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Taskforce on Organised Crime Legislation
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Supplementary submission to the Queensland Taskforce on Organised Crime Legislation by Assistant Professor Terry Goldsworthy¹.

In response to information contained in the submissions of the Queensland Police Service to the taskforce I make the following submissions. I will provide my responses as they relate to each submission.

1. Comments on the QPS document titled “Issue 5: Criminal Code Offences created by 2013 legislation and VLAD”.

I note that at page two of the submission the QPS makes the observation that despite the Criminal Gang Laws (referred to hereafter as the VLAD laws) laws being in place for almost two years the problem for which they were created has not been solved.

*The QPS considers that the legislation put in place in 2013 has been effective for the purposes for which it was enacted. For example, OMCG are no longer using their public presence in a mass way to intimidate and facilitate criminal offending. This paper provides further information in support of this view. **However, the QPS does not in any way suggest that the problem of has been solved.***

The QPS also refers to these laws as being tools on page two. I would in no way consider the association laws, nor the punitive mandatory laws, as being investigative tools. They add nothing to the ability of police to investigate crime, and their removal would not impede the ability of police to continue to adequately investigate crime with the tools as their disposal.

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The provisions are offence creative and punitive in nature, and there are no evidentiary gathering machinery sections.

It is worth noting that the QPS has recognised on page four “One of the key principles that has emerged in contemporary literature relates to the instability and/or flexibility of criminal organisations and/or crime groups.” This type of organised crime model is the anti-thesis of the hierarchical model of the traditional Outlaw Motorcycle Gang (OMCG). The VLAD laws were clearly designed with the hierarchical model of the OMCG in mind; to this end they are ineffective when dealing with loose, highly fluid and transitory criminal groups. This has been shown in a recent court case in Southport in February 2016 when VLAD charges were dismissed due to the group not having a name.

A magistrate has thrown out VLAD charges against two men accused of growing a multimillion-dollar dope crop in underground bunkers, saying the anti-gang laws would apply to ‘Robin Hood and his Merry Men’ but not to a no-name drug syndicate. (Stolz, 2016)

It is worth noting that at page nine of the document the QPS have nominated the performance criteria that indicate effectiveness of the VLAD legislation. It is as follows:

- the proportion of OMCG representation in offending and type of offending;
- perceptions of public safety and associated community confidence identified through community surveys and Crime Stoppers reports;
- the number of OMCG that have disassociated from clubs; and
- the reduction in public displays of violence by OCMG.

I will address each of these in turn.

The proportion of OMCG representation in offending and type of offending

The QPS at page nine make the observation “OMCG generally commit offences at the more serious end of the offending scale”. I would argue this is incorrect.

Table 1: Top ten charges by number resulting in a guilty finding against OMCG members in Qld between April 2008 and April 2014.	
Type of Charge	Number
Possessing dangerous drugs	523
Commit public nuisance	285
Breach of bail condition	258
Assault or obstruct police officer	218
Contravene direction or requirement	151
Failure to appear in accordance with undertaking	144
Possess utensils or pipes etc. that had been used	126
Stealing	121
Assaults occasioning bodily harm	110
Wilful Damage	103

Data obtained from the Queensland government under RTI shows that bikie gang members were found guilty of 4323 criminal charges between April 2008 and April 2014². Of these charges the top ten charges were for minor criminal matters or simple offences. These ten offence types account for 2039 offences or approximately 47 percent of the total OMCG offences for this period. Conversely, when looking at more serious organised crime type offences their impact in totality is insignificant.

Table 2: Organised Crime Activity of Queensland Outlaw Motorcycle Gangs April 2008 – April 2014 by count and as a percentage of overall reported crime.

Type of Crime	Number of OMCG related offences	Total Queensland offences	Percentage
Extortion	0	367	0
Drug Trafficking	21	2153	0.9
Murder	3	294	1.0
Fraud	69	106316	.06
Unlawful possession of weapons/supply	147	23249	0.6
Robbery	17	10963	0.1
Production of dangerous drug	40	10085	0.3
Prostitution	0	1230	0
Supply of dang drug	41	15558	0.2

The above would seem at odds with the QPS statement on page 2 of QPS document titled QPS response Issue 5: Submission by AP Goldsworthy.

The QPS acknowledges however that OMCG and other crime groups, whilst major players, are not the only suppliers to the illicit drug market, with other groups and individuals also involved.

