

This submission relates to **Inquiry area three** (all amendments in the 2013 legislation which relate to occupational and industry licensing) and makes specific reference to the Tattoo Parlours Act 2013. Statements contained within this submission will however, undoubtedly bear significant applications to comparable sections detailed within the remaining Acts which are cited under Inquiry Area three. I hereby request that as the submitter, my name and any other personal information remain confidential so as to prevent my identification in connection or relation to the below contents of this submission.

Occupational licensing requirements imposed on selected industries are processed on the basis of a ‘fit and proper person’ test, a test designed to reveal any existence of criminal charges and determine whether direct or indirect connections exist to “bikies” or members of criminal motorcycle gangs. Firstly, this test relies on the assumption that a positive finding in one of these areas exclusively precludes an individual from being labelled “fit and proper”. The substance of an individual’s character is complex and changes substantially over time. To categorise an individual’s merit or societal value on the basis of only one attribute is surely a deficient undertaking and one that contravenes the Anti-Discrimination Act 1991. The opening passages of the Act giving explanation to parliament’s reasons for enacting the legislation include the following taken from item 6:

*The Parliament considers that (a) everyone should be equal before and under the law and have the right to equal protection and benefit of the law without discrimination.*

Furthermore in Section 8 of the Act:

*Discrimination on the basis of an attribute includes direct and indirect discrimination on the basis of ... (b) a characteristic that is often imputed to a person with any of the attributes; or ... (d) an attribute that a person had, even if the person did not have it at the time of the discrimination.*

These citations demonstrate that Parliament has previously seen fit to prevent the discriminatory actions that now embody the nature and essence of the ‘fit and proper person’ test.

This discriminatory ignorance and stereotypical branding has omnipresence throughout the entire the process and continues to pervade even the approved retailer who is granted a fit and proper person status and operating licence. Financial burdens associated with proving “good character” are

unable to be reimbursed; the conditions enforced on all licence applicants require the surrendering of some fundamental democratic human rights, including restrictions on their privacy and disempowerment compared to common society in relation to police powers and responsibilities.

One example of the burden associated with such disempowerment is the inability to prevent disruption to the reputation, financial earnings and/or intrinsic health and safety requirements during and following police search and enter operations which may occur at any time without a warrant and may or may not include search dogs. Local laws require sanitary conditions in all skin penetration work areas which by nature entail sharps and other significant hazards. A licensee under such circumstances is required to waive the health and safety interests of his or her customers/workers as the conditions of the licence surpass all others.

Overall the licensing process and ‘fit and proper person’ test is founded in discriminatory and superficial stereotypes which should in itself be disbanded and replaced by other legal instruments that existed and still do exist, to protect our communities from criminal business undertakings. The licensing procedures exacerbate society’s discriminatory attitudes as they make such behaviour legal. Furthermore, this test for ethical exclusivities leads to a vast array of devastating financial, social and ethical outcomes, regardless of whether one is deemed fit or not. The legislation does more harm than good and must be overhauled or entirely removed from practice before the influence on societal values, human rights and financial wellbeing declines any further.