

Jamie Merrick

From: Jamie Merrick
Sent: Wednesday, 29 April 2015 5:28 PM
To: Bill Mellor
Subject: RE: MEETING WITH NSW CROSS BORDER COMMISSIONER

Thanks for the update Bill, sounds like a constructive meeting.

It would be very valuable to me to have a quick catch up with you this week re the Defence Consultative Forum in advance of your much deserved holiday.

I'll ask Kelly to find some time in our diaries.

Cheers
Jamie



Queensland
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Jamie Merrick
Deputy Director-General
Strategic Policy and Intergovernmental Relations
Department of the Premier and Cabinet

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From: Bill Mellor
Sent: Wednesday, 29 April 2015 2:35 PM
To: Sarah Buckler; Jamie Merrick
Cc: Brad Smith; Julian Evans
Subject: MEETING WITH NSW CROSS BORDER COMMISSIONER

Sarah and Jamie,

We held our first meeting with the new NSW Cross Border Commissioner, James McTavish, yesterday afternoon. DSD and QH were represented and other departments and agencies were invited but unable to attend. James outlined his approach to managing cross border issues with emphasis on resolving issues at the lowest appropriate level, while maintaining focus on agreed strategic outcomes. The meeting agreed that the MOU signed by First Ministers in 2011 is dated and provides inadequate guidance on the strategic issues and the mechanisms and responsibilities to address them. It was agreed to review and redraft the MOU as a matter of priority.

The meeting was a good vehicle to re-energise the processes relating to cross border issues and generate some impetus to address those matters that may have languished for some time. We will follow-up with a DGBN to highlight the need to revitalise the MOU.

Regards Bill



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Kelly Healey

From: Brad Smith
Sent: Thursday, 8 January 2015 9:37 AM
To: Jennifer Gleadhill
Cc: Grant Stidiford; Bill Mellor
Subject: RE: URGENT - action required - commencement of activities to prepare Incoming Government Briefs

Good Morning Jenny

I refer to Grant's email below regarding topics for incoming Government briefs. The Strategic Monitoring Team Secretariat would like to nominate the following:

Exempt Sch.3(4) Briefing for incoming Minister

Regards

Brad Smith
Director
Strategic Monitoring Team Secretariat
Department of the Premier and Cabinet
Ph: [REDACTED]
Mobile: [REDACTED] S.73 Telephone Number

Great state. Great opportunity. And a plan for the future.

From: Grant Stidiford
Sent: Thursday, 8 January 2015 9:13 AM
To: Sarah Buckler; Brad Smith; Grahame Byron; Justin Murphy; Romila Prasad; Peter Hutchison
Cc: Adrian Jeffreys; Bill Mellor; Jennifer Gleadhill; Kerri Neuendorf; Ali Watts; Louise Burke; Donna Spalding; Dana Wilmington; Theresa Faulkner; Helen O'Mara; Katrina Ronne
Subject: URGENT - action required - commencement of activities to prepare Incoming Government Briefs
Importance: High

Hi everyone,

The Director-General forwarded the attached email to DPC DDG's yesterday afternoon, providing advice about the process for developing incoming government briefs for DPC and other activities for monitoring election commitments being undertaken by Performance Unit. In his email, the Director-General identified Kerri Neuendorf as the Department's Incoming Government Brief Coordinator. Each Division was requested to nominate a Divisional Coordinator – for Special Projects Division, Jenny Gleadhill (Strategic Policy) has been nominated as our lead coordinator, with Ali Watts (ODDG) providing support. Jenny will provide the link between the Division and Kerri.

The first task is identification of incoming brief topics for review by the Director-General. In discussion with Adrian, Special Projects will have as a base set of one brief per unit outlining what each respective unit does, key achievements over the last 6-12 months, current tasks and, if appropriate, expected end date.

Additionally, and noting the deadline of 12 noon on Friday 9 January identified by the Director-General in his email, each unit is requested to nominate additional topics for briefing, with a key criterion being whether a given issue will require a decision within 2 months of the election. It should be noted that briefs will be needed for both a returning government and a new government.

Could each unit please provide a list of topics to Jenny by **3pm this afternoon**. From there, a consolidated list will be compiled for review by Adrian. Further advice will be provided by Jenny as it comes to hand. If there are any questions, please contact Jenny directly on 39209.

A Division-wide email will be sent this morning to give all staff information about the Division's approach to caretaker and some key considerations.

