Speech By

Annastacia Palaszczuk

MEMBER FOR INALA

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CRIMINAL LAW (CRIMINAL ORGANISATIONS DISRUPTION) AMENDMENT BILL; TATTOO PARLOURS BILL; VICIOUS LAWLESS ASSOCIATION DISESTABLISHMENT BILL

Ms PALASZCZUK (Inala—ALP) (Leader of the Opposition) (7.41 pm): I rise this evening to speak in relation to the three cognate bills that were moved by the Attorney-General in the House earlier today. From the outset I want to reiterate what I said in the debate in relation to the urgency motion. The opposition is still of the firm view that, in relation to these three bills of over 160 pages, the government had every opportunity to refer these matters to the appropriate committee for due consideration tomorrow. The committees could have reported back to the House and these laws could have been debated and passed on Thursday. However, as I said previously, what we are seeing is a side of this arrogant government wanting to ram through laws without proper consideration and without due process.

The other issue I want to reiterate to the House is that when you look at the three bills and you look at the consultation component of the explanatory notes, you will find that there has been no community consultation except for consultation within government. This is simply appalling. I would expect the government to do better and I would say that Queenslanders would expect the government to do better. There is no reason whatsoever why the Queensland Law Society, the Queensland Bar Association, the Police Union and other members of the public should not have had a legitimate say in relation to these three pieces of legislation.

We are also very concerned about the complexities of the legislation that is before us in this House tonight. Upon reading we see that there are a lot of clauses and a lot of amendments. Considering that my staff were afforded a briefing at three o'clock this afternoon and we are now in the process of debating the legislation at a quarter to 8, I do not think that that is either fair or equitable.

Mr Bleijie: Well we won't give you the briefing next time.

Ms PALASZCZUK: I will take that interjection. Let it be said on the record that the Attorney-General has said, 'We will not give you a briefing next time.'

Mr Pitt: Smug and arrogant.

Ms PALASZCZUK: This is arrogance to the extreme. This is complete and utter arrogance and it is a disgrace.

Mr Bleijie: We afforded you the briefing—

Madam SPEAKER: Attorney-General, you will address your comments through the chair. I call the Leader of the Opposition.

Ms PALASZCZUK: This is arrogance to the extreme. I want to reflect on the situation that occurred recently in Broadbeach and I want to say at the outset it was disgraceful. All Queenslanders would have been horrified at the situation that arose down there when families on a normal evening

out had to witness the violence and confrontation that followed. The police should be commended for the way they have tackled this issue since then, all under the laws that currently exist in Queensland—the laws that the previous government presided over. The Labor opposition supports endeavours to crack down on the violence and criminal activity engaged in by members of criminal organisations. That is why we introduced the Criminal Organisation Bill 2009 when in government. That bill was designed to disrupt and restrict the activities of criminal organisations and their members and associates. The laws were intended to augment but not replace those existing laws which were already available to combat serious organised criminal activity in Queensland.

The bill is window dressing. It is a public relations exercise that is more about giving the impression of attacking organised crime but is not the best possible response. There is already legislation in place which has not yet been properly utilised because the government cannot admit that it was wrong when it opposed that bill in 2009. What the opposition cannot support is an attempt to rush these laws through the parliament without adequate scrutiny by the committee charged with the responsibility for oversight of these laws. We also cannot support the failure to consult with the opposition. After repeatedly calling for a bipartisan response to the problem, this arrogant Newman government refused to let us know anything about their plans. How can they expect bipartisan support for an unknown response? Consultation with the opposition should have been one of the first things they did.

The consultation with the opposition should have only been a first step. Consultation with stakeholders should have been the next step. I will quote from the Queensland Cabinet Handbook 6.1, Community Consultation. It states—

Consultation with persons or organisations external to government (including employers, unions, community groups, and special interest groups) should be a routine part of policy development.

So often in this House we have seen amendments being moved during consideration in detail to give effect to suggestions made by the Queensland Law Society in particular. The Bar Association of Queensland, the Police Union and the Chief Justice have all made submissions that have contributed to the debate on many pieces of legislation that have come before this House. There have often been unintended consequences of legislation identified, and amendments made before a bill is passed are far preferable to amendments having to be made at a later date.