Clearly the above data suggests that OMCGs are not “major players”. I note that the QPS is relying on persons charged to show the level of offending of the OMCG members. This is a flawed approach to determine the level of responsibility for criminal activity. To determine criminal activity you must look at the amount of reported crime someone is responsible for rather than the number of times someone is arrested or charged.

Let's use this example, two people are arrested for break and enters. Using the QPS logic we would argue that they are both responsible for 50 percent of break and enters, because both have been arrested once. However, if one is charged with one offence and the other with nine offences, clearly one has committed 90 percent of reported crime.

A further example is that 10 break and enters are committed. One person is arrested for one charge of break and enter. The QPS logic would argue that this person is then responsible for 100 percent of crime, clearly they are not. You must refer to reported crime when looking at

² RTID226ER Administrative.

the criminality of a group. All of the QPS performance documents, such as the annual Statistical Review, refer to reported crime; not persons charged or persons arrested.

I also note that the QPS states that “By targeting OMCG, the QPS is targeting the people (case and place) causing and creating a significant public safety and crime risk to the community.” This is incorrect. Case and place targeting suggests that you target people for the crime they are committing or suspected of committing in a contemporaneous fashion, clearly the VLAD laws are aimed at targeting OMCGs because of their associations and who they are.

To use the logic of the QPS we should be targeting the Indigenous population because their criminality levels are higher than the mainstream population (for a variety of reasons that have been the subject of much public discourse and research). In some regards the thinking espoused in the QPS submission seems to entail the same logic that was used to justify racial profiling in the United States. This practice has now been heavily criticised in the United States as being flawed and inefficient. The indigenous example also raises the issue of over policing a particular group in society; this is clearly the case with OMCGs.

It is worth looking at the New South Wales (NSW) and the impact of its anti-association laws or consorting laws. NSW replaced its existing consorting laws in 2012. They survived a High Court challenge in 2014, although there were dissenting judgments as to its validity. The new offence section was clearly aimed at organised crime. The laws are contained below.

Crimes Act 1900 - s 93X

Consorting

93X Consorting

(1) A person who:

(a) habitually consorts with convicted offenders, and

(b) consorts with those convicted offenders after having been given an official warning in relation to each of those convicted offenders, is guilty of an offence.

Maximum penalty: Imprisonment for 3 years, or a fine of 150 penalty units, or both.

(2) A person does not "habitually consort" with convicted offenders unless:

(a) the person consorts with at least 2 convicted offenders (whether on the same or separate occasions), and

(b) the person consorts with each convicted offender on at least 2 occasions.

(3) An "official warning" is a warning given by a police officer (orally or in writing) that:

(a) a convicted offender is a convicted offender, and

(b) consorting with a convicted offender is an offence.

The NSW Ombudsman reported to parliament in mid-2014 on the first 12 months of operation of that state's laws. A further review is now underway. Despite having been designed to combat organised crime, general duties police were the majority users of the consorting provisions (85 percent) – not detectives from specialist squads (11percent) (Ombudsman New South Wales, 2014).

The NSW Ombudsman reviewed 1247 persons targeted by police for “consorting”. About 7 percent of these were children and young people aged between 13 and 17. Forty percent of all

people subject to the consorting provisions in their first year of use were Indigenous, despite making up only 2.5 percent of the NSW population (Ombudsman New South Wales, 2014). The QPS logic would be that Indigenous persons should continue to be target because they are more “criminal”.

The review also highlighted the fallacy of the law being targeted at organised crime. An analysis of the criminal histories of a select group (604 people) targeted by the laws revealed (Ombudsman New South Wales, 2014):

- 28 people, or 24 percent of those who were the subject of official warnings issued by the specialist squads, had a conviction for a serious criminal offence; and
- 43 people, or 15 percent of those who were the subject of official warnings issued by the local area commands, had a conviction for a serious criminal offence.

These figures highlight the lack of serious criminal activity of those being targeted by such laws. The review raised the crucial question of what gaps – if any – the consorting provisions filled that current laws and powers did not already cover (Ombudsman New South Wales, 2014). There were already existing laws available to achieve what the consorting laws supposedly did – but senior NSW police still claim the laws are necessary.

I will now examine claims of criminality within the OMCG gangs. I attended a round-table at the invite of the Qld Premiers office in April 2014 to discuss the effects of the VLAD laws and other aspects of the bikie war. It was hosted by then anti-bikie supremo, retired Brigadier Bill Mellor. During the meeting the criminality of gangs was presented. It showed that about 40 percent of members had a criminal history (note averaging out of the individual gangs arrives at a 40% result not the 47% as indicated below). The below snapshots are part of the RTI data obtained by the author and is a PowerPoint presentation used by government researchers at the roundtable.

