

Tattoo Parlours Bill 2013

Explanatory Notes

Short title

The short title of the Bill is the Tattoo Parlours Bill 2013.

Policy objectives and the reasons for them

The principal policy objective of the Bill is to introduce a new occupational licensing and regulatory framework which eliminates and prevents infiltration of the Queensland tattoo industry by criminal organisations, including criminal motor cycle gangs and their associates.

A further policy objective of the Bill is to amend the *Liquor Act 1992* (Liquor Act) to prohibit patrons from wearing or displaying material associated with criminal motor cycle gangs (commonly known as bikie club ‘colours’) while in liquor licensed premises. The amendments are necessary to ensure the safety of members of the public in liquor licensed venues (including in Queensland's tourism precincts) from the violence and intimidation associated with criminal motor cycle gangs, as well as the conflicts and confrontations that can arise between rival gangs.

The objectives of the Bill align with the Queensland Government’s commitment to address serious community concern about recent incidents of violent, intimidating and criminal behaviour of members of criminal motor cycle gangs, as well as the infiltration of criminal organisations into particular business operations, especially tattoo parlours.

Achievement of policy objectives

The Bill achieves the policy objective of eliminating and preventing criminal infiltration of the Queensland tattoo industry (particularly by criminal motorcycle gangs) by establishing a new occupational licensing and regulatory framework for the body art tattoo industry.

This approach is the most effective way of excluding criminal organisations and their members from the body art tattoo industry, and of providing the community with assurance that people authorised to operate body art tattoo parlours and work as body art tattooists have been subject to rigorous identification and probity requirements.

The body art tattoo parlour licensing regime will be administered by the Department of Justice and Attorney-General, with a critical role to be played by the Queensland Police Service in assessing the suitability of licence applicants and licensees to hold a licence.

In summary, the Bill contains provisions to prohibit people from conducting a body art tattooing business or from performing a body art tattooing procedure (with certain, limited exceptions) without the authority of a licence or permit.

Under the Bill, a person will not be eligible to apply for a licence if the person is:

- under the age of 18 years; or
- not an Australian citizen or resident; or
- a controlled person within the meaning of the *Criminal Organisation Act 2009*.

In order to be eligible for a licence, applicants will be required to satisfy strict identification requirements, including a requirement to provide the person's finger and palm prints.

In addition, applications for a licence will be subject to inquiries and investigation by the chief executive of the Department of Justice and Attorney-General and the Commissioner of Police. In particular, the Commissioner of Police will have a determinative role in assessing whether an applicant is a fit and proper person to hold a licence and/or whether it would be contrary to the public interest for a licence to be granted.

The Bill includes compliance and enforcement provisions to allow authorised officers to detect, and take appropriate action in response to contraventions of the body art tattoo licensing regime.

The Bill also includes consequential amendments to the *Police Powers and Responsibilities Act 2000* to support the achievement of the policy objectives.

The Bill achieves the policy objective of strengthening the protection of members of the public lawfully at liquor licensed premises from the intimidating conduct of criminal motor cycle gang members, as well as the risks arising from physical confrontations between rival gangs, by prohibiting the wearing and display of bikie 'colours' at liquor licensed premises.

In particular, the Bill:

- defines clothing, jewellery and other accessories with symbols and insignias or other items that relate to criminal organisations as prohibited items;
- makes it an offence for a liquor licensee, permittee, approved manager or employee to allow a person wearing or carrying a prohibited item from entering or remaining on licensed premises; and
- makes it an offence for a person to enter liquor licensed premises wearing or carrying prohibited items.

Alternative ways of achieving policy objectives

There are no alternative ways of achieving the policy objectives other than legislation.

Estimated cost for government implementation

The Government will incur initial and ongoing costs in implementing the initiatives contained in the Bill. These costs are expected to include implementation of new business processes supported by appropriate information technology solutions (particularly in relation to the probity assessment of applicants for a licence), staff training, and the development and release of information and communication resources about the new tattoo parlour licensing laws and restrictions on the display of bikie club 'colours'.

