




Speech By
Hon. Jarrod Bleijie

MEMBER FOR KAWANA

Record of Proceedings, 15 October 2013

MINISTERIAL STATEMENT

Criminal Motorcycle Gangs

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (9.38 am): Recent incidents on the Gold Coast have highlighted the threat criminal motorcycle gangs pose to public safety. In response, this government has promised to act quickly to enact new laws aimed at removing criminal motorcycle gangs and organised crime from Queensland. We are drawing the line on criminal motorcycle gangs in Queensland.

To this end I propose to introduce three bills today: the Vicious Lawless Association Disestablishment Bill, the Tattoo Parlours Bill and the Criminal Law (Criminal Gangs Disruption) Amendment Bill. The Vicious Lawless Association Disestablishment Bill is designed to severely punish members of criminal organisations that commit serious offences. The bill is intended to deter individuals from participating in these criminal organisations, encourage persons involved in such organisations to cooperate with law enforcement to avoid severe penalties, and break the morale of members in criminal motorcycle gangs.

The new punishment regime will apply to people who participate in the affairs of criminal organisations and commit offences or for the purpose of participating in the affairs of the organisation. Such offenders will be vicious lawless associates and subject to extra punishment beyond that which would apply for the commission of the declared offence. A vicious lawless associate will be sentenced for the declared offence but will also receive a further 15 years mandatory imprisonment cumulative to any imprisonment imposed for the declared offence and a further 10 years cumulative imprisonment if they are also an office bearer. The bill makes clear that extra punishment is mandatory and cannot be reduced by the sentencing court. Further, parole does not apply to the extra punishment unless the associate cooperates with the law enforcement authorities.

Secondly, the Tattoo Parlours Bill introduces a licensing regime for body art tattoo parlours and tattooists. The first phase of this legislation will ban members of criminal organisations from owning, operating or working in body art tattoo parlours. The Tattoo Parlours Bill provides for the Commissioner of Police to conduct investigations into licensed applicants and licensees and their associates to ensure that only fit and proper persons are granted and able to hold licences and that granting a licence would not be contrary to the public interest. Unlicensed trading will result in penalties of up to 18 months imprisonment. The bill will also amend legislation to prohibit members from criminal motorcycle gangs from wearing colours inside licensed premises and within areas prescribed by regulation. Phase 2 will include other acts which will be amended so that licences are refused to individuals who Queensland police advise are members of criminal motorcycle gangs.

The Criminal Law (Criminal Gangs Disruption) Amendment Bill will amend the Criminal Code through the insertion of new offences and circumstances of aggravation for existing offences that

target the members of criminal organisations. An additional limb will be added to the Criminal Code definition to include criminal organisations that are prescribed by regulation.

The bill will create three new offences aimed at preventing members of criminal motorcycle groups from gathering in groups or at prescribed locations and promoting or recruiting for their organisation. The current maximum penalty for affray will be increased from one year to seven years where the offence is committed by a member of a criminal motorcycle gang. These offences will be punishable by a mandatory six-month imprisonment and any vehicle used before, during or after the commission of the offence will be confiscated and crushed.

Criminal motorcycle gang members will face a mandatory one-year imprisonment for serious assaults on police and their driver's licence will be disqualified for a mandatory period of three months upon conviction for a criminal motorcycle gang offence. The Bail Act will be amended so that there is a presumption against bail for criminal motorcycle gang members and they will be forced to surrender their passport if in the unlikely chance they get bail. The bill will double the penalty for criminal motorcycle gang members who evade police and will provide for mandatory confiscation and crushing of the vehicle used in the offence.

The bill will also give additional powers to the CMC. It will expand its powers to allow for intelligence gathering and emergent hearings in relation to criminal motorcycle gangs; allow for the use of any information gained in CMC hearings for unexplained wealth prosecutions; clarify that fear or retribution is no longer a reasonable excuse for refusing to give evidence to the CMC if you are a member of a criminal motorcycle gang; mandate imprisonment for a first contempt offence, 2½ years for a second and five years for a third offence; and allow the QPS to detain individuals pending contempt charges. A review of the provisions of all three bills will occur after three years.

The members of criminal motorcycle gangs are cowardly bullies who get together for mutual support to carry out crimes for personal satisfaction. The members are deliberately cruel, violent and dangerous. This legislation will ensure that it is no longer beneficial to be part of a criminal motorcycle gang or other organised crime group. Any group that persists should be prepared to feel the full weight of the law brought down upon them from today.