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Subject: Organised Criminal Groups Legislation – Position Paper

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The proposed laws in Tasmania, directed at bikies, are at odds with some of the important human rights outlined in the International Covenant on Civil and Political Rights.

This international instrument provides rights to:

- freedom of association – everyone has the right to peacefully take part in meetings and to belong to groups
- freedom of expression-everyone has the right to freedom of opinion and expression
- equality before the law- the law is the same for everyone and should be applied the same way to everyone
- a fair trial- everyone has the right to a fair and public trial.

In contrast, the new laws contain provisions that:

- target people on the basis of who they associate with, rather than for something they have done;
- limit the rights to freedom of expression through the display of club insignia;
- subject people to mandatory extra punishment above what would apply for the declared offence, including an additional 15 to 25 years imprisonment;
- and reverse the onus of proof.

The Parliament carries a great responsibility before passing legislation to ensure all our human rights, including the rights and liberties of all of us as citizens, are properly considered, debated and appropriately protected.

“It concerns me that there has not been sufficient consideration and consultation of these fundamental principles by the Parliament, before these laws were passed’.

Carolyn Brookes