

2013/18: Are Queensland's new laws to deal with bikie gangs too extreme?

What they said...

'This legislation will target only criminal motorcycle gang members. Other law abiding motorbike riders have nothing to worry about'

Jarrold Bleijie, Queensland Attorney General and Minister for Justice

'The laws passed are aimed at cracking down on 'outlaw bikie gangs' but potentially affect a wider group of people, including those that aren't affiliated with bikie groups'

Michael Hayworth, a spokesperson for Amnesty International Australia

The issue at a glance

On October 17, 2013, the Queensland Parliament passed three new laws designed to limit the activities of 'outlaw' bikie gangs in Queensland and encourage them to move elsewhere.

The package of new laws includes the Vicious Lawless Association Disestablishment Act 2013, the Tattoo Parlours Act 2013 and the Criminal Law (Criminal Organisations Disruption) Amendment Act 2013.

The laws have attracted widespread criticism from civil liberties groups and others.

The *Vicious Lawless Association Disestablishment Act* requires people defined as "vicious lawless associates" serve 15 years in prison in addition to their standard sentence. If they are an officer bearer of the relevant association, they will serve 25 years in custody in addition to their standard sentence.

The mandatory additional sentence must be imposed even if the person is not sentenced to imprisonment for the original offence. Unless the person becomes an informer, he or she is not eligible for parole during the additional sentence and will have to serve the entire 15 or 25 years.

The *Tattoo Parlours Act* requires body art tattoo parlours and tattooists to be licensed. The legislation bans members of criminal organisations from owning, operating or working in body art tattoo parlours.

The Commissioner of Police is empowered to investigate licence applicants, licensees and their associates to ensure only fit and proper persons are able to hold licences.

Unlicensed trading incurs penalties of up to eighteen months imprisonment. The Act also prohibits members of criminal motor cycle gangs from wearing colours inside licensed premises and within areas prescribed by regulation.

The *Criminal Law (Criminal Organisations Disruption) Amendment Act 2013*.

The maximum penalty for affray is increased to seven years for members of a CMG.

CMG members will face a mandatory one year imprisonment for serious assaults on Police. Their driver's licenses will be disqualified for a mandatory period of 3 months upon conviction.

The Act doubles the penalty for CMG members who evade police. Vehicles used in an offence can be confiscated and crushed. The Queensland government has declared 26 motorcycle clubs criminal organisations.

Background

(The information contained in this background note is an edited, abbreviated version of that found in the Wikipedia entry titled 'Gangs in Australia'. The full entry can be accessed at http://en.wikipedia.org/wiki/Gangs_in_Australia#Outlaw_motorcycle_gangs)

Outlaw motorcycle gangs in Australia

Outlaw motorcycle gangs are present in Australia, with international outlaw clubs like the Bandidos and Hells Angels and Gypsy Jokers as well as local groups. The term 'outlaw motorcycle gang' is unofficial. It refers to the gangs' perception of themselves as operating outside the usual societal constraints.

While conflict between various clubs has been common, in 2008 the gang conflict escalated, with 13 shootings taking place in Sydney in the space of two weeks. In early 2009, the Comanchero Motorcycle Club and Hells Angels were involved in a clash at Sydney Airport. One gang member was beaten to death in plain view of witnesses at the airport, and police estimated as many as 15 men were involved in the violence. Police documents detail the brawl as a result of the Comanchero and Hells Angels Presidents being on the same flight from Melbourne. Four suspects were arrested as a result of the altercation.

Including two murders in the capital city, four people were killed in the space of a week in Canberra and in Sydney. As a result of heightening violence, New South Wales Premier Nathan Rees announced the state police anti-gang squad would be boosted to 125 members from 50.

In Western Australia bike gangs are involved in the drug trade. Bikie gangs in South Australia are also involved in drugs, murder, extortion and other forms of intimidation and violence. They have diversified their activities into both legal and illegal commercial business enterprises.

Gang violence has provoked a reaction from various state governments which have begun changing laws to focus on the problem. Police have set up groups to deal with the threat, including the Crime Gang Task Force in South Australia.

Laws against bikie gangs

Laws to deal with bikie gangs (applying to any association, bike or otherwise) have been introduced into Northern Territory, South Australia and Queensland, and are presently being looked at in New South Wales. In 2013, Queensland enacted Criminal Law (Criminal Organisations Disruption) Amendment Act 2013 to criminalise outlaw motorcycle gangs.

