

HOUSE OF ASSEMBLY

TUESDAY 16TH JUNE 2015

STATUTES AMENDMENT (SERIOUS AND ORGANISED CRIME) BILL 2015

Mr PEDERICK (Hammond) (16:43): I rise to speak to the Statutes Amendment (Serious and Organised Crime) Bill 2015. In the first instance, I would sincerely like to thank the briefing from police officers earlier today. It was great that frank questions could be asked and frank answers were given in regard to this bill.

We look at the legislative history of what the government has been trying to achieve here. We go back to 2008 and beyond that and Mike Rann, the former premier, was going to bulldoze bikie establishments. Well, that has not happened. However, from what I can see from this legislation, which is similar to the Queensland legislation and also similar to the New South Wales legislation, essentially what will happen if this bill becomes an act is that the bikie fortresses will be bulldozed from the inside out because it will become a criminal offence to meet there and to discuss illegal activities. In fact, it was noted at the briefing that Queensland formerly had 37 clubrooms and 18 of them are now vacant. So, that is certainly a good thing.

In light of what we are trying to achieve here we do not want any undue circumstances to come up. I asked many questions in the briefing on whether an innocent person could be talking to bikies with no idea that they are bikies. They might be in a pub, dressed in a suit, you could meet up with them innocently and have a conversation. What I am told is that if it got to the point of any action being taken you would receive a warning, even if you were an innocent bystander, so that is a good thing. Otherwise, we could end up with a lot of people in trouble, not knowing that they were talking to declared persons.

Mr Goldsworthy: You can't even talk to them.

Mr PEDERICK: You cannot be associated with them, two or more. So, that could be an issue in rolling out this legislation, if it does become an act, and I think we have to be careful with that. I have some people in my electorate who ride with some of the other groups, like Ulysses and especially the Longriders, who have a habit of riding with outlaw motorcycle gangs. I stress that they are not an outlaw motorcycle gang, they are there to try to turn some of those people in outlaw motorcycle gangs to the right way, so I commend them for that. They have stressed to me that they do not want to be caught up unwittingly in this if they are going for a ride. Essentially, what will happen here is that if they are a criminal motorcycle gang they will not be able to go for their runs anymore. I must say that I have witnessed plenty of motorcycle runs.

Mr Goldsworthy: Past the farm.

Mr PEDERICK: Yes, past the farm at Coomandook on the Dukes Highway. There have been plenty of runs. The bikies like heading down to an area in Mackillop. They like going down to Beachport and Robe, which they do. A few months ago, the Rebels were coming back through Taillem Bend, they were refuelling at the BP (commonly known as Jagers roadhouse) and I walked over to one and said, 'What are you doing, heading south or north?' I think he told me he was heading north and that was fine, but I wonder if a conversation like that might get a person into trouble.

Mr Goldsworthy interjecting:

Mr PEDERICK: Yes, you never know, but essentially, that will not happen because if they have been declared outlaw they will not be able to have these rides. I know a former owner of the Willalooka Store and Tavern quite well and I commend him for what he did. He knew some bikies were coming through on one of these runs and, he had a lot of fortitude, he stood out the front of his shop and tavern and said, 'You're not coming in.' He got his way and, thankfully, the bikies respected him. If anyone knows anything about heading down to the South-East through the grand seat of Mackillop, Willalooka is out there on its own between Keith and Naracoorte and is a prime place to stop.

In more recent years, what has been happening—and I can understand why the police have done this; some people condemn it—is the police have been heavily involved in going with these runs, so they are actually a part of the runs. They will have vehicles in front, vehicles behind and probably vehicles embedded in the hundreds of motorbikes. Our farmhouse is about three-quarters of a kilometre off the road and you can hear this rumble. It is a lot louder than trucks coming through. When you have hundreds of bikies going past you know exactly what it is: it is one of those runs.

With this legislation it looks like—unless it is groups like Long riders or Ulysses and they get a few hundred on board—we will not hear that noise again. In light of what we need moving ahead, that will be a good thing. It is certainly an interesting point that we get to the stage where, essentially, crime is that bad that we have to take the principle of freedom away from people because we are dealing with people who do not respect the law and this is probably the only way to deal with it. I understand everything that the deputy leader has said about protecting people's rights, but there is a fine line between where we go here.

We know that when the bikies are under pressure, they always seem to find plenty of money for their criminal defence, and I know that some of the criminal defence lawyers have probably done extremely well out of

defending motorcycle gangs. What I should say is that everyone can have their day in court but, as we have seen, the recent laws have stood up to challenge in New South Wales and Queensland and it looks like we are following that path.

