

Devils Henchmen, North West, Response to Position Paper Consorting and OMCG Prohibited Items Legislation

## Response to Position Paper Consorting and OMCG Prohibited Items Legislation.

I am writing this submission as a concerned member of the Devils Henchmen Motorcycle Club, North West division.

Firstly, I would like to state that the Devils Henchmen Motorcycle Club are not an "organised crime group". The Devils Henchmen are not a hierarchical organisation, there is no president, kingpin or authority figure at the head the Devils Henchmen.

The Devils Henchmen Motorcycle Club was formed in Tasmania, independently from any other club, in 1970, and we will proudly celebrate our 48<sup>th</sup> Anniversary this year.

The Devils Henchmen Motorcycle Club have never and will never identify ourselves as "one-percenters". The Devils Henchmen's members jackets have never been emblazoned with a 1% patch.

I believe that the Position Paper has been written in a manner attempting to create a sense of fear in the general public. 259 Motorcycle Club members are being demonised for the actions of a few. What percentage of the "serious and organised crime" that "touches the lives of Australians" is attributable to motorcycle clubs? Reports from various sources puts this figure at 0.4% to 0.6% of Australia-wide crime.

Where are the resources going to be diverted from for the purposes of these proposed discriminatory laws? If reports from Queensland of expenditure of \$365 million to enact and ineffectually enforce their version of these proposed laws are correct, I am concerned that other services, such as health and education, that the government should be providing to all Tasmanians will suffer.

If the effects of serious and organised crime activity are highly visible, why haven't they been acted on? The Position Paper uses examples of crimes, the majority of which are historic and from other jurisdictions. There are existing laws that could be enforced to tackle every criminal activity that is mentioned in the Position Paper.

The Position Paper also states that Tasmania Police hold intelligence linking "Tasmanian OMCG's to the manufacture and distribution of illicit drugs, firearms offences and the use of threats of violence to protect their way of life, at the great expense of law abiding Tasmanians". If Tasmania Police have this intelligence, and it proves to be accurate, use the existing laws and act on it.

**"... there has been an escalation in outlaw motorcycle gang – driven violence, particularly in the public domain, between rival gangs and, at times between members of the same OMCG."**

The Devils Henchmen Motorcycle Club do not consider ourselves to be a "gang", we are a motorcycle club. Membership of the Devils Henchmen Motorcycle Club is totally reliant on a love of, and riding of, motorcycles. The majority of our members are Tasmanian born and bred and our membership is made up of long-time friends and family all with a background in riding motorcycles, sometimes going back as far as junior motorcross.

The Devils Henchmen are a Tasmanian Motorcycle Club with no alliances, allegiances or associations with other Tasmanian, national or international motorcycle clubs.

Individual members may have friendships with members of other Tasmanian, national or international motorcycle clubs, based on a shared passion for motorcycles, motor vehicles, motorsport, school friendships and family ties.

international clubs, we do not operate in Queensland and we did not participate in this incident.

- 13. Assassination attempts in Melbourne, 2017; as previously stated, the Devils Henchmen have no alliances, allegiances or associations with national or international clubs, we do not operate in Victoria and we did not participate in this incident.
- 14. Rebels member charged with murder, New South Wales, 2017; as previously stated, the Devils Henchmen have no alliances, allegiances or associations with national or international clubs, we do not operate in New South Wales and we did not participate in this incident.
- 15. A member of the Rebels and two associates charged with murder, Central Coast, New South Wales, 2017; as previously stated, the Devils Henchmen have no alliances, allegiances or associations with national or international clubs, we do not operate in New South Wales and we did not participate in this incident.
- 16. Former Comanchero died after being shot outside a busy gym, Rockdale, New South Wales, 2018; as previously stated, the Devils Henchmen have no alliances, allegiances or associations with national or international clubs, we do not operate in New South Wales and we did not participate in this incident.
- 17. Six public shooting incidents and two Molotov cocktail attacks in Hunter Valley region, New South Wales, 2018; as previously stated, the Devils Henchmen have no alliances, allegiances or associations with national or international clubs, we do not operate in New South Wales and we did not participate in this incident.

**Operation Morpheus:**

Taken in isolation, as it is presented in the Position Paper, the seizures made by the multi-agency operation appear alarming, but what percentage of total Australia-wide arrests, and motor vehicle, motorcycle, light aircraft, firearms, knives, tasers, grenades, pen guns, artillery, amphetamine, methylamphetamine, ecstasy, pills, cocaine and money seizures are represented by the seizures made by Operation Morpheus?

The majority of large importation seizures, of either illicit drugs or the pre-cursor chemicals required for the manufacture of illicit drugs, that are reported, would appear to be related to Asian crime gangs. Nobody believes that all people of Asian extraction are involved in serious organised crime and if similar legislation, as that proposed in the Position Paper, was used to target people of Asian extraction, it would be deemed to be highly discriminatory and as targeting a whole group for the actions of a few. This Position Paper however would appear to deem it acceptable to target all motorcycle club members for the actions of a few. Why?

**"Tasmania is not immune to the dangers, presented by OMCGs.":**

- 1. May 2013, overnight siege; Devils Henchmen Motorcycle Club members were not involved.
- 2. 2013, senior leaders of Launceston chapter of the Rebels jailed for trafficking; Devils Henchmen Motorcycle Club members were not involved.
- 3. July 2014, a collaborative law enforcement operation disrupted a significant importation syndicate, leading to drug seizures; Devils Henchmen Motorcycle Club members were not involved.
- 4. June 2015, a series of raids in Tasmania on a number of premises linked to the Rebels by a combined taskforce of national and state agencies resulted in arrests, charges and drug

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Both politicians and Tasmania Police ask the question, "if you are a law-abiding motorcycle rider, why are you a member of a motorcycle club"? I could ask the same question of anybody who is a member of an organisation that has ever contained a person who has committed a serious crime.

1. Sporting clubs have members who commit serious crime, look at the number of coaches who have been charged with serious sex offences.
2. Political parties have members who fraudulently claim expenses that they are not entitled to. These people are often actively defended by fellow politicians.
3. Churches have members of the clergy who commit serious sex offences and the offenders are often actively shielded from prosecution by senior members of clergy. Surely this qualifies as organised crime, affecting the lives of Australians in unprecedented ways. Even after the Royal Commission church groups still maintain that they should not have to reveal these crimes.
4. Government organisations, tasked with the job of caring for vulnerable children, have employees who commit serious sex offences. Again, it took a Royal Commission for these crimes to be revealed.
5. The banking industry is currently under the microscope of a Royal Commission and the crimes being revealed show systemic crime, often under the instruction from senior management. Surely this qualifies as organised crime, affecting the lives of Australians in unprecedented ways.
6. Police forces themselves are not immune from having members involved in criminal activity, such as the South Australian detective recently charged with supplying illicit drugs.
7. A senior manager at the Australian Tax Office and members of his family were recently charged with serious fraud offences. Surely this qualifies as organised crime, affecting the lives of Australians in unprecedented ways.

Why hasn't there been a political outcry and provision of a position paper by the police regarding any of the organisations listed above? Is it because there are existing laws in place for these crimes, the same as there are existing laws in place for all the examples presented in the Position Paper?

Why are members of motorcycle clubs expected to live to and maintain higher standards than any of the groups named above?

I believe that the evidence presented in the Position Paper is hand-picked in an attempt to justify highly discriminatory, unwarranted and unjustified laws that are attacking basic rights and the freedom to belong to any organisation a person wishes to join. Without imposing similar laws on any organisation that has ever contained individuals who have broken the law, motorcycle clubs are being demonised and discriminated against.

Yours Sincerely

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