



Media statement October 16th 2013

Can the Queensland Attorney General be trusted?

The unfolding events of the last weeks have brought to the attention of the MRAQ the unreliability of the word of the current Queensland Attorney General.

On numerous occasions the Attorney General has stated that ordinary persons will not be affected by the raft of new laws that have been processed through the current parliament, particularly those that are aimed at one section on the motorcycling population. This, of course is wholly dependent of his ability to control those charged with their implementation and whether his word can be relied upon. It is abundantly clear from occurrences that are being reported to the MRAQ and from previous positions held by the Attorney General when political expediency dictates that this is not something that cannot be guaranteed.

The MRAQ has today been informed of two occurrences that show the unreliability of the statements in relation to ordinary persons.

The occurrences were both interceptions of ordinary riders going about their legal business.

On the first occasion a rider was stopped on his way to work for interrogation because he was wearing a leather vest with social club patches. During that stoppage a statement was made by the police officer to the effect that anyone wearing a vest was now liable to be stopped and investigated.

On the second occasion a rider was stopped because he was riding a new motorcycle during normal working hours. He was asked how he could he afford a new motorcycle when he obviously did not work.

The answer to that question is that he was actually on annual leave and that he was a company manager hence had the financial ability to afford a new vehicle.

These two occurrences are just the tip of a greater abuse of power that is unfolding.

The more disturbing situation that also now comes into focus by virtue of current and previous positions on the question of a reasonable and fair justice system that the current Attorney General has held is whether he is a fit and proper person to hold the office.

Currently the Attorney General appears to be holding a position that it is fair and reasonable to remove the rights of a group of the population to the same treatment as all other Queenslanders.

This was not his position in 2009 when the same issue arose and he was on the opposition side of parliament. Refer to the quotes from Hansard that follows.

Queensland - Parliamentary Debates – Wednesday, 25 November 2009.

http://www.parliament.qld.gov.au/documents/hansard/2009/2009_11_25_WEEKLY.pdf

"The fact that there have been so many arrests indicates that existing laws are sufficient without the need to enact laws aimed directly at bikie gangs. We do not need to enact laws aimed directly at bikie gangs or other groups, but we do need to give more resources, more funding and more support to our police officers." (Page 3621)

"While I agree that people need to be protected from organised crime, there must also be the protection of personal liberties such as the freedom of association. The Premier and the Minister for Police, Corrective Services and Emergency Services have stated that people who do the right thing have nothing to fear. I will repeat that: people who do the right thing have nothing to fear. I say to the people of Queensland that, with this government, they do have something to fear. This bill encroaches on their personal freedoms and liberties. A government that tries to remove these freedoms and liberties is a government that is to be feared." (Page 3621)

"This bill is an attack on the right of freedom of association. While it is currently intended for motorcycle gangs, once again this bill does not mention the term 'bikie' or 'motorcycle gangs', and this piece of legislation could be used against any group that may fall into disfavour regardless of the purpose of their gathering." (Page 3621)

"Another essential freedom and one that goes to the heart of our legal system is

the right to a fair trial. Every person in Queensland, regardless of whether they are part of organised crime, has the right to a fair trial. In effect, this bill removes that right. It removes the rule of evidence. It lowers the standard of the burden of proof that is ordinarily required in criminal proceedings from being beyond reasonable doubt to the standard that is required in civil proceedings. It allows for the employment of people in certain occupations to be refused merely on the reliance of criminal intelligence without them even having a conviction of a criminal offence. This bill denies the rules of natural justice. It introduces anti-association laws." (Page 3621)

"We are talking about tampering with people's rights to associate. That could be broadly interpreted. How can we place control orders on someone who may be innocently associating with others who may be conspiring in a criminal activity and they have no idea, but we are going to punish them?" (Page 3622)

"Here we have the Labour government trying to enact a bill that will erode the right of freedom of association that could result in the prosecution of people based on race, ethnicity or membership of a social group and that seeks to be a one-size-fits-all, knee-jerk response. That is not the answer to the complex problem of organised crime." (Page 3622)

"The issue here should not be about the associations of individuals, it should be about the crimes committed. If I look at all those people I have just mentioned and look across the table here, one could potentially argue that the Queensland Labour Party is a serious criminal organisation because five of its members are in jail, have served jail or are currently before the CMC and there are certainly those on that side of the House who have associated with them." (Page 3623)

"I challenge the members opposite to not simply toe the party line but to come on this side and support the right to freedom of association in this state." (Page 3623)

The office of Attorney General holds with if it the expectation that the incumbent will always seek to protect the rights of the citizens and ensure the integrity of the judicial system in a fair and proper manner.

The actions of the current office holder must be seriously questioned due to his inability to display a consistent and fair position on the right to association plus by his actions in introducing laws that attack this principle and show a complete disregard and lack of respect for the judicial system.

When the word of the chief legal officer of a jurisdiction cannot be relied upon the whole integrity of the legal system must be at great risk.

Chris Mearns

President, Motorcycle Riders association of Queensland

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