

Dear DR Jacqueline Dewar

I would like to thank you for listening and taking some time to try and not only take in our views and concerns, but for also helping me as a Member of the community under stand some concerns you and other have about clubs.

I only can and do talk for the outcasts MC Australia, as I am there spokesperson, You did ask for us if we could to write to you and express our concerns and also try to let you in on our way of life, to help you and others understand our side, our way of life and what we stand for as a club. So I will be honest and give you what ever information in regards to our club the Outcasts, that you may need as well as the concerns we have.

Starting with personal information about my self, I'll share with you things I hold deep inside that has which I hope will help you understand, why I think as I do and what made be become a biker, and on that reached the top level in this club.

I was Born in the 1966, my mother left before I was two years old, I was clinically dead with meningitis at two years old, I some how came back.

Due to the hard times in the 60's my father now had to try and do the best he could with my sister and I as a single working Australian citizen. So he came home to Australia to his family.

I bounced back and forth from my Grand parents to Aunties, then at the age of four I was place with my one year older sister in a catholic nunnery, on my fifth birth day I was removed and sent away due to Catholic regulations that a male once turns five years of age could not live with girls in a girls home.

Being removed from my sister I can still recall, I went into the care of the Salvation army for around one year in Bexley North N.S.W.

At the age of six my father had found a lady and she moved in with him, My sister and myself along with my father was reunited as a family again,

I was Beaten and abuse by his girl friend, made to sit in and face a corner and had one bowl of boiled rice a day, for three months for steeling a little bit of ice cream one night. We lived at Ashcroft in Liverpool N.S.W, by the time I was eight I was on the streets, I was always different, and in a way that was lucky, every one used drugs etc I never did.

I grew up fighting for food, steeling to survive and found my self in and out of other catholic homes like Westmead Boys home and Boys town Ingerdeen near Sutherland N.S.W.

I progressed to Juvenile institutions at Eight years as well for being uncontrollable, and steeling.

A long story short I spent most of my teen's in lock up, were I was beaten and a bused. I learned to fight and fight well.

I became a Pro Boxer at 18 and my life started to change for the better, until a police officer bashed me with his partner and set me up for offences I never did because I never threw a boxing match.

I then ended up in Prison for offences that I'm not proud of, nothing to do with drugs, mostly violent like fights in Pubs, and against Police and Authorities.

I went to Prison and only had to do twelve months I ended up with Twelve years for fighting to survive and winning, I have never thrown the first punch, but those days the winner coped the penalty.

I never respected or liked my self I hated Authority and I resent woman, I was released in 1990 went to the Bike club, got married and had five children.

To be honest I would never change the past if I could for I am very happy with who I am and what in stand for today, and for the marriage and the club I live for and love.

One must understand the club saved my life and my liberty, as my actions positive or negatives, reflects as you know on my Brothers in the club. I have not been convicted of an offence in 10 years yet I fought men every day since I was eight. The Brotherhood the code of ethics and the old Australian Values is what has taught me respect and how to love.

I am happy that I now have respect for my pears; blessed to have learned how to love, and have the pleasure of helping my five kids grow up with the values that made Australia once the greatest free country of people from all over the world.

It would be truthful to say if I was not married to my best mate, and had offspring, as well as a member of this club I would with out any doubt be either dead or doing life in prison,

The Outcasts Motor Cycle Club Australia Inc, was started in 1969. in two states being "N.S.W. & V.I.C in 1997 a Branch was opened by my self in the state Of Queensland.

I wrote the Queensland state chapters constitution, after my wife taught me to read and write. N.S.W & V.I.C chapters run under there old rule book, but are implementing, the QLD one slowly, after watching the club grow and become a good family orientated club.

All the members wife's are our sisters, there children our nephews, and nieces. They spend a lot of weekends together. We are not a religious group, even though some of our members are religious. We are as a club made up of all different people with the same values, code of ethics and the love of riding motor bikes. To ride a bike is a real way to feel freedom, the wind in ones hair, your knees in the breeze, on your own, to ride as a club a family, group of fellow Aussie old school mates in a pack one has to due to understand the buzz and the feeling of the joy it brings to each and every biker.

Christmas time, Easter and other school holidays, the woman and the kids, all get together with the men and enjoy our company as a big family.

