

**Statement by Edward “Mac” Hayes of Longriders CMC
for the
Inquiry into the Legislative arrangements to outlaw serious
and organized crime groups**

Firstly I wish to state my own position and that of the Longriders Christian Motor Cycle Club regarding our response to the Serious and Organized Crime Control Bill which I will refer to as the “bikie Bill”. This is the term which has been widely used by the media.

We the Longriders CMC do not endorse or support any criminal activity by our own members, members of other clubs or any individuals.

We do however have major concerns regarding the so called “bikie bill”. What I speak of in this statement is a summarized reflection of the many hundreds of conversations I have had and stories I have heard over the last eighteen months. I have consulted with and had discussion with individuals from all walks of life, as diverse as working class “aussies”, Christian ministers, Social workers, politicians, lawyers and members of so called “outlaw” motorcycle clubs. Of the latter I have taken a consultative approach and collected many stories of over zealous and extremely questionable policing tactics being used in this state, even before the “bill” has been implemented.

Our own members including myself have also been subject to a rise in police pressure and harassment. I am willing to share some of those stories as examples.

I will endeavor to reflect the voices of the many I have consulted with over their experiences and concerns for what the implementation of this bill may mean.

- It is my belief and the belief of many I have spoken with that there has been a carefully orchestrated plan by those in power to manipulate the media to demonize “bikies” in order to create a climate of fear among the public so that when the “bikie bill” was introduced, which incidentally, as we would all be aware does not mention the words Bikie or motor cycle club, the public would naively accept it in the misguided belief that it would keep them safe from the “bikie menace”. Those very “bikies” our premier Mr. Rann has described on public record as “pond scum” and “all thieves and murderers”.

I am able to expand this point with examples.

- So what’s wrong with this law?

I don’t need to point out the erosion of civil liberties or the injustice of guilt by association, there are many others well qualified in this arena.

- The best I can offer is, through thirty years of experience in the sub culture and life style of the bike scene in this country and mostly this state, some insights into the potentially negative affects of this law.

Contrary to what Mr. Rann and Mr. Atkinson have been promoting, not all members of the eight named “outlaw” clubs are criminals.

We have heard statistics from other states, .6 of 1% in NSW and .4 of 1% in Victoria crime can be attributed to gangs. Why haven’t we seen any statistics here? I suspect that the figures are similar and when that is weighed up against the policing and resource costs being spent the public could rightly feel “ripped off” as education and health continue to suffer. The over policing of a recent Gypsy Jokers poker run where approximately one hundred and fifty police spent the day monitoring less than a hundred bikies with the outcome being three reported for drink driving, two positive for methamphetamine and a handful of defect notices makes this point rather well.

Another reason I believe that not all members of the so called “outlaw club’s” are criminals is because some of these men are my friends, I have relationships with some members of a number of clubs.

These men have jobs, families and a mortgage like many other Australians and generally hold the position that “if any members of our club get caught doing crime that’s their problem, do the crime do the time”.

Some clubs are better than others at reining in their loose canons and no one here, including the club’s themselves are making excuses for those who get caught in criminal activities.

- It is my belief that these men who are usually older and more respected members are a stabilizing influence in their clubs.

The “bikie bill” aims to pressure these men out of the clubs.

I know of one long term member where this is the case already.

This in turn will cause the remaining members to become more “hard core”, turn more towards criminal activities to survive or at the very least become more anti-authority.

From their view point they are victims of an unjust system and their response is and will continue to be summed up in the words of Peter Laylor of the Eureka Stockade fame

“When injustice becomes law resistance becomes duty”

They will not leave the state on-mass as has been suggested; they will dig their heels in and stand their ground.

History has shown that prohibition doesn’t stop the activity but pushes it under the surface.

It is also my belief that the so called criminal intelligence collected by operations like Operation Avatar and now the Anti crime squad or “Gang squad” is often wrong.

It may be right in the instance of one club but not others. For example there is a belief that all clubs have a pyramid structure of leadership. This is not the case.

There are many assumptions made because of the clubs code of silence, these assumptions lead to stereotyping.

Our own members and many recreational riders have noticed a marked increase in the past couple of years in the public and uniformed police officers attitude towards them.

They [The public and average cop on the street] can only go on what they've been told and the past six years of the politics of fear has done its job.

Again this can be backed up with examples.

- The strategy of cutting off clubs support networks by charging innocent people with association is fraught with problems. It can only be based on the assumption that anyone who has any association with club members must be up to something sinister.

Assumed guilty and have to prove their innocence under an act that doesn't have to disclose the evidence that assumes them guilty! This is worse than the old consorting laws of the sixties and early seventies where police abused the intent of the law and applied it recklessly and indiscriminately to Aboriginal people. Just ask any Aboriginal person who was around at that time. My colleague Mr. Sumner will pick up on this point. History also tells us that this has been tried with motorcycle clubs before. In the mid seventies the infamous police officer Sam Bass made a name for himself personally tackling Adelaide's bikies.

He was successful in eventually getting the majority of the members of one club in particular jailed for consorting. After those men served their respective three and six month sentences they reformed their club more closely bonded than before and a good deal smarter about the workings and absurdities of our legal system.

To any fair minded Australian guilt by association is not the "fair go" this country has been founded on!

- My next point and Question is: If this law is to be enacted where the hell are people convicted of association or breaking of a control order going to be jailed?

We already have inmates doubled up in cells designed for one. The "rack 'em an' stack 'em" mentality of this government is questionable at best. Do we need more people clogging up our courts and prison system?

I personally know of many law abiding men including myself who will not stop associating with "bikies" and are willing to go to jail for the principle.

In fact, myself like others in my club and many who do valuable community work in church and charity organizations have past criminal records, for many like myself these convictions are from a past life, in my own case over thirty years ago.[Apparently the Attorney General decides if it is deemed "serious" or not]

In my understanding of this law, not only could I be jailed for associating with bikies but my friends could be jailed for associating with me.

This law is retrospective. Where does that leave ex members of clubs and ex criminals who are now living productive, contributing to society life styles?

Are we going to see individuals double punished for crimes possibly committed in their youth? Or for crimes they didn't commit but happened to once belong to a motor cycle club?

Mr. Atkinson trusts the police to use this law appropriately, to aim it only at the criminal element, but how can that be when at the same time he is assuming all motorcycle club members and associates are criminals.

- I have personally been told of a particular group of police who all ready have taken the law into their own hand's on a number of occasions. This I am willing to give evidence to "In camera" only.

The currant government has created a climate in which corrupt policing tactics can flourish as there is an indorsed mandate to rid the state of "pond scum" bikies.

Who are our police accountable to in this matter or any matter as we don't have an independent body to look into allegations of police corruption in this state?

- We have heard that the intention of this law is to "close down the clubs" or "drive them out of the state".

So my Last point is to present the argument that motor cycle clubs do have a place and a right to be in our society just as any other shared interest group or club does. Crime does not. Let's separate those facts. A free society is measured by it's acceptance of minority groups.

Motor cycle clubs provide important social support networks for their members, a context and sense of belonging for individuals who often believe that society has rejected them. Reinforced at present by the current state governments attitude, comments and this "bikie bill"

In a club, it can be argued that they at least have some accountability to others in that group which may restrain them from criminal behavior, just as strongly as it could be argued that that group encourages criminal behavior.

I make myself available for any Questions regarding this statement.

Mac Hayes. Longriders CMC