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# **LEGAL AFFAIRS AND COMMUNITY SAFETY COMMITTEE**

## **Members present:**

Mr ML Furner MP (Chair)  
Mr MJ Crandon MP  
Mr DJ Brown MP  
Mr JM Krause MP  
Ms JE Pease MP  
Mrs JA Stuckey MP

## **Staff present:**

Ms D Jeffrey (Inquiry Secretary)  
Ms E Booth (Acting Research Director)

## **PUBLIC HEARING—INQUIRY INTO THE SERIOUS AND ORGANISED CRIME LEGISLATION AMENDMENT BILL 2016**

### **TRANSCRIPT OF PROCEEDINGS**

**TUESDAY, 4 OCTOBER 2016**

**Gold Coast**

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**Committee met at 11.20 am**

### **TAYLOR, Councillor Paul, City of Gold Coast**

**CHAIR:** I acknowledge the member for Burleigh in the room. Next we will hear from local councillor, Paul Taylor, who represents Broadbeach, Broadbeach Waters, part of Mermaid Beach, part of Mermaid Waters and Bundall. Thank you, Mr Taylor. I will ask you to make an opening statement for about five minutes and then we will hand over to the committee for questions.

**Councillor Taylor:** Do you mind if I pass a letter to you from the mayor?

**CHAIR:** Is leave granted? Leave is granted.

**Councillor Taylor:** On behalf of the Gold Coast community I have serious concerns about the repeal of the Vicious Lawless Association Disestablishment Act, VLAD. We fear a new crime wave for outlaw motorcycle gangs. Outlaw bikies are a criminal element posing a violent threat to ordinary citizens. They deliberately intimidate people with their gang colours and their antisocial behaviour. We continually see evidence of their involvement in using and peddling drugs. How many more young lives are to be wasted through addiction fostered by bikies? Make no mistake, Gold Coast was a city under siege when bikies did not fear the law. Nothing else has worked, but the VLAD laws did. Since the government flagged its intention to water down these laws there has been a marked reported return of these outlaws on the Gold Coast.

I know that some people worry about banning people from wearing certain clothes, but the prominent displays of gang colours signifies menace. There is a psychology behind it and it works. The harsh sentencing introduced by VLAD applied vital pressure to associates of these gangs—if you like, the weak link in the chain of their criminality. Faced with the prospect of lengthy time behind bars, those on the fringe supplied the evidence previously unavailable to judges and jurors. The weakening of the consorting offences is worrying. It will help gangs go about their criminal activities and recruit new members with far greater ease than under the VLAD regime. I urge parliamentarians to be strong and resist the media campaign bikies have mounted to suggest they are good guys. They are not.

I also would like to ask the question: if 50 bikies turned up at the Gold Coast Commonwealth Games in 2018, would they be accepted or would they not be accepted? These are the concerns we have here on the Gold Coast. We also have concerns here on the Gold Coast in that we are a lineal city so when the bikies come here people see them. It is not like Melbourne, Sydney or Brisbane where you do not see them. Here on the Gold Coast there is a visual mark that they are here and it does hurt our youngsters. Some of our kids who cannot get anywhere in the city at the moment will join these bikies so they become big men. Gentlemen, what I am saying to you is that we are completely against watering down this law.

**CHAIR:** Thank you, Councillor Taylor, and thank you for the letter from your mayor. That does surprise me. I have not had a chance to read it in complete detail, but I do note that recently he was reported in the media as saying that he welcomes the proposal by the government with respect to these changes. I will have a good read of that when I get an opportunity. Touching on your last comment about people seeing bikies on the Gold Coast, in your opinion, how prevalent are they visually on the Gold Coast?

**Councillor Taylor:** Not as prevalent as they were before they were banned, but they are starting to come back now. They are not wearing their colours. I certainly have not seen them in their colours. I did have one instance—it must have been two or three weeks ago—where some bikies did turn up at a cafe called 1two3 in Broadbeach. Whether they were gang members I do not know, but they were there—six or seven of them.

**CHAIR:** Were they people on motorcycles?

**Councillor Taylor:** Yes.

**CHAIR:** Is that how you describe a bikie—someone who turns up on a motorbike as opposed to being an outlaw motorcycle club member?

**Councillor Taylor:** No. Put it this way: you asked me the question, ‘Do you think they are more prevalent now than they were?’ I am saying yes, they are. They are a lot more prevalent, whether they are motorcycle gang members or just cyclists on their bikes. They seem to be building up again now, the bikies that are coming into town.

**CHAIR:** Earlier we did hear evidence from the assistant commissioner of the region indicating that that is not the case.

**Councillor Taylor:** That is his opinion. I have my opinion on that one.

**CHAIR:** He is going to provide the committee with some evidence on that as well. He certainly was in a position to provide us some statistics around crime on the coast and, overwhelmingly, the majority of that crime—in fact, 70 per cent of it—was attributed towards domestic violence. That is understandable given the reforms the government has made.

**Councillor Taylor:** Can I ask a question?

**CHAIR:** Normally it is the case that the committee asks you questions—it is not the other way around—but go for it and we will see what we can do.

**Councillor Taylor:** Domestic violence is absolutely terrible all over Queensland, all over Australia—we know it is—but you did ask a question that was more prevalent than the bikies in town, because the VLAD laws have kept the bikies, the outlaw gangs, out up until now. That is where the difference is. Water down those laws and you will see that creep up.

**CHAIR:** But, you see, there is no change to the legislation currently. What exists in Queensland is the previous government’s legislation. There is no change to the legislation currently.

**Councillor Taylor:** That is what I am saying to you. You change that legislation, you watch it creep up.

**CHAIR:** That is a perception.

**Councillor Taylor:** Okay. I understand.

**CHAIR:** Going back to your point about outlaw motorcycle club gang members wearing colours, are you aware that the proposed bill prevents them from wearing colours anywhere in public?

**Councillor Taylor:** Yes, I am.

**CHAIR:** What sort of perception will the constituents that you represent have, given that the case you made was that you have a concern with people turning up at a cafe not necessarily in colours but certainly in regard to a perception of where they are from?

**Councillor Taylor:** Colours are just one thing bikies wear. They have also got, which a lot of people have got now, tattoos. They have got their identification with tattoos on their arms, legs or whatever. Again, that will give people the perception that the bikies are back in town.

**CHAIR:** You are suggesting that people who have tattoos—

**Councillor Taylor:** No, do not get me wrong. You asked me whether, without their colours, people would perceive them as bikies. The answer would be that they could be legitimate; they could be Vietnam vets. Who knows? They could be, but what we are seeing at the moment is they are coming back. The jacket means nothing. The jacket would mean nothing to them coming back. They will come back in their teams. We cannot say a jacket means anything. It could be anything. It could be a bandana on their head.

**CHAIR:** Given that you are focusing purely on outlaw motorcycle clubs, do you know how many outlaw motorcycle club members have been convicted under the current laws?

**Councillor Taylor:** No, I do not.

**CHAIR:** Zero.

**Councillor Taylor:** Okay, zero, but whether they have been convicted or not they are not in town—they do not seem to be in town anyway.

**Mr CRANDON:** Thank you, Councillor Taylor, for coming in. It is much appreciated. I look forward to reading the mayor’s letter as well. Going on from the comments you were making in relation to it not mattering whether they are wearing their colours or not, an observation that I put to the assistant commissioner when he was in here was that I fail to see the difference between a few motorcycle gang members wearing colours or a couple of them wearing colours and others of them wearing their T-shirts. You talked about the tattoo thing and what have you, looking belligerent and three or four or

five or six, whatever it might be, motorcycle gang members who are wearing the T-shirts—I think you mentioned that a second ago—looking belligerent, musclebound and what have you. I fail to see the difference between the two. That is my view. I would like your thinking on that.

**Councillor Taylor:** I do fail to see the difference, but the way I can see it over the years I have lived here and watched the previous gangs come into town, they do not have to have any identification on. When there is a group of people it is like anything: you get a group of people and there could be trouble. When we get people like the Vietnam vets who come down, we know they are Vietnam vets, we know they are there, which is great, but when you get a motorcycle gang come down where there is 10, 15, 20 of them, that is a twitch there could be trouble here—‘could be trouble’ I am saying—and nine times out of 10 there probably is.

**Mr BROWN:** Have you read the bill in full?

**Councillor Taylor:** No, I have not.

**Mr BROWN:** Have you read the explanatory notes?

**Councillor Taylor:** No, I have not.

**Mr BROWN:** It is going to be tough for me to ask questions. As a side note, I was hoping to hear from the Broadbeach Alliance and the Surfers Paradise Alliance. Did you contact them not to give evidence here today?

**Councillor Taylor:** No, I did not. I am also on the board of Broadbeach Alliance.

**Mr BROWN:** You are on the board, are you?

**Councillor Taylor:** Yes.

**Mr BROWN:** Their communication to the committee said that the Gold Coast City Council had contacted them to not to appear before us today.

**Councillor Taylor:** Sorry, no. No, I cannot recall contacting them at all. What did you say then?

**Mr BROWN:** I said the Gold Coast City Council said for them not to turn up here today to give evidence.

**Councillor Taylor:** No, not me.

**Mr BROWN:** Do you know where that communication would have come from?

**Councillor Taylor:** Would not have a clue.

**Mrs STUCKEY:** I know what a passionate councillor you are for such a beautiful division—only bettered by, of course, Currumbin. Did you have any clubhouses in your division that were shut down?

**Councillor Taylor:** Yes, I did. I think one was in Karen Avenue in Mermaid Waters.

**Mrs STUCKEY:** I am not asking for exactly where they were. I am just wondering if you are aware that, unless they were actually owned by bikies—and very few of them were—if those particular gangs decided to open up new premises they would not automatically be banned for two years unless there were complaints and the police would actually have to apply for the special order, meaning that it would require complaints from the public that they were active. Were you aware of that?

**Councillor Taylor:** No, I was not, no. As far as I am concerned, anyone can go from one premises to another premises.

**Mrs STUCKEY:** Yes, that is what it is saying. It would be pretty foolish for gangs to go back to the same premises as they had before because they had cleaned them out and, to me, it would be more likely that they would—

**Councillor Taylor:** Change premises.

**Mrs STUCKEY:** Exactly. With these laws, the two-year law will not kick in. I was really shocked at the number of small businesses that were being extorted by these bikies—well-known businesses. They were too frightened to come forward. Are you aware of businesses in your division that were being extorted?

**Councillor Taylor:** No, I am not.

**Ms PEASE:** Thank you for coming in, Councillor. Is the Gold Coast City Council going to make a submission to the committee?

**Councillor Taylor:** I cannot answer at this particular stage.

**Ms PEASE:** What is your position on the Gold Coast City Council?

**Councillor Taylor:** I am chair of Gold Coast Water.

**Ms PEASE:** Have you had an opportunity to have a look at the committee’s page on the parliamentary website to explain the bill?

**Councillor Taylor:** No, I have not.

**Ms PEASE:** You have not had an opportunity to look at the legislation at all?

**Councillor Taylor:** No, I have not.

**Ms PEASE:** I was wanting to ask you a little bit about the consorting offences, but you are not in a position to comment on that?

