



Motor Cycle Riders Association of South Australia Inc.
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The recent changes in the South Australian Government's "Summary Offences Act 1953" have seen an amendment called the "Statutes Amendment (Gangs) Bill 2007 introduced by the Hon. Ann Bressington MLC. It provides for the Governor to declare an organisation or group to be a *criminal gang* on the advice of the Commissioner of Police. It allows this on the basis that the organization or group is directly or indirectly engaged in preparing, planning, assisting in or fostering criminal activity.

The MRA SA can only encourage responsible legislation aimed at and intended for the benefit of our society but in this case we refer to a speech by Senator Sandra Kanck of September 13th 2007 here she says amongst other things, that this particular legislation is open to abuse [by police], will be resisted by the judiciary, is disproportionate and suggests that it will not work.

Furthermore, and of particular concern for the MRA SA, is that Premier Mike Rann has been quite vocal in the media and keeps talking of "bikie gangs". However, NOWHERE in the amendment does it mention motorcycles, bikies or organised crime as such. The Act now has the potential to affect EVERYONE in a club, bearing in mind that some of the wording of this amendment is wide open to interpretation [by the police]. There is no recourse for the police action. Their decision does not get referred to a judge for an independent review. ***THERE ARE NO APPEAL OPTIONS*** and as citizens, motorcycle riders or not, any perceived rights we may have had have been brushed aside in this Bill.

There is no doubt that the intent of the amendment is to procure better tools for the police and in that we agree and support this, in principle. But police have been known to apply a twist on interpretation to the relative legislation, and without accountability or recourse ***we must be concerned***. We do not believe this legislation will impact on organised crime as intended. If and when the immediate threat so publicly espoused by the Premier is dealt with – then what? Who's next? In essence it could be argued that a criminal act by any member of the MRA SA, or the Honda Riders, or Ulysses, could see this Act applied to declare the entire organization outlawed!

What club or association is confident that they have no member who could be found guilty in the opinion of the South Australian Police Force of indirectly engaging to assist in fostering a criminal activity?

Philip McClelland
President
Motorcycle Riders Association of South Australia Inc.

References:

Premier & Ministers of SA. - Release on Gang laws.
<http://www.ministers.sa.gov.au/news.php?id=2444>

**1. Sandra Kanck - Speeches and Questions

<<http://sa.democrats.org.au/html/modules.php?op=modload&name=News&file=index&catid=7>>:

Statutes Amendment (Gangs) Bill

<<http://sa.democrats.org.au/html/modules.php?op=modload&name=News&file=article&sid=1297&mode=thread&order=0&thold=0>>

on Thursday, September 13, 2007 - 08:51 AM

<http://sa.democrats.org.au/html/modules.php?op=modload&name=News&file=article&sid=1297&mode=thread&order=0&thold=0>

[goto] Page 46 from an OCSAR report.. Précis of the Bill.

http://www.ocsar.sa.gov.au/docs/technical_papers/MLC20070726.pdf

(OCSAR is the Office of Crime Statistics)

the actual posted Bill.

[http://www.legislation.sa.gov.au/LZ/B/CURRENT/STATUTES%20AMENDMENT%20\(GANGS\)%20BILL%202007_HON%20ANN%20BRESSINGTON%20MLC.aspx](http://www.legislation.sa.gov.au/LZ/B/CURRENT/STATUTES%20AMENDMENT%20(GANGS)%20BILL%202007_HON%20ANN%20BRESSINGTON%20MLC.aspx)