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# Queensland Anti-Bikie Laws: A Return to the Moonlight State?

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**Queensland has introduced tough new anti-bikie laws. Kate Galloway, Senior Lecturer at the School of Law at James Cook University, sees a number of problems with the new legislation.**

The month of October has seen an extraordinary suite of legislative change in Queensland, spearheaded by what the government calls an ‘emergency’. In a crackdown (‘war’) on bikies, Parliament has passed a number of laws designed to ‘destroy’ criminal bikie gangs in Queensland.

The laws declare a number of gangs unlawful – including rendering it an offence to enter a clubhouse or to wear the club’s ‘colours’. As a result, a man in Mt Isa was arrested and had a club belt buckle confiscated and destroyed, and two Cairns men have been arrested [7] for entering the Cairns Odin’s Warriors’ clubhouse. Further, the Vicious Lawless Associations Disestablishment Act [8] imposes mandatory sentences upon those who carry out an offence in furtherance of the aims of an association. There is a list of offences, including murder and drugs offences, sex offences and publication of obscene materials. The definition of association is any group of more than three people.

For bikies before the Crime and Misconduct Commission, failure to answer questions will result in a mandatory finding of contempt [9].

The Premier, Campbell Newman, has proposed a bikie ‘super prison’ – where all bikies will be sent, to be held in solitary confinement for 23 hours a day. Additionally a proposal has been floated to require bikie inmates to wear pink overalls to ‘embarrass’ them [10].

Motorcycle enthusiasts have been caught up in this hysteria, and the Police Commissioner [11] has apologised ‘for any inconvenience’. Members of public have, however, been reassured that they have nothing to fear if they have done nothing wrong. This comment perhaps represents the most frightening development of all.

There are a number of fundamental problems with these legislative changes. Premier Newman has himself acknowledged that criticism of the changes is ‘legally and philosophically correct’.

First, the laws attack freedom of association. Rather than criminalising an act, they criminalise mere association with another person or organisation even if the person has done nothing wrong. So the reassurance of government – not to fear if we have ‘done nothing wrong’ – is hollow indeed. There is a fundamental human right of free association and this has been overturned.

Second is the assumption of criminality of gangs, overturning the presumption of innocence. The government rhetoric is of ‘these criminal gangs’. However criminality under our system of governance and law is determined by charge, trial and a finding of guilt. Our system is already structured to determine criminality, yet the government presumes criminality of both gangs and individual members and uses this to justify the imposition of its new laws and the winding back of civil liberties.

Third is the winding back of judicial power. The separation of powers is a central tenet of the



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