Bikie clubs

Clubs in Australia include:

Bandidos - One of the "Big Four" American gangs identified by authorities. They have 19 chapters across Australia and between 250 and 400 members. This is one of the clubs that has actively recruited from ethnic groups in recent years.

Coffin Cheaters - They have chapters in Western Australia, Victoria, New South Wales and Queensland, as well as in Norway. They have between 200 and 300 members.

Comancheros - One of the oldest outlaw clubs in Australia founded by Jock Ross during the late 60s early 70s. Its headquarters are in Western Sydney. It has chapters in Western Australia, Victoria and South Australia. They have between 250 and 300 members in Australia and have expanded in Spain and Serbia.

Finks - Formed in Adelaide, South Australia, in 1969 and now has chapters in other states. It was reported in October 2013 that most members were to switch to the United States based Mongols.

Gypsy Jokers - The Gypsy Joker MC, an American-formed club, are most notorious for the 2001 car-bomb murders of West Australian police senior investigator Don Hancock and Lawrence Lewis. They have between 200 and 300 members in Australia.

Hells Angels - Founded in the US and one of the "Big Four" American gangs, now active worldwide. In Australia, they have 150-250 members and are allied with the Nomads.

Nomads - The Nomads club has no website and is not as widely known as other clubs, but does have a significant presence in the press as an outlaw motorcycle club engaged in allegedly illegal activities.

Notorious - The club Notorious, a recently-formed Middle Eastern gang, have started competing with Australian bikie gangs, in a turf war for drug sales. Notorious is reportedly using members of the Middle Eastern and Islander communities in Sydney, and may be wooing members of those backgrounds from other clubs. They have between 150-200 members.

Rebels - The Rebels are the largest outlaw motorcycle club in Australia, and have 29 chapters. They are a more traditional club and are run by former boxer and founding member, Alex Vella. They are by far the largest club in Australia with around 2,000 members.

A growing percentage of the crime attributed to outlaw motorcycle gangs since around 2010 is not necessarily committed by actual bikers. Much of the crime has been committed by non-riding members or associates of these gangs, bringing into question whether these individuals should be referred to as belonging to outlaw "motorcycle" gangs or simply outlaw gangs that have splintered from the original group. This component of the culture is increasingly referred to as "Nike Bikies" as their attire is significantly different to that of the traditional biker. As Professor Arthur Veno has described, "They wear Nike tennis shoes rather than riding boots."

Internet information

On November 8, 2013, ABC News ran a report titled, 'US crime fighter praises tough Qld anti-bikie laws, warns groups will recruit veterans of Afghan war'. The report outlines the claims made by the vice-president of the International Association of Undercover Officers, Steve Cook, that Australia's new anti bikie laws will help prevent the group of bikie gangs in Australia,

The full text of this article can be found at <http://www.abc.net.au/news/2013-11-08/us-crime-fighter-praises-qld-anti-bikie-laws/5080304>

On November 5, 2013, Amnesty International published an opinion highly critical of the Queensland anti-bikie laws. The piece argues that the laws are at odds with international human rights and with Australian law.

The full text of this comment can be found at <http://www.amnesty.org.au/news/comments/33255/>

On November 1, 2013, ABC News ran a report titled 'Senior policeman says Qld anti-bikie laws are effective'. The report quotes Queensland Superintendent Jim Keogh's support for his state's tough new anti-bikie legislation. The full text of the report can be accessed at

<http://www.abc.net.au/news/2013-11-01/senior-policeman-says-qld-anti-bikie-laws-are-effective/5065024>

On November 1, 2013, ABC News ran a report titled, 'Queensland anti-bikie laws target property with no criminal connections, club that does not exist in Australia' The report details claims that the new Queensland Anti-bikie legislation contains many inaccuracies.

The full text of the report can be accessed at <http://www.abc.net.au/news/2013-10-30/qld-bikie-laws-target-club-that-is-not-in-australia/5059202>

On November 1, 2013, The Warwick Daily News ran a report titled, 'Recreational rides may have to register in bikie

crackdown'. The report details that legal recreational motorbike riders may need to register their activities in order to prevent themselves being apprehended by the police.

The full text of this report can be found at <http://www.warwickdailynews.com.au/news/recreational-rides-may-have-register-bikie-crackdo/2070708/>

On October 31, The Courier Mail published an opinion piece by Dr Kevin Levy, a professor of law at Bond University, Queensland, who argues that sometimes it is necessary to restrict the rights of the individual in order to protect society from criminal attacks.

