



Speech by

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CRIMINAL ORGANISATION BILL

Mrs STUCKEY (Currumbin—LNP) (9.09 pm): I rise to speak to the Criminal Organisation Bill 2009 introduced into the House on 29 October by the Hon. Cameron Dick, the Attorney-General and Minister for Industrial Relations. As members have heard, this side of the House is not supporting this legislation because of a number of concerns raised by the shadow Attorney-General, the honourable member for Southern Downs. These are concerns shared by members of the Queensland police force as well as the legal fraternity. The Attorney-General in his second reading speech said that this bill seeks to disrupt and restrict the activities of criminal organisations, their members and their associates. Every member of the LNP deems this form of crime with its far-reaching networks and recruitment drives as particularly insidious. We on this side of the House acknowledge that a range of tough measures need to be taken to arrest this underworld style of criminal activity. However, notwithstanding our strong commitment to fighting crime, we are not of the opinion that this legislation will sufficiently achieve its goals and neither are a variety of experts in this field.

Much publicity and public comment with regard to the content of this bill has preceded the introduction of the legislation we have before us today and indicates the intense interest in this subject. The objectives of this bill will allow the Supreme Court upon application by the Police Commissioner to make orders aimed at disrupting and restricting the activities of criminal organisations, with a particular focus on bikie gangs. The Supreme Court would then declare the organisation a criminal organisation, and this then gives rise to a control order. A control order prohibits a person from associating or communicating with specified persons or entering specified premises. The bill also allows for a public safety order to be made by the Supreme Court, which prohibits an individual or group from entering a specified premises, area or event. As mentioned in the explanatory notes, such an order impacts on rights and liberties.

In order to obtain a declaration for a criminal organisation, control order or public safety order, the bill allows for the use of secret criminal intelligence evidence. This would mean that admitted evidence would be withheld from the defendant and their lawyers and only seen by the Supreme Court judge. While it is important to protect covert police officers and not to prejudice an ongoing criminal investigation, it does affect natural justice by not giving the respondent the ability to argue the evidence against him or her. Critically, it does not give the judge or the Criminal Organisation Public Interest Monitor, who is present at hearings, the ability to question an informant as they are not called to the hearing. Instead, they must rely on an affidavit by the police officer who handles the informant—and bear in mind that the respondent or their lawyer does not get to scrutinise the affidavit or to question the police officer. Perhaps the Attorney would be kind enough to address why this is so in his summation. These are the main areas of objection raised by key stakeholders which are worthy of some deliberations by this government.

But what of the fundamental legislative principles that the Attorney so eagerly trumpets at every possible occasion to lambast the opposition with, one may well ask? According to the Scrutiny of Legislation Committee's *Legislation Alert No. 12 of 2009*, a raft of issues was identified in relation to this bill, including several clauses that may have insufficient regard to the rights and liberties of individuals, possible inconsistency with natural justice, retrospective operation and concerns regarding interference with the independence and impartiality of the Supreme Court exercising powers under this legislation. An

aspect of the bill that the LNP is happy to support is the fortification removal orders that allow for the removal of excessive fortifications at premises used in connection with serious criminal activity. There is no reasonable excuse for law-abiding organisations to be heavily reinforced, and they present an impediment—a deliberate one of course—when it comes to the issuing of search warrants.

In April 2009 a meeting of the Standing Committee of Attorneys-General agreed on a national approach to legislative and operational measures aimed at addressing organised criminal activities and violence among bikie gangs. Predictably, as is so often the case, the response from the Bligh government was to take the easy option and jump on the bandwagon of blindly outlawing bikie gangs. I make mention, as have other honourable members, of the fact that the word 'bikie' does not appear in this bill, yet it is clearly this group of people who are in the spotlight.

Since this bill was introduced into the House, the Bligh government has been forced to amend certain aspects, including banning bikies associating together. Despite these last-minute adjustments to the original bill, Labor chose to follow a reactive but supposedly populist path rather than taking the time to consult experts in the field to ensure that the most effective strategy was introduced. South Australia and New South Wales are the only two other states that have similar legislation, which was introduced in September 2008 and April 2009 respectively. Victoria has flatly refused to implement such measures, and the Northern Territory and Western Australia are currently debating whether they should.

The legislation is heavily based on the New South Wales legislation, which is an improvement on the South Australian legislation, but so far both have proved to be fairly ineffective. In South Australia only one bikie gang has become a declared organisation, that being the Finks Motorcycle Club, but no control orders have been issued against any members of the Finks. As for New South Wales, I am not aware of any bikie gangs to date becoming a declared organisation. The legislation in South Australia has already been challenged with a Supreme Court ruling that determined banning bikies from associating with each other was invalid.

