

To: Strategy Support (DPFEM) <strategy.support@dpfem.tas.gov.au>
Subject: Tasmanian Bikie laws submission

To The Inspector
Legislation & Development Review Services
GPO Box 308
Hobart Tas 7001

Dear Sir, I would like to respectfully put forward this submission to express my significant concerns in relation to the proposed "Bikie Laws"

First to introduce myself, my name is Anthony Soutar, 63 year old male living in Tasmania. I have served for 30 years as a member of the Australian Army and are now fully retired and am a TPI.

I'm also a true Motorcycling lover, a passionate member of the wider motorcycling community in Tasmania. I'm a founding member of the ROT (Riders Of Tasmania. Rot is a social riding group of around 450 members. I have ridden bikes for over 45 years.

Through the course of living and riding in Tasmania I've had many conversations for visiting riders both before and after holidaying in our great state. Many times during these discussions the topic of the Bikie Laws in their home state has come up and the expression of disgust and dismay was consistent, I will confirm here that none of these discussions have involved any members of the police nominated "Outlaw Motorcycle Gangs" or 1%ers. These are your average motorcycle enthusiast just wanting to tour Tasmania.

I find it very disturbing that almost all riders reported receiving undue and unwarranted attention from police in their home states of NSW & QLD in particular. Almost without exception these riders reported being randomly stopped for license, and bike checks, drug and alcohol testing while riding or just passing through QLD and/or NSW. While all were found to comply on every occasion, this experience is unprecedented and in my opinion unwarranted and has had a significant and detrimental effect on riders in the wider community with riders no longer wanting to ride due to fears of harassment.

One thing that the proposed new laws do not clearly communicate is how these new laws will be implemented as they appear to be very open to interpretation by any given police officer, as has already been demonstrated in other states.

I fail to see how forbidding riders from these police nominated Clubs from wearing their club colours will help curb the police alleged criminal activity.

My question is, and many have declared this, the elephant in the room; - Why can't the police be given the resources they need to do their job? If their intelligence is so good and accurate as they claim, and that they know who's doing it, then why don't they simply catch them and charge them. If it's not that simple, why do we have this smoke screen?

Given the total population of Tasmania, by the Police's own admission, the total number of so called Outlaw Bikie Club members is less than 0.05% of the population, yet they think introducing these new laws is a good idea to target any minority group in this way is simply un Australian, and in my opinion goes totally against the established Human Rights laws in this country.

15

As a democratic and fair society, freedom of association, freedom of expression and our right to be treated equally before the law in accordance with the International Covenant of Civil and Political Rights should be fundamentals under which we operate.

In my opinion the introduction of draconian laws targeting specific demographic groups such as bikers is a breach of civil liberties and an infringement on the rights of all Tasmanian's to live in a democratic society. Our fundamental rights will be infringed. The introduction of these laws are both extreme and naive in thinking these laws will curb criminal gangs

I believe the proposed new laws also breach the following articles in the Universal Declaration of Human Rights:

- Article 7: ALL ARE EQUAL BEFORE THE LAW and are entitled WITHOUT ANY DISCRIMINATION of equal protection of the law. All are ENTITLED TO EQUAL PROTECTION AGAINST ANY DISCRIMINATION in violation of this declaration and against any incitement to such discrimination.
- Article 12: NO ONE SHALL BE SUBJECTED TO ARBITRARY INTERFERENCE with his privacy, family, home or correspondence, NOR TO ATTACKS UPON HIS HONOUR AND REPUTATION. Everyone has the right to the protection of the law against such interference or attacks.
- Article 13: (1) EVERYONE HAS THE RIGHT TO FREEDOM OF MOVEMENT AND RESIDENCE within the borders of each state.
- Article 17. (1) Everyone has the right to own property alone as well as in association with others. (2) NO ONE SHALL BE ARBITRARILY DEPRIVED OF HIS PROPERTY.
- Article 20: (1) EVERYONE HAS THE RIGHT TO FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION.
- Article 23. (1) Everyone has the right to work, TO FREE CHOICE OF EMPLOYMENT, to just and favorable conditions of work and to protection against unemployment

The new laws impinge upon a number of human rights recognized by the international community as requiring legal protection and to which Australia is obliged at international law to protect. These include:

- The right to equality before the law
- The presumption of innocence
- The right to a fair trial
- The right to be free from arbitrary detention
- The right to freedom of movement
- The right to freedom of assembly
- The freedom of association
- The right to freedom of expression
- The right to be free from cruel, inhuman or degrading treatment or punishment
- The right to work

From a human rights perspective, the following provisions are of particular concern

- a) the process by which an 'organization' is deemed to be a criminal organization
- b) the presumption of bail being reversed
- c) the potential for the anti-association provisions to be applied to groups outside the intended targets
- d) mandatory sentencing additions and
- e) reverse onus provisions relating to the criminal purpose of groups

While I understand this submission process may only be a token gesture and may not influence the inevitable introduction of these draconian laws due to your office not being an independent party to this process. You need to be seen openly consulting with the public and interested parties.

For the sake of clarity to the broader motorcycle community and in particular the members of the Australia Social Motorcycle Club it would be very helpful to know how you intend to educate the police and the general public to understand and recognize the vast majority of motorcyclists are not criminals and should never be tarred with the same broad brush that these laws imply.

In closing I will fight these unfair laws with as much will as I can.

Yours respectfully Anthony John Soutar