**Councillor Taylor:** No.

**Ms PEASE:** I might leave it there.

**Mr KRAUSE:** Councillor Taylor, thanks for your time. You are the councillor for Broadbeach, not Surfers Paradise?

**Councillor Taylor:** Broadbeach, Mermaid Beach.

**Mr KRAUSE:** Tourism would be a big part of the economy in your division, I would imagine.

**Councillor Taylor:** Absolutely.

**Mr KRAUSE:** I gather from the thrust of your submission here this morning that the work done over the last couple of years to reduce the perception of the visible presence of criminal motorcycle gangs in this area has been appreciated by you and by your community as well.

**Councillor Taylor:** Absolutely.

**Mr KRAUSE:** Your submission is not so much in respect of the specific provisions of the bill before us but more that the approach that has been taken in the past has worked for you and for your community and should be maintained?

**Councillor Taylor:** Correct.

**Mr KRAUSE:** Have your business constituents and people who live in your division expressed concerns to you about the impact it could have on tourism if that strong approach is watered down?

**Councillor Taylor:** Yes, they have.

**Mr KRAUSE:** What are those concerns?

**Councillor Taylor:** The concerns are that, as I said before, we are a lineal city. We are probably three or four kilometres wide. If the criminal bikie gangs were here on the coast they would be absolutely conspicuous to everyone. We will have tourists come in here, especially with the Commonwealth Games coming up, and they will see these people all over the place which is not a good thing for tourism on the Gold Coast. I have to repeat this: we are not a city like Melbourne and Sydney where they can kind of go into hibernation and you do not see them.

**Mr KRAUSE:** Would you have anything to say about the impact it could have on international tourism coming into the Gold Coast?

**Councillor Taylor:** I cannot comment on that. I think you would have to talk to Paul Donovan or tourism people.

**Mr KRAUSE:** Would you agree, though, that no matter what legislation is in place it is perhaps even more important that the government has a strong message about the presence of organised crime on the Gold Coast?

**Councillor Taylor:** Absolutely.

**Mr KRAUSE:** In your view, do you think the present government has diminished that strong message against organised crime on the Gold Coast?

**Councillor Taylor:** I do not know about the present government, but the information that is coming through the press is that, yes, they have.

**Mr KRAUSE:** It is obviously very worrying.

**Councillor Taylor:** It is worrying for me and it is also worrying for a lot of my constituents.

**CHAIR:** Going back to some of your responses to the member for Beaudesert, you indicated that tourists would be concerned about seeing these people all over the Gold Coast. Could you just reiterate what you mean by that statement?

**Councillor Taylor:** As you know, we are the tourist capital of Queensland. People are in the streets all the time in their shorts or togs and if they see motorcycle gangs go round then they will be very hesitant to come back again. We also hear, in my particular division anyway, and I think on the whole Gold Coast, that this is a family city. We have our kids here and we do not want the kids to see that sort of activity on the Gold Coast.

**CHAIR:** How would those tourists identify a person as an outlaw motorcycle gang member?

**Councillor Taylor:** I think you are pushing me again. If you see 12 or 13 motorbikes in a group then that is when you say, 'There's a motorbike gang. There's a gang of motorbikes.' That is the first thing the kids would see. I am not talking about criminals or anything like that.

**CHAIR:** There is no law at present that prevents people riding in a group on motorbikes that are not members of a motorcycle gang; is that correct?

**Councillor Taylor:** That is correct.

**CHAIR:** What you are suggesting is that tourists are alarmed by a group of people who ride motorbikes on the Gold Coast and it will drive away tourism. Is that what you are really suggesting?

**Councillor Taylor:** I am not saying that. I would say we have all been in a situation where we have been driving around the place, motorbikes have passed us, 10, 20 at a time, and what do we think straightaway? 'Wow, that's not a good image.' Whether they are just great guys on their motorbikes or not, it is just not a good image. Previously in the 40 years I have lived down the Gold Coast I do not think I have seen that many groups of motorbikes driving around the Gold Coast. That is only my personal opinion.

**CHAIR:** Do you have constituents in your area of responsibility who own tattoo parlours?

**Councillor Taylor:** Yes, we would have.

**CHAIR:** Have they made any approaches to you?

**Councillor Taylor:** No.

**CHAIR:** No approaches at all?

**Councillor Taylor:** No approaches to me.

**CHAIR:** Given that you do not know what the legislation is, given that you do not know what the explanatory notes are, do you know the effects of the bill with respect to tattoo parlours?

**Councillor Taylor:** No, I do not.

**CHAIR:** It is no use me asking that question. I think the deputy chair had a question.

**Mr CRANDON:** Thank you, Chair. Two of the government members of the committee asked you whether have you read the bill. That is the bill. It was given to us on 13 September. I can appreciate, given all of your other busy duties, why you have not read the bill. It is 400-odd pages in itself. The explanatory notes are double-sided and run to 179 pages. They are in detail.

**CHAIR:** Can you get to the question.

**Mr CRANDON:** I suppose the first question is: can you now tell the committee why you have not read the bill?

**Councillor Taylor:** No. 1, I have not read the bill because I have been extremely busy in council. We have agendas, as you can appreciate. We had one just two weeks ago of 1,090 pages come through. I am on the planning committee so I have been extremely busy. If that was only issued on 13 September, well—

**Mr CRANDON:** By the time you got it, it would have been another four or five days down the track. I just wanted to make that point because I think there was an inference in the questions that were being asked of you that you do not have a clue what is going on. How long have you lived on the Gold Coast?

**Councillor Taylor:** Forty years.

**Mr CRANDON:** You know what it was like 40 years ago, 30 years ago, 20 years ago.

**Councillor Taylor:** Absolutely.

**Mr CRANDON:** What was it like 10 years ago? In fact, what was it like in 2013, before the VLAD laws came on board, compared to now? That is what I would like a good answer to.

**Councillor Taylor:** Before the VLAD laws came in—I am involved with a surf club too—everyone was talking about motorcycle gangs. Whether it was through the paper, there was talk about motorcycle gangs here. Even going down to Melbourne they said the Gold Coast is the capital of the motorcycle gangs. The Gold Coast had that reputation of having bikies, of outlaw gangs. How did that come about? You can see them in the streets. You hear the talk. We cannot say that fights up in Surfers Paradise or anywhere like that was to do with motorcycle gangs, because that happens anywhere, but it was just all motorcycle gangs. Everything through the press was re motorcycle gangs.

**Mr CRANDON:** Talking about the press, do you remember the front page of the *Gold Coast Bulletin* with the masked motorcycle gang member—I think it was a Bandido—and the headline ‘We run this town’?

**Councillor Taylor:** I certainly do.

**Mr CRANDON:** Can you tell me what your feelings were at the time that you saw that and also the feedback you might have got.

**Councillor Taylor:** I was absolutely disgusted that was even put on the front of the *Gold Coast Bulletin* for a start. Why should it be put on the front of the *Gold Coast Bulletin*? Again, it sent a message not only to Gold Coasters but to the rest of Australia: ‘Don’t come to the Gold Coast. We are just a pack of criminals up here.’ It was the press that did that. The feeling from the guys I know and everyone was, ‘What have we done? What’s happening here? Is this true? Yeah, I think it is true.’ It was just a misconception all round on that one.

**Mr CRANDON:** In terms of the actual Broadbeach brawl that occurred, can you give us some feedback on what you might have heard?

**Councillor Taylor:** I was in Cairns at the particular time that happened. Again, when that happened it was another brawl. It could have been a brawl between anyone, but it was a brawl between bikies and this is how the whole thing came about. I think it brought everything to a head.

**Mr CRANDON:** Do you recall the shooting at Royal Pines?

**Councillor Taylor:** I do, yes.

**Mr CRANDON:** Can you give us a bit of an insight on your feelings and the feelings of the people who talk to you as the local councillor?

**Councillor Taylor:** On that one there, shootings occur all over the place. That happens everywhere and it is getting worse day by day. Again, it was bikies up there. It was a bikie brawl up there. Again, it is all bikies. It all came about with bikies again. Taking that away, that does happen anywhere in town.

**Mr CRANDON:** Of course it does. It happens all over Australia, all over the world, but in particular we had the situation and the scenario where we had the front page of the *Gold Coast Bulletin* ‘We run this town’ and then we had the brawl that caused the VLAD laws to be brought into place. What is the difference between what it was then compared to what it is now, just briefly?

**Councillor Taylor:** There is a hell of a lot of difference. I was just in Melbourne last week and relations down there used to call it the outlaw town, Surfers Paradise. They said it seems to have changed. ‘We don’t hear any more about it. We’ve been up there. We don’t see any signs of motorbike gangs.’ There are probably just as many down there too—who knows?—but that has changed completely, in my opinion.

**Mr CRANDON:** I have heard some suggestions—for want of a better way of putting it—from police on the Gold Coast in relation to the VLAD laws versus the laws that we are meant to be following from New South Wales around the consorting provisions. Do you speak to the police often? Have you heard anything from anybody about the difficulty that is being experienced over the border in relation to that? I will read this to you—

In June this year, the Acting NSW Ombudsman handed down a report on the anti-consorting laws in NSW.

that is, the laws that we are meant to be mimicking going forward. It goes on—

Acting Ombudsman Professor John McMillan said the data revealed an ‘exceptionally high level of police error’ when issuing consorting warnings about children suspected of committing offences. He also said of the 133 warnings issued to juveniles, 79% were incorrectly identified by police as convicted offenders.

In that respect, can you appreciate or have you had any feedback in relation to the difficulty of identifying particular criminals in our ranks around the consorting legislation? Basically, it goes like this: individual A does not have any criminal convictions whatsoever. A meets with B and C. B and C are both identified as criminal—

**Mr BROWN:** Chair, I raise a point of order. The deputy chair is taking his time with the preamble in trying to brief the councillor on the bill. We know already, from the councillor’s evidence, that he has not read the bill or the explanatory notes. Can we get to the question?

**CHAIR:** I ask the member for Coomera to get to the question directly.

**Mr CRANDON:** Chair, I heard the point of order. This was explained to us at the Brisbane hearings. They explained it to us along exactly the same lines as I have just been talking about, that is, A, B and C.

**CHAIR:** I realise that, but can you get to the question. That is the point of order.

**Mr CRANDON:** Sure. We have this situation where A, who has no criminal activity, meets with B and C. A gets a warning: 'Hey, if you meet with those two guys again, you are going to be in strife. We are going to pull you into line as well.' However, the situation is that if he never meets with B and C again, if he happened to meet with B and D, that still has not caused any problem for him. He could then meet with B and E. In other words, he can keep on meeting with B for as long as he likes, so long as the other one, whether it is C, D, E or F—whoever it might be—has not been in the discussion along with criminal B. Can you see any weakness in that kind of thing? A and B are still meeting. They can chat until the cows come home.

**Councillor Taylor:** You are asking me a question that is law and I do not know much about law.

**Mr CRANDON:** Does it seem confusing to you?

**Councillor Taylor:** Yes, it does. That is something that the lawyers and the police do. I have not heard about it. I have heard that there are laws for known criminals consorting with someone else and they can be in trouble, too. That is as far as I know.