The rising level of violence between bikie gangs and the increased level of criminal activity that some clubs have become actively involved in must be stopped. While bikie clubs were initially formed for camaraderie by World War II returned servicemen, they have over time evolved into a breed of underworld figures. The technical sophistication of these bikie gangs is on the increase, and they have infiltrated nightclub businesses, the security industry, prostitution and even the finance, transport, natural resources and construction industries. Most have the sinister aim to manufacture and sell illicit drugs, to launder money and to take part in a host of other unlawful activities. Initial structures that were put in place many years ago and which saw members serving long probation periods before being given their colours have broken down, allowing younger, newer members high on amphetamines and steroids to push older members aside. These ice-addicted, steroid-using younger males have taken over.

Experts such as Dr Arthur Veno, a professor with expertise in bikie gang culture, believes the most effective means of punishing gangs is for the police to confiscate the clubhouses, bikes and badges of club members, as these aspects go to the heart of their culture. The Hon. James McGinty, who has already been mentioned in this House and who was the Attorney-General in Western Australia when antifortification laws were introduced, considers that the best way to punish outlaw motorcycle gangs is to hit them in their hip pockets by confiscating criminal proceeds. The Queensland government, to its credit, in September 2006 implemented a task force known as Task Force Hydra to tackle the problem of bikie gangs. On 30 March 2009 the Premier announced that, since the task force's inception, police have made 322 arrests in relation to 931 charges, including attempted murder, arson, extortion, robbery and drug trafficking. New South Wales has implemented two task forces—the first being Operation Ranmore in 2007 and the second being Strike Force Raptor during Easter 2009. Both task forces have done an exceptional job in seizing assets, firearms and cash and making numerous arrests.

Respected criminologist Dr Paul Wilson, who has also been mentioned here tonight, believes that our laws are already sufficient without enacting legislation directly at bikie gangs, and these successful task forces that I have mentioned are proof. Dr Wilson strongly advocates that targeting individual criminals is far more effective than tougher laws targeting groups. More resources for such task forces may be a more feasible option than legislation that impacts on rights and liberties of a person who has not even been convicted of a crime. We on this side of the House recognise the strained resources our police are expected to work under and have been advocating for better staffing ratios for years.

Control orders mean very little if they cannot be properly controlled by police. If our hardworking police officers have difficulty keeping track of paedophiles, then how will they accommodate the extra duties that will be imposed on them through this bill? The Australian Crime Commission and the Crime and Misconduct Commission consider that strengthening existing laws and reforming the proceeds of crime legislation and telecommunication interception laws are more effective ways to close down bikie gangs than enacting legislation to ban organised crime groups. In other words, go harder chasing after the money that is earned from these illegal activities and, as I have said already, hurt these criminals in the hip pocket.

But as is the usual tactic, the Bligh government has ignored the advice of the experts and has instead just followed the other states with this reactive response to public outcry. Even members of the Premier's own Labor government believe that this legislation is going too far, with the summoning of nine parliamentary secretaries to a recent caucus meeting to ensure a majority vote. I wonder what the honourable members for Toowoomba North and Murrumba think about this legislation and if they will speak their minds—or if they will speak at all.

I notice that a mere dozen of Labor's 50-plus members even bothered to speak to the government's own Integrity Bill that we debated in this House compared to 26 of the LNP's 34 members, which is pretty telling of their commitment to improving the tawdry image that they have created over these past 11 years. With this bill, I count only some nine speakers on the speaking list from the government's pool of 51 members, compared to 20 speakers out of 34 from the LNP. It would appear that government members are too lazy to address their own bill. That is something that the people of Queensland should take heed of—that these government members are too lazy to even address their own bills.

In May 2007, a private member's bill was introduced into parliament by the then shadow minister, the honourable member for Burnett. This bill sought to make it an offence to participate in a group knowing that it is an organised criminal group. The Labor government voted down the Criminal Code (Organised Criminal Groups) Amendment Bill as they considered—

The fundamental right of freedom of association is potentially eroded ... A one-size-fits-all response is therefore not the answer to this complex problem.

Let us take a look at what we have here. Now, this Labor government is attempting to introduce legislation that is more invasive than what it condemned two years ago—a bill that government members described as a narrow-minded, one-size-fits-all response. The bill before us today goes much further than the opposition's proposition in 2007, which was to be tested before a judge and jury—not behind closed doors, which has the potential to drastically impact on people's rights and liberties and the principles of natural justice, and that is supported by the comments of the Scrutiny of Legislation Committee.