The actions taken by the previous government were in response to the possible threat of increased bikie activity in Queensland. Other states were developing laws and we wanted to make sure those laws would protect Queenslanders. By not taking the threats seriously, this government presided over a situation we are now having to address. In August 2012 Superintendent Ziebarth produced a report to dispel myths about crime on the Gold Coast. Whilst acknowledging that outlaw motorcycle gangs have members and clubhouses throughout the state, he said the Gold Coast had no particular monopoly on them. He said as at August 2012, 'We have no evidence to support claims that there is any looming bikie war.' He also referred to crime statistics over the 10 years from 2001 to 2011: offences against property were down 29 per cent; offences against the person were down 29 per cent; armed robberies were down 26 per cent. In terms of the prevalence of guns, crime statistics showed that in 2000-01, 1,236 people were charged with weapons possession compared with 605 people in 2010-11. Then on 26 June this year, the member for Mermaid Beach, Ray Stevens said, 'A major bikie war is brewing on the Gold Coast.' Between August 2012 and June 2013 a bikie war had started brewing. That happened under the watch of the LNP government. There were laws there and they simply refused to use them.

Mr Johnson: Who lit the fuse?

Ms PALASZCZUK: The member for Gregory will have his own opportunity to speak in this debate, and it is my right to be heard this evening.

We cannot allow laws that have not had the benefit of proper scrutiny by stakeholders to be passed without any concern for whether or not they will be found to be valid by the High Court. The Premier has said that he expects the laws to be challenged and probably overturned. He said that it does not matter. I will quote from a *Courier-Mail* article last week, which said—

But he said he expected some of the new laws to be challenged and possibly overturned by the High Court. 'We know that some of these things will be challenged. We know that some may be overturned. It doesn't matter.'

But that is not what we need in Queensland. It does matter, Premier. What we need are valid laws that will withstand challenges in the High Court so that they can continue to provide protection for Queenslanders. If we as a community are going to ask our police officers to put themselves on the line in tackling outlaw criminal organisations we have a duty to provide them with the best possible tools, and that includes legislation that is designed to withstand court challenges.

The Premier has been giving us his expert legal opinion on this matter for quite some time. I hope we are not relying on the Premier's advice on this, because it has been found to be sadly lacking. In fact, what I would like to know is what advice has the Solicitor-General provided in relation to these three bills? In developing the 2009 bill the previous government worked very closely with Crown Law and the Solicitor-General to ensure that the laws would stand up in the High Court, and that has certainly paid off. It is a disgraceful waste of resources to bring legislation before this House of such a controversial nature without an assurance from the second law officer that it is the soundest it can possibly be.

This government has never taken the issue of outlaw motorcycle gangs seriously in the past. Even in opposition they did little to support actions taken by the government because they did not believe that the threat from organised criminal gangs was real, and yet they ask us to give them our bipartisan support. Before the election in 2012 the Attorney-General was highly critical of the Criminal Organisation Act. He was publicly telling anyone who would listen, including bikie gangs, that if the LNP got into government they would tear up the Criminal Organisation Act passed by the former Labor government in 2009. Even as late as October 2011 in the lead-up to the March 2012 state election the Attorney was publicly dismissing the laws as a 'wasted opportunity' to go after organised crime gangs. Then after the 2012 election the Attorney was still saying he wanted to repeal the 2009 laws in favour of legislation covering unexplained wealth. That was until March this year, when Labor's laws had withstood a High Court challenge by the Finks motorcycle gang. Then the Attorney was suddenly saying how good they were. He even had the audacity to describe them in his media release as the Newman government's criminal organisation laws. Hypocrisy!

An honourable member interjected.

Ms PALASZCZUK: Deceitful! I will take that interjection. When the government finally became interested in organised criminal activity in this state after the 27 September incident at Broadbeach and there was mention in the media of the Finks patching over to the Mongols, Premier Newman said on ABC Radio that it was his belief that this would defeat the present application to have the Finks declared a criminal organisation that is before the Supreme Court. Embarrassingly, the police minister came out a few hours later saying that was not the case, and legal advice from actual lawyers and not the LNP bush lawyers totally repudiated that. It is always good to get the history on the record here.

But this was no surprise because the Premier says whatever he feels like saying, whether it is based on fact or fiction. In 2012, after a Gold Coast tattoo shop owned by the Bandidos bikie gang was blasted with bullets, Mr Newman ruled out banning bikies from parading their colours in public. Speaking on behalf of all members of the LNP the Premier said—

The team that I lead believe that you shouldn't be sort of penalised for wearing your footy team uniform or jersey.

Do we all remember that quote? I certainly do. Comparing bikies wearing their colours to footy fans wearing their team's jersey is not taking the outlaw motorcycle threat seriously at all, is it? He was also criticising the Criminal Organisation Act 2009 and the previous government's laws that existed to allow for the confiscation of the proceeds of crime. According to Mr Newman, under existing confiscation laws the prosecution must prove a link between the property and the commission of a crime. Wrong again! As media reports said—

Legal experts warned that Premier Campbell Newman's plan to toughen proceeds of crime laws, by scrapping 'the need to prove a link' between wealth and specific crimes, was redundant as current laws did not require this anyway.