Grant

Grant Stidiford

Director

Office of the Deputy Director-General Special Projects | Department of the Premier and Cabinet

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Level 3, 100 George Street

Brisbane, Queensland

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Kelly Healey

From: Brad Smith
Sent: Tuesday, 3 February 2015 12:01 PM
To: Jennifer Gleadhill
Subject: FW: Review required - Incoming Government Briefs
Attachments: Exempt Sch.3(4) Briefing for incoming Minister

Hi Jenny

I have reviewed the incoming ALP brief

The Policy Division brief is attached.

Regards

Brad Smith
Director
Strategic Monitoring Team Secretariat
Department of the Premier and Cabinet
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Mobile: S.73 Telephone Number
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From: Bill Mellor
Sent: Tuesday, 3 February 2015 9:02 AM
To: Brad Smith
Subject: FW: Review required - Incoming Government Briefs

Brad,
Are our briefs with Jamie or David?
Bill

W.J.A.MELLOR
Leader
Strategic Monitoring Team
Department of Premier and Cabinet
Ph: (07) [redacted] Mob: [redacted]

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From: Jennifer Gleadhill
Sent: Monday, 2 February 2015 4:39 PM
To: Natasha Neale; Adrian Jeffreys; Bill Mellor; Justin Murphy; Wade Lewis

Cc: Romila Prasad; Jamie Merrick
Subject: Review required - Incoming Government Briefs

Hi Team

Can I please ask that you review the incoming government briefs in GF37335 for Special Projects division and let me know if you think any updates or additional briefs need to be added for the division.

Please do **not** make any changes to the documents without letting me know first and highlighting any changes in yellow.

Any changes will need to be discussed with me and made prior to 12 noon tomorrow.

Please do not hesitate to give me a call should you have any questions.

Many thanks

Jennifer Gleadhill
Senior Policy Officer
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Department of the Premier and Cabinet
PO Box 15185, City East, QLD, 4002
Phone: 07 [redacted] Mobile: S.73 Telephone Number [redacted] Email: Jennifer.Gleadhill@premiers.qld.gov.au

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Pages 6 through 8 redacted for the following reasons:

Exempt Sch.3(4) Briefing for incoming Minister

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Kelly Healey

From: Brad Smith
Sent: Wednesday, 14 January 2015 10:06 AM
To: Jennifer Gleadhill
Cc: Bill Mellor
Subject: RE: Special Projects Division - Incoming Government Briefs

Hi Jenny

The incoming Government briefs assigned to the SMT have been completed and approved by Bill Mellor. They have been saved into GF37335-001 as requested.

Please let me know if you also want me to put some notes into Trim regarding Bill's approval if needed.

Regards

Brad Smith
Director
Strategic Monitoring Team Secretariat
Department of the Premier and Cabinet
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Mobile: S.73 Telephone
Number [REDACTED]

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From: Jennifer Gleadhill
Sent: Tuesday, 13 January 2015 9:45 AM
To: Brad Smith; Justin Murphy; Peter Hutchison; Louise Burke; Grant Stidiford
Cc: Ali Watts; Jamie Merrick
Subject: RE: Special Projects Division - Incoming Government Briefs

Hi Team

Please find attached the updated list of incoming government briefs for actioning. Please note some have been removed and some have been merged.

Please do not hesitate to contact me if you would like to discuss any of these changes.

Kind regards

Jenny Gleadhill
Senior Policy Officer | Strategic Policy | Department of the Premier and Cabinet | Level 3, 100 George St, Brisbane Q 4000

e: jennifer.gleadhill@premiers.qld.gov.au p: 07 [REDACTED]

The Queensland Plan: Queenslanders' 30-year vision
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From: Jennifer Gleadhill
Sent: Friday, 9 January 2015 2:47 PM
To: Brad Smith; Justin Murphy; Peter Hutchison; Louise Burke; Grant Stidiford
Cc: Ali Watts
Subject: Special Projects Division - Incoming Government Briefs

Hi Team

Please find attached the suggested list of incoming government briefs that has been approved by Adrian Jeffreys A/DDG Special Projects.

As you may be aware, this list is subject to change and I will keep you all informed of any updates.

GF37335 contains the templates you will require to start drafting your briefs.