Undeniably, criminal activity by bikie gangs is becoming more frequent and savage. On a regular basis our tabloids inform us about rival gang shootings, drug deals gone wrong and indiscriminate attacks on innocent people. Back in 1996, local Tugun residents attending a bike show at the footy club organised by Odin's Warriors were horrified when their family outing was shattered as two men were shot and seriously injured. I am sorry to say that since then bikie gang violence has entered mainstream society and is now affecting the average person.

On the Gold Coast it is reported that outlaw motorcycle gangs are responsible for an upsurge in violence, standover tactics and drug activity. A report last year by the International Narcotics Control Board found that Queensland was the main supplier of amphetamines to the rest of Australia. Five bikie gangs have clubhouses on the Gold Coast: the Finks, the Rebels, the Nomads, the Black Uhlans and the Lone Wolf, who just happen to be based in Currumbin. However, it is the Finks who have been getting the most media attention in recent years over numerous acts of violence, and in particular for their now infamous 'ballroom blitz' at the dignified Royal Pines Resort in March 2006 during a kickboxing match. Two rival gangs—the Finks and the Hell's Angels—came to blows because one member had supposedly deserted to the other gang. During the brawl two men were shot, two were stabbed and more than \$40,000 of damage was caused.

But the Finks and the Hell's Angels are not alone in their deadly pursuits. Two years ago a man was kidnapped from his Currumbin Waters home over a botched \$40,000 drug deal, had his jaw fractured and his ears sliced off with a Stanley knife. Recently, a tattoo parlour owner on the Gold Coast was confronted by two bikie members making extortion threats against him. It is alleged that the gang members intimidated and threatened the tattooist to try to get him to close down his shop. Only last week in the *Courier-Mail* there was a report saying that Effective Transport Pty Ltd, which is controlled by a bikie gang, was a subcontractor on the Airport Link. Although there were no direct issues with the company and the work that it undertook, that is a valid example of the type of industries that bikie gangs have infiltrated.

Thankfully, not all the stories we hear relating to bikie gangs are bad and not all bikie gangs are involved in criminal activity. Recently, the Queensland police issued an order that gang members who chose to take part in the Morcombe charity ride on the Sunshine Coast were not allowed to wear their colours. The United Motorcycle Council of Queensland, which is made up of several bikie clubs, was offended by this decision, but out of respect for Daniel Morcombe's family they obeyed the directive and decided not to ride. Wearing their club patches is a badge of honour for these members and they will not ride without them. The UMCQ arrived after the ride and donated \$10,000 to the charity.

On 24 August 2008, 200 Harley-Davidsons made their way through Toowoomba as they raised \$20,000 for cancer research. The money was raised by people who paid to ride on the back of these bikes. In Cairns, the 95-strong Motorcycle Muster raised \$70,000 for the Far North Queensland Hospital Foundation, which would certainly assist the government in that area. The Ulysses Club for over 50s motorcyclists, formed on 6 December 1983 when five people approved a basic constitution, is now the

largest organisation of its kind in Australia. From modest beginnings, the club has grown and now has an extensive 120 branches throughout the country. The Vietnam Veterans Motorcycle Club was established to provide social and welfare support for bikers who are Vietnam veterans. It is not only a motorcycle club but also recognised as an ex-serviceman organisation and welfare group in its own right by the Department of Veterans' Affairs. So not all bikie groups are bad.

In summary, violent behaviours conducted by criminal organisations are abhorrent and must be addressed in a manner that will get results. We on this side of the House are prepared to address the issue, unlike the majority of the members opposite. This legislation, although it purports to contain provisions that will stem the illegal activities of criminal organisations, and in particular bikie gangs, will also affect the rights of legitimate, law-abiding bikie organisations such as those I have spoken about in this House already. In addition, the bill has the potential to affect any organisations that are believed to be a risk to public safety.

Through the use of secret intelligence information, many people could potentially be affected without having the ability to adequately defend themselves through having no access to the evidence that the judge has convicted them on. As I have already stated, rather than putting in place legislation that will be ineffective and which goes against the advice of the experts, we should be strengthening the laws we have in place already. Clubs known to be involved in criminal activity should be hit with the full force of the law where it hurts the most: in the hip pocket. The seizure of property such as clubhouses and bikes as well as cash obtained through unlawful means plus the effective use of task forces and phone tapping will be more effective methods to curb the escalating reign of terror that bikie gangs thrive on.