



Speech By
Verity Barton

MEMBER FOR BROADWATER

Record of Proceedings, 15 October 2013

**CRIMINAL LAW (CRIMINAL ORGANISATIONS DISRUPTION) AMENDMENT
BILL; TATTOO PARLOURS BILL; VICIOUS LAWLESS ASSOCIATION
DISESTABLISHMENT BILL**

 **Miss BARTON** (Broadwater—LNP) (11.04 pm): I rise this evening to speak in support of the Newman government's suite of reforms that will be targeting criminal motorcycle gangs. Earlier today the honourable the Attorney-General and Minister for Justice introduced into this House three bills that we are now debating cognately. At the outset I commend the Attorney-General, the Premier and the police minister for their work on this particular suite of legislation.

The core objective of these reforms is very clear. We want to rid our state of criminal motorcycle gangs. The events of 2½ weeks ago in Broadbeach were absolutely unacceptable. A line has been drawn in the sand. I stand here this evening very proud to tell Queenslanders and residents of my electorate of Broadwater on the Gold Coast that the Newman government is fully committed to ridding Queensland of these criminal organisations. We have made absolutely clear to criminal motorcycle gangs over the past fortnight that they have no home in Queensland, and our counterparts in the federal government and other state governments have made very clear that criminal motorcycle gangs have no home in Australia.

We have made clear to the people of Queensland that their communities and their streets belong not to the criminal motorcycle gangs who seek to claim them but to the hardworking Queenslanders who seek not to live a life of crime, terror and intimidation but to live a life free of it. I would also like to make very clear at the outset that it is not the intention of this legislation or this government to persecute law-abiding motorcycle enthusiasts. There is much contained in this suite of reforms announced by the Attorney-General in recent days that will allow us to be rid of these gangs—these gangs that are a scourge on our society.

The Vicious Lawless Association Disestablishment Bill, otherwise known as VLAD, introduces a new punishment regime that will severely punish members of criminal gangs. A key component of sentencing is deterrence. Indeed, it is highlighted in the Penalties and Sentences Act. And I strongly believe that the addition of 15 years imprisonment for a member of a gang or 25 years imprisonment for an executive member of a criminal motorcycle gang will be a sufficient deterrent. This move will drive at the core of these gangs. This is exactly what we need to do.

I think it is also important to note that the declaration that an offender is a vicious lawless associate is a question for a jury and that there are defences available. I believe that this will ensure due process in our judicial system is followed. We have also said that those who are declared vicious lawless offenders will be able to seek an early release if they are in a position to provide evidence to the Queensland Police Service that leads to a conviction. I, too, believe that this is a key component of our being able to drive criminals out of Queensland, and I strongly believe that this is something our communities want. We hear time and time again in this House and across our communities that Queenslanders are increasingly frustrated with the lax sentences that are imposed on people who

commit wrongs in our society, and for us to impose such severe penalties sends an incredibly strong message. What we need to do is make it uncomfortable for these gangs to operate in Queensland. What we are doing is making it uncomfortable for these gangs to operate in Queensland.

One of the other pieces of legislation relates to tattoo parlours. I highlight that the legislation we have introduced tonight with regard to a licensing regime is similar to that in place in other jurisdictions around Australia. I highlight in particular that of New South Wales. I believe that this will allow us to make sure those who are running these enterprises and these businesses are fit and proper people. I have no doubt that those who are running legitimate tattoo parlours, who have no criminal bone in their body, would have no objection whatsoever to a licensing regime in their industry, because it will protect them and it will protect the name of their industry.

It is also important to note that we will stop members of criminal motorcycle gangs from wearing their colours inside licensed premises. One of the problems that we have had on the Gold Coast is that criminal motorcycle gangs feel that it is okay for them to walk the streets and walk into licensed premises and act like they own the joint, and that is absolutely not acceptable. There are many people who enjoy licensed venues right across the Gold Coast and right across Queensland and it is not acceptable that they would ever be in a position where their safety is compromised because of the presence of patched criminal motorcycle gang members. It is also important to note that the changes that we will make with regard to the licensing regime for body art tattoo parlours will ensure that we can stop these criminal organisations from laundering and trafficking money.