Ill, try and explain our values and code of ethics as a club and as individuals within the club to help you understand, why we are now so concerned that our way of life is in threat of becoming extinct.

Our code is to do right by each other, protect all within the club, both from there own demons, such as alcohol, drugs, or bad tempers ect. As well as from outsiders as we call them.

Every member of the Outcasts Motor Cycle Club Inc, Were in there own way a outcast before becoming a member in the club.

A saying we have, one I passed on to all members and there wives as well as there children is this. Ones Friends tell them what they want to hear, ones mates tells you what you have to hear, whether you like it or not. The foundation is telling the truth, lying is not tolerated in the club at all.

We do not tolerate any member being disrespectful, to anyone whether that person or persons are in the club or not, on the very few sad occasions, when a member has disrespected, a member of society in public, we remove that member from the club, in our terms, one who shows disrespect, has no self respect, something I learned a long time ago about my self after getting married and then joining a Bike club in 1990.

We have no trust in the Police as a whole, however there are a few Police persons we trust, because they are honest, have self respect and for others, they uphold the law, because they believe in it, not Just for a Job, and a green light to get away with most things in life.

I' personally have only trusted two Politicians, one being Goff Whitlam, the other is my current local member from Maryborough QLD, being Chris Foley.

Every Australian Biker, even those that are outstanding and some upstanding members of our community have had guns pointed at there head, man handled and abused by members of the Police force, only because they are members of a club. Can you picture how hard it is to help make your children understand the law and the respect their law enforcers being the Police, when they have been dragged out of bed from as young as 1 year old and has fire arms pointed at there heads. This has happened to all my children, and all the members of The Outcasts in Queensland's kids, made to sit on a chair, denied the need to use the toilet. Sometimes they piss there own pants with fear, or because they can not hang on any longer. The police call this work, we call it harassment and degrading, and nothing more then stand over mafia type abuse.

This is why it is hard to, trust or have any respect for the police, as well as reading the fact that some officers charged or under investigation for criminal matters,(which is a huge percentage when one matches it up against clubs) get suspended with full pay from work. I bet you and I would never get Paid to go home and do nothing, because we have been accused of being involved in some sort of criminal activity, or corruption of some sort.

I have honestly a Deep and pain full out look on the Police to the point it truly saddens me.

The club, as a rule is not to associate with Police, or any person that works for the Police. This is to protect us from the corruption and the abuse that we get from them. So they obtain warrants (which I still have some) just so they can wreck our homes and frighten our children. Cain more laws and powers, by telling mistruths to J.P's and or a Magistrate ect.

As a Politician, you get to hear from the Police, they put fiction on paper and it turns into facts, in return the police get more funding and more policing Powers.

The true figure of serious crimes committed by Bikers, club members from all Australian Bike clubs, and or associates all put together is some were neer POINT Four of one percent.

These are the real facts, this is why the S.A Act has safeguarded, the facts from fiction, by adding in the serious crime control act. That a person given a control order and the courts, do not have the rights to see the evidence if claimed to be under intelligent.(or something to that fact)

My concerns and the same for the members of the Outcasts MC are simply, that the Police abuse our rights and have so for many years, under this S.A act, we will have no rights left. We believe along with many others not just bikers, that the SA act breaks the Australian agreement under the International Covenant of Civil and Political rights.

Australia has been pulled in front of the committee of International Human rights on no less then 44 times, out of that figure on 12 occasions Australia has been found in breach of some of our Human rights, here is a copy of some of those for you to read.

Human rights: Australia versus the UN Hilary Charlesworth RegNet, Australian National University

Discussion Paper 22/06 (August 2006)

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Australia prides itself on being a 'good international citizen'. But how does Australia fare with regard to human rights from an international perspective?

It is a party to all major human rights treaties and yet reluctant to make them work at a domestic level. Australia is a party to rights of complaint to United Nations (UN) human rights bodies (Human Rights Committee, Race Discrimination Committee and Committee against Torture).

How do these procedures work?

First case: Toonen

The Keating Labor government responded to the *Toonen* decision by enacting a law overriding the offending provision of the Tasmanian *Criminal Code*. The legislation was supported by both the Labor government and the Opposition Coalition.

This positive Australian response to findings of the Human Rights Committee was not maintained following the change of government in 1996. Under the Howard Coalition government, Australia's relationship with the UN human rights treaty bodies has declined, and the government has failed to comply with almost every decision of the Human Rights Committee.