**CHAIR:** Thank you, Councillor. Before I hand over to the member for Capalaba, you did make a comment that weapons offences are on the rise. Earlier the police provided statistics indicating that in the last 12 months it has decreased by 4.6 per cent. I urge you—in fact, I encourage you—to meet on a regular basis with the police to make sure, when you come here and provide evidence before the committee, you are aware of statistics—

**Councillor Taylor:** Weapons—

**CHAIR:** Let me finish—you are aware of the statistics that are actually happening in your area.

**Mr KRAUSE:** I raise a point of order, Chair.

**CHAIR:** What is your point of order?

**Mr KRAUSE:** I want to make the point that I do not think the councillor needs to be advised by us on how to do his job.

**CHAIR:** It is evidence that has been provided to the committee this morning. It is a shame that you were not here to listen to that evidence, Councillor.

**Mr CRANDON:** Chair, on that point, Weapons Act offences over the past years have increased by 35.4 per cent.

**CHAIR:** That is right, and I referred to the last 12 months.

**Mr CRANDON:** They have increased by 35.4 per cent.

**CHAIR:** Member for Capalaba, you have the call.

**Mr CRANDON:** Over the past three years, since 2013—

**CHAIR:** Sorry: the member for Capalaba has the call. Member for Capalaba?

**Mr CRANDON:** I raise a point of order, Mr Chair.

**CHAIR:** I have called the member for Capalaba.

**Mr CRANDON:** I raise a point of order: There is an issue here—

**CHAIR:** Do you want to have a private meeting? Is that what you want?

**Mr CRANDON:** Yes, that is fine. Let us go to a private meeting.

**CHAIR:** We will break for a private meeting. Unfortunately, by the time we resume, time will have expired, so I thank you, Councillor Taylor.

**Proceedings suspended from 11.49 am to 11.53 am**

**CHAIR:** I am sorry, Councillor Taylor. I want to go quickly to the member for Capalaba for one last question.

**Mr BROWN:** Just to clarify the record, following the deputy chair, there was not any inference in my question. The Assistant Police Commissioner said that the Gold Coast is the sixth biggest council in Australia; is that correct?

**Councillor Taylor:** That is correct, yes.

**Mr BROWN:** You would have staff and lawyers who would review legislation that affects the council; is that correct?

**Councillor Taylor:** Correct.



**Mr BROWN:** Did they supply you with a briefing?

**Councillor Taylor:** No, I just got a briefing from the mayor's office.

**Mr BROWN:** You have been briefed on the legislation—

**Councillor Taylor:** Not on the legislation. I was briefed just to come down here and put my input into it.

**Mr BROWN:** We have the sixth biggest council. You spoke very passionately about this issue—it is probably one of the No. 1 issues—and you are saying that you did not receive at least a briefing on this legislation?

**Councillor Taylor:** No.

**Mr BROWN:** Thank you.

**CHAIR:** Councillor Taylor, before we close I indicate to you that there was no intended inference from myself as the chair to imply any pressure upon you in regards to the questioning.

**Councillor Taylor:** No.

**CHAIR:** Sometimes these cases get very emotive. I want to indicate that to you. I thank you for your attendance here today.

**Councillor Taylor:** Thank you, Mark.

**CHAIR:** The committee will next hear from Mr Michael Kosenko.

**KOSENKO, Mr Michael, President, United Motorcycle Council of Queensland**

**Mr Kosenko:** Mr Chair and committee, could I introduce two more speakers who preside on the United Motorcycle Council?

**CHAIR:** We will need to seek approval for that, Mr Kosenko, because at this stage we have only you on the schedule of appearances. I am sorry, leave is not granted. We will provide a period of five minutes for an opening statement from you and then I will hand over to questions from the committee.

**Mr Kosenko:** I thank you for the opportunity to allow me to speak today. This is the first time we have had any input into any of the laws that have targeted us pretty much specifically. My name is Michael Kosenko. I am the spokesperson for the United Motorcycle Council of Queensland. I have been asked today to speak on behalf of our organisation, which is a group that consists of motorcycle clubs from around Queensland. Some of those clubs have existed for almost 50 years in this state and have now been labelled 'criminal organisations' by the Queensland government.

We have concerns over the laws that are to be followed as of 13 October. The government has targeted individuals from our council, many of whom do not even have criminal records. They have taken away their right to associate with one another in public, the right to earn an honest living and support their families. This has happened to me and several other people I know personally. I have had to cease the way I made a living, a legal living, for the past 32 years because of these laws. My business employed 14 people whom I had to dismiss. Now I am stuck with an empty building that I am still paying a mortgage on, because of these laws. They have refused us the right to enter our properties, yet they still charge us for rates and fees for those properties.

Recent figures have shown that none of our members have been convicted under the VLAD laws and a number of high-profile cases have been dismissed, costing the individuals thousands of dollars and severe mental anguish. These laws have also disrupted our funerals, weddings and other sacred events, as well as stopped us from holding functions where money was raised for charities. The Bond University has been quoted as saying that motorcycle clubs account for 0.03 per cent of crime. Those figures include traffic and minor offences.

We challenged these laws in the High Court, but we were told that we had no standing because no-one had been successfully convicted, yet two years later we are still waiting for someone to be convicted. The case cost us in excess of \$600,000—money that was raised by our own members, the council and the general public through donations. Now we learn that these laws will still be with us for the next two years and will continue violating our human rights. We are told that the laws have cost in excess of \$450 million, with no biker being convicted. Now the new suite of laws has been presented and I have yet to see the figures of how many millions this will cost. I hope that the government can see fit to tell the people of Queensland what these additional costs will be for the new invented crimes that police statistics show to be less than half a per cent of Queensland crime.

The new laws state that it will be an offence to associate with one another due to the consorting act, which relies on people's past criminal history for a conviction. It appears that the government wants people who have had a previous troubled life and paid their debts to society to be held accountable for the rest of their lives. They are still declaring our clubs to be criminal organisations, although many of our members do not even have criminal records and those who do have not committed crimes since joining a club. It has also been stated by the Queensland police that the declaration itself is no proof that the entities are, in fact, criminal organisations.

The laws also plan to ban us wearing our club logos, jewellery and paraphernalia because apparently they are intimidating. The question arises: will the government also ban similar logos from other clubs? Otherwise, how will the general public know which logo is intimidating and who is a declared organisation and who is not? Many of these clubs have members who have military backgrounds and Christian backgrounds, and manufacturers like Harley Davidson are cloning the logos which are sold publicly. Will they be told to take the logos off and therefore no person riding a bike is to have anything sewn onto their vest?

The denial to access properties which we own and which we use for getting together are to remain closed, so that leaves us with no choice but to hold our get-togethers in the public eye such as pubs and licensed restaurants. Of course we feel that our human rights have been violated. We have been treated like criminals although we have committed no crime. We have had crimes invented to specifically target us to make us criminals. Does this not discriminate against us simply because we ride motorcycles?

**CHAIR:** I want to pick up on your comment about the first time you had an opportunity to speak on these laws. The committee process for this bill was not followed with regard to the current legislation because that legislation was introduced overnight without consulting with anyone, including the Queensland Police Service or organisations such as yours. I want to pick up on that point and ask you whether you believe that, with respect to this bill, a consultative process is being followed.

**Mr Kosenko:** I think it is excellent. I think if it was done previously a lot of this trouble would have been avoided.

**CHAIR:** You spoke about the government taking away rights. I understand that you have been the owner of a tattoo parlour business. Are those the rights you are referring to when you say that rights have been taken away by the government?

**Mr Kosenko:** Just by using the laws against us. I cannot associate with different people. I cannot go to licensed venues. All the aspects of the law are attacking my human rights. I have been made different to any other member of the public simply because I am in a motorcycle club.

**CHAIR:** Concentrating on the provisions in the bill in respect to tattoo parlours, are you familiar with those aspects of the bill?

**Mr Kosenko:** Very familiar.

**CHAIR:** What is your position on the proposed changes?

**Mr Kosenko:** The bill should introduce laws that help the industry, not destroy it. These laws have basically brought in a licensing regime which will license someone who has not even done a tattoo and who has no knowledge of tattooing at all, but he can go and pay the money, get a police check and get a licence to be a tattooist, which is ridiculous. They have not done any form of training at all. I know of several people who hold tattoo licences now who have never done a tattoo in their life. How is that helping the industry? There is nothing in the new licensing that says you have to do any health courses or anything. I worked with the Queensland government in the 1990s to help promote the industry and clean it up. They brought in a TAFE course and all kinds of things to clean the industry up. These new laws have done nothing like that. They could have been used positively to clean up the industry. We have a lot of trouble with people tattooing in their homes who are causing disease to people. We have trouble with tattoo equipment, minors getting hold of tattoo equipment through eBay and tattooing under-age or just tattooing each other with no training. They are scribbling over each other. The laws have done nothing to address that. They have done nothing for the backyarding, nothing at all to help the industry, and it is very disappointing.

**CHAIR:** Are you once again referring to the current laws that are in place?

**Mr Kosenko:** Yes. I am disappointed they have not done more with the new laws. They could do with a lot of work to clean up the industry.

**CHAIR:** Mr Kosenko, at this stage are you going to put in a submission to the committee on behalf of the organisation of which you are the spokesperson?

**Mr Kosenko:** Yes, I am.

**CHAIR:** Lastly, you indicated Harley Davidson clone logos. Can you just elaborate on that?

**Mr Kosenko:** Most motorcycle clubs have their name on the back, 'Australia' on the bottom or wherever they are from and something like a skull in the middle. Harley Davidson makes a badge that says 'Harley Davidson Australia' with a skull in the middle and 'MC', exactly the same as half of these declared clubs. If a pack of guys are riding down the road, is the general public going to be intimidated by that? How is the general public going to know the difference between a declared organisation and an undeclared organisation? The only solution is to not let anyone wear anything offensive on their jackets if they are worried about people being intimidated by logos. With regard to jewellery, it is almost ridiculous to say that someone is intimidated by a ring. As the witness before me stated, 12 motorcycles is automatically a motorcycle club so what they are wearing does not make a difference.

**Mr CRANDON:** You said that you know people who have never done tattooing who have a licence.

**Mr Kosenko:** Yes.

**Mr CRANDON:** What would encourage them to go and get a licence?

**Mr Kosenko:** They want to open up a tattoo studio as a business. They have approached me to find my ex-tattooist to work for them. They said, 'I've got a tattoo licence; now I am going to open a business. Will your tattooist, who you cannot employ anymore, come and work for me and teach me?'

**Mr CRANDON:** That is the thinking behind all of that. They are going to go around the legislation by getting the licence and bringing people into their tattoo parlour; is that what you are referring to?

**Mr Kosenko:** No, it is more the fact that that person is going to be a tattooist. He can tattoo, but he has never done a tattoo. It does not matter who is working for him. One is actually a doctor who probably could do it safely, but a lot of these people who are backyarding from home are applying for tattoo licences now and they have never done any schooling in the industry at all.

**Mr CRANDON:** I do not think the original laws were put in place with a view to shutting down legitimate tattooists. It was more about shutting down the front for criminal activities and the distribution of drugs and things of that nature which was around those original laws. Would you care to comment on that?

**Mr Kosenko:** I think there are only maybe 10 people who have had their tattoo licences taken off them. That is a lot of work to stop 10 people from working. A lot of those 10 maybe did have criminal records, so it was easy to take their licences from them. They did not need these massive, ridiculous laws. They have 1,000 people getting fingerprinted and photographed once a year now, so it is a lot more work for the police.

**Mr CRANDON:** Can you just clarify whether you have any criminal motorcycle gang clubs as members? Do individuals become members of the United Motorcycle Council, or is it clubs?