It will also be necessary to dedicate resources to compliance and enforcement activities in order to detect (and take appropriate action in response to) contraventions of the new laws.

The Queensland Government has allocated funding for a range of initiatives to combat criminal organisations including criminal motor cycle gangs. Additional costs (particularly those incurred by the Department of Justice and Attorney-General in establishing a licensing system for the body art tattoo industry) will be funded through existing appropriations.

Consistency with fundamental legislative principles

As discussed in further detail below, the Bill may be considered to contravene fundamental legislative principles in a number of respects. However, the measures are considered justified as an appropriate and effective way of dealing with serious issues associated with the infiltration of the tattoo industry by criminal organisations, as well as the entirely unacceptable violent, intimidating and anti-social behaviour the community has been subjected to in recent times by members of criminal motor cycle gangs.

It may be contended that the Bill does not have sufficient regard to the rights and liberties of individuals, as required by *section 4(2)(a)* of the *Legislative Standards Act 1992*.

First, the Bill proposes new restrictions that will prevent particular people from conducting body art tattoo businesses and from working as a body art tattooist, including people subject to an adverse security determination by the Commissioner of Police. These new restrictions will apply to people currently operating in the industry, as well as new entrants. However, the restrictions are an appropriate way to prevent criminal organisations and their members using tattoo parlours as an ancillary part of their criminal activities and organisations. In addition, the provisions allowing for non-disclosure of the details of adverse security determinations are necessary to protect the integrity and effectiveness of criminal intelligence acquired by police in relation to the operations of organised crime in Queensland.

Second, the Bill raises potential privacy concerns in that in order to be eligible for a licence, a person must consent to providing their finger and palm prints which can be used for both licensing purposes, and other policing functions. However, this is considered to be an appropriate safeguard for the community and is similar to the permissible use of finger and palm prints acquired for licensing purposes under the *Security Providers Act 1993*.

Third, the Bill does not provide licensees with a right to require their finger and palm prints to be destroyed upon ceasing to be a licensee. Rather, former licensees are able to apply to the Commissioner of Police and request that their finger and palm prints be destroyed. However, it is considered that in some circumstances, the Commissioner of Police should be able to retain fingerprints of former licensees (without the person's consent). For example, it may be beneficial to retain fingerprints of tattoo industry participants as a means of maintaining effective intelligence about the industry, which regrettably has been susceptible to the infiltration of criminal organisations.

Fourth, the Bill excludes the operation of *section 6* of the *Criminal Law (Rehabilitation of Offenders) Act 1986* (which allows the non-disclosure of convictions upon expiration of a person's rehabilitation period) from provisions dealing with applications for licences. However, it is considered that the tattoo industry is high-risk in terms of potential infiltration

by criminal organisations and their members. As such, it is considered that rigorous and fulsome disclosure requirements regarding a potential licensee's criminal history are necessary.

Fifth, the Bill introduces a range of new offences, which are subject to relatively high penalties. In considering the penalty structure proposed in the Bill, consideration has been given to the fact that the Bill is aimed at dealing with sophisticated and organised criminal conduct. As such, it is necessary to include effective penalties in the Bill to act as a strong disincentive to criminal organisations and their members to contravene the new laws.

Sixth, the amendments to the Liquor Act impose clear restrictions on the ability of patrons of liquor licensed premises to wear clothing and other paraphernalia highlighting their affiliation with a criminal motor cycle gang. However, the restriction is a justified and necessary way of minimising the adverse risks and consequences for the community that arise when members of criminal motor cycle gangs seek to promote and raise the profile of their criminal organisation in pubs, clubs and other liquor licensed premises.