CMG participants with a criminal history (excluding traffic matters)

CMG	% with crim history
Bandidos	72%
Black Uhlans	36%
Hells Angels	55%
Highway 61	33%
Life and Death	44%
Lone Wolf	71%
Mongols/Finks	51%
Nomads	49%
Odins Warriors	37%
Outlaws	27%
Rebels	40%
*Others	34%
OVERALL	47%

RTID226.pdf - Page Number: 66 of 216

*Others = Comancheros, Fourth Reich, Gypsy Jokers, Iron Horsemen, Outcasts, Phoenix, Red Devils, Renegades.

It was also worthy of note that the levels of criminality within the various gangs varied greatly, in essence no two gangs can be considered the same. This in itself would tend to undermine the generic one size fits all approach of the VLAD laws to OMCGs. This is supported by the comments of the QPS on page 18 of the submission where they state that:

A decision was then made to withdraw the matter due to the sufficiency of evidence test and to prevent a negative finding which may influence upcoming trials under the same legislation including Rebels, Bandidos and Hells Angels CMG who are at the top end of the criminality scale.

In recent media stories it would seem data similar to that produced at the roundtable has been referred to in an effort to sustain the VLAD laws.

No less than 72 per cent of members of the Bandidos had a criminal history. A total of 71 per cent of Lone Wolf members have a criminal record with Hell's Angels 55 per cent, Mongols and Finks 51 per cent, Nomads 49 per cent, Life and Death 44 per cent, Rebels 40 per cent, Odin's Warriors 37 per cent and Black Uhlands 36 per cent. (Houghton, 2016)

Criminal history data for the roundtable meeting was determined by creating a list of all OMCG participants generated from QPS intelligence information including criminal history data (excluding traffic matters) generated for the names on this list. Only findings of guilt were included.

How it was done...

- A list of CMG participants generated from QPS intelligence information
- Criminal history data (excluding traffic matters) generated for the names on this list
- Names stripped out (but leaving the Single Person Identifier (SPI) number) and the data provided to DPC
- Reclassify the text based result descriptions into a simple category of "guilty" vs "everything else"



As part of QPS submission area one , item 4 has been used to show much higher levels of criminality where the QPS claim that the average for criminality in the gangs is now 67%, a much worse result for the bikies (submission to area one at page 18).



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CURRENT AS AT: 26/06/15

CMG CLUB	NUMBER OF CONFIRMED AND UNCONFIRMED MEMBERS	NUMBER CHARGED WITH AN OFFENCE <small>(if listed as charged to a QPS occurrence, not other traffic and simple offences)</small>	PERCENTAGE	NUMBER DISASSOCIATED
BANDIDOS CMG	139	117	84%	28
BLACK UHLANS CMG	75	44	59%	12
COFFIN CHEATERS CMG	0	0	0%	0
COMANCHERO CMG	6	3	50%	1
FINKS CMG	34	23	68%	7
FOURTH REICH CMG	1	0	0%	0
GLADIATORS CMG	0	0	0%	0
GYPSY JOKERS CMG	16	7	44%	1
HELLS ANGELS CMG	45	37	82%	6
HIGHWAY 61 CMG	39	21	54%	3
IRON HORSEMEN CMG	3	3	100%	0
LIFE AND DEATH CMG	28	16	57%	11
LONE WOLF CMG	35	24	69%	4
MOBSHITTERS CMG	0	0	0%	0
MONGOLS CMG	32	26	81%	3
MUSLIM BROTHERHOOD CMG	0	0	0%	0
NOMADS CMG	49	36	73%	3
NOTORIOUS CMG	0	0	0%	0
ODINS WARRIORS CMG	69	48	70%	8
OUTCASTS CMG	10	6	60%	1
OUTLAWS CMG	49	25	51%	3
PHOENIX CMG	2	0	0%	2
REBELS CMG	241	146	61%	11
RED DEVILS CMG	3	1	33%	0
RENEGADES CMG	6	5	83%	1
SCORPIONS CMG	0	0	0%	0
TOTAL	882	588	67%	104

Membership Status Totals	
Confirmed	796
Associate	487
Disassociated	104
Ex Member	259
Unconfirmed	86

This data would also appear to have formed the basis of at least one media story claiming that OMCG criminality levels were 67% as indicated on the front page of the Coast Bulletin 12th February 2016.