A prominent solicitor said that the Premier's expert legal advice was not true. He said—

It can simply be that (prosecutors) have a reasonable suspicion that the property is the proceeds of criminal activity or it's property that is tainted in some way, so they don't actually have to show (a link).

It was this cavalier attitude by the Premier and the Attorney-General that has caused the situation on the Gold Coast to escalate to the point that it has. They may as well have taken the welcome mat down to the border and laid it out for the outlaw motorcycle gangs, because that is how they saw their responses to the laws. But what this bill does is highlight the absolute nonexistence of political ideology of the members opposite. It is an embarrassing testament to the failure of their strategy of political expediency when the Criminal Organisation Bill 2009 came before this House back in December 2009. For the benefit of members who are new to this House, especially a lot of new members, I will explain what happened so that we do have the history on the record. We need to have this history on the record.

A number of incidents had occurred where violence had erupted between outlaw criminal organisations around Australia. Many would remember the brawl that occurred at Sydney Airport

where a Hells Angels member was killed. This attack occurred in broad daylight in front of hundreds of travellers in what is described as 'one of the most secure and monitored public spaces in Australia'. This occurred only hours after the Bandidos had been involved in a series of drive-by shootings at six homes in Auburn linked to a feud with another club. The Hells Angel was travelling with other interstate bikies who had flown from Adelaide via Melbourne to reinforce the Bandidos' Blacktown chapter in its war with Notorious.

At that time the Labor government recognised that the activities of organised criminal groups were increasing throughout Australia and did not want Queensland to become a place where these groups would flourish, so it began a dialogue with Queenslanders on how to best deal with this emerging issue. On 26 March 2009, the day the new government was sworn in, the Premier told the incoming police minister 'to make the inception of tough new antibikie laws in Queensland an immediate priority after he is sworn in today'. In April 2009 the New South Wales parliament passed its own criminal organisation laws which followed laws passed by South Australia in 2008. The proposed laws were tough on criminal organisations. They were designed to disrupt their operations and impose serious restrictions on persons who were engaged in criminal activity. These measures were a significant change in the law and a significant movement away from how organised crime had been tackled previously, so in August a consultation draft of the proposed legislation was circulated to stakeholders for their input and for their consideration. Then in September the Full Court of the Supreme Court of South Australia found that the South Australian legislation was invalid. The government vowed to challenge the ruling in the High Court, but the Queensland government decided to undertake an extensive review of the draft bill in consultation with stakeholders to ensure that it would withstand a High Court challenge.

If any aspect of the new laws was found to be unconstitutional, the entire scheme could have been struck down, leaving Queenslanders with no protective legislation against outlaw criminal organisations. After more work, the draft bill was introduced into the Queensland parliament in October 2009 and was debated and passed in November.

The South Australian government's laws were declared invalid by the High Court in 2010 and the New South Wales laws suffered the same fate in 2011. However, Queensland's laws were upheld in the High Court when challenged by the Finks in 2013. The work that went into consultation and ensuring the laws would be constitutionally valid certainly paid off, and Queensland had the first successful organised crime legislation in Australia. That is a general synopsis of what occurred in 2009. What I might now flesh out is the LNP's attitude to the laws, their response and how they have treated the issue of organised crime in Queensland since their election.

Before the laws were debated the member for Southern Downs, the now health minister who was at the time the Deputy Leader of the Opposition and shadow Attorney-General, met with representatives from the United Motorcycle Council of Queensland to discuss the laws. According to the United Motorcycle Council of Queensland spokesperson, the meeting was supposed to be for 15 minutes but lasted for an hour and a half. As he said, 'He understands our position much more clearly now.' So the then Leader of the Opposition, the member for Surfers Paradise, the current education minister, declared that the LNP would oppose the anti-association provisions of the bill. A newspaper article quoted the now education minister as saying—

> … association laws "did not strike at the nub of the problem"—tracking and recovering the proceeds of crime. The proposed laws also gave the police too much power …

So that brings us to the debate of the bill. The bill had a number of aspects, but the main elements were to: enable the Police Commissioner to make an application to the Supreme Court to declare an organisation a criminal organisation; provide that the Supreme Court can make such a declaration where it is satisfied members of the organisation meet for the purpose of engaging in or conspiring to engage in serious criminal activity and the organisation is an unacceptable risk to the safety, order or welfare of the community; and empower the Police Commissioner to make further applications to the Supreme Court in respect of a declared organisation that control orders be made against individual members of a criminal organisation.

The member for Southern Downs had a lot to say during that debate. He seemed terribly concerned for the civil liberties of the persons who might be members of a criminal organisation, which, by definition, is an organisation where members meet for the purpose of engaging in or conspiring to engage in serious criminal activity and the organisation is an unacceptable risk to the safety, order or welfare of the community.