Second case: A v Australia

The second decision against Australia was issued on 3 April 1997.2 Mr A, a Cambodian citizen, had been detained at the Port Hedland Detention Centre for over four years without access to legal advice or court review of his detention. The Human Rights Committee held that Mr A's detention for such a long period was arbitrary and a violation of article 9(1) of the International Covenant on Civil and Political Rights (ICCPR).

The Howard government responded to the committee by rejecting its findings outright. It stated:

[T]he Government does not accept that the detention of Mr A was in contravention of the Covenant, nor that the provision for review of the lawfulness of that detention by Australian courts was inadequate. Consequently, the Government does not accept the view of the Committee that compensation should be paid to Mr A.3

Subsequent cases

The Human Rights Committee has handed down decisions in 44 claims concerning Australia. 12 of these complaints have been decided against Australia. Australia's violations of human rights have been found to include:

¹ This paper draws on Hilary Charlesworth, Madelaine Chiam, Devika Hovell and George Williams, *No Country is an Island: Australia and International Law*, University of NSW Press, 2006. It was first presented at the Australian Lawyers' Alliance Conference, 22 June 2006.

2A v Australia (560/1993) 30 March 1997, UN Doc. CCPR/C/59/D/560/1993.

30fficial Records of the General Assembly, 53rd session, UN Doc. CCPR/A/53/40, vol. 1 (1998).

• mistreatment of children—for example, in *Bakhtiyari v Australia*, the Human Rights Committee found that the detention of two children in immigration detention for two years and eight months violated the children's rights;4

• inhumane treatment of prisoners—or example, in *Cabal and Bertran v Australia*, the Human Rights Committee found that the detention of two prisoners in a triangular cage the size of a telephone booth was inhuman;5

• denial of the right to family life—for example, in *Winata v Australia*, the Human Rights Committee found that deportation of the parents of a 13-year-old child who was born in and had grown up in Australia constituted an interference with the right to family life;6

• undue trial delay—for example, in *Rogerson v Australia*, the Human Rights Committee held that a two-year delay by the Northern Territory Court of Appeals to deliver its decision on a criminal contempt charge constituted undue delay.7

• In *Young v Australia*, a man applied for a war veteran's dependent pension. This claim was rejected because his partner of 38 years was another man. The Human Rights Committee found that this was a breach of ICCPR article 26, the right to non-discrimination.8

• Brough v Australia where a disabled young Aboriginal man was held in solitary confinement and deprived of clothing and blankets in a NSW adult prison; the Human Rights Committee found this constituted a violation of the right to humane treatment.9

• Most recently, D & E v Australia (UN Communication No. 1050/2002, views adopted 25 July 2006) where the Human Rights Committee found that the 'immigration detention' of an Iranian woman, together with her husband and two young children, for over three years was 'arbitrary' and in breach of Article 9 (1) of the ICCPR.

Rejection of the findings of UN Committees

In response to almost every finding against Australia, the Commonwealth Government has reiterated that the Human Rights Committee is not a court and its views are not binding.

4Bakhtiyari v Australia (1069/2002) 6 November 2003, UN Doc. CCPR/C/79/D/1069/2002.
5Cabal and Bertran v Australia (1020/2001) 19 September 2003, UN Doc. CCPR/C/78/D/1020/2001.
6Winata v Australia (930/2000) 18 August 2001,UN Doc. CCPR/C/72/D/930/2000.
7Rogerson v Australia (802/1998) 15 March 2002 UN Doc. CCPR/C/74/D/802/1998.

8 *Young v Australia*, (941/2000) 6 August 2003, UN Doc. CCPR/C/78/D/941/2000 (2003).

9 UN Doc CCPR/C/86/D/1184/2003 (27 April 2006)

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The Australian Government's rejection of the views of the Human Rights Committee is effectively a denial of international obligations that Australia has voluntarily assumed.

The combative approach the government took to the Human Rights Committee decision in *A v Australia* has characterised the Howard government's approach to the UN human rights treaty body system in general.

In its Concluding Observations to Australia's 2000 report, the Committee on the Elimination of Racial Discrimination applauded Australia's implementation of many positive legislative and policy measures designed to reduce the incidence of racial

discrimination and to promote the idea of multiculturalism, including the establishment of the (now disbanded) Aboriginal and Torres Strait Islander Commission.