Please note the following;

- Sub GFs have been created in GF37335 for each unit to avoid any confusion between teams
- Two briefs to be created for every topic, one for each LNP and ALP, even if the content is identical unless only a new brief is required
- Briefs to be limited to **one page**
- The file name for briefs in TRIM should be identical to the topic and include LNP or ALP (ie. Brief title – LNP; or Brief title – ALP)

All briefs need to be saved in the appropriate sub GF folders in GF37335 by **16 January 2015** ready for DDG – Special Projects approval.

Unit sub GFs

GF37335-001	Exempt Sch.3(4) Briefing for incoming Minister
GF37335-002	
GF37335-003	
GF37335-004	
GF37335-005	

Please do not hesitate to contact me should you have any questions

Jenny Gleadhill

Senior Policy Officer | Strategic Policy | Department of the Premier and Cabinet | Level 3, 100 George St, Brisbane Q 4000

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Kelly Healey

From: Brad Smith
Sent: Monday, 16 February 2015 9:41 AM
To: Bill Mellor
Subject: Second Tranche of Licencing
Attachments: Report to the Strategic Monitoring Team ~ provisions to exclude Criminal....docx; Implementation of the second stage of th~ycle Gang occupational licencin....docx

Bill

Copy of report and incoming as requested. I have also included the incoming Govt brief for your info.

Regards

Brad Smith
Director
Strategic Monitoring Team Secretariat
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Criminal Motorcycle Gang Occupational Licensing Provisions Working Group

Report to the
Strategic Monitoring Team

on the

Commencement of the
Second Tranche of the Licencing
Provisions to Exclude Criminal
Motorcycle Gang Participants from
Certain Occupations

January 2015

Release

Report of the Criminal Motorcycle Gang Occupational Licensing Provisions Working Group

Executive Summary

The *Criminal Law (Criminal Organisation Disruption) and Other Legislation Amendment Act 2013* (the Act) amended a number of acts to exclude participants in criminal organisations from working in certain occupations. The aim of the legislation was to regulate those industries and occupations where there were known or strongly suspected links between criminality in those industries and participants in criminal organisations.

The occupational licencing provisions are being implemented in two tranches. The first tranche of occupation licencing which commenced on 1 July 2014 related to those occupations and industries where there had traditionally been a strong involvement by criminal motorcycle gang (CMG) participants and associated criminality. These provisions (apart from the tattoo licencing which is new) built upon existing fit and proper person tests. Accordingly, there were minimal additional administrative burdens associated with implementing these new provisions.

The second tranche of occupation licencing provisions have been proclaimed to commence on 1 July 2015. These provisions target the involvement of criminal organisations in the building and construction sector. However, as the building and construction sector is not fully regulated, the legislative levers available to give effect to the intention to remove criminal organisation participants from this sector may not be as effective as those provisions covered by the first tranche. This means that the amendments to the *Queensland Building and Construction Commission Act 1991* only targets those licensed to carryout building works and not the vast majority of people working on building sites such as their employees, some sub-contractors and labour hire company staff. Nor do the provision cover construction associated with civil works such as roads, construction on mining leases or prescribed government projects.

The *Work Health and Safety Act 2011* requires people carrying out high risk work to be licenced. The categories of high risk work licences include work commonly performed in the building and construction and related industries, such as scaffolding, dogging and rigging. However, there are other types of work that require a high risk work licence that are not related to the construction industry such as forklift truck operators and reach stackers which are mainly involved in the manufacturing, transport and warehousing industries, rather than building and construction.

The commencement of the second tranche of licensing provisions was primarily delayed pending the outcomes of the Royal Commission into Trade Union Governance which was to report by December 2014. The final report of the Royal Commission is now not due until December 2015. On 15 December 2014, the Royal Commission released its Interim Report and to date there has been no evidence of illegal activities involving criminal motorcycle gang participants and the unions in Queensland such as that revealed in Victoria and to a lesser extent, New South Wales. However, as the Royal Commission has been extended for a further year, it is still possible that evidence may come to light regarding criminal organisation participants and the building and construction sector in Queensland.

Exempt Sch.3(10)(1)(f) Prejudice the effectiveness of a lawful method

Following the experience of implementing the new tattoo licencing provisions where after almost six months 43% of the 1024 applications are yet to be finalised, the extent of the resource commitment needed to implement the second tranche should not be underestimated.