It is interesting that the state Labor government has not brought this in earlier in this term. They run it in budget week, trying to distract people and they want to rush it through, they want to tear it through the house in a hurry, and that is just not the done thing, especially with legislation that has such far-reaching effects as this. In fact, it does not only apply to motorcycle gangs, it could be criminal gangs that have nothing to do with riding motorbikes, so in effect that is a good thing if this bill becomes an act.

It has been remiss of me in talking about the Longriders and the Ulysses that the Vietnam Veterans Motorcycle Club is not a target here nor is the local club known as the Phoenix Motorcycle Club of South Australia, north of Adelaide, which somehow unwittingly got tied up with a similar group in New South Wales named the Phoenix when the 27 motorcycle gangs were identified around the country. It just shows that you really have to be careful how you dot the i's and cross the t's, and we have noticed that today. I suppose we are all only human but recent amendments have had to come in to make sure the addresses of places identified in the bill have had to be reidentified to make sure that they stand up to legal rigour.

It is interesting to note that the legislation will follow the individual, if they just think they can sneak out of one gang and go to another. We have heard in the debate today of how the Finks, who were about to have the long arm of the law of the present legislation laid down on them, got out of it by amalgamating with the Mongols. My understanding is that there are 10 gangs in South Australia, although I think that has changed to nine. Is that correct, deputy leader?

Ms Chapman interjecting:

Mr PEDERICK: Yes, it has changed to nine with that amalgamation of the Mongols and the Finks. There are about 308 individuals in these gangs. I received information at the briefing that simply changing the name of the motorcycle gang will not change the effect of this legislation. As I indicated, people who are caught innocently when they may just be talking to people, wearing no colours, because I think colours are going to become a thing of the past if this legislation gets through, will be able to receive a warning before they are convicted of any crime under these laws.

I have already mentioned about the addresses. These are essentially bikie clubhouses or people closely associated with bikies for the prescription of those and for the need to make sure that those addresses are exactly

right. With these prescribed addresses, it will mean that the members of these outlaw motorcycle gangs will not be able to go there to meet.

What is trying to be achieved here is a good thing but, as I said earlier, we have to make sure that this legislation is right. The government talked about being strong on crime seven years ago, yet not one bikie fortress has disappeared. It is interesting to note that similar legislation was challenged; the Queensland laws were challenged in the High Court.

However, there are some concerns with regard to the fact that the executive, the Attorney-General and the parliament take over the role as judges, bridging the doctrine of the separation of powers. That is exactly how we run all our legislation at this time and we are proud to acknowledge the separation of powers, but that is being taken away here. Another concern is that it relies fully upon information from the police, and we have to make sure that that information is correct. I know that the police do a sterling job but, from history, we know that sometimes things do not go right, and the Attorney-General is expected to make an assessment on that advice.

As I said, the concern is that the definition of participant is extremely wide. It could include someone who is just having a coffee with two people who are wearing bikie colours, and it would be real strife if you got more than a warning for that. From what I am told, the process of assessing the initial 27 clubs to be declared, and the future clubs, is secret and without judicial review, and that oversight regarding the local Phoenix Motorcycle Club, to the north of Adelaide, was a bit embarrassing. There is also no provision, with the police information, to enable the parliament to assess whether it should disallow a future regulation.

With regard to the Liquor Licensing Act, there are changes that widen the operation of the act. The Attorney-General can also declare clothes, jewellery and accessories worn by any person to be a prohibited item—so that will get the knuckle-dusters and other things. However, there are also some concerns with the widening of the liquor licensing laws, whether it applies to ancillary areas such as drive-in bottle shops and accommodation, and we hope that people do not get penalised for inadvertent breaches, especially licensees. From what I have been advised, SA Police has provided a letter to the Australian Hotels Association confirming they need only take reasonable steps and not knowingly permit access.

The public is on side with this. The public wants protection. There is a lot of criminal activity that goes on in this state and whatever we can do to stamp on that activity is a good thing, but we need to be careful that we are not just driving it further underground. It is something that is so obvious when you see bikies in their colours, and riding down the road

they are so easy to pick out, and we do not want to end up with a more sinister problem.

From what I understand is happening in the Eastern States it seems to be making a difference, and we must do anything we can do to clamp down more on the scourge of drug manufacturing especially, methamphetamine or ice production. We had an information night on ice in Murray Bridge recently, and it was very informative for all the people who were involved, including the many police who were there, who described what they were doing locally. This scourge is not just through the suburbs, I can assure members; it is right across the state and the country, and I acknowledge the work that Tony Abbott and our federal colleagues are doing in relation to this matter.

With those few words I acknowledge the bill. I believe it needs some tidying up to make sure we get on the right track, but I also acknowledge that it is what the public wants, it is what the public desires. Let us just hope that this time, after all these years, the public actually gets its desire and get some real outcomes from this legislation instead of what has essentially been seven years of not much change since the 2008 bill was enacted. I commend the bill to the house.