Yet the committee also criticised Australia. In particular, it expressed concern about the absence of an entrenched constitutional guarantee to preclude the enactment of racially discriminatory legislation; the failure to consult representatives of the Aboriginal community adequately in drafting amendments to the *Native Title Act 1993* (Cwlth); the high rate of Aboriginal incarceration in Australia's prison system and the continuing discrimination experienced by the Indigenous population in the enjoyment of their economic, social and cultural rights.

The Committee on the Elimination of Racial Discrimination regretted that the Commonwealth Government had been unable to apologise to the members of the Stolen Generation as part redress for the 'extraordinary harm inflicted by these racially discriminatory practices'.10

The response of the government to the Concluding Observations of the Committee on the Elimination of Racial Discrimination was immediate and fierce. The government rejected the comments of the committee, calling them 'an unbalanced and wide-ranging attack that intrudes unreasonably into Australia's domestic affairs'. The government continued: We are seriously disappointed about the Committee's comments on race relations in Australia. The Committee has apparently failed to grapple with the unique and complex history of race relations in Australia. It has paid scant regard to the Government organisations. This is a serious indictment of the Committee's work. It is unacceptable that Australia, which is a model member of the UN, is being criticised in this way for its human rights record.11

In its official response and in subsequent interviews given by the Prime Minister and his key ministers, the government denounced the committee's findings as a violation of Australia's sovereignty. The Prime Minister remonstrated that 'in the end we are not 10 *Concluding Observations by the Committee on the Elimination of Racial Discrimination: Australia*, CERD/C/304/Add.101, 19 April 2000.

11 Daryl Williams, Attorney-General, 2000, 'CERD Report Unbalanced' (Press Release, 26 March). 5

told what to do by anybody',12 and added in a separate interview that such matters should be resolved by Australians in Australia without having to 'dance attendance on the views of committees that are a long way from Australia'.13

In Australia's response, there was a sense of victimisation, and an implication that the committee should be concentrating its attention on states guilty of graver human rights violations. The Prime Minister emphasised that 'Australia's human rights reputation compared to the rest of the world is quite magnificent'.14

So irate was the government about the committee's views that it considered withdrawing entirely from the UN treaty committee system. Four days after the initial media release, the government announced its decision to undertake a 'whole of government review of the operation of the UN treaty committee system as it affects Australia'.15

The 'reform' measures ultimately adopted by Australia more closely resembled a steady withdrawal from the system. The government resolved to adopt a more 'robust and strategic approach to Australia's interaction with the treaty committee system', deciding, among other things, that:

• Australia would only agree to visits by human rights treaty committees and the provision of information where there is a compelling reason to do so;

• Australia would reject 'unwarranted' requests from treaty committees to delay

removal of unsuccessful asylum-seekers from Australia;

• Australia would not sign or ratify the Optional Protocol to CEDAW, which establishes an individual complaints procedure.16

Since the reforms in 2000, the nature of Australia's approach to the UN human rights treaty bodies has shifted. Rather than reacting publicly to the actions of treaty bodies, the Commonwealth Government appears to have opted for a more low-key approach in response to negative views and decisions. The government has failed, for example, to engage publicly with the Committee on the Elimination of Racial ¹² ABC Radio, 2000, 'The Hon. John Howard MP, Radio Interview with Sally Sara', *AM Programme*, 18 February.

¹³ Lincoln Wright, 2000, 'Howard softens stand on UN', *The Canberra Times* (Canberra), 3 April.
¹⁴ ABC Radio, 2000, 'The Hon. John Howard MP, Radio Interview with Sally Sara', *AM Programme*, 18 February.

15 Alexander Downer, Minister for Foreign Affairs. 2000, 'Government to Review UN Treaty Committees' (Press Release, 20 March).

¹⁶ Alexander Downer, Daryl Williams & Phillip Ruddock, 2000, 'Improving the Effectiveness of United Nations Committees' (Joint Media Release, 29 August).
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Discrimination's Concluding Observations on Australia's 2005 Report: 'Silence effectively killed the story.'17

The Australian Government has adopted a similarly disengaged approach to decisions of the human rights treaty bodies in cases involving individual complaints. The government does not publish or publicise the views of the treaty bodies. As the decisions of the human rights treaty bodies are not binding, publicity is the key tool available to the treaty bodies to encourage compliance with their decisions.