The piece is titled 'Strong anti-gang laws vital to shield the innocent in bikie battle says CMC boss '. The full text can be accessed at <http://www.couriermail.com.au/news/opinion/opinion-strong-antigang-laws-vital-to-shield-the-innocent-in-bikie-battle-says-cmc-boss/story-fnihsr9v-1226750041912>

On October 28, 2013, The Courier Mail published a comment by Tony Fitzgerald, AC, QC and a former judge who presided over the Fitzgerald Inquiry into corruption in the Queensland Government from 1987 to 1989. Fitzgerald is strongly opposed to the new legislation. The full text of his comment can be found at <http://www.couriermail.com.au/news/opinion/opinion-tony-fitzgeralds-verdict-on-the-tough-newman-government-law-and-order-crackdown/story-fnihsr9v-1226747871408>

On October 27, 2013, Guest Lawyers published an analysis and opinion piece by Queensland barrister Anna Capellano. The piece criticises the nature and implications of The Vicious Lawless Association Disestablishment Act. The full text can be found republished by Independent Australia at <http://www.independentaustralia.net/politics/politics-display/are-you-a-vicious-lawless-associate,5876>

On October 17, 2013, Independent Australia published a comment by Michael Cope, the president of the Queensland Council for Civil who argued that the liberty of all Australians is threatened by the new Queensland laws. The full text of the comments can be found at <http://www.independentaustralia.net/politics/politics-display/queenslands-anti-bikie-laws-were-all-criminals-now,5822>

On October 8, 2013, the Queensland Attorney General and Minister for Justice, Jarrod Bleijie, issued a media release claiming that the new laws introduced by the Queensland government to restrict bikie gangs were intended to affect only those who are part of criminal associations.

The full text of this media release can be found at <http://jarrodbleijie.com.au/news/crackdown-will-target-only-criminal-gangs>

Arguments in favour of the new more severe laws to deal with bikie gangs

1. Bikie gangs represent a serious threat to the community

It has been claimed that many bikie gangs are serious threats to law and order and behave in ways that pose a serious threat to the community.

According to Australian Crime Commission (ACC), outlaw bikie gangs 'remain a serious threat to the Australian community ... (and) one of the most visible manifestations of organised crime'.

The ACC has noted that the outlaw bikie gangs are involved in crimes including the use and trafficking of illegal firearms; production and distribution of drugs; serious assault; serious frauds; money laundering; extortion; prostitution; robbery; organised theft; property crime; bribing and corrupting officials; tax evasion; arson; and vehicle rebirthing.

The Queensland premier, Campbell Newman, has stated, 'We know these are criminal gangs, people who manufacture drugs, distribute them, create misery in our community, bash people up, threaten people, murder people on occasions and also rape.'

A major trigger for the Queensland government's new anti-bikie gang legislation was the Broadbeach motorcycle gang brawl. On September 28, 2013, eighteen people were charged with offences ranging from assault to stealing after two large brawls involving members of the Bandidos and the Finks bikie gangs. By October 4 a further nine people were charged for offences ranging from assault to stealing.

Police reportedly used stun guns to disperse about 60 people involved in the first brawl outside a Broadbeach restaurant around 8:30pm on September 27.

2. The new laws are proving successful

It has been claimed that the new more successful laws intended to deal with the illegal activities of bikie gangs are already proving successful.

Superintendent Jim Keogh, the head of a Gold Coast police taskforce, Taskforce Takeback, aimed at dealing with bikie-related crime has claimed that the Queensland Government's tough new laws are working.

Superintendent Keogh has stated that the new laws are an important component of the state's fight against bikie crime. Superintendent Keogh has indicated, 'Without these bikie laws that we currently have now we wouldn't see the success that we're presently experiencing.

We certainly wouldn't see the downturn in criminal motorcycle gang members here on the Gold Coast, in particular their involvement with unlawful activity.

Pretty much without these new laws we'd be somewhat lost.'

Gladstone CIB Detective Senior Sergeant Luke Peachey has said he expected to see a significant decrease in the amount of drugs circulating over the next year.

Senior Sergeant Peachey has stated, 'We're going to be very proactive in our approach to criminal motorbike gangs and will be putting steps in place to ensure members and associates aren't meeting and no recruitment of new members is going on.'