It could also be contended that the Bill does not have sufficient regard to the institute of Parliament as required by *section 4(2)(b)* of the *Legislative Standards Act 1992* as it allows a number of matters to be dealt with by regulations made under the Act. While some of the matters the Bill allows to be dealt with by regulation concern mainly administrative matters (for example, prescribed fees and additional information to be included in licence applications), other matters that can be dealt with by regulation are more substantive (for example, the stipulation of types of cosmetic procedures excluded from the licensing regime and the prescription of additional grounds for refusing an application). However, it is considered appropriate and necessary to provide capacity for regulations to be made to support the operation of the legislation by specifically dealing with specialised and technical issues and practices emerging in the marketplace.

Consultation

The Bill is part of an urgent package of reforms developed by the Queensland Government to deal with recent, unacceptable incidents of violent, anti-social and criminal behaviour of members of criminal motor cycle gangs. As a result, no community consultation has been undertaken on the Bill.

Consistency with legislation of other jurisdictions

The licensing and regulatory framework established in the Bill is very similar to the model adopted in the New South Wales *Tattoo Parlours Act 2012* and *Tattoo Parlours Regulation 2013*, with necessary modifications to appropriately reflect particular legislative and administrative arrangement in the State of Queensland.

The provisions of the Bill amending the Liquor Act, to restrict the wearing and display of bikie 'colours' in liquor licensed premises in Queensland, are similar to arrangements under the New South Wales *Liquor Act 2007* and *Liquor Regulation 2008*, which provide similar restrictions in relation to licensed premises in particular areas of that State.

Notes on Provisions

Part 1 Preliminary

Clause 1 states the short title of the Act.

Clause 2 states that the Act (other than Part 9) commences on a day to be fixed by proclamation. Part 9 of the Act, which amends the *Liquor Act 1992* (Liquor Act) commences on assent.

Clause 3 provides that the dictionary in schedule 1 defines particular words used in the Act.

Clause 4 defines who is a “close associate” of an applicant for a licence or a licensee under the Act.

Clause 5 provides that nothing in the Act limits or restricts the operation of another law with respect to the carrying out of tattooing procedures or the carrying on of body art tattooing businesses.

Part 2 Offences relating to unlicensed body art tattooing

Clause 6 makes it an offence for:

- (a) a person to carry on a body art tattooing business (whether on the person’s own behalf or on behalf of another person) at any premises unless the person is authorised to do so by an operator licence, or
- (b) a person to require, allow or permit a body art tattooing business to be carried on at premises on the person’s behalf in contravention of the requirement referred to in paragraph (a).

Clause 6 also clarifies that if a body art tattooing business is carried on, or is proposed to be carried on, at more than 1 premises, a separate operator licence is required to be held by a person for each premises.

The maximum penalty for an offence under clause 6 will be 500 penalty units for a first offence, 700 penalty units or 6 months imprisonment for a second offence, or 1000 penalty units or 18 months imprisonment for a third or later offence.

Clause 7 makes it an offence for an individual to perform a body art tattooing procedure for fee or reward unless authorised to do so by a tattooist licence. Clause 7 also makes it an offence for an individual to perform a body art tattooing procedure, whether or not for fee or reward, at licensed premises unless authorised to do so by a tattooist licence.

The maximum penalty for an offence under clause 7 will be 500 penalty units for a first offence, 700 penalty units or 6 months imprisonment for a second offence, or 1000 penalty units or 18 months imprisonment for a third or later offence.

Clause 8 makes it an offence for a person to employ an individual to work as a body art tattooist unless the individual is the holder of a tattooist licence.

The maximum penalty for an offence under clause 8 will be 500 penalty units for a first offence, 700 penalty units or 6 months imprisonment for a second offence, or 1000 penalty units or 18 months imprisonment for a third or later offence.

Part 3 Licensing scheme

Division 1 General

Clause 9 provides that 2 types of licence may be issued under the Act: an operator licence (which authorises the carrying on of a body art tattooing business at the premises stated in the licence) and a tattooist licence (which authorises its holder to perform body art tattooing procedures).