He did not like the idea of control orders, either. To remind members, under clause 18 of the bill a court could make a control order against a person if satisfied that the organisation met a number of criteria. Most members opposite would consider that reasonable today, but the member for Southern Downs did not consider it reasonable then. One of his major criticisms of the then Attorney-General was—

He is not even prepared to properly take on board the concerns of the likes of the Council for Civil Liberties, the Bar Association, the Law Society and a whole range of people who have raised serious concerns about this.

The member for Southern Downs mentioned the Council for Civil Liberties 10 times during his speech. It will be intriguing to see if the member speaks to this bill and, if so, how many times he mentions the Council for Civil Liberties.

Let us examine what else the member for Southern Downs had concerns about in relation to this bill. I mention the presumption against bail. He criticised Labor for this. Is he still opposed to it? The member for Southern Downs was also very concerned about the constitutional validity of the laws. He issued a media release on the day the bill was debated saying that 'they don't work and will be thrown out of court'. The member for Southern Downs got a bit excited when the High Court found the South Australia laws to be invalid. He came out to say that the High Court ruling showed the state's bikie legislation, which allowed authorities to place control orders on individuals or deem organisations to be criminal, simply would not work.

This statement clearly showed a lack of understanding of the laws and the measures that were included to ensure the Queensland laws would not offend the Constitution. There were vast differences between the approaches of South Australia and New South Wales and the approach adopted by the Queensland Labor government. But concern for constitutional validity appears to have gone the way of the concern for the civil liberties of the bikies.

The member for Southern Downs was not alone in his criticism of the laws. The member for Mudgeeraba was also a very vocal opponent. She was also concerned about the constitutional validity of the laws. More expert legal advice was offered by the member for Mudgeeraba. She said—

An article from the Civil Liberties Australia website clearly demonstrates that this law will be tested in the future and stands a very good chance of being defeated in a court of law given the precedent already set in South Australia.

My favourite, the member for Indooroopilly, also made an interesting contribution to the debate. The transport minister, as he now is, was concerned that 'laws that we introduce do not unreasonably restrict the freedom and liberties of individuals, including the freedom of association'.

Mr Bleijie: I thought I was your favourite.

Ms PALASZCZUK: Attorney-General, let me assure you: you are not my favourite—far from it! In fact, I do not think you are even on my Christmas list anymore.

In support of his argument the member for Indooroopilly quoted from the submission made on the bill by the now member for Ipswich, who at the time was president of the Queensland Law Society. The member for Indooroopilly said—

In his review of the bill, the Queensland Law Society president, Ian Berry, warned that the big problem with the legislation is that the court can be forced to make decisions on applicants based only on criminal intelligence from police informants.

The now member for Ipswich had a lot more to say on the bill. He said—

Both BAQ and QLS have the utmost concern about the proposed laws on two bases. First, the proposed laws would lead to the abrogation of basic legal rights which have been central to the operation of the common law, including the fundamental right to a fair trial. Second, there is little evidence that these laws are required in Queensland or that they are likely to be effective.

He then went on to say—

With this recent and documented successful Police action against motorcycle gangs under existing laws, and with Police powers to be supplemented with a telephone interception power, how can the required case be made out for the removal of fundamental rights?

In our respectful view, no such case can be made out.

When asked about his submission on the bill, a submission contained in a letter under his hand, the member for Ipswich suddenly became very coy. Mr Berry said that the letter outlined the position taken by the Queensland Law Society. I quote—

'As president I signed all correspondence on behalf of the society and it does not represent my personal views,' he said.

'I didn't write the letter. It was written by a policy advisor.'

Very embarrassing, member for Ipswich! 'I signed it, but I didn't really understand anything that was in the context of it.'

Mr BERRY: I have to take exception to that. My point of order is that I find it offensive to say that I did not understand the letter. That is personally offensive.

Madam SPEAKER: The member has taken offence at the comments. I take it the member is asking for them to be withdrawn under the standing orders?

Mr BERRY: Yes.

Madam SPEAKER: Leader of the Opposition, in accordance with the standing orders I ask you to withdraw.

Ms PALASZCZUK: I withdraw. The member needn't be so embarrassed: all members opposite expressed similar views at the time. It has not stopped them doing a complete, 180-degree turnaround. What is more concerning in his statement is that, even though he signed the letter, it did not represent his views. I think most people would accept that if a person signs a letter they are endorsing the contents of the letter. If you felt unable to do so, surely the proper and ethical thing to do would be to ask another member of the Law Society if they would be prepared to put their name to the letter and sign it. I am sure it is not the case that the personal views of a policy officer are paraded as the views of the Law Society.

