

Australia: Queensland government legislates draconian “anti-bikie” laws

Mike Head
23 October 2013

Under the guise of cracking down on alleged motorcycle gangs after a series of violent incidents, including brawls on the Gold Coast tourism strip, the Queensland Liberal National Party government last week rammed three police-state bills through the parliament, with the bipartisan support of the Labor opposition.

Arrests of suspected bikie club members have already begun under the new anti-association laws, which make it illegal for them to fraternise together, wear their colours in certain areas or visit certain addresses. Two alleged associates were arrested in Cairns last week after they went to a police station to ask whether they could continue to live on the same premises as a club house.

Queensland Premier Campbell Newman boasted of introducing “the toughest laws in the nation,” but they are the spearhead of a broader offensive, backed by the new federal Abbott government. Just before the Queensland laws were pushed through, in the state of Victoria police and army personnel carried out a series of raids against alleged bikie premises. Earlier this year the Victorian government introduced laws only slightly less draconian than those enacted in Queensland.

The Queensland provisions mark an escalation of a series of “criminal association” laws passed by state governments, Labor and Liberal alike, since 2001, eroding basic democratic rights, including free speech, freedom of association and the right to remain silent, on the pretext of combatting “bikie gangs.”

The alarmist terminology of the Queensland laws, such as the Vicious Lawless Association Disestablishment Act, is designed to whip up hysteria against “bikies,” as the pretext for overturning basic legal rights.

Under this act, anyone convicted of committing a declared serious offence while a “participant” in an association (which includes taking part in one event), will be declared a “vicious lawless associate,” unless they can prove that the association does not have a purpose of

“engaging in, or conspiring to engage in, declared offences.” This not only reverses the burden of proof for a criminal trial, but such proof may be impossible.

These “associates” will face a mandatory 15-year jail term, on top of any sentence imposed on them. Association office bearers face another 10 years’ imprisonment, on top of the 15 years. Parole will also be denied, unless a prisoner turns informer. For example, an office bearer who would have been released on parole after three years, will be imprisoned for 28.

Before being convicted, the normal presumption in favour of bail is also reversed—a provision borrowed from “anti-terrorism” laws.

In addition, a Criminal Organisations Disruption Act sets mandatory prison terms for alleged members convicted of lesser offences, such as affray and assaulting a police officer, and jail sentences of up to seven years for new offences, such as associating together or promoting their organisation. A third bill, banning owning or working in tattoo shops, and authorising closures of parlours, will soon be joined by similar laws in other industries, including security and car sales.

The government has declared that inmates will be held in a “bikie-only” maximum-security facility. Isolated for 23 hours a day, they will be denied access to television and gym equipment. Their phone calls and mail will be censored, while visitor contact will be restricted to one hour a week. “What they’re proposing is a standard of incarceration that is pretty much equal to Guantanamo Bay,” motorcycle lobbyist Russell Wattie told ABC television.

Far from being confined to “bikie gangs,” the legislation could be used in the coming period to outlaw a range of organisations, including political parties regarded as a danger to the political establishment. The laws extend the scaffolding already created by the previous state Labor government’s Criminal Organisation Act.

Passed in 2009, that legislation permits groups (which can now consist of just three people under last week's laws) to be banned on the basis of secret "criminal intelligence" that the group and its lawyers are barred from viewing—opening the door to unchecked victimisation.

An organisation can be banned if it represents "an unacceptable risk to the safety, welfare or order of the community" and exists to engage, or "conspire" to engage, in "serious criminal activity." Such activity is defined to include political offences like sedition and riot. Groups can be outlawed based on mere allegations by police agents that some members *may* plan such activity in the future.

So far, 26 bikie groups have been declared criminal organisations, banning members from meeting in public, and giving police powers to stop and search suspected members without warrants.

The way was cleared for such laws in March. Urged on by the federal Labor government, the High Court, Australia's supreme court, ruled that the 2009 Queensland legislation was constitutional. This created a framework for the states to side-step earlier High Court rulings striking down various anti-association laws.

In March also, Labor Prime Minister Julia Gillard called on the state governments to refer constitutional powers to Canberra to outlaw groups. Now the Abbott government is taking up where Labor left off, but relying on the states to pass the legislation.

In Victoria, the Criminal Organisations Control Act, which commenced in March, allows the police chief to apply to the state's Supreme Court to make a group a "declared organisation," if it is satisfied the group organises, facilitates or supports criminal activity. Further "anti-fortification" laws, introduced this month, permit the demolition of property.

The Victorian police have not yet applied to use these laws, however, complaining that they are too complex compared to the Queensland laws.

Instead, Victorian police used existing search warrant powers on October 10, when more than 700 officers, some in commando gear and armoured vehicles, and federal police and customs officers, raided around 60 properties said to be associated with the Hells Angels. Victorian police sought to justify the operations on the ground that they were searching for military-style weapons, but none were found.

Two days later, about a dozen army personnel were involved in a raid near Melbourne. The Queensland

government has indicated its readiness to follow suit in enlisting military support for such operations. These antidemocratic initiatives violate the centuries-old principle against the domestic use of the military against civilians.

The corporate media hailed the Victorian raids. A Melbourne *Herald Sun* editorial declared: "This is exactly what Victorians want to hear after drive-by shootings by bikies who have no regard for the rule of law. The police are faced with what can be fairly described as urban terrorism."

This likening of gang members to terrorists points to how authoritarian powers, first imposed under the cover of the fraudulent "war on terrorism" after 2001, are being extended throughout the legal system. A so-called "war" on "bikies" is now being coordinated by the Abbott government.

Federal and state attorneys-general convened for a summit on October 10-11 and issued a communiqué that noted the new Queensland laws and backed the Abbott government's "commitment to establish a new Standing Council on Law, Crime and Community Safety to bring together lawmakers and law-enforcers and to sharpen the national focus on fighting crime."

Amid mounting social tensions generated by worsening inequality and the decimation of working class jobs and conditions, this is a deliberate attempt to divert public discontent behind a "crime gang" scare campaign while further boosting the powers of the police and state apparatuses. Wide-ranging measures to ban "lawless associations" and jail their supporters are part of preparations being made to suppress major social and political struggles against the bipartisan austerity program being intensified under the Abbott government.



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