Clause 10 provides that a licence is subject to conditions imposed by the chief executive or under the Act. A failure to comply with a licence condition will be an offence punishable by a maximum penalty of 40 penalty units.

Division 2 Licence applications and granting of licences

Clause 11 provides for licence applications to be made to the chief executive and sets out the procedure (including eligibility and information requirements) for applying for a licence. In particular, clause 11 states that licence applications may only be made by individuals. Clause 11 also states that an application for an operator licence for a body art tattooing business that is owned or operated by or on behalf of a corporation, partnership or trust must be made by an individual nominated by the corporation, partners or trustees to be the premises manager at the premises for which the licence is sought.

Clause 12 requires an applicant for an operator licence to provide a written statement with the application setting out certain information about the applicant's close associates.

Clause 13 requires an applicant for a licence to consent to having their fingerprints and palm prints taken by the Commissioner of Police as a precondition to having their application determined by the chief executive. Clause 13 also states the circumstances when the Commissioner of Police may use the fingerprints and palm prints of an applicant for a licence.

Clause 14 allows a person who formerly held a licence but is not currently a licensee to apply to the Commissioner of Police to destroy the person's finger or palm prints (along with any copies) obtained by the Commissioner of Police under clause 13. The Commissioner of Police may decide to grant or refuse the application. Clause 14 also states that if an application for a licence is withdrawn or refused, the chief executive must ask the Commissioner of Police to ensure the applicant's fingerprints or palm prints obtained under clause 13, and copies of the prints, are destroyed as soon as practicable after the application is withdrawn or refused. Clause 14 also sets out procedural requirements for destroying the fingerprints and palm prints.

Clause 15 authorises the chief executive to carry out investigations and inquiries into licence applications. It also requires the chief executive to refer each properly made licence

application (along with any supporting information) to the Commissioner of Police for an investigation and determination as to whether either or both: the applicant is a fit and proper person to be granted the licence or it would be contrary to the public interest for a licence to be granted to the applicant.

Clause 16 enables the chief executive and the Commissioner of Police to require further information to be provided in connection with a licence application.

Clause 17 authorises the chief executive to grant, or refuse to grant, a licence for which a person has applied. It also sets out the circumstances in which the chief executive must or may refuse to grant a licence.

Clause 18 provides that a licence remains in force for a period of 1 or 3 years unless sooner surrendered or cancelled or it otherwise ceases to be in force. It also provides that a licence suspended under this or another Act is taken not to be in force for this Act during the period of the suspension.

Clause 19 provides that a licence is to be in the form approved by the chief executive. It also provides that the chief executive may approve a form of operator licence for display in the licensed premises.

Division 3 Role of commissioner

Clause 20 enables the Commissioner of Police to inquire into, determine and report to the chief executive on whether an applicant for a licence is a fit and proper person to be granted the licence and/or whether it would be contrary to the public interest for a licence to be granted to the applicant. It also enables the Commissioner of Police to determine and report on these matters on a continuing basis with respect to licensees.

Clause 21 enables the Commissioner of Police to seek further information (including financial and other confidential information) from a licensee or a close associate of a licensee, for the purpose of an investigation about whether a licensee continues to be a fit and proper person to hold a licence, or whether it would be contrary to the public interest for the licensee to continue to hold a licence.

Clause 22 ensures that there is no obligation on the chief executive or the Commissioner of Police to give reasons for refusing to grant a licence (or for suspending or cancelling a licence) if to do so would result in the disclosure of any criminal intelligence report or other criminal information mentioned in clause 20(3).

Division 4 Special conditions relating to licences generally

Clause 23 makes it a condition of a licence that the licensee must not sell, dispose of, deliver, loan, hire or rent the licence to any other person; or permit any other person to use the licence.