The member for Indooroopilly likened the laws to George Orwell's *1984* when he said—

In *1984* George Orwell wrote of a world where you are told where to work and where you can go, where you are not entitled to know all the evidence against you, where the court is entitled to know your past criminal record and associations and where it only has to be merely satisfied of your guilt. We need to combat organised crime, but this is not the way.

The member for Glass House was also passionate in his opposition to the bill. Now the Minister for Environment and Heritage Protection, he quoted the Fink's spokesman, Ferret, who said—

'Bikies have got jobs, families, mortgages, just like everyone else. Maybe we're not like everyone else but,' he asks, 'if we're not criminals, why are we being treated like them?'

The member for Glass House commented that rights infringed on in the bill were numerous. He then detailed amongst them clauses which would reverse the presumption in favour of bail and clauses which have the potential to affect property rights. I would be very interested to know how the minister now feels in relation to those matters. He thought a better way to tackle the problem of organised crime was to better resource the current police services and organisations such as the CMC. It must have been of some considerable concern to the minister when in its first budget the LNP government ripped around $1 million from the CMC and sacked around 50 staff. Shameful! This was in contrast to the Labor government, which in the 2010-11 budget allocated an extra $4 million over four years to the Crime and Misconduct Commission. This was promptly reversed by the Newman government. Properly resourcing the CMC was an integral part of the plan to combat organised crime in Queensland. Through the combination of proceeds-of-crime provisions, traditional laws and the new criminal organisation legislation, the Labor government was mounting a comprehensive campaign against organised crime in Queensland.

The member for Currumbin, the now Minister for Tourism and Major Events, was also critical of the bill. However, she praised the work of the former Labor government in attacking the problem of organised crime in Queensland. Let me quote her—

The Queensland government, to its credit, in September 2006 implemented a task force known as Task Force Hydra to tackle the problem of bikie gangs. On 30 March 2009 the Premier announced that, since the task force's inception, police have made 322 arrests in relation to 931 charges, including attempted murder, arson, extortion, robbery and drug trafficking.

In April 2012, just one month after the election, Task Force Hydra had laid additional charges. However, the member for Glass House was very concerned about a police directive that had been issued about riding wearing club colours when he said—

Thankfully, not all the stories we hear relating to bikie gangs are bad and not all bikie gangs are involved in criminal activity. Recently, the Queensland police issued an order that gang members who chose to take part in the Morcombe charity ride on the Sunshine Coast were not allowed to wear their colours. The United Motorcycle Council of Queensland, which is made up of several bikie clubs, was offended by this decision, but out of respect for Daniel Morcombe's family they obeyed the directive and decided not to ride. Wearing their club patches is a badge of honour for these members and they will not ride without them. The UMCQ arrived after the ride and donated $10,000 to the charity.

The member for Buderim and now Minister for National Parks, Recreation, Sport and Racing became quite animated during his speech. He said—

I am very concerned about the sweeping powers that this legislation will give the court.

I am glad to see that the minister has joined us. He also felt that our police and the CMC need resources, funding and adequate staffing levels and yet, like the member for Currumbin, he was a member of the cabinet that stripped $1 million in funding from the CMC and approved the sacking of up to 50 staff. He also expressed some considerable concern for Skeeta, a former Harley Davidson

riding tenant at a caravan park he owned. He was very worried that the laws would be used against Skeeta. Well, if Skeeta was not engaged in any serious criminal activity, Skeeta could not be touched by the laws because the laws could only be made against a person who was so engaged. They were not laws, as he described, designed to target those people who have long hair and wear different clothes from the rest of us; they were laws designed to target persons engaged in serious criminal activity. I am waiting to see whether or not the minister will raise the same concerns today. But his concluding statement showed his total lack of understanding of the bill he was debating when he said—

When the Attorney-General walks down the street and passes a bikie, he should remember the law that he made and that his government is looking to pass, because this is about victimising Queenslanders who have long hair and who wear patches on their back. Remember it, people: you did it.

Mr Bleijie: Who said that?

Ms PALASZCZUK: A member of the cabinet. Now let us come to the member for Kawana. Maybe we are leaving the best till last. I will now turn to the contribution of the member for Kawana, who is now the Attorney-General, during debate of the bill. The Attorney is deserving of special mention because, as the responsible minister, he bears administrative responsibility for the legislation. His first major criticism was this—

In March this year we saw the bikie brawl at the Sydney Airport. On 30 March this year the Premier announced that Queensland would prepare tough new legislation to respond to the growing threat from outlaw motorcycle gangs.

Does this sound familiar to anyone opposite? It could well have been—

In September this year we saw the bikie brawl at a restaurant in Broadbeach. In October this year the Premier announced that Queensland would prepare tough new legislation to respond to the growing threat from outlaw motorcycle gangs.