I believe this data is a flawed way to determine criminality as it includes traffic and simple offences. What a simple way to increase the "criminality" of a group. To use this kind of logic any of us who have had a speeding ticket would now be included in the criminality index. The notion is ridiculous.

Also of concern is that the data presented at the round-table relied on a finding of guilt. It would appear that the data being submitted to the review taskforce is only relying on being charged and linked on QPRIME, not a finding of guilt after a court process. This would be at odds to our justice system which is based on the principle of a person being innocent until proven guilty beyond a reasonable doubt.



Perceptions of public safety and associated community confidence identified through community surveys and Crime Stoppers reports

I would offer the following observations in relation to the QPS submissions in regards to public support for the laws. At the 2014 roundtable the results of a public perception survey were presented with the below results.

KEY FINDINGS

- **34%** support CMG measures and laws
- **40%** some support for CMG measures and laws, but have concerns
- **26%** against CMG measures and laws



Yet, in the QPS submission at page 11 they present the following data.

Likewise, the *Public Attitudes Survey – Queensland*, conducted in December 2013 and June 2014 on behalf of the Queensland Department of the Premier and Cabinet and which measured community views about Criminal Motorcycle Gang (CMG) laws and measures, suggested significant confidence in and support for the legislation:

Level of support of all measures taken by the Queensland Government to target organised crime committed by CMGs – including the new laws.

Survey	Strong or very strong support (Rating 4 or 5)	Moderate support (Rating 3)	Do not support (Rating 1 or 2)
December 2013	47.7%	24.7%	27.6%
June 2014	57.1% (up)	21.8%	21.1% (down)

I am unsure as to why the wave one data would have changed from that presented at the roundtable? Inquiries with the Premier's office may assist here. I also have issues with the Likert scale in that with three positive outcomes it would seem to be skewed to inevitably getting a positive outcome. The middle rating should have been neutral. The other question that should be asked was if the same instrument was delivered on both occasions and the methodology of the sampling should also be made public.

The number of OMCG that have disassociated from clubs

At page 12 of their submission the QPS highlights the success of the disassociation effects of the VLAD laws. It is in fact very difficult to get a sense of the true number of OMCG members and associates in Queensland. The QPS over the last two years have provided various figures as can be seen below.

Table 3. QPS estimates of OMCG membership and disassociations.					
Date	Members	Associates	Disassociations	Total OMCG membership	Source
July 2013	930 members	Records of associates not generated	N/A	930	Taskforce Hydra, RTI data
January 2014	2109 participants	0	0	2109	Page 12 QPS submission to VLAD review T/F Issue 5
November 2014	1581	0	317	1898	Response to Owen Jacques, APN media, response supplied to author
June 2015	882 members	487+ 259 ex-members	104	1732	Item 4 QPS submission to VLAD review T/F Issue 1
August 2015	1741 Participants	0	368	2109	Page 12 QPS submission to VLAD review T/F Issue 5

These figures are quite disparate and are also open to inflation due to the use of the term “participant” which seems extremely broad. The QPS also does not provide the criteria on which it determines to include a person as a participant in its database. What the figures do highlight is how OMCG numbers have apparently risen and decreased drastically since the beginning of the OMCG crackdown if you look at the QPS figures over this period.

In my opinion the most reliable indicator of disassociation is to take the July 2013 figure of 930 members and compare it to the June 2015 figure of 882 members; both figures are only concerned with members. If these figures are used then only a 5 percent reduction in OMCG membership has been achieved; not the 17 percent claimed by the QPS.

At any rate when talking about disassociations it is ironic that the QPS itself on page 12 admits that the above figures do not indicate success, despite listing it as one of the indicators of effectiveness of the legislation.

“These statistics do not in way suggest that the OMCG operating in Queensland have been fully dismantled as a result of the legislation.”

The reduction in public displays of violence by OCMG.

Last week a national story was run claiming that QLD was in a much better position than NSW when it came to public violence due to the VLAD laws. Queensland police claimed “You can’t measure success by arrests alone,...But the absence of public violence has kept the community safer...” (Brook, 2016).

