

## **Oz High Court rules in favour of Bikers (and our) right to Free Association**

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Following the AMERICAN trend of Government influencing/interfering with the independence of the Courts, South Australia, the first State that attempted to implement American police state tactics in Oz, failed in its corrupt bid. The AUSTRALIAN High Court bench (6 from 7 Judges) ruled in favour of the Bikers to freely associate! The judges also expressed their contempt for the South Australian Government for attempting to institute such an oppressive policy.

It is heartening to see our Courts maintain their independence from bought, Corporate puppet, governments and a thoroughly corrupt police force.

Perhaps now sovereign citizens could focus on the South Australian Premier's relationship with BHP and the outrageous artesian water theft that has been occurring in his State for decades. This [Corporate water theft](#) (at the Premiers corrupt pleasure) has now affected the entire Great Artesian Basin, which extends from Queensland to South Australia!

Do the Premier's cover-ups and inaction against Mega-Corp BHP-Billiton, constitute a crime? Is the SA Premier, Mike Rann, a corrupt, Corporate Lackey? Let OUR Courts decide!

Report from the Oz ABC follows:

### **Bikie law ruling to prompt re-think in other states**

by Jason Om

Opinions are divided over whether the High Court's ruling on South Australia's anti-bikie laws will have implications for other states with similar legislation.

Six of the seven High Court justices have ruled as constitutionally invalid the section of the South Australian law that says courts are obliged to issue control orders against bikies at the government's instruction.

In other words, the courts must do what the government says. But Chief Justice Robert French said that distorts the court's institutional integrity and puts its independence at risk.

He agreed with another justice on the repugnancy of the process.

The ruling raises questions about similar and proposed laws in other states, particularly given New South Wales and Queensland looked to South Australia as a template.

The NSW Director of Public Prosecutions, Nicholas Cowdery, says the laws around Australia go too far.

Mr Cowdery, speaking as the human rights adviser for the Law Council of Australia, says

the country is in a dangerous situation.

"I think in part it has come from our reaction to the threat of terrorism," he said.

"What the legislatures seem to be doing is taking extraordinary and quite exceptional powers that are being assigned to the fight against terrorism and seeking to employ them in campaigns against, what I would call, ordinary crime in respect of which we have perfectly serviceable provisions in our criminal laws already."

Mr Cowdery hopes the decision prompts changes across Australia.

"If the terms of legislation in the other states or in NSW, Queensland and the Northern Territory are at risk of being held invalid by the High Court, then of course there has to be a rethink in those particular jurisdictions," he said.

But constitutional law expert Andrew Lynch, from the University of NSW, is more sceptical about the broader effect.

He says the decision is specific to South Australian law.

"Because of that unique feature in the South Australian legislation, it's very hard to see this as automatically casting doubt upon the laws in other states," he said.

"Those laws, such as NSW and Queensland, which have given the decision-making over to the judicial arm of government, have really ensured themselves against the kind of complaint which has undone the South Australian law.

"They've made sure it's not an executive-driven process."

The NSW laws are yet to face their own test in the High Court. Earlier this year the Hells Angels applied to challenge the validity of the laws.

Western Australia's draft laws are on hold.

### **Bikies celebrate**

Nonetheless, the decision had bikies celebrating around South Australia.

Members of rival clubs came together for a drink to toast a win against the very laws aimed at stopping them from associating.

The Finks, Hells Angels, Rebels, Longriders and Gypsy Jokers all packed a city pub.

Mick Macpherson from the Finks, the only club still outlawed in South Australia, says it has been a witch-hunt.

"The Rann Labor Government has invested the best part of three years and who knows how much public money on this witch-hunt, even when fellow parliamentarians were against it," he said.

Lawyer Craig Caldicott represented two members of the Finks in the case - Sandro

Totani and Donald Hudson.

"It is a heck of a message for this State Government and also to other state governments," he said.

"This type of legislation is anathema, we don't like it; I don't like it as a lawyer, lots of people don't like it."

The decision prompted a furious debate in the SA Parliament between Premier Mike Rann and Opposition Leader Isobel Redmond.

"We're coming back into the Parliament next year with new legislation to deal with this issue and we're coming at them with even more measures," Mr Rann said.

Ms Redmond said: "The Premier quoted extensively from the one dissenting judge in his response. Would he care to inform the House what the six other judges, who found against the state, had to say?"

South Australian Attorney-General John Rau says the Government will closely examine the judgment before it redrafts its legislation.

He has vowed, however, that the Government would not back away from its fight against 'gangs.'

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