District Crime Group Detective Inspector Dave Drinnen has claimed, 'We have seen a decline in activity since the legislation came in.'

It has been reported that the Rebels, Bandidos and Black Uhlans have abandoned their Gold Coast premises.

3. Without tough new legislation bikie gang membership and related crime will grow

The vice-president of the International Association of Undercover Officers, Steve Cook, has claimed that Australian authorities can expect bikie gangs to keep growing. He has noted that these gangs are likely to recruit war veterans from Afghanistan.

Mr Cook stated, 'We've had people in the Middle East for the last decade; you're going to have a lot more recruitment of these individuals into these organisations.'

Mr Cook has suggested that without a strong, extended response from law makers such an increase in bikie gang membership is inevitable and will result in increased crime.

Mr Cook has claimed, 'If they [bikie gangs] feel like that everybody's kind of turning a blind eye to them and their activities, then they're going to continue to expand.'

Gladstone CIB Detective Senior Sergeant Luke Peachey has stated, 'We've noticed a significant drive by both the major clubs in Gladstone over the past six months to recruit younger associates and supporters, so we'll be watching those people very carefully.'

Recent undercover police investigations have indicated that criminal bikie gangs have been using the proceeds of their illegal drug deals to build up a fighting fund to meet the cost of challenging Australian state government laws aimed at eradicating their organisations. One member of the Finks was recorded saying, 'Yeah, well all the clubs in Australia have all got together, like on Saturday, we were up in...Browns Plains.

... there was us and the (Hells) Angels There was the Bandits and the Rebels, which are at war. And we're all in the same room...chinwagging and...like we need to sort this out. So we, us alone, like (the) Finks, we raised I think about \$200,000.'

Defenders of the government legislation claim that the existent of this fighting fund demonstrates the preparedness of these illegal organisations and the importance of these new legal endeavours to end their operations.

4. The new laws will only affect members of illegal bikie gangs

The Queensland Attorney General and Minister for Justice, Jarrod Bleijie, has claimed that the new laws introduced by the Queensland government to restrict bikie gangs were intended to affect only those who are part of criminal associations.

Mr Bleijie has stated, 'This legislation will target only criminal motorcycle gang members. Other law abiding motorbike riders have nothing to worry about.

Limiting these gangs' ability to ride in big groups would make running their criminal enterprises more difficult and it would help prevent the kind of mass intimidation we saw at Broadbeach. It would also ease the disruption they cause during their annual runs.

Our tough laws will stop criminal motorcycle gangs from using their numbers to strike fear and intimidation in the community while allowing Queensland's innocent riders to enjoy riding freely and safely.'

Queensland Deputy Police Commissioner, Brett Pointing, has said that new strategies to increase police knowledge of legitimate motorcycle gangs would prevent misunderstandings.

Commissioner Pointing has stated, 'It's fair to say the average police officer has a really good knowledge of criminal motorcycle gangs but probably has a limited knowledge of the many legitimate motorcycle clubs that enjoy our roadways every weekend.

We're looking at a strategy where you can register your rides so we can communicate to police throughout Queensland that the clubs are going on a recreational ride. That'll go a long way to solving the misunderstanding.'

5. Protecting the community sometimes requires overriding one or more human or legal rights

It has been claimed that sometimes it is necessary to override the rights of a particular set of individuals in order to protect the community as a whole.

Ken Levy, chairman of the Crime and Misconduct Commission, a Bond University law professor, and a former director-general of the Queensland Department of Justice and Attorney General, has stated, 'The criminal justice system operates by balancing the rights of the individual and the rights of society.

The rights of the individual are concerned to ensure that those who can exercise power - such as the police - do not abuse that power. Balanced against these rights are the rights of the rest of society.'

According to Dr Levy, the public needs to be protected from the actions of criminal bikie gangs and it can trust its police force and its courts to ensure that there is no significant infringement of civil liberties as part of the necessary process of offering it that protection.

Professor Levy has stated, 'We expect the distribution and use of these powers to be properly balanced by the roles performed by police and courts.'

The Queensland government has indicated that it makes no apologies for restricting the rights of those who commit serious crimes against the community.

Queensland Attorney-General, Jarrod Bleijie, has stated, 'We wanted to rebalance the scales of justice in favour of the victim and not the offender. That is why, over the last 18 months, we have taken such a strong stance on law and order.