This echoes a claim in their submission to the current review being undertaken into the VLAD and other gang laws in Queensland where the observation was made that other states have suffered public violence by the OMCGs, whilst Qld has not since the introduction of the VLAD laws. In their submission the QPS stated:

The QPS is not aware of any acts of violence of this nature that have occurred in Queensland since the introduction of the 2013 legislation. However, other jurisdictions that do not have the benefit of legislation

similar to Queensland, continue to experience this type of violent activity by OMCG.

To test this claim I conducted a search of the Mypolice website and searched QPS media releases for "CMG assault, OMCG assault, Criminal Motorcycle Gang assault". Just this cursory search revealed the following 16 incidents had occurred since the introduction of the VLAD laws.

Many of the incidents I located were similar in nature to the incidents that the QPS holds out as examples in NSW and Victoria. Comments by senior police involved in the OMCG crackdown would also seem to be at odds with the lack of public violence.

Taskforce Maxima affray and drug arrest QPS Media on Apr 22, 2015 @ 4:12pm.

"This incident occurred at the entrance of a major Brisbane hospital and had the potential to put innocent community members at risk. This type of unlawful behaviour will not be tolerated and we will be relentless in prosecuting any person who puts the safety of the community at risk," Detective Inspector Smith said." <http://mypolice.qld.gov.au/blog/2015/04/22/taskforce-maxima-affray-and-drug-arrest/>

Affray charges against OMCG participants, Varsity Lakes QPS Media on Dec 22, 2015 @ 10:42am.

"Detective Inspector Phil Stevens said Taskforce Maxima detectives will continue to take enforcement action against OMCG members and former members on the Gold Coast. "Our detectives are as determined as ever to target the unlawful activities of Outlaw Motorcycle Gang participants on the Gold Coast,"

Detective Inspector Stevens said. **"Police will not tolerate public acts of violence** and we will not hesitate to take enforcement action against OMCGs wherever they are in order to keep the community safe." <http://mypolice.qld.gov.au/blog/2015/12/22/affray-charges-omcg-participants-varsity-lakes/>

Taskforce Maxima arrest OMCG members for alleged extortion and violence charges QPS Media on Aug 27, 2015 @ 12:45pm.

"Detective Acting Superintendent Smith of Taskforce Maxima said, today's actions are a direct result of the growing confidence in community which sees crime gangs losing their power.

"They used violence against those who stood up to them, including members of their own group. **We will be alleging they have used hammers to commit serious assaults on persons and set fire to a vehicle and a residence which could have proved fatal.** Intimidation is their business model and the community has had enough." "Make no mistake this group of men were vicious crime gang, who wanted to use the power and networks of OMCGs to extend their criminality. They are now totally dismantled." <http://mypolice.qld.gov.au/blog/2015/08/27/taskforce-maxima-arrest-omcg-members-for-alleged-extortion-and-violence-charges/>

The below table outlines the nature of the incidents I identified. The incidents described would not seem to differ in nature to the incidents listed by the QPS as occurring in Victoria and NSW and being examples of ineffective policing responses to OMCG activity at page 13.

"However, other jurisdictions that do not have the benefit of legislation similar to Queensland, continue to experience this type of violent activity by OMCG."

Table 4. Displays of Public Violence since the introduction of the VLAD laws, sourced from the Mypolice website official media releases.

Date	Location	Gang	Status of alleged offenders	Incident
12/12/2013	Hope Island Road, Hope Island	Finks	1 x participant	Traffic incident and then assaulted the other party
21/12/2013	Residence Bayview Heights, Cairns	Rebels	3 x participants	Physical assault
28/12/2013	Licensed premises Bundaberg	Rebels	1 x participant	Assault of security officer
30/4/2014	Residence Arana Hills	Bandidos	3 x participants	Unlawfully entered dwelling and assaulted and tasered a number of victims
12/8/2014	Unknown	Rebels	1 x participant	Assault of a woman
18/8/2014	Nightclub Fortitude Valley	Bandidos	1 x member	Assault of security guards
2/10/2014	Residence Dellow Street, Acacia Ridge	Bandidos	1 x member	Produced a taser and assaulting two women
5/10/2014	Palmwoods Hotel	Rebels	1 x participant	Assault occasioning bodily harm
16/11/2014	Nightclub, Broadbeach	Bandidos	3 x associates	Alleged glassing and assault
1/12/2014	Unknown	Unknown	1 x associate	Assault occasioning bodily harm
14/12/2014	Varsity Parade, Varsity Lakes	Finks	2 x participants	Affray, chased Hells Angels member down the street in restaurant precinct
January 2015	Greenslopes private hospital	Bandidos	2 x participants	Assaulted a male and threatened and off duty police officer
4/2/2015	Atherton Tablelands	Bandidos	3 x alleged participants	Threatened and assaulted man re takeover of drug business
27/6/2015	Jimboomba	Bandidos	2 x member	Forcibly entered residence and kidnapped man at gun point and assaulting him
27/8/2015	Various addresses	Various	8 x participants	Assault, GBH, arson,
19/2/2016	Residence Upper Coomera	Bandidos	1 x participant	Drove car repeatedly into garage at house and fought with neighbours