Division 5 Special conditions relating to operator licences

Clause 24 makes it a condition of an operator licence that the licensee permits the financial records of the body art tattooing business conducted at licensed premises to be inspected by

an authorised officer. The licensee must also permit the authorised officer to take copies, take extracts, or make notes from the financial records.

Clause 25 makes it a condition of an operator licence that the licensee notify the chief executive of changes in particulars in connection with the licence.

Clause 26 makes it a condition of an operator licence that the licensee must not permit a body art tattooing procedure at the licensed premises unless the individual is the holder of a tattooist licence.

Clause 27 makes it a condition of an operator licence that the licensee notify the chief executive of changes in the employment of staff members at the licensed premises. It also provides what the notice that the licensee must give to the chief executive must include.

Clause 28 makes it a condition of an operator licence that the licensee ensure that a copy of the licence be conspicuously displayed at the licensed premises.

Clause 29 makes it a condition of an operator licence that the licensee ensure that the licence number be included in advertisements for the business carried on at the licensed premises.

Clause 30 makes it a condition of an operator licence that if a closure order has been made in relation to the licensed premises, the licensee must return the licence to the chief executive within 7 business days after the closure order is made.

Clause 31 makes it a condition of an operator licence that the licensee must notify the chief executive of a lost, stolen or destroyed operator licence.

Clause 32 makes it a condition of an operator licence that the licensee must notify the chief executive of a prescribed licence cancellation circumstance, as described in clause 34.

Division 6 Suspension and cancellation of licences

Clause 33 enables the chief executive to suspend a licence if satisfied that there are grounds to cancel the licence. The chief executive must permit the licensee to show cause why the licence should not be cancelled when notifying the licensee of the suspension. A suspension period imposed under the proposed section may not be more than 60 days.

Clause 34 sets out the circumstances in which the chief executive must or may cancel a licence.

Clause 35 allows the chief executive to issue a notice seeking return of a suspended or cancelled licence.

Division 7 Keeping of records

Clause 36 establishes that the licensee for an operator licence must ensure a tattooing procedures log is kept for each calendar year, or part of a calendar year, during which the operator licence is in force. It also provides that the licensee (or, in the case of a former operator licence, the former licensee) must keep the log for the licensed premises (or former

licensed premises) for 3 years after the end of the calendar year, or part of the calendar year, to which the log relates.

Clause 37 requires that an individual who performs a body art tattooing procedure, whether or not for a fee or reward, on another individual at a licensed premises must ensure a contemporaneous record is made in the tattooing procedures log kept by the holder of the operator licence for the premises. It also sets out the particulars that must be contained in the tattooing procedures log concerning the procedure.

Clause 38 specifies the way in which any record the licensee keeps in connection with the carrying on of a body art tattooing business at the licensed premises must be kept. In particular, the record must be kept in the English language and in a way that is readily accessible for inspection by an authorised officer and kept at the licensed premises at all times.

Division 8 Offences relating to licences

Clause 39 makes it an offence to misuse a licence in the following ways:

- (a) make or allow representations to the effect that the person is a licensee; or
- (b) forge or steal a licence; or
- (c) deface, damage, alter or destroy a licence without the chief executive's permission; or
- (d) have another person's licence without a reasonable excuse.

The maximum penalty for the offence will be 40 penalty units.

Part 4 Permits relating to unlicensed body art tattooing

Division 1 Body art tattooing shows and exhibitions

Clause 40 authorises a permit to be granted for a body art tattooing show or exhibition.

Clause 41 provides for permit applications to be made to the chief executive and sets out the requirements (including eligibility requirements) in relation to the making of permit applications. In particular, a permit application may only be made by an individual of at least 18 years of age and who is an Australian citizen or resident and not a controlled person.

Clause 42 authorises the chief executive to grant or refuse to grant an exhibition permit for which a person has applied. It also sets out the matters that the chief executive must take into account in deciding whether to grant a permit and the circumstances in which the chief executive must or may refuse to grant a permit. The provision also authorises the chief executive to grant a permit subject to conditions and, at any time, revoke a permit or vary the conditions of a permit by notifying the permit holder.