We wanted to rebalance the scales of justice in favour of the victim and not the offender.'

Arguments against the new more severe laws to deal with bikie gangs

1. The nature and extent of bikie gangs' criminal activity has been exaggerated

It has been claimed that the criminal activity of bikie gangs has been overstated.

Criminologist and former Gold Coast detective, Terry Goldsworthy, has claimed that Queensland Police statistics suggest bikie crime on the Gold Coast is not as bad as the Queensland government has claimed. Terry Goldsworthy has stated, 'You've got a couple of high profile gangs who are doing most of the crime. I'd be surprised if there is much evidence at all that the Finks are at the peak of organised crime on the Gold Coast. They'd be low-level players doing a bit of (drug) supplying here or there.'

The statistics indicate that the Bandidos and the Finks are the two bikie gangs most heavily involved in crime in Queensland. The other 24 gangs named as criminal organisations under new Queensland laws have only had a handful of members charged in the 17 months to May 2013.

The Bandidos had 220 and the Finks had 175 members charged with offences. The Rebels, Lone Wolf and Nomads gangs rounded out the top five, each with about 65 members charged, while the Hells Angels had around 60. However, many of the other gangs, including the Red Devils and Comancheros, had no offences against their name, while only two bikie offenders belonged to the Odins Warriors and Gypsy Jokers.

Critics of the new laws claim that they represent a response built around an exaggerated view of the extent of crime among bikie groups. The statistics demonstrate that the large majority of these clubs and their members are law-abiding.

2. Recent anti-bikie laws have been hastily and inaccurately drafted

The Queensland Government's anti-bikie laws have been revealed as targeting a property that has not had any bikie connections for six years and a 'criminal organisation' that experts say does not exist in Australia.

A list of 'prescribed places' (sic) in the legislation includes an industrial shed in Caboolture, north of Brisbane, where a man linked to the Rebels motorcycle club once operated a car gearbox repair business. However, the property owner, neighbours and the new owner of the business have indicated that the man connected with the Rebels moved out at the end of 2007

The Queensland anti-bikie legislation also names the Scorpions motorcycle club as a banned 'criminal organisation'. Experts on the operation criminal gangs and motorcycle clubs in Australia have claimed that while there is a Scorpions motorcycle club with several chapters in the United States, there is no trace of such an organisation ever having a presence in this country.

Mark Lauchs, Queensland University of Technology criminologist, has stated, 'We're not really sure who they are. Searches of all the Government documents and other things online has turned up references to a number of groups that they may be referring to, such as the Red Scorpions or the Scorpion Boys in Western Australia.

There's only one reference I can find to a group called the Scorpions and that was a group that was associating with another outlaw motorcycle group in Perth, but they certainly weren't called an outlaw motorcycle group themselves.' There are also claims the Queensland Government is using the wrong 'colours' or club insignia for the Outcasts, Coffin Cheaters and Iron Horsemen, which appear on a crib sheet sent to all licensed premises in Queensland this week. Critics of the legislation claim that such errors indicate how hastily and carelessly it was put together.

3. These new laws have the capacity to be applied to those other than members of criminal bikie gangs

It has been claimed that the new Queensland Vicious Lawless Association Disestablishment Act 2013 (VLAD) is couched in language that is so general that it could be applied to a wide range of clubs and associations.

The laws focus on associations of people which include corporations, unincorporated associations, clubs or leagues or any other group of three or more people whether the group is legal or illegal.

Covering more than just 'bikie gangs' the laws define people as 'participants' in associations where they are a member, sought to be a member, attended more than one meeting or participated in any other way in the affairs of the association.

There is no mention of bikes or criminal activity in the definition of association. A participant is deemed to be a 'vicious lawless associate' when they commit a declared offence while they are participating in the association.

An accused individual must prove that the association does not exist for the purposes of engaging in declared criminal offences. A 'vicious lawless associate' is then sentenced to 15 years jail on top of the sentence they receive for the declared offence. If the person is an officer of the association and cannot prove otherwise they are liable to a further ten years.

Michael Hayworth, a spokesperson for Amnesty International Australia, has stated, 'The laws passed are aimed at cracking down on 'outlaw bikie gangs' but potentially affect a wider group of people, including those that aren't affiliated with bikie groups, something the Queensland government has failed to acknowledge.'