In summary the claim that the VLAD laws have stopped acts of violence such as these would be doubtful as to its veracity. It also raises the question as to how the QPS could be not aware of these incidents given I accessed this information from their own website and their own media releases.

Police also make much of the fact that OMCGs can no longer access club houses and undertake poker run rides. The benefits of this are claimed to be "...not having to focus on attending clubhouses and large gatherings we've been able to focus our resources on the criminal activities of these outlaw gangs." (Brook, 2016). I would dispute this logic. I think it could be reasonably argued that having OMCG members concentrate in one place would in fact save the utilisation of resources, and also provide an intelligence rich environment by virtue of centralised activity and location.

By now preventing these types of gatherings it would be reasonable to assume that police would have to target each member individually to gather intelligence etc. By also forcing the non-public displays of colours it would also be much more difficult for the public to identify who is an OMCG member as opposed to a social Harley Davidson rider. This may explain why after the initial rush of Crimestopper information there has been a steady reduction in Crimestopper information coming from the public.

2. Comments on the QPS document titled “QPS response Issue 5: Submission by AP Goldsworthy”.

I note on page one of this submission the QPS claim that they are unable to replicate the table I produced on page 12 of my original submission. This claim is false, and as of the 4th of March 2016 I was able to again replicate the table in matter of seconds, now including 2016 data.



I disagree with the assertions of the QPS as to the reductions in general crime they claim.

The QPS would say, however, that the table itself is largely irrelevant following the release of the most recent QPS Annual Statistical Review 2014-15 on 15 October 2015. The QPS Annual Statistical Review 2014-15 confirms that in so far as overall crime is concerned, there has been a reduction over time as follows:

- overall crime (personal, property and other offences) for the period 2005-2006 to 2014-2015: 12% reduction;
- reported crime for the period 2013-2014: 11% reduction; and

- *reported crime for the period 2014-2015: 5% reduction.*

The crime reduction for the period 2013-2014 was only in the vicinity of 2 percent, not the 11 percent claimed. The 11 percent claim was achieved by excluding the “other crime” category. Accepted police practice has always been to count the three crime categories of person, property and other. To not do so is merely an attempt to inflate reduction claims. The QPS at the time was roundly criticised for doing this and moving away from accepted data protocols. To not include other crime could indicate that the QPS does not see breaches of Domestic Violence orders, drug trafficking or weapons offences as being important. To remove that category smacks of gilding the lilly.

Professor Kerry Carrington offered this analysis when the QPS adopted the above methodology.

But other offences - which include drugs, weapons, traffic and breaching domestic violence orders - increased 10.4 per cent. Criminologist Professor Kerry Carrington, who is head of Queensland University of Technology's School of Justice, said there were dramatic changes within crime types but described the overall drop of 2.1 per cent as "minor". "If you have a look at the long-term crime trends of reported crime in Queensland you'll see that the significant drop in reported crime occurred in the decade to 2011," she said. "After that it's really just been quite stable." But Professor Carrington said excluding "other offences" is cherry picking. "You cannot say that," she said. "If you look at a criminal justice database of reported offences you have to look at the whole database. When you look at the whole database there's only been a very minor drop of around 2 per cent." (Wordsworth, 2014)

In 2014-2015 QPS Statistical Review report indicates that crime increased, and mentions the three specific crime categories that need to be considered.

This year's Statistical Review reported an increase of less than 1% in the State's overall crime rate (personal, property and other offences) when compared with the previous year.

The general crime reductions claims are important because I believe they illustrate how data can be misused. They are also important because some of the claimed reductions have been linked to the introduction of the VLAD laws.

Interestingly, in linking the VLAD laws to overall crime trends reductions in 2013/2014, no attempt was made to explain the increase in Qld crime in 2014/2015, despite the VLAD laws still being in place. What it does highlight is how the VLAD laws can in no way be held responsible for any increase or decrease in the Qld overall crime rate, in that respect they are simply irrelevant.