The clause also prohibits the chief executive from granting more than 2 exhibition permits to the same individual, or an individual applying on behalf of the same corporation, partnership or trust, in the same calendar year.

Division 2 Visiting overseas body art tattooists

Clause 43 authorises a permit to be granted for a visiting overseas body art tattooist.

Clause 44 provides for permit applications to be made to the chief executive and sets out the requirements (including eligibility requirements) in relation to the making of permit applications. In particular, a permit application may only be made by an individual of at least 18 years of age who is not a controlled person.

Clause 45 authorises the chief executive to grant or refuse to grant a visiting tattooist permit for which a person has applied. It also requires the chief executive to take into account, in deciding whether to grant a permit, the applicant's capacity to comply with the Acts relating to the performance of body art tattooing procedures. The provision also sets out the circumstances in which the chief executive must or may refuse to grant a permit, and authorises the chief executive to grant a permit subject to conditions and, at any time, revoke a permit or vary the conditions of a permit by notifying the permit holder.

The clause also prohibits the chief executive from granting more than 2 visiting tattooist permits to the same individual in the same calendar year.

Part 5 Enforcement

Division 1 Closure orders

Clause 46 allows the Commissioner of Police to make an interim closure order if satisfied that premises are being used to conduct a body art tattooing business without the authority of an operator licence, or if the Commissioner of Police reasonably suspects that serious criminal offences are being committed at the premises.

An interim closure order takes effect from the time it is served or posted and continues until it is revoked by the Commissioner of Police, or 72 hours have elapsed since the interim closure order was served or posted (whichever is the earlier). The Commissioner of Police may not make more than one interim closure order for the same premises in a period of 7 days.

Clause 47 allows the Commissioner of Police to apply to a magistrate for long-term closure of particular premises. A magistrate may order that stated premises be closed for a stated period of time if satisfied that a body art tattooing business is being carried on at the premises without the authority of an operator licence, or if the magistrate is satisfied that there have been (or there are likely to be) serious criminal offences committed at, or in connection with, the premises.

An application for long-term closure of premises may be made regardless of whether an interim closure order is, or has been, in force in relation to the premises.

In accordance with clause 48, a person who carries on a body art tattooing business, or works as a body tattoo artist, at premises where a closure order is in force, commits an offence with a maximum penalty of 100 penalty units. However, it is a defence in proceedings for an offence under this section if the person did not know and could not reasonably have been expected to know that a closure order was in force for the premises.

Division 2 Powers of entry

Clause 49 states that an authorised officer may exercise a power under this division only if the officer first produces or displays the officer's identity card. If this is not practicable, the authorised officer must do so at the first reasonable opportunity.

Clause 50 provides for the ability of an authorised officer (defined in schedule 1) to enter at any reasonable time licensed premises or any other premises the authorised officer reasonably suspects are being used to perform body art tattooing procedures for fee or reward. Specifically, an authorised officer may enter premises if:

- the occupier of the premises consents to the entry; or
- it is a public place and the entry is made when the place is open to the public; or
- the entry is authorised by warrant (refer to clause 51); or
- for licensed premises – the premises are open for carrying on the business or otherwise open for entry.

Importantly, clause 50 does not confer a power to enter premises (or part of premises) used for residential purposes without the consent of the occupier of the authority of a search warrant (clause 50(3)).

Clause 50 also includes required information an authorised officer must explain to an occupier before asking for the occupier's consent to the entry to the premises by the authorised officer.

Clause 51 enables an authorised officer to apply to a magistrate for a warrant for a place. An application for a warrant must be sworn and set out the grounds upon which the warrant is sought. A magistrate may refuse to consider an application for a warrant until the authorised officer gives the magistrate all the information the magistrate requires about the application, in the way the magistrate requires.

