

Submission to the Taskforce into Organised Crime Legislation 2015

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Date Of Submission:

30 June 2015

Background.

Until the coming into effect of the *Tattoo Parlours Act 2013*, and the *Associated Criminal Organisation Act 2013*, I had been a tattoo artist for approximately [REDACTED] years.

I have been convicted of criminal offences in the past, the most serious of which was for an armed robbery [REDACTED] I have been convicted of minor drug offences and property offences and a stalking offence approximately [REDACTED] ago as a result of a neighbourhood dispute.

When I was a child, I was made a ward of the state at [REDACTED] years old and living in what I call "Boys Homes", where I was physically and mentally abused. I have been diagnosed to have what is now known as "ADHD". Being a tattoo artist is the only employment I have ever known and since the introduction of the *Criminal Organisation Act 2013*, I have not been able to work and earn an income. This has had a serious impact on my health, both mentally and physically. I am not, and have never been, associated with an outlaw bkie organisation.

Legislation (TOR par 1)

The *Tattoo Parlours Act 2013* (TPA) does not contain any objectives to explain what purpose it is designed to achieve and aid in its interpretation. The description of the legislation says it is an Act to provide for licensing and regulation of body art tattooing, but it clearly has unarticulated policy objectives. However, it appears to be punitive in nature and not facultative of regulating the industry for the benefit of consumers and those that work in it.

Submissions

1. *Relevance* (TOR par 4)

I believe that my convictions are not relevant to employment as a tattoo artist. I agree that they would be relevant to some forms of employment that it is reasonable to exclude people with some convictions, such as mine, from sensitive occupations and industries like security for example. However, my criminal background does not pose a risk to any person who would visit my place of employment, and it is a matter of my employer to determine if I am suitable for employment based on its assessment of the risk that I pose. If I was otherwise qualified and competent, I could seek employment in other personal services industries such as retail or massage for example and pose exactly the same risk to people visiting that work place. To my knowledge, there is no impediment to me working in the retail sector or the therapeutic massage industry. Accordingly, it appears there is no assessment in the legislation of the risk relevant to employing

people with a criminal conviction in tattoo parlours and serves no purpose in protecting the public.

The legislation came into effect as part of the government's desire to deal with bikie related crime and violence. Where, in my situation, I have no connection with bikie gangs, that nexus is not there and again there is no relevance to any risk that I pose to clients. I support the need for a fit and proper persons test for people engaged in the tattoo industry with proper training and skills being core of that test. The test should be based on risk to consumers, and be punitive.

2. *Proportionality* (TOR par 5)

The current legislation has kept me from being employed for approximately 13 months. Because I am only trained to work as a tattoo artist, I cannot work in any other occupation whilst legislation continues in force and I must rely on Commonwealth unemployment benefits. I suffer great financial and social disadvantage that does not bear any proportionality to the risk that is posed to clients of a tattoo parlour where I might work.

It is a fundamental human right within Australia that I be allowed to work, and the reality is that this is the only work I can do. Along with the issue of lack of identifiable risk, this denies me this human right.

3. *Equality and being penalised twice* (TOR par 1)

There has been much in the media lately about the use of drugs by footballers and other sports people and the inappropriate conduct off the field of play. IT cannot be argued that if they are found guilty of a crime using drugs, they should be punished which includes a period of time not playing their sport to reinforce the punishment and also the importance of their position as a role model within the community. However, they are allowed to play again after a period of rehabilitation. There is no suggestion that they should be banned for life, after paying a suitable penalty, which may even include gaol time. Translating this to my circumstances, I have paid my price for the crimes that I have committed, and like other persons, including high profile people such as sports people, I should be allowed to work again. The current legislation effectively punished me twice for the offences I have committed, and retrospectively by the application of these laws.

4. Consultation

In Queensland, there is no effective body representing the interests of tattoo artists and tattoo parlours arguing for effective regulation. Over 40% of Queenslanders have tattoos and often done over multiple visits. It is now very acceptable to have body art. Therefore, there is a critical mass of consumers who should have confidence in the regulation of the industry and with the ability to represent the interests of both consumer and artists to the government in a co-ordinated way. I think that if there was an effective body representing tattoo artists and consumers, there would have been a better informed debate about this legislation, and even, in the circumstances, the ability to reach a compromise to allow the Newman government of the day to achieve its policy objectives. I strongly urge the Taskforce to consider recommending to the government that a peak industry body be established to represent the interest of tattooists and consumers, and to assist with the sensible representation of those interests to government. A peak body, such as exist in many industries, can help with regulation and legislation. It also allows "buy in" by members of those bodies giving a better chance that regulation will be adhered to.

Regards

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