**Mr Kosenko:** Either-or.

**Mr CRANDON:** I suppose the question then is: do you have any criminal motorcycle gang clubs as members?

**Mr Kosenko:** I do not class any motorcycle club as a criminal organisation.

**Mr CRANDON:** None at all?

**Mr Kosenko:** No. I have not seen where a motorcycle club has been proven to be a criminal organisation in a court of law.

**Mr CRANDON:** We heard evidence earlier today from various police officers, and I cannot remember exactly which one it was who made this statement—

**Mr Kosenko:** I was here.

**Mr CRANDON:** Words to the effect that a significant number of crimes, drugs and so on and so forth as a result of, or from, the criminal motorcycle gang element. Do you deny that that is—

**Mr Kosenko:** I have it here. Bond University has quoted that 0.03 per cent of all crime—

**Mr CRANDON:** We are talking about police now. The police who are out there on the front line—11,000 of them—say that a significant amount of the serious crime in this state is as a direct result of criminal motorcycle gangs. My question of you is: do you deny that that is the case?

**Mr Kosenko:** I deny it, yes.

**Mr CRANDON:** You do not believe that that is the case?

**Mr Kosenko:** There is some, but there is not a significant amount.

**Mr CRANDON:** There is some.

**Mr Kosenko:** There is some, but there is not a significant amount.

**Mr CRANDON:** There are some people in the criminal motorcycle gang arena who are responsible for serious crimes in this state?

**Mr Kosenko:** Yes, but there is serious crime everywhere. You heard the witness before me say that just to pinpoint us as the main cause of crime is ridiculous. It is 0.03 per cent.

**Mr CRANDON:** You asked the question before that if people front up and they have a leather jacket on how do they know the difference between them and a criminal motorcycle gang. I put it to you that it is anecdotal. People become aware of who the Hells Angels are, they become aware of who the Bandidos are and so forth and their concern is around those names. When they see a logo on the back of one of these leather jackets that talks about the ex-Vietnam vets, for example, it is fairly clear that there is a difference between those two, so anecdotally people come to that conclusion. I read the paper. I read the *Gold Coast Bulletin* fairly regularly, as many people on the Gold Coast do, and the *Courier-Mail* and what have you. Often police reports in the paper talk about a serious crime having occurred, and I have to say that anecdotally seven or eight times out of 10 it will be related to either an associate of a criminal motorcycle gang or a criminal motorcycle gang member that has been involved. Would you care to comment on that?

**Mr Kosenko:** I think we are just good press. I think anything we do gets in the media. I was in court for a speeding ticket the other day, and I had five TV stations show up to the court case for a speeding ticket. It is just that us in the media sells papers.

**Mr CRANDON:** Anyone can subscribe to police press releases and notifications, whether they be on Facebook, Twitter or email. Once again, anecdotally, many of the press releases from the police calling for the public to provide assistance talk about an element of criminal motorcycle gang involvement, either as an associate or as a member of a criminal motorcycle gang. Do you want to comment on that?

**Mr Kosenko:** There is a lot which is not reported because motorcycle clubs are not involved. They only report the ones with the motorcycle clubs because they know it is good press.

**Mr CRANDON:** The police are not reporting; they are sending out information asking for evidence. More often than not, anecdotally, it is along those lines. I have no further questions.

**Ms PEASE:** Thank you for coming in. With regard to your position with the United Motorcycle Council of Queensland, how many members do you have? Do you have that figure?

**Mr Kosenko:** No, I do not, but you can put me on notice for the next time.

**Ms PEASE:** Would it be mainly individuals or motorcycle clubs?

**Mr Kosenko:** I would say fifty-fifty. I would not like to give a ballpark.

**Ms PEASE:** Is the membership across Queensland?

**Mr Kosenko:** Yes.

**Ms PEASE:** From Far North Queensland right down to the Gold Coast?

**Mr Kosenko:** Yes.

**Ms PEASE:** Predominantly where would your membership be?

**Mr Kosenko:** Brisbane, I guess.

**Ms PEASE:** Is there a fee involved to become a member?

**Mr Kosenko:** Yes.

**Ms PEASE:** Are you able to give me that figure?

**Mr Kosenko:** I think it is about \$40 a year, something like that.

**Ms PEASE:** Is that per person?

**Mr Kosenko:** Yes, per person.

**Ms PEASE:** What about for an organisation, a club?

**Mr Kosenko:** Sometimes it is less if it is a whole organisation, I think. I am only guessing here. You can put me on notice and I can get all the figures for you if you want.

**Ms PEASE:** That would be lovely, thank you very much. Have you been in touch with your members or are they participating with respect to this bill that we are currently discussing?

**Mr Kosenko:** In what way, sorry?

**Ms PEASE:** In getting submissions from them, asking for their feedback.

**Mr Kosenko:** Yes, we have.

**Ms PEASE:** How have you been doing that?

**Mr Kosenko:** Just through emails. We will probably call a meeting tonight about today and ask for some submissions, I guess.

**Ms PEASE:** At the beginning of your evidence you said that you were in business and due to the consorting offence you have had to close your business down.

**Mr Kosenko:** That is correct.

**Ms PEASE:** What sort of business did you have?

**Mr Kosenko:** I had a tattoo studio. I employed six tattooists. I employed laser operators and cosmetic tattooists. I also had a retail shop downstairs. I was training three apprentices at the time. We had a very busy business. I was booked out for three months in advance. We utilised local cafes and coffee shops for our customers. We were very busy. They closed my shop saying that it was not in the public interest for me to have a business.

The laws did not close my business. They just stopped me from doing artistic tattooing. I could still do cosmetic tattooing. I used the same machine and the same inks to do the cosmetic tattooing, but if I drew a design with that machine I would get a \$44,000 fine or 16 months jail—that is, for drawing a picture. That is what it came down to.

**Ms PEASE:** I do not understand that. Can you clarify that for me?

**Mr Kosenko:** I could be a cosmetic tattooist without a licence, but I could not be an artistic tattooist with a licence.

**Ms PEASE:** What legislation was that under?

**Mr Kosenko:** Under the Tattoo Parlours Act.

**Ms PEASE:** With regard to the wearing of colours and insignias, there has been a lot said that it can be seen as a form of intimidation. What would your comment be on that?

**Mr Kosenko:** It could be seen as a form of intimidation, but, as I said before, there are a lot of things around that people are wearing that could be intimidating. Where do you stop? How does a member of the general public know what is intimidating or not intimidating? Does the government have to make rules on what intimidates a person? Do we have to put pictures out there? Do we say, 'If you see this it is going to intimidate you'? It is pretty ridiculous, I think.

I would be more intimidated by four guys in black uniforms with weapons hanging off them marching through McDonald's with my kids around. That is what intimidates me. Different walks of life are intimidated by different things. I guess if you have done wrong to someone in a motorcycle club you would feel intimidated. Different things intimidate different people.

**Mrs STUCKEY:** Thank you for coming in and presenting to us. I think from what you have seen this morning, it is a bit of a hot seat sitting there. It is really important that we get some good feedback.

**Mr Kosenko:** I understand.

**Mrs STUCKEY:** We established that your business was a tattoo parlour with some other things. It was definitely not a bikie clubhouse?

**Mr Kosenko:** No.

**Mrs STUCKEY:** I am needing to clarify that for the record. Are you a member of a motorcycle club and if so which one?

**Mr Kosenko:** I have been a member of the Rebels Motorcycle Club for 35 years.

**Mrs STUCKEY:** Are you aware of some of the really offensive mottos that some of the clubs have? I was reading something in media articles recently—and I understand that they are not always correct—where some clubs promote weapons, rape and things like that. That is pretty intimidating. You have mentioned that you do not choose which bike riders can be members of the United Motorcycle Council. Are you aware of that sort of promotion?

**Mr Kosenko:** No, I am not aware of anything about rape, guns or anything like that.

**Mrs STUCKEY:** If that were the case, how would you feel about accepting those people as members?

**Mr Kosenko:** We would have a word to those people and say, 'This is not the right thing to do. You are a member of this organisation and it is tainting the organisation.' The United Motorcycle Council totally agrees that crime is wrong. We are not sticking up for any criminals. If someone does a crime they do the time. We have never said anything different. If someone is doing the wrong thing we will pull them up.

**Mrs STUCKEY:** I am really pleased to hear that. I think you would be grateful to have the opportunity to be able to say that. Is there a filtering process so that your name is protected?

**Mr Kosenko:** A filtering process is done at meetings. If someone is doing the wrong thing we will stop it. It has been very beneficial. There has been a lot of trouble between clubs in the last 50 years. We got together before these laws and formed the association to stop any trouble between clubs. Now that the laws are attacking us it has made us even stronger. Now you will get a lot of clubs talking together. Unfortunately, we do not talk about high handle bars and noisy exhaust pipes anymore; we talk about politics. It is a change of the landscape for us.

**Mrs STUCKEY:** Have you rejected or kicked anybody out because of that bad behaviour or perceived—

**Mr Kosenko:** No, we have not had to yet.

**CHAIR:** Before I hand over to member for Capalaba, can I acknowledge the member for Surfers Paradise in the room.

**Mr BROWN:** I want to pick up on the tattoo parlour legislation. Are you saying that instead of this legislation reverting to pre 2013 we should look towards registration and lifting the requirements for tattooists?

**Mr Kosenko:** Yes.

**Mr BROWN:** Anyone can pick up a laser; is that the case?

**Mr Kosenko:** No, a laser operator's test is very comprehensive. It involves doing 100 hours with the machine.

**Mr BROWN:** Are there any other state jurisdictions that have the requirements that you are seeking?

**Mr Kosenko:** That is a bit of a hard one. Tattooing relies on being an artist and being able to draw. There are not many industries where art is a precedent to get a licence. A lot of places around the world have very high standards to be a tattooist. I would like to see them brought into Australia.

**Mr BROWN:** This is a tough one for me. I had a mate who owns a parlour. His parlour was destroyed with a baseball bat and his arm broken in an incident. There are freedoms of being a tattooist. The guys doing the right thing should be able to earn a living as well.

**Mr Kosenko:** Absolutely.

**Mr BROWN:** I want to pick up on the point about not being able to differentiate. I was having breakfast last weekend and the Patriots turned up to my local cafe. There were lots of families in there. That was the Redlands Patriots. The Ulysses go for McDonald's at Capalaba. Families did not get up and move for those two groups.

**Mr Kosenko:** I do not think families move when we walk into a hotel, either.

**Mr BROWN:** Are you saying that no colours intimidate anyone when they walk into a cafe?

**Mr Kosenko:** We have a lot of runs down in the back blocks of Queensland and New South Wales. Publicans welcome us with open arms. They know that we are there to spend money. They know we are not going to play up.

**Mr BROWN:** You touched on earlier that you are now spending more money in a community as a result of the previous laws. We as a government would want that to continue—that is, spending money in pubs and club and cafes.

**Mr Kosenko:** Exactly. If we are not allowed to have a clubhouse we have to find somewhere to meet. Under the new laws, if we are not allowed to wear our colours we can go anywhere we like and meet. Twenty of us can go to a restaurant and have a meal. It is a bit of a backwards situation.

