



MOTORCYCLE RIDERS ASSOCIATION OF QUEENSLAND

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25/09/2015

Taskforce into organised crime legislation 2015
Qld. Department of Justice and Attorney –General

The Motorcycle Riders Association of Queensland Inc.(MRAQ) wishes to make a submission to the Taskforce. The MRAQ is the representative body for all motorcycle riders in Queensland and has as its main focus the rights of riders.

This submission is made in support of Queensland motorcyclists and is offered in defence of their right to go about their legal pursuits without fear of persecution.

It is definitively stated that the MRAQ does not represent or support any other group or organisation in this submission.

General

In October 2013, at the time of proposal of the VLAD suite of laws and changes to other pieces of legislation, the MRAQ was contacted by the then Queensland Attorney General to assure the organisation that the proposed laws would not have any effect on what was referred to as law abiding riders.

Almost immediately after the introduction of the laws this statement was proved to be completely inaccurate and was revised to “if you have nothing to hide you have nothing to fear”.

It was the MRAQ’s belief then and still remains that no one going about any lawful pursuit should have any concern that their will subjected to any harassment or interference in doing so and that all persons should be equal before the law. Since the introduction of the above mentioned laws this has not been the case and if they are allowed to stay this will continue.

Most problematic of the situations that have proven to be misused or misunderstood is that of the terms “associate” and “ participant”. These words have definitive meaning in the legislation which can describe an extremely large amount of persons who have not committed any unlawful act other than to be classed as an associate. The use of this term has seen the general harassment of motorcyclists just because of the form of transport that they use. See included photographs of police interception of general motorcyclists that were questioned about various erroneous matters at the time.

The threat of being classified as an associate of a unilaterally nominated “criminal organisation” still remains and has, to our available information, been misused to the detriment of persons who have not committed any unlawful act.

Belief in the assumption of innocence

There is a belief held by the citizen of Queensland that the assumption of innocence until proven guilty is the corner stone of justice. This principle is not supported in the various pieces of legislation that make up the VLAD laws and criminal code alterations that were introduced at the same time. In fact by virtue of the unilateral legislative declaration of certain criminal organisations persons with no prior criminal conviction were and still are classified as guilty simply by association. This result, without recourse to judicial oversight, is offensive to the whole basis of a fair and just legal system and to the principle of all being equal before the law.

Fair legislation

In the absence of any bill of rights in Queensland its citizens have to rely of the goodwill and diligence of its legislative representatives and the oversight of the judiciary to ensure the rule of law based on historical precedent and sound impartial principles is upheld.

Further to support the understanding that there should be some limitations on Government legislation is the *Department of the Premier and Cabinet Legislation Handbook* with particular reference to *Fundamental legislative principles, 7.2 Rights and liberties of individuals*. This document is intended as the basis for legislative construction to ensure that the common held belief in fair and just laws is maintained.

Particular reference is made to *7.2.2 Is the legislation consistent with the principles of natural justice?*, *7.2.7 Does the legislation adversely affect rights and liberties, or impose obligations retrospectively?* and *7.2.12 Does the legislation in all other respects have sufficient regard to the rights and liberties of individuals?*

Although this Legislation Handbook is not enforceable under law and is only a set of guidelines designed to provide instruction to legislators on what is commonly held as just legislation it is the belief of the MRAQ that the introduction of the afore mentioned laws is a clear breach of the trust put in the legislative representatives to uphold a fair and just legal system and was intended to circumvent judicial oversight and input and that the guidance in the Handbook were wilfully ignored.

Recommendation

The MRAQ requests of the Taskforce to make recommendation that the current laws be rescinded or altered in such a manner as to make them compliant with the historical guidance of common law and the commonly held belief in the principles of the assumption of innocence and equal treatment of all before the law.

Submitted on behalf of the MRAQ by

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President