Report of the Criminal Motorcycle Gang Occupational Licensing Provisions Working Group

The introduction of the second tranche also has the potential to seriously undermine red tape reduction initiatives for both the Queensland Building and Construction Commission and the Department of Justice and Attorney-General.

An analysis of the potential impact that the second tranche of occupational licensing provisions may have on each Line of Operation under the *Elimination of Criminal Motorcycle Gangs from Queensland Strategic Plan 2013 – 2016* has identified that while there will be some positive benefit for the economic line of operation, the overall impact on the strategy is anticipated to be negative.

The greatest risk to the strategy from implementing the second tranche of occupational licensing provisions is the potential to undermine the community's support for both the broader CMG legislation and law enforcement initiatives aimed at eliminating the gangs from Queensland. This support took considerable time to obtain and the working group suggests caution should be exercised at implementing any provisions that may undermine that support for little benefit in terms of eliminating the gangs.

The success of Operation Resolute and section 60A of the Criminal Code (the association laws) has also helped address the use of CMGs to intimidate and standover people on building and construction sites. Thus in part reducing some of need for the second tranche.

Recommendation 1

That the provisions making up the second tranche of CMG occupational licensing provisions not proceed in their current form on 1 July 2015.

Recommendation 2

With more work being done by the Royal Commission into Trade Union Governance, the working group recommends that Government awaits the final outcomes and findings of the Royal Commission before implementing additional licensing requirements for occupations involved in the building and construction sector.

Recommendation 3

Should Government decide to proceed with the second tranche of CMG occupational licensing provisions on 1 July 2015, then the high risk work licences issued under the *Work Health and Safety Act 2011* should be limited to those categories of high risk work licences commonly associated with the building and construction and related industries.

Recommendation 4

Should Government decide to proceed with the second tranche of CMG occupational licensing provisions on 1 July 2015, then the necessary amendments will also have to be made to the *Electrical Safety Act 2002* and *Queensland Building and Construction Commission Act 1991* to correct minor drafting oversights, enable the collection of relevant details to efficiently facilitate police checks and provide more flexibility to request information from the Commission of Police in relation to suspected CMG participants.

Recommendation 5

Should Government decide to proceed with the second tranche of CMG occupational licensing provisions on 1 July 2015, then the QPS, DJAG and QBCC need to review resource requirements to ensure that adequate resources are in place to process the large volume of licences associated with the second tranche.

Background

The *Criminal Law (Criminal Organisation Disruption) and Other Legislation Amendment Act 2013* (the Act) amended a number of acts to exclude participants in criminal organisations from working in certain occupations.

The Act seeks to prevent identified participants in criminal organisations, and where necessary criminal organisations, from obtaining or retaining a licence or permit, as administered by various government agencies, by amending the following Acts:

- 1) *Electrical Safety Act 2002*;
- 2) *Liquor Act 1992*;
- 3) *Queensland Building Services Authority Act 1991*; (renamed the *Queensland Building and Construction Commission Act 1991*)
- 4) *Racing Act 2002*;
- 5) *Second-hand Dealers and Pawnbrokers Act 2003*;
- 6) *Security Providers Act 1993*;
- 7) *Tow Truck Act 1973*;
- 8) *Weapons Act 1990*; and
- 9) *Work Health and Safety Act 2011*.

The legislation listed above had been identified to regulate high risk industries or activities where there are known or suspected links between suspected participants in criminal organisations and the potential for criminal activity associated with that industry or occupation. For example suspected criminal organisation activity associated with some nightclub licences or adult entertainment permits issued under the *Liquor Act 1992*.

In addition, the *Tattoo Parlours Act 2013* introduced a new occupational licensing and regulatory framework to eliminate and prevent infiltration of the Queensland tattoo industry by criminal organisations, including criminal motor cycle gangs and their associates.

Collectively, all of these amendments tasked the Commissioner of Police with identifying participants in a criminal organisation, as defined in the *Criminal Code* when they apply for or renew one of these licences or permits.

On 1 July 2014, the *Tattoo Parlours Act 2013* and the majority of the occupational licensing provisions provided for by the *Criminal Law (Criminal Organisation Disruption) and Other Legislation Amendment Act* commenced and are referred to in this Report as the first tranche of the occupational licensing provisions. However, provisions impacting on licences issued under the *Electrical Safety Act 2002*, *Queensland Building and Construction Commission Act 1991*, and the *Work Health and Safety Act 2011* were delayed until 1 July 2015 and are considered to be the second tranche of licensing provisions.