I think the solution with clubhouses would be to allocate a precinct where a clubhouse can be opened, it can be licensed under the Queensland licensing laws, they can sell alcohol and they can pay their taxes. The licensing laws would be very strict. The police could come in at any time and check that there is nothing going on. You would not have the trouble of clubhouses opening up in neighbourhoods annoying families and making noise and bikes making noise. You could have it in an industrial area that is usually closed down after 5 pm or something like that.

It would keep the clubs out of the entertainment precincts and keep motorcycles out of the entertainment precincts. It would have a lot of benefits. With the existing laws we can have a party somewhere on one night and make a lot of noise in someone's neighbourhood. We annoy the neighbours for that week. The next week we could have it in another neighbourhood. With the new laws it will be the same thing. They will shift around.

It is not going to solve the problem of motorcycle clubs, noise and noisy motorcycles in residential areas. You could designate a precinct—I do not know what you would call it—and it could be somewhere where a bit of noise could be made until midnight and they could sell alcohol. It could be run under the liquor licensing laws and they could pay tax.

**Mr CRANDON:** This is not about a noise nuisance.

**Mr BROWN:** With regard to challenging being an outlaw motorcycle gang under the previous legislation and being labelled a serious organisation, are there any challenges that you see coming before the courts?

**Mr Kosenko:** Definitely. We cannot have our human rights taken off us. We are Australians. Innocent people are being persecuted by these laws. What are we going to do—sit back and cop it? My kids have to live in this country and I am not going to wear it.

**Mr KRAUSE:** Of the people involved in the now infamous brawl at a Broadbeach restaurant in 2013, do you know how many were members of the United Motorcycle Council at that time? Do they remain members now if they were?

**Mr Kosenko:** No, I do not know. You have to realise that that brawl involved one or two people. There were a lot of people there in colours. I think their biggest crime was that they walked down the street wearing their colours.

**Mr KRAUSE:** You do not know whether they were members?

**Mr Kosenko:** No, I think a lot of them were interstate people.

**Mr KRAUSE:** Would you be able to take that question on notice and get back to me?

**Mr Kosenko:** Yes.

**CHAIR:** Thank you for your attendance here today. The answers to the questions on notice are due back to the secretariat by 5 pm on 11 October.

**Mr Kosenko:** Thank you for your time.



**STEELE, Mr Damian, Business Development and Training Manager, Queensland Hotels Association**

**CHAIR:** Welcome, Mr Steele. We will give you five minutes for an opening statement and then we will hand over to committee members for questions.

**Mr Steele:** Good afternoon, committee members. Thank you for the opportunity to provide input into the committee's consideration of the Serious and Organised Crime Legislation Amendment Bill 2016. I am the Business Development and Training Manager of the Queensland Hotels Association, the QHA. The QHA is the peak representative body for the hotel, hospitality and accommodation industry in our state. We seek to represent our industry as they conduct successful, enduring and responsible businesses that contribute to both their communities and the broader state economy.

Our member hotels and accommodation businesses span the length and breadth of the state in virtually every town, providing jobs, entertainment and hospitality to Queenslanders and visitors alike. Members include over 800 companies such as traditional pubs, international accommodation providers and family owned enterprises. The QHA welcomes the opportunity to assist government in developing evidence based policy which leads to quality legislation reflecting the needs and aspirations of Queenslanders.

The QHA would like to make the following specific comments relating to some key matters provided for in the bill which are of relevance to the wider licensed hospitality industry. My comments are with respect to the changes in licensing requirements, specifically under the Liquor Act, for liquor licence applications and they will have relevance to the other occupations within a licensing regime.

Firstly, the bill repeals the requirement that all applications are referred to the Commissioner of Police for assessment. Secondly, it prohibits the use of police criminal intelligence in determining licensing. Thirdly, it removes the requirement that an application must be refused if the applicant is alleged to be a participant in a criminal organisation. This represents a weakening of the existing 'suitable person', 'fit and proper person' and 'probity person'.

Consider that a liquor licence for a commercial hotel, for example, entitles the successful applicant to trade in the sale of alcohol products including retail liquor sales with up to three detached bottle shops, allows the provision of a range of gambling products such as keno and wagering, and underpins the opportunity to own electronic gaming machines—currently up to 45 poker machines per hotel in Queensland. It is acknowledged that these are special products with inherent degrees of risk and which have the potential for harm. Therefore, it is reasonable to expect the highest levels of probity and scrutiny for those individuals responsible for the operation and service of such products. For example, we have reporting obligations under the federal Anti-Money Laundering and Counter-Terrorism Financing Act as indication of the identified risk. Therefore, an extremely robust licensing and application process is essential to maintain the integrity of the industry and the integrity of those special products we offer, and this is in line with expectations of the community and consumers of those products. The bill repeals the automatic disqualification of a member of a criminal organisation from holding a liquor licence. Prima facie that would enable a member of a criminal organisation to be granted a licence.

It is noted that the explanatory notes recognise the fear, intimidation and implicit threat of violence that criminal organisations project through the wearing of their colours. This facilitates criminal activity because of the public's reluctance to report crime and criminal activity by such members. The bill has therefore deemed it necessary to expand the prohibition of wearing colours to now include any public place. Further, the existing list of the 26 declared criminal organisations has been retained in the liquor regulations and it is an offence to wear the colours of these criminal organisations anywhere in public.

These are not loose items of clothing blowing down the street in the wind. Rather, there is a person behind the colours and what they stand for. These are the self-proclaimed one percenters—the one per cent of the population who believes the laws do not apply to them, whether they are wearing their colours or not. The provisions in the bill would enable a member of a criminal organisation—and I am not just talking about outlaw motorcycle organisations but any criminal organisation—to be deemed a suitable person to hold a liquor licence.

The new serious and organised crime offences relevant for licensing probity which will disqualify an applicant are, firstly, the recruiting of a person to become a participant in a criminal organisation—this is a little perplexing for a layman like me that it is not an issue to be an existing member of a criminal organisation but it is to recruit—the offence of habitually consorting with recognised offenders—this three-limbed process is potentially retrospective and would not preclude an applicant in the very first

instance—and certain offences with a serious organised crime circumstance of aggravation such as riot and affray. This would have no bearing where an applicant had not been convicted of these offences and, likewise, any contraventions of those proposed orders in the bill would have no bearing for an applicant who has not been convicted of such offences.

These probity tests do not pass the pub test, if you pardon the pun. For example, we would have a circumstance where it would be an offence for a member of a prohibited criminal organisation wearing their colours to go to the postbox to post their liquor application but that application could be approved. We do not want the closed gang clubhouses to be swapped for our tourism industry's local pub-houses. Thank you for the opportunity to appear here today. I am now in your hands regarding any questions.

**CHAIR:** Thank you, Mr Steele. I want to pick up on your opening comments around members of criminal organisations who hold liquor licences. Are you aware of how many criminal organisations held liquor licences prior to 2013?

**Mr Steele:** No, I am not.

**CHAIR:** Are you able to provide that on notice?

**Mr Steele:** It is probably a question that is best directed to the Office of Liquor and Gaming Regulation. We are a membership based organisation and we would not be privy to that data.

**CHAIR:** That would probably be the most appropriate avenue, but you made the comment in your opening statement that you believe there will be a return. You are not familiar with any—

**Mr Steele:** I am just taking it at face value that this bill would allow that to happen whereas the 2013 VLAD legislation expressly precluded that.

**CHAIR:** Have you read the explanatory notes?

**Mr Steele:** I have indeed. My insomnia has been cured.

**CHAIR:** That is good. I do not have any further questions at this stage. I will hand over to the member for Coomera.

**Mr CRANDON:** Thanks for coming, Mr Steele. It is much appreciated. Could you expand for us on the impact the 2013 laws had on your members and the safety of patrons in licensed premises?

**Mr Steele:** Thank you, member for Coomera, for the question. If I may take one step back, we were heavily involved through consultation in the development of that legislation and many other aspects. There was the expert panel on liquor and gaming as part of the red-tape-reduction process. There was the Liquor Industry Consultative Committee where industry was a big part, as a major stakeholder, in that context. It was not just the Hotels Association but also our counterparts from the community club industry such as Clubs Queensland and a range of others.

We were very supportive of the introduction of the legislation, particularly of the banning of colours on licensed premises. They have expanded the definition now to include public areas. There was a suggestion that there was an undue onus placed on licensed staff to refuse entry or to be in a circumstance which may have been unsafe. To my knowledge, there were no offences for licensees or their staff in enforcing that regime for on-licence premises but we certainly welcome the expansion into public areas.

**Mr CRANDON:** In relation to the question that I asked, you said there was wide consultation prior to the 2013 legislation throughout the industry. You guys knew what was going on. You saw the front page of the *Gold Coast Bulletin*, did you?

**Mr Steele:** Absolutely. I am a Burleigh local, for the record.

**Mr CRANDON:** So you are well and truly aware. I am very aware, as the member for Burleigh often indicates, that there is a closed club not far from his office. There was wide consultation, and on the Gold Coast there would have been a great deal of interest. In relation to the specific question, what was the impact on patrons? Can you express what your observations were in that regard?

**Mr Steele:** We had anecdotal feedback from our membership. We have a presence statewide that was overwhelmingly supportive. The licensees appreciated the empowerment that that legislation gave them. The feedback from them, again anecdotally, was that their customers had real fears, and intimidation can be projected from those potential criminal organisations and their presence in colours. We do not have any beef with members of declared criminal organisations coming in as customers as long as they are not wearing their colours. We were very supportive of that. As Mr Kosenko identified, the grey nomads, the bikies, the social bikers and various groups are certainly customers we appreciate, and certainly in regional and remote areas as well.

**Mr CRANDON:** It is more about the feeling people have about safety as opposed to anything, so that is where the anecdotal thing came from. Could you expand on your views on the effect on tourism on the Gold Coast as a result of the 2013 laws? Is there any anecdotal evidence around that?

**Mr Steele:** It would only be anecdotal of course. As I think the councillor mentioned earlier, international and domestic tourists who come to Queensland certainly were offended and did not like to see that presence when they did see patch members at some of those entertainment precincts. That is a positive effect.

**Mr BROWN:** In regard to the responsible managers course, can you remind me whether the QHA advocated for those measures to come in?

**Mr Steele:** Are you referring to the approved managers licence?

**Mr BROWN:** Yes.

**Mr Steele:** That is another component of the licence and probity process where I have talked specifically to someone applying for a liquor licence. The other category of person is an approved manager under the Liquor Act. This is an individual person on the ground who is responsible for essentially the service of liquor under that licence and they also have to go through a probity test. That would also be a weakening, in our perception, in relation to that category of licensed person on licensed premises.

**Mr BROWN:** When they first came in, was the QHA advocating for those regulations or were they against those regulations?

**Mr Steele:** We supported them. We have always worked collaboratively with government. We supported a strict trading regime, we supported mandatory RSA and we supported RMLV training, which is a two-day liquor licence course. We have advocated that it should be extended to all licensed premises, not just commercial hotels, or other entities that are immune from that. For example, small bars and restaurants do not necessarily need to have an approved manager present.

**Mrs STUCKEY:** Mr Steele, you have a very extensive career in clubs and hotels. Thank you very much for coming in at short notice. I wanted to ask you a little more about those probity security issues. You mentioned that the probity test did not pass the pub test. I did think that was quite clever.