A magistrate may only issue a warrant if the magistrate is satisfied that there are reasonable grounds for suspecting that there is a particular thing that may provide evidence of the commission of an offence against the Act and the evidence is at the place, or may be at the place within the next 7 days.

Clause 51 also sets out required information to be included in a warrant.

Clause 52 outlines the general powers an authorised officer may exercise after entering a place, where the entry is either by consent of the occupier, or under authority of a warrant.

Clause 53 sets out the procedure that must be followed by an authorised officer, if the authorised officer seizes a thing.

Division 3 Other enforcement provisions

Clause 54 makes it an offence for a licensee, without reasonable excuse, not to produce his or her licence on demand by an authorised officer. The maximum penalty for the offence is 20 penalty units.

Clause 55 makes it an offence for a person, without reasonable excuse, to hinder or obstruct an authorised officer in the exercise of a function under the Act. The maximum penalty for the offence is 60 penalty units.

Part 6 Review

Clause 56 enables certain decisions of the chief executive in connection with licences and permits to be reviewed by the Queensland Civil and Administrative Tribunal on the application of a person other than a controlled person (as defined in schedule 1).

Clause 57 sets out how confidential criminal intelligence is to be treated, if an application for a licence was refused or a licence was suspended or cancelled by the chief executive on the ground of an adverse security determination made by the Commissioner of Police.

Clause 58 provides that a decision of the chief executive under clause 56(1) is final and conclusive. The decision can not be reviewed other than for jurisdictional error. Therefore, the *Judicial Review Act 1991* does not apply to decisions under clause 56(1), except to the extent the decision is affected by jurisdictional error.

Part 7 General

Clause 59 makes it an offence for a person to state anything to an official that the person knows is false or misleading in a material particular. The maximum penalty is 200 penalty units or 2 years imprisonment. An official is defined to mean the chief executive or an authorised officer.

Clause 60 makes it an offence for a person to give an official a document the person knows is false or misleading in a material particular. The maximum penalty is 200 penalty units or 2 years imprisonment. However, the provision does not apply if the person tells the official how the document is false and misleading and gives the official the correct information (if the person has, or can reasonably obtain, the correct information).

Clause 61 allows the chief executive to enter into an information sharing arrangement with a relevant agency to assist in the exercise of the functions of the chief executive or the Commissioner of Police under the Act or of the relevant agency.

Clause 62 protects the confidentiality of information by restricting the use of information acquired by a person through their involvement in the administration of the Act.

Clause 63 protects officials from civil liability for an act or omission done honestly and without negligence under the Act.

Clause 64 provides that a proceeding for an offence against the Act is to be taken in a summary way under the *Justices Act 1886*. A proceeding may be started within 1 year after the offence is committed or within 2 years after the offence comes to the complainant's knowledge, but within 3 years after the offence is committed.

Clause 65 sets out the evidentiary aids that can be used under the Act.

Clause 66 provides that no compensation is payable for the exercise of certain administrative and regulatory functions under the Act.

Clause 67 enables the chief executive to delegate their functions under the Act to certain persons.

Clause 68 enables the Commissioner of Police to delegate functions under the Act to an appropriately qualified police officer.

Clause 69 enables the chief executive to approve forms for use under the Act.

Clause 70 enables the Governor in Council to make regulations for the purposes of the Act.

Clause 71 provides for a review of the Act.

Part 8 Transitional provision

Clause 72 provides a transitional provision for closure orders under the Act.

Part 9 Amendment of Liquor Act 1992

Clause 73 states that Part 9 amends the Liquor Act.

Clause 74 amends *section 4* by inserting references to key definitions to ensure the clarity of the legislation.