The commencement of the second tranche of licensing provisions were primarily delayed until 1 July 2015 pending the outcomes of the Royal Commission into Trade Union Governance which was scheduled to report on 31 December 2014. This delay would enable any relevant outcomes which could be considered prior to the licensing provisions commencing relating to the building and construction industry.

Report of the Criminal Motorcycle Gang Occupational Licensing Provisions Working Group

The Royal Commission has been extended by a further year and is now not set to report until 31 December 2015, six months after the commencement of the above provisions.

The initial delay in implementing these provisions also enabled the vetting and disassociation process to be fully bedded in and for the enhancements to the Queensland Police Service's (QPS) Suitability, Checking, Reporting and Monitoring (SCRAM) system to become operational prior to the large volume associated with these licensing provisions commencing.

Since the passage of the *Criminal Law (Criminal Organisation Disruption) and Other Legislation Amendment Act 2013*, the QPS through Operation Resolute has made substantial inroads into the criminal gangs and police intelligence about the gangs has been enhanced significantly, providing a far deeper understanding of the operation of the criminal gangs and the lawful industries they are more likely to infiltrate to further their criminal activities.

Establishment of the Working Group

On 2 October 2014, the Strategic Monitoring Team (SMT) established a working group to review the yet to commence occupational licensing provisions to better understand the scope and likely effort required to implement them on 1 July 2015. The SMT also wanted to ensure that these licencing provisions were still needed to meet current CMG risks and to assess agency preparedness for the commencement of these licencing provisions on 1 July 2015.

The working group was specifically tasked to:

- consider the outcomes to date from the Royal Commission into Trade Union Governance and provide advice to the SMT on any impacts that the 12 month extension to the Royal Commission may have on the commencement of the licensing provisions proclaimed to commence on 1 July 2015;
- review the breadth of the occupational licensing provisions set to commence on 1 July 2015 and provide advice to the SMT regarding the relevance of these provisions given the scope of current police intelligence in relation to CMGs;
- consider any lessons from the implementation of the CMG related occupational licensing requirements on 1 July 2014;
- provide advice in relation to agency preparedness for the commencement of these licencing provisions on 1 July 2015, and
- provide advice to the SMT on the potential impact that the commencement of the licensing provisions may have on industry, the community and implementing agencies, and how any negative impacts will be managed.

The working group was chaired by ^{s.73 Staff Names} [redacted] SMT Secretariat and also included [redacted] Senior Policy Officer, Department of the Premier and Cabinet (DPC), Acting Assistant Commissioner [redacted], QPS, [redacted] [redacted] Office of Fair and Safe Work Queensland, Department of Justice and Attorney-General (DJAG) and [redacted] [redacted] Queensland Building and Construction Commission (QBCC).

The working group is required to report back to the SMT by February 2015 and the findings and recommendations of the working group are contained in this report.

Second Tranche of Occupation Licencing provisions

The Queensland Government's objective was to disrupt the activities of criminal gangs by preventing particular individuals from being involved in certain occupations that require a licence. This was to address the infiltration by Criminal Motorcycle Gang members into certain industries, including the construction industry.

The first tranche of occupation licencing commenced on 1 July 2014 and the focus of these provisions were on the occupations and industries where there has traditionally been a strong involvement of criminal motorcycle gang participants and associated criminality. These provisions (apart from the new tattoo licencing provisions) built upon existing fit and proper person tests.

The second tranche of occupation licencing provisions have been proclaimed to commence on 1 July 2015. These provisions target the involvement of criminal organisations in the building and construction sector.

As the building and construction sector is not fully regulated, the legislative tools used to give effect to the intention to remove criminal organisation participants from this sector included amendments to the *Queensland Building and Construction Commission Act 1991*, *Electrical Safety Act 2002* and *Work Health and Safety Act 2011*.

Queensland Building and Construction Commission Act 1991

The QBCC is responsible by providing information, advice and regulation to ensure the maintenance of proper building standards, remedies for defective building work and promoting confidence in the building and construction industry.

QBCC does not licence all sectors of the building and construction industry, however, in Queensland, individuals and companies must hold a QBCC licence to operate a business to carry out:

- any building work valued over \$3,300
- building work valued over \$1,100 where it involves Hydraulic Services Design
- building work of any value where it involves:
 - Drainage
 - Plumbing and Drainage
 - Gas Fitting
 - Termite Management – Chemical
 - Fire Protection
 - Completed Residential Building Inspection
 - Building Design – Low Rise, Medium Rise and Open
 - Site Classification.

