

The Chairperson,

Taskforce into Organised Crime Legislation

Hon Justice Wilson

Dear Sir

I am writing this submission in an attempt to record the impact that the introduction of the VLAD and Anti-association legislation and the amendment of several other Queensland Acts in October 2013 has had on my life, and the life of my family and friends.

I am [REDACTED] years old and have lived in North Queensland my entire life. I have never been unemployed. I have never received any Centerlink benefit. I currently work 14 hour shifts for a [REDACTED] as a [REDACTED] and pay around \$60,000 in PAYG income tax each year. I have sufficient investments and savings and superannuation to ensure that I will continue to be self sufficient in my retirement years and present no further burden to the tax payers of Queensland. **I have no criminal convictions.** I have raised a family of 2 sons who have both also been fully employed for their entire life and support families of their own. Put short, I can lay claim to being a useful member of the Queensland society and certainly no burden on the rest of the population and I have instilled these values into my descendants as well.

My interests in life are motorcycles, fishing, football and golf. Due to these interests, I have become a member of a motorcycle club, fishing club, football club and a golf club.

The motorcycle club that I belong to was declared and scheduled and constantly referred to as a "Criminal Motorcycle Gang" and a "Vicious Lawless Association" by the recently deposed Newman LNP government when these draconian, restrictive and discriminatory VLAD laws were introduced and several other pieces of legislation amended in 2013. The laws were designed to "severely punish members of criminal organization that commit serious offences".

The introduction of these laws impacted on me in several ways and I shall attempt to explain this in sections.

- By referring to me as a participant in a criminal organization, the government and the police have set me apart from my family and friends. I have experienced many instances of uncertainty and trepidation when requesting or issuing invites to social events. "Are we allowed to be seen with you" type of uncertainty. My eldest son has expressed his wish that I no longer wear any club clothing when I visit my grandchildren due to the media/police hype that it is "no longer acceptable to be friends with a criminal motorcycle gang member". I find this to be unnecessarily embarrassing and morally debilitating.
- At my work, I am constantly asked about my association, causing my senior managers to raise some eyebrows and take a misguided opinion that could prove detrimental to my career development. I find this makes me uneasy and worried about future prospects. I believe I have already been "overlooked" for one promotion, possibly at a missed opportunity cost of about \$30,000 per year, due to this perception.
- I travel 600 kilometers to work and 600 kilometers return each week to attend my work at the mine. To ease the travel cost and manage fatigue issues following long and arduous shifts, I had arrangements in place to car-pool with 2 other club members/associates. I have had to cease this arrangement to be compliant with the current legislation as it is now deemed illegal for 3 of us to "knowingly meet in public". This has forced me to travel alone, putting the travelling public at risk of colliding with a fatigued driver, in order to comply with the law. I find this to be dangerous to fellow road users and approaching a cost prohibitive impasse and I am considering seeking employment closer to home and accepting a much lower level of income.

- I would like to cease this travel, retire from the mines, and experience a more sedentary life in Townsville by setting up a small business that my wife and I can run. The current legislation will prohibit me from setting up, operating or working in several businesses due to “character grounds”. I have experience driving trucks, but cannot own a tilt tray business. I have a keen interest in tattooing, but cannot own a tattoo shop. I have experience selling cars, boats and motorcycles, but cannot own a used motor vehicle operation. I have a keen interest in old timber furniture, but cannot operate under the second hand dealer’s legislation. I cannot invest in licensed premises although I am an experienced hospitality worker. I find this to be highly discriminatory and detrimental to my future prospects.
- I sometimes go shopping with my wife. If another member does the same and we accidentally meet at the supermarket or hardware store, there is a period of uncertainty before we part and go our separate ways, when we all realize that the law is being broken because our wives are deemed to be associates. Similarly if we inadvertently bump into other club members at any public place, service stations, airports, etc., we experience the same thought process.
- I am proud of my motorcycle club and the members, some of whom have received Australia Day awards for outstanding citizenship and community service, but I am denied the opportunity to wear my motorcycle club shirt into licensed premises without facing a substantial fine and a conviction. I am proud of my other sporting clubs as well. Recently, one of the office bearers at my golf club was convicted of crimes, yet I can legally wear that club’s shirt into the same licensed premises without question. I consider that to be ridiculous and highly discriminatory.
- Some of my motorcycle club members are returned servicemen who have risked all and served their country well in theatres of war and yet they are not permitted to attend a dawn parade, or to march on Anzac day with their military mates and club brothers because they would be breaking the law. I find this to be an insult of the highest order by the legislators of Queensland.
- I will turn █ this year and I find myself unable to plan an event at a public venue to celebrate this milestone because I would invite more than 1 of my club brothers and thus break the law. I find this to be detrimental to the finances of the venue owner who is denied the opportunity to profit from my planned and expensive celebration.
- I have not had any club members pass away since the introduction of these laws, but I am disgusted that I will not be allowed to attend the funeral to pay my last respects, should this happen, as I would be breaching the current anti-association provisions of the laws if I attended in a public place with more than 2 members or associates. I find this to be highly discriminatory, bordering on inhumane. I do not believe it acceptable to escort a convicted criminal from prison to attend a funeral, for instance, but deny me the right to attend because of club membership?
- I have read statistics stating the levels of crime committed by motorcycle club members as less than half of one percent of the crime committed in this state. I have read reports quoting thousands of arrests and charges and yet, only one conviction under the VLAD laws. I have seen reported that the sole conviction was not associated with any motorcycle club. I find this to be a total waste of police and prosecution resources with these publicly listed results. What a joke!
- I have seen some of the members of my clubs convicted of crimes of various degrees of seriousness. This is the football club, the fishing club, the golf club and the motorcycle club that I refer to here. All convictions were made under existing laws, not VLAD laws. I find it discriminatory that membership of only one of these clubs will attract an additional, mandatory, 15 years in prison, or an additional 25 years if the police determine that I hold “office” in that organization and can convince the judge as such. For example, a conviction of a police officer, who is possibly a member of his social club, for assault in Queensland, will attract a maximum prison sentence of 7 years, but should I get convicted, I will face this sentence of 7 years plus the mandatory 15-25 years for a total term of up to 32 years. I find this to be very unfair and discriminatory.