In fact, decisions against a state generally conclude with a request that the state found in violation publish the committee's views. The Australian Government's failure to publicise the decisions of the treaty bodies indicates a failure to comply with its treaty obligations in good faith.

From a domestic perspective, publication of the decisions is important as it enables informed debate on the issue of rights protection within the domestic population. For example, the decision of the UN Human Rights Committee in *Young v Australia*¹⁸ in 2003, in which Australia was found to have discriminated against same sex partners in the granting of veteran's pensions, was not publicised by media release and no copy or summary of the decision is available on any government department's website. Seven months after the response deadline, the Commonwealth Government replied that it did not accept the Human Rights Committee's finding that Australia had violated article 26 of the ICCPR, which prohibits discrimination on the basis of sexuality, and therefore rejected the committee's conclusion that the complainant was entitled to an effective remedy.

Government objections

The Australian Government has explained its hostility toward the international human rights regime on the basis of three objections: a mistrust of the international institutions responsible for monitoring human rights; disagreement about the significance of the issues raised by the committees; and, above all, a concern with domestic sovereignty. In relation to its criticism of the institutions themselves, Australia is not alone in suggesting that reform of the human rights treaty bodies is required. A major reform initiative has been underway for some time.¹⁹ Most other reform measures are, however, directed toward improving the efficiency of the committees, rather than questioning their right to criticise government policy.

17 David Marr, 2005, 'Geneva v Canberra', *Sydney Morning Herald* (Sydney), 28 March.
18 Young v Australia, (941/2000) 6 August 2003, UN Doc. CCPR/C/78/D/941/2000 (2003).
19 See generally Ann Bayefsky, 'Reform of the UN Human Rights Treaty System'
http://www.bayefsky.com/tree.php/area/reform>.

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The government's claim that rights violations within Australia are less significant because they are not as serious as those committed by some of the world's worst regimes also misunderstands the nature of Australia's international obligations. Australia has agreed to the standards of the international human rights system. In assessing whether Australia has complied with those standards, the UN human rights treaty committees measure Australia's conduct against the objective standards of the treaties, not against the relative compliance of other countries.

The argument that international human rights standards impinge on Australian sovereignty is the most common of the government's objections. International committees, it is argued, intrude unreasonably into Australia's domestic affairs when they criticise Australian human rights standards.

This argument has been difficult to sustain since the adoption of international human rights instruments, beginning with the Universal Declaration of Human Rights in 1948, confirmed that the way a government treats its people is a legitimate concern of the international community.

Many of the arguments raised by the government, including sovereignty, appear to mask a broader concern with the notion of human rights. The impact of international human rights decisions can range from minor to substantial. The use of sovereignty to rebuff all findings suggests that the government's concern is not based on a close assessment of the domestic impact of the decisions, but stems from an ideological objection to human rights as an intrusion on domestic policy.

The government's general resistance to human rights is also evident when the government's approach to international decisions is compared with its response to findings of human rights violations by domestic courts. In April 2000, in *Hagan v Australia*, 20 the UN Committee on the Elimination of Racial Discrimination found that the use of the word 'nigger' on a sporting grandstand in Toowoomba in Queensland was racially offensive and should be removed.

The government refused to follow the committee's decision on the basis that Australian courts had considered the issue, and that the government was 'confident that Australia's domestic processes, which found no racial discrimination in this case, are second to none in the world'.21

Yet, in August 2000, when an Australian court found that the detention of children amounted to a violation by Australia of its human rights obligations, the government attacked the court's decision. The then Minister for Immigration, Philip Ruddock, described the decision by the Family Court in *B and B v Minister for Immigration and* ²⁰ *Hagan v Australia*, (26/2002) 4 March 1992, UN Doc. CERD/C/62/D/26/2002 (2002).

21 Ashleigh Wilson, 2003, 'Canberra to defy UN on "Nigger" sign', *The Canberra Times* (Canberra), 24 April.

Multicultural Affairs22 as an example of the courts acting 'in excess of their power' and

argued that 'arrangements that the parliament intended should operate [were] being unwound by judicial actions'.23

Mr Ruddock has made similar comments in relation to the Federal Court. He has stated that it should be the parliament that decides Australia's laws, not what he termed 'unelected and unresponsible officials' of the courts.24 The similar government responses

to both international and domestic findings of human rights violations reveal that the government's concern is not so much with sovereignty: it is with any body that challenges government policy on the basis of human rights concerns.