**Mr Steele:** You were the only one who laughed, I think.

**Mrs STUCKEY:** You are not allowed to laugh in here.

**Mr CRANDON:** It will probably be in a speech in parliament some time in the near future.

**Mrs STUCKEY:** I am sure that a few people will coin that phrase. With regard to probity and security, you alluded to it briefly in your presentation but could you elaborate more on some of the fears that the industry has about this?

**Mr Steele:** If I could take one step further, in the bill I can see they have retained some of those mechanisms for applications under the Weapons Act, for example. I am in no way suggesting that the risk and harm profile for someone accessing weapons is the same as getting a liquor licence, but what I alluded to was that there certainly is a lot more to being granted a liquor licence than simply the ability to sell liquor. I mentioned the access to gaming products. I mentioned that, as an indication of the weight of the seriousness that that is seen and the potential for damage, we are beholden to the federal Anti-Money Laundering and Counter-Terrorism Financing Act reporting obligations. This is a special product in terms of getting access to our industry and those entitlements. While that special product is not quite analogous to the Weapons Act, there may be scope to retain some of those more stringent measures around probity: that all applications should go by the Police Commissioner and that all applications should preclude someone who is a member, and obviously this is a weakening.

**Mrs STUCKEY:** You mentioned the one percenters who ignore the rules and who think the rules do not apply to them. Despite the fact that there are some pretty stiff penalties for people who break those rules at a federal and a state level, you still have those fears if that application process is weakened; is that correct?

**Mr Steele:** It seems contradictory to me, as a layman, that the bill identifies the seriousness of colours and the intimidation, the fear and the criminality that projects so it has seen fit to retain that and seen fit to retain the 26 declared criminal organisations, yet it has opened the door to enable one of those members to now be granted a licence.

**Mrs STUCKEY:** What is the real issue with club members wearing their colours in the premises, either anecdotally or factually? Can you shed more light on that?

**Mr Steele:** I think the explanatory notes express it best. There is that identified fear and intimidation, the explicit threat of violence and the potential to facilitate criminal activity through the public's reluctance to report crimes because of that environment that those colours create.

**Ms PEASE:** Thank you for coming in, Mr Steele. What is your membership of the Queensland Hotels Association? Is it across the whole of Queensland?

**Mr Steele:** Absolutely. Our membership includes any liquor licence business with the exception of community clubs. They have their own peak industry body. We will include the traditional hotel with a primary purpose of the sale of liquor for consumption off the premises. We have a range of members who hold commercial other liquor licence types with different primary purposes. For example, the primary purpose here might be accommodation. A restaurant's primary purpose is food. Then there are small bars and the like. We are quite an expansive and inclusive membership.

**Ms PEASE:** Is it mandatory for organisations to become a member of your association?

**Mr Steele:** Absolutely not. If you and Mr Furner purchased a hotel tomorrow, you may or may not decide to join the QHA. Hopefully you decide to do so because of the range of services we provide you: industrial relations advice, employment relations advice, workplace health and safety training and advice around compliance et cetera.

**Ms PEASE:** Is there a similar organisation in New South Wales and other jurisdictions?

**Mr Steele:** There is. We are the Queensland Hotels Association. Each jurisdiction has an AHA. We are the state branch of the AHA in Queensland. There is AHA New South Wales, AHA Victoria and so forth.

**Ms PEASE:** Have you discussed the new legislation with any of your colleagues in other jurisdictions?

**Mr Steele:** Not specific to this legislation, no. I am not sure of the relevance.

**Ms PEASE:** Further to the issue with regard to the wearing of colours, you have said that you have a very large representation of members. Would you be able to give me some idea about what a typical tourist would be on the Gold Coast?

**Mr Steele:** I think that is a very wide and broad question which I could not answer.

**Ms PEASE:** How would tourists be intimidated by the wearing of colours?

**Mr Steele:** When we are talking about the colours of those declared criminal organisations, they are, once again, the self-proclaimed one percenters. They have an image which is an image of violence and intimidation. If you look at their images of holding guns and knives and things like that, it is quite a reasonable, common-sense approach that there is intimidation of members of the public who are well versed in the history, whether it be real or perceived, of these organisations and what they stand for and what they have done.

**Ms PEASE:** Going back to the organisation, did you put it out to your membership to make submissions?

**Mr Steele:** No, we have not, and it is a little bit different for us traditionally where we would like to have made submissions prior to appearing before the parliamentary committee. I am not sure if that is usual procedure. We will be making a submission and our submissions are always signed off by the state board and the state board is the representative of our association and our members.

**Ms PEASE:** Would you write it yourselves or would you get submissions from your membership?

**Mr Steele:** We write all our submissions ourselves.

**Ms PEASE:** Would you put it out to your members for their consideration?

**Mr Steele:** We have an inclusive board meeting process where all members are welcome to attend any board meetings and in that context where upcoming items would be diarised. Is your contention that the members would not support what we are going say?

**Ms PEASE:** I am just trying to find out to make sure that it is open and transparent for all membership.

**Mr Steele:** Absolutely.

**Ms PEASE:** What sort of cost is involved for membership? Is it on licence size?

**Mr Steele:** Of the QHA?

**Ms PEASE:** Yes.

**Mr Steele:** There is a base application fee of \$110. We try to keep it low because our attitude is to be inclusive and encourage membership from everyone, not just the big end of town. The base fee is \$110 and there are specific loadings depending on what products you offer: extra loadings per gaming machine, per accommodation room, detached bottle shops.

**Ms PEASE:** Thank you very much.

**Mr KRAUSE:** You have obviously had a lot of experience in the hotel industry. Can you offer any insight to the committee about the incidence of extortion attempts being put on hotel licensees over your time in the industry and whether there has been any change in that over the last two or three years?

**Mr Steele:** I am not sure if I am qualified to speak to any extortion information. That is probably one for Queensland police, with respect. I do not have that information at hand. In that general context and to the second part of your question, the anecdotal feedback from our members is that, with the introduction of the VLAD laws, they applauded the instant ability to have those association offences, of three people together. We have had briefings historically by Jim Keogh and the task force at board meetings a couple of times since it has happened and it was almost a standing round of applause when that was introduced.

The new offence of consorting, again from a layman's point of view, seems like a bit of an administrative nightmare. I take on board the Queensland police comments earlier that they are going to have to change their operational procedure to work within these confines, but that three-limb test—that is, being underpinned by a warning and then having two further separate instances of consorting and the fact you have to determine that those people you are consorting with have been convicted of a five-year indictable offence—seems to be a three-step shuffle, which is something that is just generally of concern to the community.

**CHAIR:** I want to take you back to your comments about international tourists and their perception of the effects of seeing outlaw motorcycle gang members, or you referred to it as patch members. I understand from the research that I have available that in general—this is across the Queensland state—the predominant international tourist is Chinese. Would you concur with that?

**Mr Steele:** If you say so.

**CHAIR:** I would rather you not rely upon me.

**Mr KRAUSE:** I think that is a gross generalisation, Chair, to be honest.

**Mr Steele:** That may well be the case. If I could just clarify, my realm of representation is for the members of the Queensland Hotels Association, not necessarily for the broader tourism visitation statistics. That might be something for QTIC.

**CHAIR:** How did you ascertain the information that international tourists have issues about patch members?

**Mr Steele:** That was purely a comment in relation to perception. I am probably more focused on our residents and our domestic customers.

**CHAIR:** So your perception or the perception of your members?

**Mr Steele:** My general perception, yes

**Mr CRANDON:** Just to clarify that, your perception being a resident of the Gold Coast? You get out and about. I do not imagine you just go to work every day. I dare say you are doing a few other bits and pieces.

**Mrs STUCKEY:** He has been reading that.

**Mr CRANDON:** That is a very good point. I applaud you—179 pages of it. I would love to get your notes from that. That would probably be very useful for me when I am trying to pull things together as well. A short while ago you talked about the 'three-step shuffle'. You are referring of course to what was described to us by the Police Commissioner, or it may have been one of his offsiders, as the five-year rule and so forth, where A might meet with B and C? Is that the one you are talking about: A meets with B and C?

**Mr Steele:** That is indeed, and there is the wonderful diagrammatic of the scheme.

**Mr CRANDON:** Yes. B and C are finally found to be of the ilk required so warning goes to A that he cannot ever meet with B and C again. Of course, he can meet with B and D and then B and E and so forth. He can meet with B as often as he likes and he can do all of his work through B. Is that fair to say?

**Mr Steele:** That was the context of my comments in relation to the pathway to get a liquor licence in our specific industry's case where, although it is an offence, it precludes someone doing that, as I mentioned. It is quite a long-winded, possibly retrospective process, where an original applicant for a licence may not have been caught up in that regime at all.

**Ms PEASE:** Going back to your concerns that you talked about in regard to the changes to the Liquor Act, can you confirm your position in regard to that concern?

**Mr Steele:** We do not have any concerns around that other than those specific ones in relation to the application process to get a liquor licence, but we are supportive of the expansion of colours. We do not have a problem with the Summary Offences Act now taking over and declaring the public place for the prohibition of wearing colours because under the Summary Offences Act that includes a licensed premises. There is no weakening in the context of expanding the colours, from a licensed venue point of view.

**Ms PEASE:** I am just looking at the explanatory notes in regard to an alleged offence. Could you elaborate on your understanding of that?

**Mr Steele:** An alleged member or an alleged offence?

**Ms PEASE:** The person that is applying for the liquor licence—

**Mr Steele:** Is an alleged member?

**Ms PEASE:** Has an alleged criminal history.

**Mr Steele:** At face value, comparing the old legislation to this legislation, the 'alleged' made it a much broader and easier application, whereas the new application test makes it much easier for someone who is alleged to be or is a member of a criminal organisation to get a liquor licence.

**Ms PEASE:** Are you aware that a fit and proper person test, which existed before the 2013 suite of laws, will continue to exist?

**Mr Steele:** I am, and that process through the Office of Liquor and Gaming Regulation, where we have an officious public servant who is processing those applications, is fantastic, but I am not sure if they would know whether Damian Steele is a member of a criminal organisation when they are processing that, whereas previously it would have gone to the Police Commissioner and they would have been able to make that determination.

**Mrs STUCKEY:** I am not sure I got quite the right wording, but you said you do not want closed clubhouses to be moved to hotels. Was that what you said? If so, have you seen any evidence of activity recently, with the talk of these laws coming in that might be seen to be weakening?

**Mr Steele:** I mentioned that in the context of the potential to open up a pathway for members of declared criminal organisations to own hotels. I have not seen that happen, but this is something that could potentially happen down the track. We know that it is not happening at the moment under the current legislation because there is no opportunity.

**CHAIR:** Mr Steele, thank you for your attendance here today. I think you might have a couple of questions on notice and answers are due by 5 pm on 11 October.

**Proceedings suspended from 12.56 pm to 2.02 pm**

**CUNNINGTON, Mr Matthew, Tattoo Studio Owner and Member and Senior Tattooist, Australian Tattooist Guild**

**DUKANOVIC, Ms Tashi, Tattoo Studio Owner and Vice-President and Senior Tattooist, Australian Tattooist Guild**

**CHAIR:** Good afternoon. Thank you for attending today. We will invite you to make an opening statement and then we will hand over to the committee for questions.

**Ms Dukanovic:** Thank you very much. I would firstly like to say that I have been witness to what has been said earlier on today and I let the committee know that I have read the bill in its entirety and the explanatory notes. Thank you.