The major difference, though, was that in 2009 eight months was spent developing sound legislation that proved itself as the first such legislation to withstand a challenge in the High Court. He then set out the proud record of Task Force Hydra and said—

As criminologist Dr Paul Wilson indicated, the fact that there have been so many arrests indicates that existing laws are sufficient without the need to enact laws aimed directly at bikie gangs. We do not need to enact laws aimed directly at bikie gangs or other groups, but we do need to give more resources, more funding and more support to our police officers.

The Attorney's concern was that—

This bill encroaches on their personal freedoms and liberties. A government that tries to remove these freedoms and liberties is a government that is to be feared.

Hypocrisy!

Mr BLEIJIE: I rise to a point of order. I have listened for approximately 40 minutes to the Leader of the Opposition. I am wondering when she will get to the contents of this bill, not the bill that was passed in 2009.

Madam SPEAKER: What is your point of order?

Mr BLEIJIE: My point of order relates to the standing order with respect to relevance to this bill, not an event that occurred four years ago.

Madam SPEAKER: I call the Leader of the Opposition.

Ms PALASZCZUK: Thank you, Madam Speaker. I am setting out the history so Queenslanders have it on the record for the rest of eternity. Let me get back to the member for Kawana, because I love talking about the member for Kawana. It gives me great joy. He then went on to quote the submission by the Queensland Council for Civil Liberties, which stated—

The proposed legislation is so radical and far reaching that it should have been subject to the stringent Law Reform Commission process of an Issues Paper, a Discussion Paper and then a Final Report.

Mr Pitt: How about a parliamentary committee?

Ms PALASZCZUK: I take that interjection. The Attorney-General then went on to say—

The Queensland Council for Civil Liberties is not the only organisation to reject this bill. The Law Society, the Bar Association—both key organisations in Queensland—are opposed to the enactment of this bill.

Is the Attorney-General as concerned about the views of those stakeholders of his bill? I guess we will not know, because the Attorney-General is not prepared to let the bill go to a committee for proper scrutiny by stakeholders such as the Law Society and the Bar Association.

But the real concern about the bill is that it is in the hands of the bungling Attorney-General, who is known in the legal profession as the—

Mr Bleijie: Now I'm offended.

Ms PALASZCZUK: Does the Attorney-General want to know what the legal profession calls him or not? How can we trust the Attorney-General with a response to organised criminal groups when he cannot even hold two teenagers in a boot camp? I am at a loss for words. The Labor opposition has said that the problem of organised crime needs a sophisticated response. The people of Queensland should be thankful that the Attorney-General did not carry out his threat to destroy one of the key legal weapons introduced by the former Labor government that he is now using to tackle outlaw bikie gangs.

But the Attorney-General is intent on playing politics on this issue. Earlier this year—

Honourable members interjected.

Madam SPEAKER: Order! There are interjections across the chamber that the speaker with the call is not taking. So I would ask that the interjections cease.

Ms PALASZCZUK: Thank you, Madam Speaker. Earlier this year the federal government took a proposal to COAG for a national approach to unexplained wealth laws, anti-gang laws and reforms to the illegal firearm market. But the Attorney-General rejected that measure, calling it a cash grab by the Commonwealth. That was despite assurances given by the federal Attorney-General that no state would be worse off under the national unexplained wealth laws.

The Queensland government was fully briefed on the proposal, including the fact that the national laws would preserve state laws and that each state would be able to retain proceeds of crime seized under their own laws. When the Abbott government came to power and new Liberal Minister for Justice Keenan announced his intention to proceed with the national unexplained wealth laws proposed by the Labor government, the Attorney-General said that he would be happy to work with Minister Keenan on future law reform to tackle organised crime but certainly did not commit to cooperating on national unexplained wealth laws.

But things changed dramatically overnight, because 27 September was the night that the Finks and the Bandidos became involved in a brawl on the streets of Broadbeach. There has never been a faster change of heart by a government than we saw occur in the LNP. The Premier described it as a sea change. It was more like a tornado. After 18 months of dragging their heels over organised crime and refusing to cooperate with the federal government, now everything is urgent—so urgent that the bill was introduced this afternoon and is being debated in this House tonight with no scrutiny.

But this bill is not the sophisticated response that is required. It is a hastily pulled together response that plays up to populist rhetoric but does little to address the underlying problem of organised crime. The way to deal with organised crime is through a multipronged approach. The criminal organisation legislation is an important aspect of this approach, but so is better resourcing of our crime-fighting bodies, especially those such as the CMC, which are charged with the responsibility for disrupting criminal organisations.

For 12 months the CMC has been saying that it does not have the resources to deal adequately with the proceeds of crime legislation that exists already. When the unexplained wealth laws came into operation, there was no additional funding provided. At the estimates hearing in October 2012, the then chair of the CMC told of the great return on investment in the criminal proceeds confiscation area of the CMC and said—

So it is very valuable, but it would be worth doing even if it cost because of the damage that it does to criminal organisations. However, it does require resources and those resources are hard to find. I think that is a point that is apparent to everybody.