The amendments to exclude criminal organisation participants cover more than 84,500 licensees and a further 11,500 "influential persons" regulated by the QBCC. However, a significant number of people working on building and constructions sites are not covered including some sub-contractors, employees of the building contractor (including the trades and labourers) and labour hire companies.

Other sectors if the building and construction industry that QBCC does not regulate include the following:

Report of the Criminal Motorcycle Gang Occupational Licensing Provisions Working Group

- an unlicensed person working in partnership with a licensee
- a handyman – as long as the value is less than \$3,300
- special purpose vehicle that undertakes to carry out building work under a public-private partnership.
- Prescribed government projects
- Civil works e.g. road construction
- Construction on mining leases

For licensees the QBCC database holds identifying information such as date of birth, full legal name as per birth certificate/passport, business & postal addresses, email address. For influential persons the QBCC only has the name and business address.

Without further identifying details, QPS advises it would appear that the lack of some key identifying information will impact of the timeliness of checks through the QPS SCRAM system and require more QPS resources given this will lead to manual checking processes.

The drafting of the new provisions mean that the QBCC can only request the advice from the Police Commissioner as to whether a person is a participant in a criminal organisation at time of application or at renewal. The limiting effect of this provision means it will take 12 months (the period over which it takes all persons on the database will go through renewal) to check all licensees on the QBCC database.

The QBCC's ability to check on individuals where from time to time allegations are made that a person is a participant in a criminal organisation or has an association is also restricted.

QBCC previously sought legislative amendments to address these matters, however, they were not progressed when the commencement of these amendments were deferred.

The Electrical Safety Act 2002

The *Electrical Safety Act 2002* is administered by DJAG and provides for the licensing of electrical workers and contractors, including those working in the building and construction and related industries. There are currently 52,200 electrical work licence holders in Queensland and approximately 4500 new electrical worker licences are issued each year.

The inclusion of this class of licence in the Criminal Law provisions is unclear, as plumbers, who are also subject to a licensing scheme and perform a similar function in the building industry, have not been included in the CMG occupational licencing scheme.

The new licensing provisions require the regulator to refuse to issue or renew an electrical licence if applicant is an identified participants in criminal organisations, a body corporate which is known as a criminal organisation or a body corporate that has an officer who is an identified participant in a criminal organisation.

Unlike the QBCC provisions, the amendments to the *Electrical Safety Act* enable the regulator to request advice from the Commissioner of Police at any time as to whether the holder of an electrical licence is an identified participant in a criminal organisation.

Report of the Criminal Motorcycle Gang Occupational Licensing Provisions Working Group

The provisions necessary to implement the licensing scheme in the *Electrical Safety Act* are in place. However a minor amendment is required to correct a drafting oversight to ensure that new confidentiality provisions apply to reviews of decisions affecting criminal organisations as well as individual participants. In May 2014 the Attorney-General approved the proposed amendment be made when a suitable legislative vehicle is identified before 1 July 2015.

The Work Health and Safety Act 2011

The *Work Health and Safety Act 2011* is administered by Workplace Health and Safety Queensland (WHSQ) in DJAG and requires people carrying out high risk work, like demolition and asbestos removal to be licenced. The categories of high risk work licences include work commonly performed in the building and construction and related industries, such as scaffolding, dogging and rigging.

However, there are other types of work that require a high risk work licence that are not related to the construction industry which have been covered by these amendments. These include pressure equipment operation (i.e. standard boiler operation; advanced boiler operation; turbine operation; and reciprocating steam engine) and operation of forklift trucks and reach stackers which are used mainly in manufacturing, transport and warehousing industries, rather than construction.

The amendments made to the *Work Health and Safety Act* by the *Criminal Law Amendment Act* broaden the Acts regulation making powers to include the power to make regulations relating to a person's eligibility to have a work licence approved or renewed. The broadened regulation will deem people who are participants in a criminal organisation ineligible for a high risk work licence.

Categories of high risk work licences: There are 29 categories of licences (set out below) and 8 of these are not involved in the building and construction industry.