Brisbane barrister Anna Cappellano, has similarly claimed, 'The extensive mandatory detention powers in the VLAD

Act are not limited in any way to alleged "criminal bikie gangs". You do not have to be a member or associate of one of the 26 motorcycle clubs that have now been declared as criminal organisations to be classed as a vicious lawless associate.'

The new laws' focus on gang membership has been seen as a threat to the freedoms of all Queenslanders and potentially all Australians. It has been argued that gang membership of itself cannot be regarded as a crime; it is how an individual behaves as a member of that gang which may be criminal.

Michael Cope, the president of the Queensland Council for Civil Liberties has stated, 'There is nothing criminal about being in a gang. The crime is the violence and intimidation which some gang members may engage in. Gang members who commit offences should be arrested, charged, tried and if convicted, punished.'

4. Some of the provisions of the new anti-bikie laws are a violation of basic human and legal rights

Some critics of the new Queensland legislation aimed at eradicating criminal bikie gangs have claimed these laws are a breach of basic human rights Australians take for granted.

Former New South Wales director of public prosecutions, Nicholas Cowdery, has stated, 'We enjoy the freedom of association, the freedom of movement, freedom of speech, freedom of action in this country and to truly outlaw - because that's what the [Queensland] Government is doing - clubs and membership of clubs is, in my view, a step too far.'

Nicholas Cowdery has further stated, 'The mere fact of membership of an organisation of that kind should not have criminal consequences.' He has claimed that in the past the Australian Capital Territory (ACT) and Victoria had refrained from enacting tough bikie laws because they were inconsistent with human rights legislation. In particular, they were inconsistent with freedom of peaceful assembly laws.

Both the ACT and Victorian civil rights charters say everyone has the right to peaceful assembly and the right to association with others. The Victorian charter adds everyone has 'the right to form and join trade unions'.

It has also been claimed that the new Queensland anti-bikie laws are a violation of fundamental legal rights and processes. Amnesty International has expressed concern that Queensland's new bikie laws do away with the notion of an accused being innocent until proven guilty and that without this protection there could be arbitrary detentions and an undermining of the independence of the judiciary.

Michael Hayworth, a spokesperson for Amnesty International Australia has stated, 'The laws reverse the burden of proof, forcing those accused of being "vicious lawless associates" or "office bearers" of the association to prove that they are not participants in criminal associations.

This severely undermines the right to be presumed innocent until proven guilty that all Queenslanders enjoy.'

Tony Fitzgerald, AC, QC and a former judge who presided over the Fitzgerald Inquiry into corruption in the Queensland Government from 1987 to 1989, has stated, 'Although Parliament has power to enact almost any law which it chooses, parliamentarians who are elected to do what's best for the community don't have a "mandate" to give effect to prejudices and ill-informed opinions, ignore ethics and conventions or attack fundamental values such as personal freedom or essential institutions such as the judiciary.'

Critics have claimed that the new laws entrench guilt by association, making it an offence to belong to one of the designated motorbike gangs, irrespective of what an individual has done.

Don Trevethan, a 60-year-old father of four, supervisor for a construction company and Rebels Motorcycle Club Mackay chapter president, has claimed that under the proposed State Government laws all members of outlaw motorcycle clubs would be classed as criminals, whether they were involved in illegal activities or not.

Mr Trevethan has stated, 'Ninety per cent of the blokes causing this stuff probably don't even own bikes.'

5. These new anti-bikie laws will be prone to escalation

It has been claimed that the new powers given police and courts in Queensland to deal with criminal motorbike gangs are likely to be expanded and so pose even more civil liberty concerns.

Queensland Police Union president, Ian Leavers, has said that the government still needed to give police legal power to raid homes suspected of being bikie strongholds.

Mr Leavers has also indicated that he believes that the powers should be expanded to be readily applicable to other criminal groups within the community.

Mr Leavers has stated, 'What we have to remember is that bikies aren't the only criminal organisation on the Gold Coast...We need to tackle the whole industry of criminal organisations not just bikies.'

There have also been requests that police have access to more extreme weapons so that they are similarly armed to the bikie gangs that they have to confront.

Mr Leavers has further stated, 'The bikies have high calibre weapons at their disposal. We need to have the same firepower to protect ourselves and do our job and protect the community.'

Critics of the current legislation as excessive and an infringement of civil liberties are even more concerned that over time Australia will see police forces with vastly extended powers of arrest and that these officers will also have access to more extreme weaponry.