That was after $1 million in funding was cut from the budget of CMC and around 50 staff were sacked. Then during the public hearing on the Criminal Proceeds Confiscation (Unexplained Wealth and Serious Drug Offender Confiscation Order) Amendment Bill, the following exchange took place between the member for Nicklin and the CMC. Mr Wellington said—

Ms Florian finished on the issue of resourcing. If I can use simple language, what you are saying is that you do not have the staff capacity to do the backlog of work which has already been referred to you and you need additional financial support from the state government to be able to undertake the work that this legislation is proposing. In other words, they are giving you additional tools which you welcome—we all welcome those additional tools—but the simple fact is that you will not have the current specialist officers to be able to use those new tools. Am I being too blunt, or can you clarify?

To which Ms Florian stated—

Well, that is blunt but I think accurate. The Western Australian proceeds of crime team, as I have indicated, has a staff of 29 FTEs to do just two parts of a much larger thing that we would be doing if this bill is passed. Resourcing will obviously be an issue.

But the government pressed ahead with the unexplained wealth laws without addressing the issue of funding of the CMC. Recently, at a joint meeting of the CMC and the PCMC the member for South Brisbane again asked about resourcing the important civil confiscation scheme. This is the information that she was given. The member for South Brisbane asked—

... can I draw your attention to the non-confiscation based civil confiscation scheme that is administered by the CMC? I know that this is an issue that has come up previously in the last public hearing and in other forums. Do you feel that there are effective resources in place to manage the confiscation of this property?

The response was—

Thank you for your question. There are a number of issues, of course, about how proceeds of crime legislation is developing. In terms of the civil confiscation scheme, we have been administering the civil confiscation scheme for some time. We have a small team. That team has not been able to meet the demand on proceeds of crime by law enforcement agencies in Queensland. As a consequence, we have moved to a queue system where we have to prioritise matters for proceeds of crime confiscation activity.

So after spending 18 months attacking the Crime and Misconduct Commission, after stripping it of funding and resources and staff, the government wonders why it is not able to work to capacity to undermine the organised crime networks in Queensland.

After hearing member after member explain that the Criminal Organisation Bill was not the way to go, that unexplained wealth laws were the way to tackle the Mr Bigs of the Queensland underworld, not a cent in additional funding was provided to the CMC to utilise these laws. In fact, funding was taken away from the CMC to hamper its already great work on criminal proceeds confiscation. And there was no reason for it because, as it was explained at the public hearing on the bill on 6 March 2013, the figure quoted for return on investment for the confiscations unit was 145 per cent. At the joint meeting on 23 August, the figure given was 188 per cent return on investment in the CMC's work in proceeds of crime. It is extraordinary that the government would not give the CMC whatever resources it needed if it was able to make this type of return. To increase the CMC's workload without any additional resources was inexcusable and can only be seen for what it was: an attempt to nobble the CMC.

The Criminal Law (Criminal Organisations Disruption) Amendment Bill 2013 is far-reaching legislation. The five hours between the introduction of three bills and the debate of those bills is insufficient to get across the full detail of what they contain.

Mr Bleijie: You've just wasted 45 minutes.

Ms PALASZCZUK: I will put everything on the record. I love putting the Attorney-General's quotes on the record.

Mr Bleijie: You'd better hurry up. You've only got 15 minutes left.

Ms PALASZCZUK: The arrogance of the man knows no bounds. I would like to thank—

A government member interjected.

Ms PALASZCZUK: I was about to do a thankyou, but perhaps I will not. I thank that my staff were provided with a briefing for about an hour in relation to the issues that were coming before the House tonight. The bill creates a new limb by which an organisation can be declared a criminal organisation. This is done by the minister prescribing an organisation by regulation. Schedule 1 of the bill contains the list of organisations to be prescribed upon assent of the bill and others can be added at a later date, also by regulation. Clause 28 sets out the criteria to which the Attorney-General may have regard when deciding whether to recommend that an entity be prescribed as a criminal organisation. I am concerned about the manner in which organisations are declared. The minister having power to make the declaration without reference to a court of law with no grounds for review and no method for being undeclared all add doubt to the validity of the provisions.

I would like the Attorney-General to please provide advice to this House on whether the Solicitor-General has advised that he is satisfied that these bills will stand up to the scrutiny of the courts. Once prescribed there are certain offences created in the Criminal Code for which participants in that organisation would be liable. The definition of 'participant' is very wide and it includes anyone who attends more than one meeting or gathering of persons who participate in the affairs of an organisation. My concern is that this could also apply to a lawyer who provides advice to members of an organisation. The offence of being present in a public place with two or more other participants could apply to the solicitor and barrister walking across the road to court with their client. The problem is that the sentence for this offence is three years imprisonment with a mandatory term of imprisonment of six months. The offence does not have any element of criminality at all. Just being present is the offence.