The third tranche of this regime is the all-important catch-all, and that is the criminal gangs disruption element. This will allow us to include criminal organisations by regulation to the definition in the Criminal Organisation Act. What is really important about this is that it allows us to act quickly and it allows us to respond to changes in gang names, and that is particularly important given some of the alliances that gangs are making with other gangs. Again, it is also important to note that there is a process here. We are not looking to subvert the authority of the judiciary. We are not simply asking it to be a rubber stamp to our decision. We are looking to work with the judiciary to make sure that our communities are safe and that they are protected from criminal motorcycle gangs and from members and associates.

I note that organisations will be able to avail themselves of a defence that their association is not a criminal organisation. I have no issue with the fact that we will be stopping gang members gathering in groups of three or more. I appreciate that there are motorcycle enthusiasts who are concerned about persecution, but again I reiterate that there is no such intention of this government to persecute any law-abiding citizen. If you have done nothing wrong, you have nothing to fear. There is just as much chance of me being pulled over for an RBT in my electorate as I am driving past one of the schools, as there is of me driving past a speed camera van, as there is of me being pulled over for a random roadworthy check. It is part of being a driver on our roads. If you want to drive on our roads, you need to accept that there are some responsibilities that come with your licence. I have met with members of motorcycle clubs who are concerned about this, but I have assured them that if they have done nothing wrong then they have nothing to fear, because it is the intention of this government to drive criminal motorcycle gangs out of our society so that enthusiasts do not get a bad name because a component of people who ride motorcycles are doing the wrong thing.

I also note that where we prescribe an organisation through a regulation as a criminal organisation we will also be able to stop them from going to specific locations that are prescribed by regulation. That gives us an opportunity to prescribe the location of their clubhouse, for example, and stop them from being able to meet there. It is also important that we are going to be able to stop them from promoting their organisation or recruiting other members to it. We have said that we will cancel the licences of criminal motorcycle gang members for related offences. Importantly, we have also said that there will be a presumption against bail. I appreciate that this is a contentious issue. Whenever there is a presumption against bail, there are many people who are concerned about the liberties of those who are seeking bail. What I would say to those people is that I believe that bikies should face jail and not receive bail because it is important that we protect the community. When we talk about the liberties and the freedoms and the safety of people in our community, we have to strike a balance. I personally believe that the safety of my community and the safety of the people who live on the Gold Coast and the safety of those 18- and 19-year-olds who might want to go to Cavill Mall or those families who want to go to dinner at Broadbeach is absolutely paramount and it outweighs any concern that people might have for the liberties of criminals.

I have absolutely no concern whatsoever with the presumption against bail. I think it is an incredibly important element of this particular suite of legislation, and I note that before we introduced this legislation the Chief Magistrate himself recommended to his colleagues that they should have in

their minds a presumption against bail because the liberties and the protections of our community are so much more important than the liberties of criminals. We have also announced that we will be working with the Crime and Misconduct Commission to ensure that it has the necessary powers and the appropriate jurisdiction and we will be increasing the penalties for criminal motorcycle gangs that seriously assault and evade police.

It is also important to note that this is just one part of what we are doing. We are working with our federal colleagues, which is incredibly important. We need a national response to this, and it is important that Queensland has within its own laws a very strong response. It is also very important that we use our recently strengthened unexplained wealth laws, and I have no doubt that they will complement the laws that we are hopefully going to pass tonight.

I note that the member for Dalrymple spoke about serious violations of liberties. What I would say to the member for Dalrymple is think about people in your community. Think about those law-abiding citizens in your community who just want to go down to the local pub for dinner. Why should we value their liberties and their safety and their freedom any less than that of someone who is running a criminal organisation, who thinks that it is okay to peddle drugs, who thinks that it is okay to launder and traffic money, and who thinks that it is okay to intimidate businesses and members of our community? I would suggest to the member for Dalrymple that whilst he may not have a particular concern in his community it is important as a member of this House that he thinks not only of the people of Dalrymple but also of the people of Queensland.