In late 2015 when the effect of the VLAD laws on overall crime was put to the Qld Police Commissioner, Ian Stewart, he had this to say.

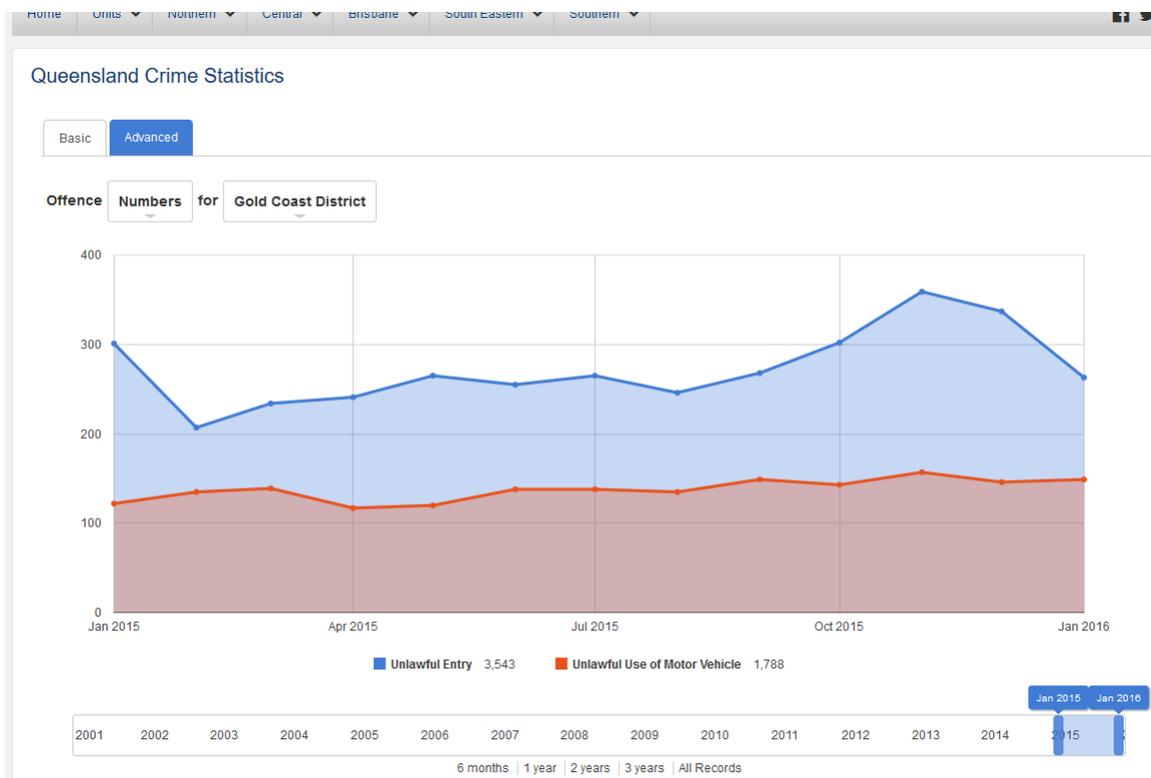
...Commissioner Ian Stewart was asked if the VLAD laws had an impact on crime rates, at a press conference with current Police

Minister Jo-Ann Miller. "I can't answer that question specifically," he responded. "The VLAD Laws have not been used very often, although we have invoked them. They are the laws of this state and we will continue to use whatever lawful means we have to take action against organised crime, including outlaw motorcycle gangs.(Silva, 2015)