There are many mandatory terms of imprisonment in this legislation. The opposition does not support mandatory imprisonment. There should always be retained in the judiciary a residual discretion to vary the sentence in the interests of justice and in exceptional circumstances. The Chief Justice has repeatedly made submissions to the effect on your legislation in the past, as have the Queensland Law Society and the Bar Association of Queensland. If three brothers who are members

of an organisation go to their dying mother's bedside there is no basis on which to vary the mandatory jail term. It is similarly an offence to enter prescribed places and attend prescribed events. The current bill prescribes the clubhouses of the prescribed criminal organisations but further places and events can be added at a later date. The current Criminal Organisation Act 2009 contains an offence of recruiting persons to become participants in a criminal organisation. This bill contains a similar provision to apply to prescribed criminal organisations.

With respect to the Tattoo Parlours Bill 2013 I have a number of issues which I would like to raise. I note that this bill more or less seeks to replicate the licensing regime set up in New South Wales under the Tattoo Parlour Act 2012. I understand that it is necessary because of mutual recognition agreements that apply and any differences in the scheme could lead to persons moving jurisdiction to where the regulation is less. The bill also amends the Liquor Act 1992 to prevent the wearing of club insignia and associated colours in licensed premises. The bill will establish a new licensing regime for the tattoo industry. There will be two types of permits created: operator licences for business operators and individual licences for tattoo artists. It will now be an offence to carry on a tattoo business without a licence, for an individual to perform a tattoo procedure without a licence or for an operator to employ a tattoo artist who is unlicensed. The maximum penalty for these offences is 18 months imprisonment and 1,000 penalty units where a third or later offence has been committed.

The opposition will be supporting this bill but we have concerns and I want to place them squarely on the public record. I am concerned that the regulation of the tattoo industry will simply encourage outlaw motorcycle gangs to branch out into other industries. In fact, there is already clear evidence that outlaw motorcycle gangs are involved in a variety of business enterprises such as restaurants, clubs, bars and massage parlours. This bill scratches at the surface of disrupting outlaw motorcycle gang business ventures. It is clear that the new regime is extremely strict for the tattoo industry. It will place a significant new burden on the industry and probably an unfair one on the many members of the industry who are law-abiding citizens pursuing a business and a vocation that they enjoy and that they are passionate about. It goes without saying that there has been no consultation with the industry regarding these new laws.

I have received quite a deal of correspondence from persons concerned about the imposition on legitimate tattoo businesses. Whilst the laws may help to eliminate any criminal activity or association with the industry, there is nothing to stop the intended targets of this legislation from branching into new industries and expanding their interests in the industries they are already involved in. I am concerned, therefore, that the bill will simply see the problem that we are told is present in the tattoo industry spread henceforth into other industries.

Regarding privacy concerns, the requirement to consent to finger and palm prints being taken on application for a licence is an extremely invasive measure. In fact, the explanatory notes highlight the fact that this is a significant breach of privacy. Clause 14 allows for a former licensee to request that those prints be destroyed. However, the application may be refused and the prints are able to be retained and used for other purposes. There is no right to have the prints destroyed. The explanatory notes in fact state they may be retained and used for intelligence purposes.

I also want to place on record my concerns regarding the decision making process for the granting of applications. In particular I am concerned that if an application is refused on one of the relevant grounds no reason is required to be given if it would result in the disclosure of criminal information. The decision of the CEO in issuing a licence is based on information from the QPS. That can be criminal intelligence at any level and it will never be known to the applicant. There is no court of law involved. There is no opportunity for the Public Interest Monitor to scrutinise the intelligence and how it is used by the CEO in determining the application. These are matters of concern to the opposition. The Public Interest Monitor has been appointed. Why not use the resources that are available to ensure the legislation is as robust as possible. It is a matter of natural justice that a person should be able to find out why they have had such an application refused. I will be raising further issues with respect to the bill in consideration in detail and I look forward to responses from the Attorney-General.

The Vicious Lawless Association Disestablishment Bill is based on the prescribing of criminal organisations. It uses the same definition of participant, a definition which may have unintended consequences, but the opposition will not be opposing this bill. The people of Queensland will make their own judgement about it. However, we certainly reserve our rights if the laws do not stand up to any challenge in the courts. I have placed on the public record that the lack of consultation and scrutiny cannot lead to good government and it cannot lead to good legislation and therefore the Attorney-General will feel and bear the full brunt of the responsibility if these laws fail in the High Court.