

South Australia abandons due process in face of imaginary bikie threat

Greg Barns

South Australian Premier Mike Rann is obsessed with the Hells Angels. The Labor leader thinks that bikie gangs like the Hells Angels are a scourge on his state and the root of most evil, and that they are threatening the very existence of the good people of South Australia itself. How else can one explain his government's extraordinary new legislation that outlaws bikie gangs, makes guilt by association a jailable offence and gives the police unprecedented power to close down protests?

The *Serious and Organised Crime (Control) Bill* passed through the South Australian Parliament on May 7. The new law gives the Attorney-General the right to call an organisation, which could be anything from an informal group of people who meet at the local pub for a weekly drink through to a football club or a business, a declared organisation. The Attorney-General just has to be satisfied that he thinks that members of the organisation associate for the purpose of planning, organising, facilitating or engaging in serious criminal activity—which is basically anything except traffic offences—and that the organisation represents a risk to public safety and order. The Attorney-General can use secret and untested evidence in making that declaration, and his decision can't be challenged in the courts.

The Commissioner of Police can ask a court to make a Control Order against a person if that person is a member of a declared organisation, or regularly associates with members of the declared organisation. A Control Order may be issued by a court without giving any notice to the per-

son affected and the Order can stop people from even speaking with members of a declared organisation or going anywhere near where members might happen to be. Once again, these Orders can be made on secret evidence that the person affected cannot see.

And if a friend of yours is subject to a Control Order or is a member of a Declared Organisation and you meet with them six times or more in one year you can go to jail for up to five years.

And finally, the icing on the cake. The SA police have the power to make a Public Safety Order if they are satisfied that a person or a group of people pose a serious risk to public safety or security.

Even if a person or a group is gathered somewhere for a protest rally or a strike action, the police can still make a Public Safety Order and have them removed from the area. These Orders can even be made on the spot, verbally, by the police.

The Rann anti-bikie gang laws effectively shift the balance between the accused and the state so far in favour of the latter that it is no exaggeration to say that these laws would not look out of place on the statute book of your common garden variety authoritarian regime like Zimbabwe.

If you have been to Adelaide, the Barossa Valley or any other part of South Australia over the past few years, have you observed bikie gangs endlessly terrorising the locals? Does South Aus-

tralia have some peculiar problem with bikie gangs like the Bandidos and other similarly termed groups of biker rebels? What possible explanation can there be for Mr Rann's obsessive desire to be the number one trouble shooter against bikie gangs on the planet?

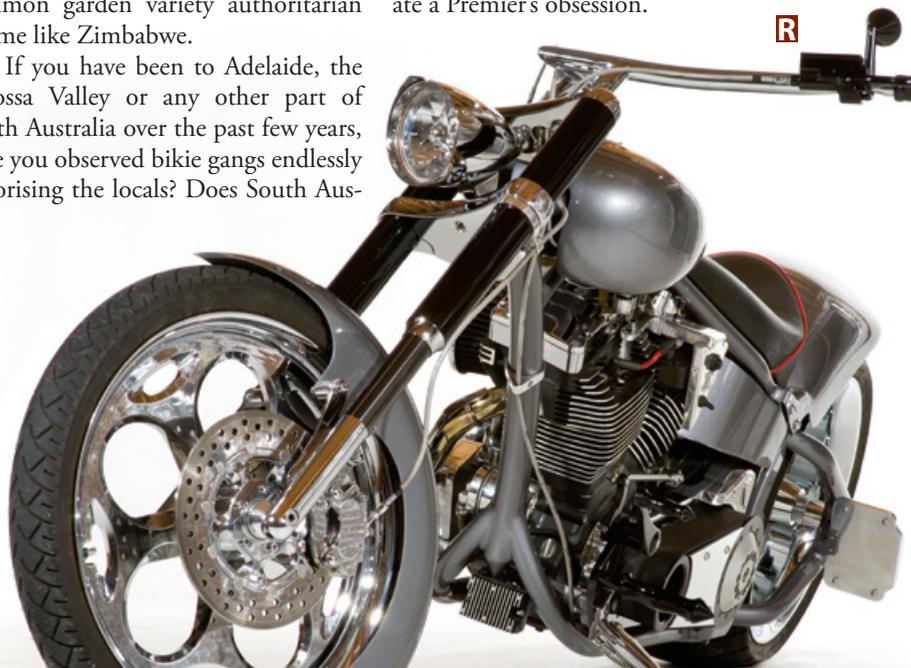
A couple of years ago the Australian Crime Commission released data which showed that there were around 3500 fully 'paid up' members of bikie gangs in Australia.

There were 18 outlaw motorbike clubs operating in NSW, 17 in Victoria, eleven in Queensland, eight in South Australia, six in Western Australia, four in Tasmania, three in the Northern Territory and two in the ACT. In per capita terms there is nothing untoward for the figures for South Australia.

Even though most of the clubs are in New South Wales and Victoria, neither of those states has felt the need to use a sledgehammer to crack the bikie gang walnut.

And in the end, will this new law which effectively prohibits bikie gangs work? Of course not. The gangs will survive by going deep underground. South Australians will have had their liberties eroded for no other reason than to satiate a Premier's obsession.

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