that it is not parliament's intention that powers under this act be exercised in a way that diminishes the freedom of persons in the state to participate in advocacy, protest, dissent or industrial action, this bill may just do that. The government cannot assure the people of Queensland that there are sufficient safeguards in place to protect the fundamental personal liberties of individuals that could be breached by this bill. This bill is a knee-jerk reaction of the Bligh Labor government and a campaign to appear to be tough on organised crime. But, in effect, this bill removes the fundamental rights and freedoms of the people of Queensland.

In March this year we saw the bokie brawl at the Sydney Airport. On 30 March this year the Premier announced that Queensland would prepare tough new legislation to respond to the growing threat from outlaw motorcycle gangs. The announcement of the new antibokie laws came about after similar laws were enacted in South Australia and were soon to be introduced into the New South Wales parliament. I note, however, that while this bill was proposed to be tough new antibokie law, the term 'bokie' or 'motorcycle

gangs' does not appear once in this legislation. In a joint ministerial statement with the Minister for Police, Corrective Services and Emergency Services, the Premier stated—

We will not be left behind—Queensland will match any State in regard to the toughness to deal with the threat of outlaw motorcycle gangs.

Queensland absolutely should not be left behind, as it continually is by this Labor government. We should be leading the way, but we do not need to lead the way when it comes to encroaching on the freedoms and liberties of our people. The Bligh Labor government has a history of copying legislation and other material from its southern counterparts. I have said in this place before that it is a sad state in the history of politics in Queensland when this government looks to the southern states, in particular New South Wales, as a great example of legislative reform. The Premier went on to state that Queensland will match any state with regard to the toughness of our laws to deal with the threat of outlaw motorcycle gangs. The parliament should not be about matching other states. This parliament needs to enact a legislative agenda that is appropriate for the people of Queensland and the issues and the concerns that need to be addressed.

The government needs to be proactive in looking at the appropriate legislation and reform for the people of Queensland and not just react to other states reviewing their legislation or incidences that occur elsewhere, because we have had a history of this in Queensland. If members on this side can recall, we had a child safety crisis when the now Premier was the then child safety minister and the government rushed about getting things done. We then had a water crisis under Premier Peter Beattie. The government rushed around and set up the Queensland Water Commission, and it goes on and on and on in this state.

Mr Emerson: They're a crisis-driven government.

Mr BLEIJIE: This is a crisis management government; I take the interjection from the member for Indooroopilly, and this again is another piece of such legislation. They wake up one morning, the Premier gets the newspaper and says, 'Goodness gracious! There's a shooting with motorcycle gangs! What are we going to do? We're a very proactive state so we're going to do something about this.' Absolutely not! It is just reaction after crisis management and crisis management.

This government needs to be proactive, as I have just stated. I commend the officers and members of the Queensland Police Service who are protecting the people of Queensland and who are already fighting organised crime. They do an outstanding job and they put their lives at risk for the safety of others, and they need more resources and they need more funding and they need more support. But based on the argument we had in this place this afternoon where we were supporting the CMC for more resources, that will be knocked back. Not only was our motion knocked back; it was amended to say that the CMC is completely resourced and is not complaining. Yet its annual report says that it needs more funding.

Task Force Hydra, the Queensland outlaw motorcycle gang task force that was set up in September 2006, works with interstate law enforcement agencies and the Australian Crime Commission's National Intelligence Task Force. From the establishment of the task force to March this year, police have made 332 arrests in relation to 931 charges as a result of the operation of the task force since its inception. These arrests and charges included attempted murder, arson, extortion, robbery and drug trafficking. Also as a result of this task force's operations, police have seized assets such as hydroponic houses, assets and money. I commend the members of the task force for their involvement in fighting organised crime. As criminologist Dr Paul Wilson indicated, the fact that there have been so many arrests indicates that existing laws are sufficient without the need to enact laws aimed directly at bikie gangs. We do not need to enact laws aimed directly at bikie gangs or other groups, but we do need to give more resources, more funding and more support to our police officers.

Mr Wilson: They're soft on bikie gangs!