I would like to thank the chair, Mr Mark Furner, and the broader Legal Affairs and Community Safety Community for allowing me and Matt Cunnington an opportunity to speak today on behalf of the Australian Tattooist Guild. My name is Tashi Dukanovic and I am a senior tattoo artist and am currently in the position of Vice-President of the Australian Tattooist Guild. The Australian Tattooist Guild is a registered not-for-profit organisation which was formed in 2012 in response to the introduction of the Tattoo Parlours Bill in New South Wales. Since its formation, the guild has continued to actively campaign both the Queensland and the New South Wales governments and other governments for reforms to the regimes which license the tattoo industries in these states.

It remains an incredibly important time for the professional tattoo community nationally as we now see various governments moving to introduce legislation which looks to address the infiltration of organised crime groups into the tattoo industry. Much of the discussion being had by governments touches on the perceived existence of organised crime within the industry or on the potential for organised crime groups to infiltrate this lawful occupation. The data supporting the alleged infiltration is, however, minimal and largely anecdotal.

Due predominantly to a gross lack of consultation prior to the introduction of the Tattoo Parlours Bill 2013, the professional industry continues to experience negative impacts as a consequence of both the direction and the policy of this legislation, which fails to recognise or reflect the established culture and practice of the tattoo industry. The tattoo industry in Australia has, indeed, had historical connections with motorcycle clubs. This connection has waned, however, as the growing interest in the art form, particularly over the last decade, has seen an insurgence of highly skilled and proficient artists join the trade. Australia is now internationally recognised as being home to some of the industry's most proficient artists, artists who are regularly called upon to continue to contribute work to exhibitions and exposes of the art form globally.

For many within the professional community, the move by the government to regulate the industry solely on the perception that a high level of criminality existed was extremely shocking and unexpected. The effects of the policy upon the industry itself have now left many feeling desperate and wondering if the damage created to the integrity of the industry can be undone.

The introduction of the act and the media attention around it created an impression among many individuals, who had no ties to the professional industry, that a green light was now available for anyone with even a vague interest in the art form to obtain a licence to practise, regardless of whether any type of training within a tattoo studio had occurred. This impression was made due to the policy of the act which assured the public that the tattoo industry would now be free of any connections to organised crime, OMCs or their associates. Despite the industry not actually containing a high number of these individuals, the perception that they were there to some degree protected the industry and the public from untrained amateurs opening businesses and operating. The prevalence of untrained amateurs openly practising has been actively encouraged through the licensing regime due to a gross lack of appropriate barriers or pathways for entry to industry.

Three years on from the implementation of the regime, amateur artists have now flooded the industry. Professional tattooists are now reeling from the effects of what is perceived to be a plague of untrained and uneducated individuals who care not for the integrity or the sustainability of our unique art form. According to the Office of Fair Trading, 350 new applications—'new' meaning unknown to industry anywhere in Australia—have been received in the last 12 months alone. The public health risks associated with untrained individuals entering the industry without any training in regard to the taught practices specific to the trade are enormous. Despite the requirement for tattooists in Queensland to obtain cross-contamination certification, this course alone will not provide an individual with the knowledge and training specific to the art form.

A growing number of reports from members of the public are being made not only to our organisation but also to health practitioners and the police regarding the appalling level of work and poor standards now being experienced in licensed tattoo studios by licensed tattooists in Queensland. Laser removal technicians are also experiencing a high number of clients who report having received poor work in licensed premises.

Further damage has also been done due to the restrictions which have been placed on the ability for tattooists from other states and internationally to partake in the industry in Queensland. The important practice of tattooists travelling to work in other states and overseas has been imperative to the sharing and conferencing of knowledge and remains a strong theme within the culture of the industry. The restriction has seen numbers of well-established studios becoming financially crippled as they struggle to attract tattooists from outside of the state. The industry itself has also historically been quite transient, with tattooists often choosing to travel widely. It was once not uncommon for tattooists to move from state to state working in various studios with little notice of their arrival or departure. The licensing regimes in both Queensland and New South Wales have destroyed this longstanding cultural practice which has also hampered the ability of established business owners to attract tattooists from other states.

Tattooists from overseas who wish to visit and work in Queensland are also restricted under the regime. The act allows a visiting tattooist to apply for two permits per year, each permit allowing for a maximum of 31 days. Overseas tattooists often arrive in Australia holding a visa to work for six to 12 months or longer. Due to these restrictions, numbers of internationally acclaimed artists who once visited Queensland and New South Wales on a regular basis no longer do so. This restriction has placed a financial burden on established businesses as well as seeing members of the public travelling to other states to be tattooed by these artists when they choose to visit Australia and work elsewhere.

Business operators nationally have also been faced with losing their insurance policies. Numbers of insurance companies have chosen to back away from what is now perceived to be a high-risk industry since the introduction of the Tattoo Parlours Bill in both New South Wales and Queensland. This has seen many tattooists having to seek policies offshore with exorbitant fees attached. I personally live and practise in Victoria and I am a person who has had this experience.

The application process itself has been slow and arduous, burdened by red tape and bureaucracy due to the cross-agency administration of the act. Numbers of individuals who have applied for a licence have waited upwards of 12 months to receive notification of their licences. In an environment of fear created through the actions of a government which has been perceived by many within the industry to be acting in deplorable ignorance, the stress created by these lengthy waiting times has been unacceptable.

The lack of interagency communication within the management and administration of the regime as well as a basic lack of training and information being provided to customer service staff has meant that individuals who seek information regarding the progress of their application have simply been turned away empty handed. Policy within the act has placed an ongoing burden on licence holders beyond that of: having to meet probity, be finger and palm printed and have criminal history checks done; the requirement for endless procedural logs; regular visits from members of the police who endlessly threaten fines for not writing your name out repeatedly on a form which already states your name on the top; the lack of any information when changes occur; no renewal systems, which meant applying from scratch again, prints and all; and still studios and their professional artists continue to be plagued by threats, intimidation and acts of extortion by criminal groups—these acts being carried out by individuals who are predominantly not from within the tattoo industry itself.

The industry has been burdened with a regime that holds no value to any of its stakeholders and which has seen damage to both the integrity and the sustainability of the craft itself. Professional tattooists in Queensland and, indeed, nationally hold genuine concerns that, if the current regime continues in its current form, the sustainability, integrity and future of our small but thriving unique industry are in jeopardy. The Australian Tattooist Guild, on behalf of the professional tattooing community, implores the government to now acknowledge the practices and culture of the professional tattooing industry and act appropriately. Thank you very much.

**CHAIR:** You mentioned the health risk to the industry as a result of persons being tattooed by unlicensed or unprofessional artists. Can you just expand on what those health risks are?

**Ms Dukanovic:** Absolutely. Thank you very much. Currently Queensland is one of three states in Australia—Tasmania, Western Australia and Queensland—that requires certification of a cross-contamination course. This has now been brought into the amendments to the Public Health Act, and we support that. It has now been brought in. It is going to be a requirement of licensure to actually



produce your certification. That unit is not industry specific. That unit is a unit taken from a nursing course. It provides you with a lot of valuable information in regard to not contaminating your space, but it does not provide you with information that is specific to the practices, the tools and the equipment of the tattoo industry.

Not only do you have an issue around cross-contamination, bacterial infection and that sort of thing; we also have an issue that, if you do not have any training within a tattoo industry as to how to use the equipment that is specific to the practice, a huge amount of damage can be done simply beyond that of contamination. The skin consists of seven layers of dermis and epidermis. If you go beyond that and too deep into the skin, if you do not stretch the skin correctly, scarification can occur. Beyond that, there is the integrity that is taught through traditional training within the tattoo industry. We have a reputation—and a very good reputation—within Australia of having a very high level of professionalism and a high level of skill that is respected all over the world. You can highly damage a person and do all sorts of mental damage to individuals due to lack of integrity, and that is something that is a huge concern to the industry.

**CHAIR:** I want to go back to your comments around the probity and the new tattoo industry act which will actually be called the tattoo industry act 2013, as I understand. Part of that process for applicants is to undergo rigorous identification; probity testing, which is through thorough, mandatory fingerprinting and palm printing; as well as criminal history checks. Does your organisation have an issue with that process?

**Ms Dukanovic:** Our organisation is pro regulation and the general consensus of the industry—the overwhelming consensus—is that we should have police checks. If you are in a position where you are tattooing somebody who has just turned 18, then that is definitely so. There are certain individuals who have committed crimes—heinous crimes, sexual crimes—who probably should not be working in the tattoo industry. In relation to the collection of fingerprinting and palm printing, however, I think that is unnecessary and I think that is the general consensus of industry. A police criminal history check will provide police agencies or regulating agencies with that information. Why are fingerprints and palm prints being collected on individuals as a part of an industry simply to gain entry to that industry? It is done for the collection of criminal intelligence and to build profiles on people. I do not think it is necessary.

**Mr CRANDON:** Thank you for coming and thank you for your opening remarks. I picked up on something that you said very early on which you seemed to support, so I will come back to it. Did you say the suggestion that there is a criminal motorcycle gang element in the industry tended to keep amateurs out of the industry?

**Ms Dukanovic:** I think that, due to the fact that the tattoo industry has had historical connections to motorcycle clubs, to some degree the idea of the tattoo industry is synonymous with criminality. I think that is fair to say. Professional tattooists have worked incredibly hard over the last five, if not 10, years to try and dispel that myth. I think that is fair to say. I think what has gone on as far as amateurs are concerned, as Mr Kosenko made reference to, is that one of the great problems we face as a professional industry—and we are now working quite hard to get the attention of state governments on this issue—is the availability of untested and unregulated pigments and the availability of equipment online. Professional tattooists do not source their equipment or their pigments from platforms such as eBay. To those people who were amateurs and who were practising and already had an interest in the art form and had some ideas around the art form, it simply said to them, 'Here is the green light: you can join the industry.' It is timely to have this conversation here on the Gold Coast because there has been a huge influx here on the Gold Coast itself. Two studios within two kilometres of where we are sitting right now have opened in the last 12 months, and the level of work coming out of these studios is absolutely appalling. Members of the public are now going to their GPs and things like that.

**Mr CRANDON:** I wanted to clarify that. Thank you very much. I now understand where you were coming from. In March 2016 the Crime and Corruption Commission prepared a report detailing the influence of criminal motorcycle gang members in the tattoo industry. Specifically it found that the outlaw criminal motorcycle gangs used tattoo parlours to facilitate criminal activities such as drug distribution and money laundering; outlaw criminal motorcycle gangs have been using threats and intimidation to extort money from tattoo parlour owners in exchange for allowing them to operate and to protect them from other CMGs; they have also been using threats and intimidation to force rival tattoo parlours to close and in some cases to prevent them from opening. As well, the 2014 CCC report stated that threats, intimidation and acts of extortion by criminal motorcycle gangs are often not reported to law enforcement agencies mainly due to fear of retribution, and investigating CMG infiltration of the tattoo industry increases the CCC's understanding of CMGs involved in organised

crime in Queensland. This all came on the back of what you have been talking about here today, and towards the end of your opening remarks you tended to support it. This all came out in 2014, hence the reason we have what we have. Do you disagree with any of those findings of the CCC?