Mr Hopper interjected.

Miss BARTON: He is very privileged to be one of 89 members who sits in this House and I would very much encourage him to think of the liberties of the Queenslanders who—

Mr Hopper interjected.

Miss BARTON: I would very much encourage him to think of the liberties—

Mr DEPUTY SPEAKER (Dr Robinson): Order! Members will cease interjecting. The member is not taking interjections and the member has the call.

Miss BARTON: Thank you very much, Mr Deputy Speaker. Perhaps the member for Condamine might also like to think of the liberties of his community—the community that he absolutely betrayed when he defected last year. It is incredibly important that we protect our communities, and the legislation that we are introducing, and that we will hopefully pass with the unanimous support of this House tonight, will ensure that we protect and strengthen our communities. There has also been much debate about the need for urgency in this particular debate and I would say—

Mr Hopper interjected.

Miss BARTON: Mr Deputy Speaker, if the member for Condamine wishes to contribute to the debate, he is able to. As you have already indicated, I am not taking his interjections.

Mr Hopper interjected.

Miss BARTON: As I have indicated, we have a very important role to play as members of parliament.

Mr Hopper interjected.

Mr DEPUTY SPEAKER: Order! Member for Condamine, you are constantly interjecting and I will soon be warning you under standing order 253A. The member for Broadwater has the call.

Miss BARTON: Thank you very much, Mr Deputy Speaker. I have no doubt that if Stuart Copeland were the member for Condamine he would be standing up for the people of Queensland and he would be standing up for the rights and the liberties and the freedoms of law-abiding citizens of this state, something—

Mr HOPPER: I rise to a point of order. I find that totally offensive. It is beyond belief and I ask for it to be withdrawn.

Miss BARTON: Mr Deputy Speaker, I made no personal reflection.

Mr DEPUTY SPEAKER: Member for Condamine, I did not hear any direct comment made that insinuated anything towards you.

Mr HOPPER: I found it personally offensive and I ask for it to be withdrawn.

Miss BARTON: Mr Deputy Speaker, I maintain, with all due respect, that I made no personal reflection about the current member for Condamine. I simply made reference to a former member of this House.

Mr HOPPER: I rise to a point of order. That was a reflection on my representation as a member of this chamber. I find it offensive and I ask for it to be withdrawn.

Mr Bleijie interjected.

Mr DEPUTY SPEAKER: Order! Attorney-General, you do not need to enter the debate. Member for Broadwater, I did not specifically hear anything that seemed offensive. However, it would help the House, seeing as the member for Condamine has taken offence at something, if you would withdraw.

Miss BARTON: I withdraw. I have no doubt that former members of this House, including Stuart Copeland, would stand up for their communities. I think it is incumbent on us to make sure that we represent well our communities' freedoms, their protection and their rights. That is why it is particularly important that this legislation is debated urgently this evening.

Over the past 2½ weeks I have received much feedback from members of my community. They have wanted to know how quickly we can get something done. We have drawn a line in the sand. We have declared a war on bikies. Queenslanders want us to do something. Action needs to be taken and it is being taken. It has taken this government to stand up and introduce the right suite of legislation that we need to put a stop to these criminal motorcycle gangs.

The other point that needs to be highlighted, particularly with regard to the Gold Coast, is the importance of the tourism industry. I received feedback from one of my constituents who was dining at that restaurant in Broadbeach on the night of the brawl. They were with a friend from Melbourne. It was their friend's first trip to the Gold Coast. They arrived that Friday and they were supposed to be staying for seven nights. They took the first flight home to Melbourne on Saturday and vowed to never return to the Gold Coast. It is absolutely unacceptable that a criminal motorcycle gang can have such an influence on our economy and such an influence on our community.

I would hope that all members of this House would stand up for Queenslanders and their freedoms and their safety. I would encourage all members of this House to unanimously support this suite of legislation. It is what needs to be done. I thank the Attorney-General, the Minister for Police and Community Safety and the Premier for having the fortitude to introduce this legislation.