Clause 75 inserts a new Division 5 in Part 6 of the Liquor Act which inserts the following sections:

- *Section 173EA* provides for definitions for the Division, including definitions of *declared criminal organisation* and *prohibited item*. A *declared criminal organisation* is an entity declared to be a criminal organisation under the Criminal Code, section 1, definition *criminal organisation*, paragraph (c). A *prohibited item* includes an item of clothing or jewellery or another accessory associated with a criminal organisation or other form of symbol, abbreviation or writing that indicates membership of, or an association with the criminal organisation (e.g. 1% or 1%er).
- *Section 173EB* provides that a licensee, permittee, approved manager or another employee of the licensee or permittee must not knowingly allow a person to enter or remain on licensed premises if they are wearing or carrying a prohibited item.
- *Section 173EC* provides that a person must not enter or remain in licensed premises if they are wearing or carrying a prohibited item.
- *Section 173ED* authorises a licensee, permittee, employee or police officer to require the removal from licensed premises of a person wearing or carrying a prohibited item. The person must immediately leave the premises and must not resist.

Part 10 Amendment of Police Powers and Responsibilities Act 2000

Clause 76 provides that Part 10 amends the *Police Powers and Responsibilities Act 2000* (Qld) (PPRA).

Clause 77 amends the heading of Chapter 2, Part 3 of the PPRA (Use of drug detection dogs without warrant) by omitting the word 'drug'.

Clause 78 amends *section 34* of the PPRA by inserting definitions of *body art tattooing business*, *detection dog*, *explosives detection* and *tattoo parlour*. The clause amends the definition in *section 34* of *handler* by omitting the word 'drug'.

Clause 79 amends *section 35* of the PPRA (Use of drug detection dogs in particular places) by inserting provision for the use of drug and explosive detection dogs in tattoo parlours. The amendment will allow for a handler without warrant to use a drug detection dog to carry out drug detection in relation to a person who is about to enter, is in, or is leaving a tattoo parlour. The amendment will further allow for a handler without warrant to use an explosives detection dog to carry out explosives detection in relation to a person who is about to enter, is in, or is leaving a tattoo parlour. The amendment will allow both a drug detection and explosives detection dog to carry out detection on a thing in a tattoo parlour whether or not it is in the physical possession of a person or not.

Clause 80 amends *section 36* of the PPRA (Police officers and drug detection dogs may enter and remain on particular premises) by inserting provision for police officers and detection dogs to enter and remain at a tattoo parlour. The clause further provides that the power to enter and remain at a tattoo parlour includes power to enter or remain on land associated with a tattoo parlour.

Clause 81 amends *section 37* of the PPRA (Reasonable suspicion may be based on indication of drug detection dog). The section applies if a provision of the PPRA requires a police officer to form a reasonable suspicion that a person has something or there is something in a vehicle that may be an unlawful dangerous drug before the police officer may exercise a power in relation to the person or vehicle. The existing section qualifies that it is sufficient for a police officer to form a reasonable suspicion where a drug detection dog indicates the presence of an unlawful dangerous drug in certain circumstances. The clause will amend this section to cater for when detection dogs carry out explosives or firearms detection. Reasonable suspicion will be formed where a detection dog has indicated it has detected explosives or firearms in the circumstances found in the section.

Clause 82 amends *section 38* of the PPRA (Protection from liability for acts done by drug detection dogs) and increases the scope of the section to protect a handler and the State from liability for acts done by detection dogs in relation to explosives.

Clause 83 amends *section 39* of the PPRA (Effect of part on use of drug detection dogs under search warrants) to increase the scope of the section to include an explosives detection dog carrying out explosives detection.

Clause 84 amends the schedule 6 dictionary to insert definitions for the terms *body art tattooing business*, *detection dog*, *explosive detection* and *tattoo parlour*. The clause amends the existing definition of *explosives detection dog* to ‘means a dog trained to detect explosives and firearms’.

Part 11 Amendment of this Act

Clause 85 amends the long title.

Schedule 1 Dictionary

Schedule 1 contains definitions for various terms used in the Act.