Mr BLEIJIE: More support, Minister. When I say in this House that police need more support, that is not being soft. That is being appropriate to the circumstances. In a joint ministerial statement the Premier has stated that she is determined to do whatever it takes to give the Queensland Police Service the tools it needs to tackle the threat head-on. This bill is not one of those tools and will not equip the Queensland Police Service to effectively tackle organised crime. We need to resource our Police Service with increased funding and with increased staffing. This bill does none of that. This bill is an attack on the right of freedom of association. While it is currently intended for motorcycle gangs, once again this bill does not mention the term 'bikie' or 'motorcycle gangs', and this piece of legislation could be used against any group that may fall into disfavour regardless of the purpose of their gathering.

While I agree that people need to be protected from organised crime, there must also be the protection of personal liberties such as the freedom of association. The Premier and the Minister for Police, Corrective Services and Emergency Services have stated that people who do the right thing have nothing to fear. I will repeat that: people who do the right thing have nothing to fear. I say to the people of

Queensland that, with this government, they do have something to fear. This bill encroaches on their personal freedoms and liberties. A government that tries to remove these freedoms and liberties is a government that is to be feared.

While I am talking about having nothing to fear, today the Queensland government rejected a commission of inquiry proposed by the opposition. It beggars belief. It is a complete turnaround. On the one hand the Premier is telling Queenslanders that if people do the right thing they have nothing to fear. If only the same were applied to the Labor government. If it has nothing to hide then why, only some four hours ago, did it vote against the establishment of a commission of inquiry? Perhaps the Premier should heed her own words when she said to the people of Queensland, 'If you have done nothing wrong, then you have nothing to fear.'

Another essential freedom and one that goes to the heart of our legal system is the right to a fair trial. Every person in Queensland, regardless of whether they are part of organised crime, has the right to a fair trial. In effect, this bill removes that right. It removes the rule of evidence. It lowers the standard of the burden of proof that is ordinarily required in criminal proceedings from being beyond reasonable doubt to the standard that is required in civil proceedings. It allows for the employment of people in certain occupations to be refused merely on the reliance of criminal intelligence without them even having a conviction of a criminal offence. This bill denies the rules of natural justice. It introduces anti-association laws.

This bill allows for the introduction of past offences in proceedings. It allows for the introduction of evidence of the general bad character of the defendant without any action being taken on behalf of the defendant. It even allows a court to have regard to past convictions of former members or current members of an organisation who may have never associated with a person subject to a control order. In effect, this bill replaces the freedom of association with guilt of association.

Another fundamental principle of natural justice is that a defendant must have the power to face one's accusers. This bill provides that an informant cannot be called to give evidence—evidence provided to the Commissioner of Police that is being relied upon against the defendant. This bill limits a defendant's ability to access the records of a hearing and court transcripts. It removes the opportunity and the right of a defendant to challenge evidence that is being relied on to make orders and decisions. Every defendant in Queensland should be afforded the right to know the case that is being brought against them and the right to be heard in response to that information. That is a fundamental right of our legal system—the right to defend. How on earth can one defend when they do not know what they are defending?

In May 2007 my colleague the member for Burnett introduced a private member's bill into this place called the Criminal Code (Organised Criminal Groups) Amendment Bill. In his response to that private member's bill, the then Attorney-General and minister for justice, the member for Toowoomba North, stated—

The fundamental right of freedom of association is potentially eroded ... because even innocent participation in an organised criminal group as defined may, in some way, contribute to the occurrence of criminal activity by the group.

The then minister, the member for Toowoomba North, stated further—

The bill purports to target outlaw motorcycle gangs and organised criminals. However, if given the interpretation intended, the offence provision may in fact target persons who are not themselves engaging in any criminal activity ... Social groups and culturally relevant organisations could be targeted, resulting in prosecution of people based on race, ethnicity or membership of a social group.

...

A one-size-fits-all response is therefore not the answer to this complex problem. In any event, such an approach is unlikely to be effective in targeting organised criminal groups which may operate under the cover of legitimate business enterprises.

Here we have the Labor government trying to enact a bill that will erode the right of freedom of association that could result in the prosecution of people based on race, ethnicity or membership of a social group and that seeks to be a one-size-fits-all, knee-jerk response. That is not the answer to the complex problem of organised crime. Based on the former Attorney-General's speech, I can understand why he spoke out against this bill in the caucus meeting.

One of the key differences between that private member's bill and the bill that is now before the House is that, under the private member's bill, the tough anti-organised crime law would be tested before a judge and a jury in an open and accountable way—not as proposed by the Bligh Labor government under this bill, that is, behind closed doors. Mark Le Grand, a senior Brisbane barrister and a former member of the former National Crime Authority and Queensland's Criminal Justice Commission, states in his submission—

This type of legislation fundamentally alters the balance between the state and its citizens, between investigator and suspect, and between prosecutor and defendant. In doing so it has swept aside many basic common law protections.