In this context, the nostrum of anti-bill of rights campaigners that 'it aint broke so don't fix it' sounds rather hollow. From a human rights perspective, there are many broken elements. Australia's lack of concern with its international reputation with respect to the protection of human rights is applauded by many commentators25 but it has done a lot of damage. This is not least because it provides an alibi for many countries, including those we regularly criticise—for example Zimbabwe—to make exactly the same arguments. But it also, I think, underlines the need for much better domestic human right protection here in Australia.

22 *B* and *B* v Minister for Immigration and Multicultural Affairs [2003] Fam CA 451 (successfully appealed to the High Court by the Minister for Immigration in Minister for Immigration and Multicultural and Indigenous Affairs v B [2004] HCA 20).

23 'I'll try to keep children locked up: Ruddock', 2003, *Sydney Morning Herald* (Sydney), 1 August. 24 'Ruddock ambushed over refugee stance', 2002, *Sydney Morning Herald* (Sydney), 23 April.

25 E.g., James Allan, 2006, in *The Australian* 21 June.

International human rights, have such things as the right to free speech, the right to associate, the later is a huge matter in the South Australian new so called anti Bikie Laws, Which some how does not mention Bike Clubs in the act.

Something like 80% of the male population in Australia, has come in trouble with the law, mainly as a young person, whether it is a simple, vagrancy charge or trespassing right up to Driving offences, and Murder, drugs what ever law is there some Males break them and most males break some during their life.

These laws mean that anyone with a criminal conviction can not associate, with any other person who has had a criminal conviction in the past, regardless of how many years have passed. The International Covenant on human civil and political rights, State that prison should be for rehabilitation, why is that Australia has a very high reoffending history of inmates? There is very little rehabilitation, the system is made to break ones spirit, however some times it hardens a man to the point hatred runs through there veins, this should never be aloud to happen.

There has been some horrific, crimes committed by a very small minority of bike club members, associates and or single bike riders, No club has ever been proven to be a organized crime body, when it comes to bike clubs, Yet the Police through the media, portray all clubs to be criminals and of bad character and a threat to our way of life, as Australians, yet it is the Police trying (and in some ways) that are and have removed some of our rights and freedoms that our forefathers fought in two Great wars, to protect. The Australian Way of life, one of Honor, freedom, honesty and pride as a nation, in no way has clubs as clubs brought our Australian way of life into disrepute.

Australia is one of the youngest countries in the world yet we are the most over regulated one.

Did you know it's a on the spot fine, and the loss of one demerit point if you happen to blow a Blinker bulb on your car as you are driving, and the fine doubles as well as the demerit point if it happens again with in a year or so. We have that many traffic infringements that just about every driver in Queensland can end up with a fine just for going for a drive down the road, even in a brand new car or bike.

The Police fabricate evidence, and behind closed doors like in parliament, hand over statistics that are so far from the truth, one, including myself would ask for bike clubs to be removed from the earth. However as a Biker I know its fiction. The Police always want new laws, more funding, and more rights for them self's. A police officer can go to work under the legal driving limit of alcohol, Put on a gun and drive at huge speeds on our roads, they get suspended with full pay if there are allegations of corruption or criminal activates. Can one explain to me why a Queensland Police officer needs a loaded gun with 15 bullets one in the breech, and 2 to 3 spar quick release magazines?, when John Howard has already disarmed the general public. And the police get more fire-arms.

Jacqueline, Australia does not need more politicians, or a heavily armed police, Australia and it citizens need what many came from far away lands to get, a good old Australian fair go. And a Politician, that is fair and honest, one that is there for her or his country and our great countries People. One that is there to help Australia become what she once was, a strong Honorable, respected and love nation full of great free people that have come from all over the world to live and make a home.

We don't need more laws and regulations, we don't need a dictatorship, all we need is what was fought for in the Two world wars, our freedom, or rights to associate and the right to live the great Australian way of life.

With much respect And a sadden heart

Robbie Fowler

AKA. Hothead President OUTCASTS MC AUSTRALIA Inc.