Critics believe that this is a scenario in which the likelihood of innocent civilians being hurt or wrongfully arrested will be dramatically increased.

Further implications

A number of groups of lawyers have been reported as planning to mount a High Court challenge against the

Queensland anti-bikie laws.

Five lawyers and barristers have been reported as meeting to begin "strategising" which defendant they will use to argue the Government's Vicious Lawless Association Disestablishment laws breach the constitution. In 2010 the High Court threw out South Australian 'anti-bikie' laws on the grounds that they were unconstitutional. The laws had allowed control orders to be placed on gang members without a court having the power to see or review the evidence on which they were based.

A High Court challenge to the Vicious Lawless Associations Disestablishment (VLAD) Act or the amended Tattoo Parlour or Criminal Law acts could cost as much as \$350,000 to \$500,000. A previous High Court challenge to NSW bikie laws cost \$380,000.

A wide variety of Queenslanders have begun raising funds to support the challenge. The various criminalised bikie clubs have been reported as establishing fighting funds to finance the challenge. However, a significant number of non-criminalised groups have been claimed to be behaving similarly. The Australian Motorcycle Council is launching a fighting fund to raise money for court action expected by some of the 26 bikie gangs that are now declared criminal organisations.

Chairman of the Australian Motorcycle Council, Shaun Lennard, has said, 'We have no doubt these laws will end up being challenged in the High Court. Our executive will consider any request for financial support.

It's not an open cheque book but I would not be surprised if a challenge comes from a member of one of the 26 organisations who may not have any criminal convictions.'

Mr Lennard has claimed the laws are too broad and innocent recreational motorcyclists could be caught up in the crackdown. The likelihood of this particular set of laws being struck down remains uncertain.

Though legal opinion is generally united in opposition to these laws, popular opinion on the laws seems significantly divided. On November 16, 2013, it was reported in The Australian that a Courier-Mail Galaxy survey shows support for Mr Newman as preferred premier has dropped from 54 per cent to 46 per cent over the past three months. However, the Liberal National Party still leads in the primary vote with 45 per cent support compared to Labor's 33. The LNP leads Labor 57 per cent to 43 per cent on a two-party-preferred basis.

Of the 800 Queenslanders who took part in the poll late last week, 56 per cent said they backed the crackdown against outlaw motorcycle gangs. About a third opposed the laws.

The extent to which support for the laws remains will depend in part on the degree to which the new laws are felt to impinge on the rights of the general community.

A number of other states have indicated that they are considering similar legislation.

Newspaper items used in the compilation of this issue outline

The Herald-Sun: March 7, 2013, page 30, comment by Charlie Bezzina, 'Bikies need to know cops won't back down'.
<http://www.heraldsun.com.au/news/law-order/bikies-need-to-know-cops-wont-back-down/story-fnat7a38-1226591914372>

The Age: March 6, 2013, page 4, background by John Silvester, 'Fear of gangs feud raises doomsday scenario'.
<http://www.theage.com.au/victoria/fear-of-gangs-feud-raises-doomsday-scenario-20130305-2fj7o.html>

The Age: March 15, 2013, page 13, news item (ref to High Court decision on Queensland laws), 'Bikie laws upheld'.
http://newsstore.fairfax.com.au/apps/viewDocument.ac?jsessionid=5FFFBE6AF997F9B3D638D0C69AA272A1?sy=af&pb=all_ffx&dt=selectRange&dr=1month&so=relevance&sf=text&sf=headline&rc=10&rm=200&sp=brs&cls=1075&clsPage=1&docID=AGE1303151F3TR7STKDG

The Herald-Sun: March 28, 2013, page 36, editorial, 'Bikie laws urgent'.
<http://www.heraldsun.com.au/news/opinion/bikie-laws-a-matter-of-urgency/story-e6frfhqo-1226607966746>

The Age: March 27, 2013, page 18-19, investigative report (ref to bikers' influence on some Victorian police) by McKenzie and Baker, 'Friends in all the wrong places'.
<http://www.theage.com.au/victoria/friends-in-all-the-wrong-places-20130326-2gs5r.html>

The Herald-Sun: April 8, 2013, page 22, editorial, 'Colour them banned'.
<http://www.heraldsun.com.au/news/opinion/colour-them-banned/story-e6frfhqo-1226614381331>

The Herald-Sun: May 7, 2013, page 20, editorial, 'Hunt down the outlaws'.
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