**Ms Dukanovic:** I agree that the occurrence of tattoo studios being extorted does exist today. There is definitely a higher prevalence of it in New South Wales than there is in Queensland. I would suggest that the experience of industry is that those individuals who are threatening and extorting and using our studios as fronts for whatever criminal activity are not coming from within industry itself. I think that under the initial Tattoo Parlours Bill and that regime, those rogue establishments which were operating for that purpose are no longer operating. I think they are closed. Definitely it is a problem within the professional industry. We do get threats and we do get intimidation, but those people are not operating from within the industry. I think those threats are coming from outside the industry. Are they coming from clubs? To some degree, yes, they are. That is the truth.

**Mr CRANDON:** Recommendation 54 of the Wilson task force review said that the Tattoo Parlours Act 2014 should remain. That was a unanimous view of the task force. Do you support that recommendation? Do you believe that is appropriate?

**Ms Dukanovic:** No, I do not support it. I think in its current form the legislation does not support the industry, and any regulation should support the industry and should protect the industry. At the moment the bill in its current form is damaging the industry. Should some type of probity exist? Yes, absolutely. Are there elements of the bill that could benefit the industry? Yes, absolutely, but it needs to be fleshed out and the elements and the practices and the culture of the industry need to be taken into consideration.

**Mr CRANDON:** Following on from that, New South Wales regulates the tattoo industry, as does South Australia. Are there differences in the laws in each of the three states—Queensland, New South Wales and South Australia—that could be harmonised to make it easier for your members to operate across state borders?

**Ms Dukanovic:** Absolutely. I think that Rau's industry control act that we have seen recently introduced in South Australia has a negative licensing regime. From an industry perspective, the objective of that industry control act is very similar to the policy objectives of the Tattoo Parlours Bill in New South Wales and Queensland; however, they have not created the structure of the restrictions to industry, and that has been one of the most damaging elements. It is simply a case of going online, filling in your information and they then judge probity. If you meet probity you never hear from them again. Every visiting artist needs to go online and fill that out, but you are not in a position where you have to wait endlessly for applications. If I wanted to come here and work in this state as a tattooist—as I once did but no longer do—I have to fly to Queensland, give my fingerprints, give my palm prints and pay a rather large sum of money. Then I have to leave the state and wait, and I can wait a pretty extended period of time. I might only want to come for a couple of days. I am not coming to live here, but I may want to come back again later on in the year on multiple occasions. The fact is that the regulation does not recognise that. I think Matt, who owns Westside here in Brisbane, can speak about that issue more broadly than I.

**Mr Cunningham:** As a studio there are about nine or 10 of us who work within the building at Westside. My guys will tell me on Thursday that they are going to go to Melbourne on Saturday, and they just go. Traditionally my manager would be on the phone or on Instagram, and we would have somebody in that chair on Saturday morning who would come up from Melbourne or wherever. That was just normal and it gave the shop a sort of a vibrancy and excitement. You never knew what was happening, and that is part of the culture of tattooing. I did not get into this job to sit in a cubicle from nine to five. I filled two passports in the first five years that I was tattooing. Now I have a business and probably a third of the shop is empty most days because I did not want to stop anyone. I have a bunch of young, really talented tattooists working for me. I do not want to say to them, 'No, you have to be here nine to five and you get two weeks off a year.' I want them to have the same experience that I had.

**Mr CRANDON:** Have you experienced standover tactics and that sort of thing in your time in the industry?

**Mr Cunningham:** Yes, I have.

**Mr CRANDON:** Can you tell us a little bit about that?

**Mr Cunningham:** It is a hard one to talk about. I have only had one instance where I have called the police and had them involved. There have probably been three different times where I have been scared for my safety. Never was it another tattooist. Never was it somebody I knew from within the industry.

**Mr CRANDON:** Criminal gangs?

**Mr Cunningham:** A couple of times, and then other times just bad men. The notion that bike gangs are within the industry is just not played out by the statistics: 1,100 people were issued licences and five people were looked at for more information.

**Mr CRANDON:** Do you dispute what the CCC has found?

**Mr Cunningham:** The notion that the problem of extortion or intimidation is within the industry I think is misrepresented.

**Mr CRANDON:** It is the other element—

**Ms Dukanovic:** Exactly.

**Mr CRANDON:** The outlaw motorcycle gangs.

**Mr Cunningham:** We could have been restaurant owners.

**Mr CRANDON:** Is extortion just a little bit easier in your industry because of that?

**Ms Dukanovic:** I think historically it has occurred and we know that it has occurred. Fifteen years ago, when there was a heavy prevalence of gangs and clubs and rival clubs, then you could say it was a pretty regular occurrence that they wanted to lash back at each other and use violence and these tactics. Now that the industry has changed so dramatically and we have had such huge growth, that element just does not exist. When we do experience it, it is just not coming from within the industry.

**Mr CRANDON:** I hear what you are saying.

**CHAIR:** We will go to the member for Capalaba.

**Mr CRANDON:** It was still there in 2014.

**CHAIR:** I acknowledge that the member for Mansfield is in the room as well.

**Mr BROWN:** Were you consulted or asked to give evidence in relation to the Tattoo Parlours Act 2013?

**Ms Dukanovic:** No, we were not.

**Mr BROWN:** Would you have been open to having some input?

**Ms Dukanovic:** Yes, we would.

**Mr BROWN:** I found it interesting that you called the industry small but thriving. I know in my area of Redlands there are more tattoo parlours than McDonald's, and I know there is also one tattoo removal place. Why do you describe it as still small?

**Ms Dukanovic:** We would say that our industry is small compared to other industries and other trades. IBISWorld has said that there are 3,500 tattooists in Australia in total. I would suggest that number is perhaps slightly off. Having said that, what we can say is that, despite those numbers, there is a greater interest in the art form. Due to media attention predominantly, people are more interested now in the art form of tattooing and so therefore the industry has seen growth, but the growth that we have seen in Queensland and New South Wales is not healthy growth.

**Mr BROWN:** Correct me if I am wrong with these statistics, but 50 per cent of women under 25 have at least one tattoo. Those are pretty big figures. Am I correct with that statistic?

**Ms Dukanovic:** I am not aware of that particular statistic, but I am aware that on average four out of 12 Australians currently have a tattoo. That was the most recent statistic I heard, but I do not collect that data. I would suggest that a lot of people are tattooed.

**Mr BROWN:** The message that I am getting loud and clear is that you guys are willing to work with government to bring in legislation that not only is fair in regard to making sure the right people are in the industry but also supports the industry to increase the quality and therefore enabling it to thrive even more.

**Ms Dukanovic:** Absolutely. We have constructive dialogue going on at the moment. My perception of it is that it is dialogue that has actually arisen as a consequence of movement by the task force—the report of the task force in March here in Queensland. Now we have the minister of skills and training in New South Wales talking to us about the potential to raise industry-specific accreditation. We certainly are not resting on our laurels. We have now, with membership and with industry leaders, a guideline for trainees. One of the problems that we as an industry—and it is our problem we have to deal with—have no industry specific accreditation. The general consensus of industry is that we do not want to see tattoo schools. This is another issue that is on the landscape for us. Online tattoo schools are popping up left, right and centre. It is unregulated. You cannot learn to tattoo in three weeks, paying

\$3,500. That is simply further promoting and enabling amateurs. You are not going to walk out of a tattoo school having the knowledge or the skill level to get a job in an established studio. We have a lot of big things on the landscape.

**Mr BROWN:** The usual training is apprentice style, in-house?

**Ms Dukanovic:** Correct.

**Mr BROWN:** Is there any regulation around wages in regard to first year, second year, third year?

**Ms Dukanovic:** No, there is not. That is another conversation that we are currently having. Certainly when I apprenticed I did not get paid a single cent and that was three years. I have an apprentice in the studio now, the first apprentice I have taken on. He happens to be my son. He just finished a degree in art school. I pay him. He is lazy.

**CHAIR:** That is on record.

**Ms Dukanovic:** We want, within industry, the responsible standards that every other industry has, but we also need government to support us within that. These conversations are now opening up. This hearing here today is incredibly important to us and we would really like to see some indication that government is listening to industry and supporting that.

**Mr BROWN:** I am definitely listening. Thank you for your information today.

**Mrs STUCKEY:** Thank you to Tashi and Matt for sitting through today and presenting to us. Tashi, I am interested in the degree of consultation that you have been able to do with your industry and what sort of form that has taken.

**Ms Dukanovic:** The Tattooist Guild was formed at the end of 2012, as I said. It opened nationally for membership mid last year. We now have 450 members, with that membership growing on a daily basis. It is run completely by volunteers. We are all professional tattooists. It is about getting the information out to industry.

The consultation process is that when a document is drafted or written it is put out to the broader committee. We then have what is called an industry leader panel. That is 30 individuals—Matt happens to be one of them—who are industry leaders across Australia. They are predominantly tattooists who have been in the industry more than 15 or 20 years, like Matt. We send those documents out. There is then an opportunity for those individuals to come back with comment. That is then taken to the committee and then it is put out to the broader membership once it has been amended. We have a private forum. I think there are currently 160 members of the tattoo industry on that private members' forum where discussions are had about this. The consultation process is very transparent and it is very important to us that we represent what industry really wants.

**Mrs STUCKEY:** Matt, I note an earlier question about extortion and whether you had experienced standover tactics, which must have been very unpleasant for you. I note also that historically your type of business was targeted, but obviously a lot has changed as far as the artistic component now of tattooing. I guess my question is: have the standover tactics diminished since 2013 or have you noticed any changes?

**Mr Cunnington:** Yeah, I definitely feel, because there is so much—the industry is being watched and nobody really wants to—you get this feel like if you put your foot in the wrong place you are going to have the full weight of the law come down on you. Everyone is really behaving at the moment.

**Mrs STUCKEY:** From that perspective it has been quite a positive, then?

**Mr Cunnington:** We feel like we are being policed right now. The use of the term 'extortion' in Queensland—anecdotally, I have never heard of another shop in Queensland having to pay protection money. In New South Wales—

**Ms Dukanovic:** It happens in Victoria definitely.

**Mr Cunnington:** In 20 years of owning a shop in Queensland I have never actually heard of anyone having to pay. It has generally just been just saying the wrong thing or just politics. It has not been a problem, like an ongoing thing where people are being targeted.

**Mrs STUCKEY:** Other small businesses have certainly had money extorted from them, as you probably heard me say earlier. You have mentioned a lot of the drawbacks with this. There is an opportunity for your industry to make improvements, particularly in health and safety that you are acknowledging with unskilled operators. Whether you give it to us on notice or whether you say it today, would you like to make a list, in order of priority, of the things that you would like?

**Ms Dukanovic:** We have quite a comprehensive submission coming to you, along with over 40 impact statements and showcases of work just to show you graphically what is going on within the industry. That will be presented to you before Thursday. Those issues are definitely covered.

**CHAIR:** Thank you for attending today. If there are any questions on notice, could you get responses to us by 5 pm on 11 October.

**Ms Dukanovic:** May I ask, if we have any questions in regard to some of the articles that are listed within the new Serious and Organised Crime Legislation Amendment Bill, who do we pose those questions to you?

**CHAIR:** You are probably best sending those to the Attorney-General's office. The committee will stand adjourned until 3 pm for a private meeting which will be private to the attendee and the committee members only.

**Committee adjourned at 2.37 pm**