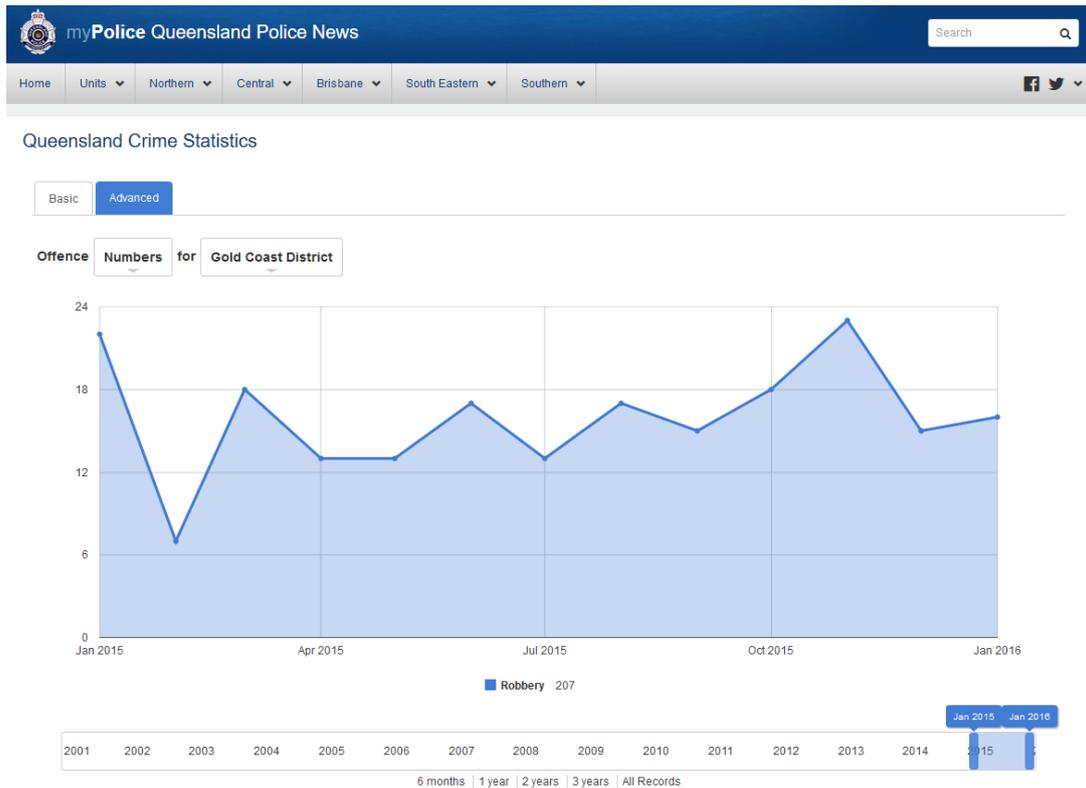
Yet in their submission the QPS at page one states the below.

Importantly however, the QPS considers that the increased focus on organised crime groups also corresponds with some particular crime rates reducing at much larger rates, with the VLAD laws contributing to the overall reduction.

Obviously the Commissioner thinks otherwise. On page three of their submission the QPS still attempt to link VLAD laws to reductions in crime areas on the Gold Coast. I have addressed this to some degree in my previous submission. But it is worthy of note to look at the last 12 months for reported crime on the Gold Coast. In the last 12 month period reported offences of unlawful entry and UUMV have increased dramatically.



In addition to this robbery and assaults have also increased. To use the logic of the QPS if the VLAD laws were responsible for the decreases in crime in the Gold Coast area, given that the VLAD laws are still in place how do they explain the increases over the last 12 months? Simply the VLAD laws are of no relevance to general crime statistics.



I also not at page 5 of their submission the QPS provides an extensive list of actions and partnerships it is using to combat OMCG or gang crime, none of these actions and relationship is dependent on the VLAD laws, the removal of such would have no effect on these law enforcement strategies.

In essence the success or otherwise and the necessity of the VLAD laws can be broken down into a number of simple propositions.

Have the VLAD laws been responsible for any change in general crime trends? No.

Have the VLAD laws resulted in criminal networks informing on themselves to avoid the mandatory punishment provisions to any great degree? No, some 92 percent of those charged under the VLAD provision did NOT provide a statement to the QPS based on the data in the QPS submissions.

Have the VLAD mandatory sentencing provisions resulted in many successful convictions? No, in some two year only two persons have been convicted under the mandatory offence provisions. With the recent court decision it would appear that any criminal group that is not formally named will now not be subject to the VLAD circumstance of aggravation. It should also be borne in mind that in the QPS submission only 20 of the 100 persons charged were OMCG members.

Have the VLAD laws resulted in large scale disassociations of the OMCG members? I would argue that a reliable figure is only 5 percent of members have dissociated in two years; this is not a significant result.

Have the VLAD criminal association provisions resulted in many successful convictions? No, none.

Have the VLAD laws stopped OMCG members from committing violence in public? No.

Have the VLAD laws stopped public displays by the OMCG that could be seen at intimidating by the general public (i.e. toy runs, poker runs)? Yes.

Do the VLAD laws allow for more efficient and effective use of police resources? No. For the reasons I have outlined in this submission, and also for the vast amount of time and money used for matters that have ultimately failed in court.



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