- The raft of laws that were introduced allowed for a schedule of prohibited places to be compiled. This included our clubhouses throughout the state. We are prohibited from entering that property or risk a substantial prison term. This was designed to remove us from our meeting place and stop crime being “organized”. What purpose does this serve when we are still able to freely and lawfully meet at our private homes? This simply defies any logical purpose in my mind. The actual purpose of the motorcycle clubhouse is the same as any other clubhouse “a building or a room occupied by the club and used for the recreational purposes of the club”. This would include a storage place for bike parts, an area to modify and maintain bikes, an area to design new projects of interest, as well as general areas to relax, hold meetings, listen to music, play indoor sports, etc.. I find it insulting and discriminatory that we can be prohibited from entering our own property to engage in any recreational activities the club deems appropriate.
- I have a show winning motorcycle that proudly displays my club colours. I have displayed this machine around Australia and overseas, proudly winning trophies and prizes for my workmanship. I am not able to ride or park this beautiful machine, worth well over \$40,000, anywhere near licensed premises for fear of arrest and conviction. The legislation also provides for confiscation and destruction of any vehicles used in the commission of a crime under these VLAD laws. I risk losing my pride and joy by simply riding or showing it where I choose to. Many motels and public venues are fully licensed over the entire property, making this more difficult to judge. Other club members have been charged with displaying “prohibited items” and “club paraphernalia” at licensed premises. I find it annoying and embarrassing to have to ask about the boundaries of the licensed areas when I arrive to avoid arrest at any time.
- The laws also allow for a range of penalties for “recruiting” or “attempting to recruit” new members to the “gang”. When faced with the possibility of being convicted of this crime, I have modified the way I meet new people and tend to keep everyone at arm length so as to not be accused of this. This results in leading an unhealthy, solitary life, unwilling to make new friends and acquaintances. I find this effects me by exposing me to the very real threat of mental health issues going forward by becoming so reclusive that I am unable or unwilling to reach out for help from my club brothers when faced by troubling life issues as was the case many times in the past.
- I have been advised by police officers, who enjoy an enthusiastic approach to their chosen profession, to simply “throw your patch in and you will be alright”, “we are only pulling you up because we saw the patch”, “we are only doing our job”, “we are just gathering intelligence”, “we are just keeping the boss happy”, “if you want to wear the patch, expect some heat, it goes with the territory mate”. I have no wish to make any complaint against any police officer, I merely wish to point out the misunderstanding of the current laws they are obliged to “enforce”. The advice to “give your patch up and it will all go away” is particularly worrying because the legislation clearly states that the definition of a participant includes past members so this would not achieve anything. This constantly concerns me when out riding.
- My house has been visited on several occasions by the Maxima taskforce detectives and my wife questioned regarding aspects of my membership of the motorcycle club without me present to correct any misunderstandings or assumptions. I have been questioned and attempts made to intimidate me to give information regarding club structure and hierarchy. I find this to be discriminatory and insulting to be treated in a different manner to any other member of the general public.

I shall recap by stating that I am a near ■■■ year old gentleman, with no criminal convictions, husband, father, brother, son, uncle and trusted friend to an extended family, who enjoys the pleasures of motorcycling along with other sporting and recreational pursuits. I am a past and active member of several sporting and recreational clubs throughout the North Queensland region. I have participated in the affairs, event and activities of several clubs over the past 50 years, from junior rugby league in the late 1960's to present clubs of which I am a member and past member. They have all given me a sense of pride and achievement that comes with club participation and a support base that made me feel

that I was a useful contributor to the community, surrounded by friends and brothers. I have represented several towns in various sporting pursuits and have received several messages of praise for community activities. Being a member of a motorcycle club was no different until the LNP government of the day enacted the VLAD legislation and the raft of amendments to various other Acts to effectively "outlaw" our activities, overlooking the considerable good that these clubs do for the community in the way of member support, fund raising for charity, provision of employment and promotion of the interest and love for motorcycles by conducting various shows and events over the past 40-50 years.

In summary, the laws should be amended or repealed in their entirety to allow the people of this great state of Queensland to continue to fully enjoy the amenities that the state has to offer to all citizens, as they choose, without discrimination, prejudice, harassment or disadvantage. When we legislate based on whom we are, rather than what we do, we have lost the democratic principle of separation of powers, as I see it, to the detriment of all Queenslanders.

Thank you for your time

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