



Speech by

**Shane Knuth**

**MEMBER FOR DALRYMPLE**

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## **CRIMINAL ORGANISATION BILL**

**Mr KNUTH** (Dalrymple—LNP) (5.21 pm): I rise to participate and put forward my objection to this proposed Criminal Organisation Bill. I feel strongly that this government has been very careless, if not reckless, in introducing this legislation and I fear that the consequences for Queenslanders, innocent Queenslanders, will be devastating.

This legislation has been drafted and introduced without any deliberation or consultation with the wider public. The Premier, when announcing the introduction of the proposed bill, stated clearly that there would be wide consultation. However, only a few carefully selected groups were ever invited to give input.

This proposed bill will possibly have the most impact on restricting civil rights of any legislation that has ever been put on paper in this parliament. Yet where was the consultation with the groups that will be affected the most? Did this government ever meet with any of these groups to get their feedback, views or participation in bringing Queensland the most balanced and achievable law?

I would like to make it clear to this chamber that I and many others want a peaceful society free from bullying, gang violence, organised crime and dangerous drugs. I strongly agree with the government's purpose for getting tough on organised crime. But I feel that from the outset this bill will impact upon many good citizens, particularly the biker fraternity, who through association will be declared criminals because their right to freedom of association is being taken away. Even with the personal relationship clause, families will be torn apart by this legislation. Nieces and nephews will not be able to associate with their aunts and uncles or cousins with cousins if control orders are enforced. Ex-spouses are awarded more freedoms than blood relatives. The reality is that all of the laws needed to target organised crime are already in existence. What is missing are the resources the police require to enforce these laws.

I know that this bill will impact on many innocent law-abiding bikers. One biker and his wife who are close to me are members of the well-respected Harley Owners Group, or the HOGs as they are known. This group has Australia's largest Harley membership. They take pride in their bikes and pride in their membership. The couple were recently on a ride to a national rally in New South Wales. When approaching Brisbane they were pulled up by police. The single police officer simply could not accept that when checking their registrations and historical data no criminal history could be found upon their good names.

Frustrated by this, and doubting that anyone riding a Harley Davidson could be a model citizen, the police officer proceeded to hold the couple up in the hot sun for 40 minutes checking tyres, helmets, labels, indicators, engine modifications and serial numbers, gave breathalyser tests and asked questions about which gang they belonged to. Becoming seemingly more frustrated that he could not pin anything on the couple, he had no choice but to eventually let the couple proceed on their way. I mention this because many bike clubs are full of ordinary everyday people and I believe that this proposed legislation will give police unprecedented power to come down heavy on these people simply because of a perception that to ride a bike implies criminality—just like what happened to this couple but worse.

This bill has been hastily put together so that the Premier could look exceedingly tough and cooperative to the rest of the states that have enacted already partly declared illegal laws. Cracks have

already appeared in section 14 of the Rann government's Serious and Organised Crime (Control) Act where the full court of the Supreme Court has ruled that preventing named bikers from associating with each other is invalid and unlawful. This government is proposing the same invalid law under its control orders within the Criminal Organisation Bill. I believe that much of the proposed law will fail because it breaches natural and common law. There will no longer be the presumption of innocence but guilt by association.

The government has ignored the many Christian motorcycle clubs who associate with known outlaw clubs. Some of whom have past criminal records yet have changed their lives through Christianity and are now seeking old and new members of these outlaw clubs that they once belonged to, endeavouring to bring their faith and life change to these people. The government's proposed law prevents this association despite the positive potential.

Once again, I will clarify my position on the certain few who have been giving the motorcycle fraternity a bad name. I have talked with many people who would gladly see the law come down as heavy-handed as possible to rid society of this minority and to disrupt their unlawful activities. However, many of the targeted clubs have very decent hardworking taxpayers who will be unfairly targeted because of club association, and this is where I believe this bill is unjust. While this proposed bill makes claims of judicial discretion and independent and impartial tribunals, I still believe that much blind faith will be needed to believe that impartiality will suffice.

Let me be clear on my sceptical outlook of this bill. How can the people of this state take this government seriously when this proposed bill clearly states that secret court hearings will not allow defendants or their legal representatives to hear of the allegations against them. This government cannot be serious that this is workable law. Neither can I believe that our national judicial system can accept this proposal. What is lacking in this bill is a provision made for an independent tribunal to review the decisions made by others, whether it be definitions of who and why that group was declared a criminal outfit or why a decision was made.

This bill is doomed to failure because the government simply did not consult with the affected groups including bikers and ask them to put forward a united plan to fix a festering problem—a problem that most law-abiding people agree needs fixing but not at the expense of their civil rights. The government should go back to the drawing board and consult with all the Queensland law-abiding motorcycle clubs and come up with a common-sense plan to tackle the problem at hand. Maybe this government would be pleasantly surprised at the high degree of cooperation and common sense that will come from these open meetings instead of the tripe conceived from the secret squirrel type gathering that has put this paper together. If this government wants to follow similar already failing legislation of the other states, then it will go down the same embarrassing path of the Rann government. I cannot support this bill.