I refer the House to the submission made by the Queensland Council for Civil Liberties in October 2009, which stated—

The proposed legislation is so radical and far reaching that it should have been subject to the stringent Law Reform Commission process of an Issues Paper, a Discussion Paper and then a Final Report.

The Queensland Council for Civil Liberties is not the only organisation to reject this bill. The Law Society, the Bar Association—both key organisations in Queensland—are opposed to the enactment of this bill. Even a former Labor member of this House, Peter Pyke, stated in the media yesterday—

It is well known in legal circles that both former Attorneys-General Dean Wells and Kerry Shine are vehemently opposed to the bill, and there are other members of the ALP caucus who understand that social justice will be seriously damaged by the passing of this draconian Bill that Genghis Khan would have been proud of.

I note with particular interest that the member for Toowoomba North and the member for Murrumba, who are both former Attorneys-General and who spoke out against this legislation in caucus, are both speaking to this bill tonight, which comes as a complete surprise. I look forward to hearing their contributions.

We are talking about tampering with people's rights to associate. That could be broadly interpreted. How can we place control orders on someone who may be innocently associating with others who may be conspiring in a criminal activity and they have no idea, but we are going to punish them? As we are talking about the rights of the individuals and freedoms, I could not let an opportunity pass to quote the following couple of sentences—

Consequently, Labor will give effect to important workplace rights that are essential to a functioning democracy.

This paper then lists a few of them. I say to the members on this side of the chamber: guess what one of them is? Freedom of association. The paper then goes on about respecting choice. This is what it says—and I urge all of those opposite to listen very carefully—

Labor believes freedom of association is a basic democratic right for all Australian workers.

Guess who wrote that? That was written by the honourable Kevin Rudd, the leader of the Labor Party. So in 2007 the leader of the Labor Party, in *Forward with Fairness*, says that Labor believes that freedom of association is a basic democratic right for all Australians. Yet the Premier and the Queensland Labor Party do not believe in that right. But Kevin Rudd, the federal Labor leader, believes in that right of association. I notice that the member for Chatsworth has been standing on his feet during my speech. He is ready to jump next. I will table this report and he can read it out, too, because in it the federal Labor leader is saying that Labor believes in freedom of association. Yet Anna Bligh and this government does not and this Attorney-General does not. That document is titled *Forward with Fairness* and it is dated 2007.

Tabled paper: 'Forward with Fairness: Labor's plan for fairer and more productive Australian workplaces', April 2007, Kevin Rudd MP, Labor leader, and Julia Gillard MP, shadow minister for employment and industrial relations [\[1488\]](#).

When reading through this legislation, ticking all the boxes that the Supreme Court has to satisfy when determining whether one has been involved or has been associated with a serious criminal association and then they set certain control orders, a few people came to mind. I will list them: Gordon Nuttall comes to mind, Merri Rose comes to mind, Keith Wright comes to mind, Bill D'Arcy comes to mind, Mike Kaiser—a self-confessed vote rorter—comes to mind. The Premier in this place gave Nuttall a glowing endorsement.

The issue here should not be about the associations of individuals, it should be about the crimes committed. If I look at all those people I have just mentioned and look across the table here, one could potentially argue that the Queensland Labor Party is a serious criminal organisation because five of its members are in jail, have served jail or are currently before the CMC and there are certainly those on that side of the House who have associated with them.

The penalties here are contained in the Criminal Code. The Criminal Code deals with the issues. This bill does not need to be debated in this House tonight. Give the police more resources so that they can effectively prosecute these people. This week when drugs were on the way to schoolies the police caught them without having this bill enacted. The law was not passed this week; we are debating it today and the police still managed to catch the guy. I challenge the members opposite to not simply toe the party line but to come on this side and support the right to freedom of association in this state.

Mr DEPUTY SPEAKER (Mr Ryan): Order! The member's time has expired.

Government members interjected.

Mr BLEIJIE: I rise to a point of order. I was just interjected by a member saying, 'Sit down, stupid'. I take personal offence at what the member for Keppel said and I ask him to withdraw that interjection.

Mr DEPUTY SPEAKER: The member finds the statement offensive.

Mr HOOLIHAN: I withdraw.