Category	Number of licence holders	Construction related
Basic scaffolding	10,555	Yes
Intermediate scaffolding	4,463	Yes
Advanced scaffolding	2,759	Yes
Dogging	45,761	Yes
Basic rigging	18,584	Yes
Intermediate rigging	8,344	Yes
Advanced rigging	3,282	Yes
Tower crane	1,252	Yes
Self-erecting tower crane	218	Yes
Derrick crane	499	Yes
Portal boom crane	419	Yes
Bridge and gantry crane	4,832	No
Vehicle loading crane	11,069	Yes
Non slewing mobile crane	20,124	Yes
Slewing mobile crane – with a capacity up to 20 tonnes	4,188	Yes
Slewing mobile crane – with a capacity up to 60 tonnes	4,480	Yes

**Report of the Criminal Motorcycle Gang
Occupational Licensing Provisions Working Group**

Slewing mobile crane – with a capacity up to 100 tonnes	1,624	Yes
Slewing mobile crane – with a capacity over 100 tonnes	3,238	Yes
Materials hoist	555	Yes
Personnel and materials hoist	2,613	Yes
Boom type elevating work platform	63,035	Yes
Concrete placing boom	934	Yes
Reach stacker	0	No
Forklift truck	241,417	No
Order picking forklift truck	6,343	No
Standard boiler operation	4,849	No
Advanced boiler operation	2,112	No
Turbine operation	2,327	No
Reciprocating steam engine	748	No

These amendments will capture more than 450,000 licensees, with 60% of licences not associated with the building and construction industries.

If the policy intention of these amendments was to only capture licenced occupations in the building and construction sector, then the broad nature of the amendment may have had the unintended consequence to cover occupations such as forklift truck operators.

It should be noted that rehabilitation programs run by Queensland Corrective Services include training and qualifying prisoners to become forklift operators to enhance their chances of gaining employment as storeman upon their release from prison.

The drafting of the amendments to the Work Health and Safety Regulation is well underway and amendments can be finalised in sufficient time for the proposed commencement date of 1 July 2015 to be met.

Workplace Health and Safety Queensland (WHSQ) will also need to make changes to administrative processes including the information collected from licence applicants and IT systems, to be able to effectively interface with QPS's SCRAM system for checking whether a person is a CMG participant. WHSQ does not currently require criminal checks as a condition of licensing (unlike the licences covered by the first tranche of occupational licensing).

The range of licences covered by the *Criminal Law (Criminal Organisation Disruption) and Other Legislation Amendment Act 2013* also includes classes that may be held by partnerships or corporations as well as individuals, and prohibits licences being held by corporations where an officer is a prohibited person. To give effect to these provisions, QPS will need to check the identity of all officers of corporations and partners of partnerships. However, WHSQ does not collect this information from applicants, and it is unlikely that all officers would honestly be disclosed if they were associated with a criminal gang.

To give effect to the legislation, WHSQ would have to conduct Australian Securities and Investment Commission (ASIC) searches for all corporations that hold affected licences, to determine officer names. WHSQ would also have to contact partnerships who hold electrical contractor licences either by telephone or email to obtain the names of partners.

Report of the Criminal Motorcycle Gang Occupational Licensing Provisions Working Group

The cost of ASIC searches and labour costs of contacting applicants to seek additional information will increase the cost to government of administering these licences.

Red Tape Reduction

Under the Queensland Plan: a 30-year vision for Queensland, the Queensland Government has committed to reduce red tape, streamline government processes and deliver efficient, cost effective services for Queenslanders.

Both QBCC and DJAG are taking steps to reduce red tape associated with occupational licencing and the introduction of these new licencing provisions may adversely impact on the effectiveness of a range of measures these agencies are looking to implement to reduce red tape.

Red Tape Reduction in High Risk Work Licensing Project

Approximately 30,000 new high risk work licences are granted each year under the *Work Health and Safety Act 2011*

Currently, after a person is assessed as competent to do high risk work, they lodge their application documentation in person at an Australia Post Office.

CTPI - Business Affairs

As a red tape reduction measure, WHSQ proposes to utilise the existing processes and capabilities in the Department of Transport and Main Roads (DTMR) in relation to biometric data (such as the photo and signature on a person's driver licence), to allow biometric data to be taken, retained and used for the purpose of issuing high risk work licences. This means most applicants who hold an existing licence with DTMR will be able to do their application online (renewals are already done online). Through the effective use of technology, the new process will avoid duplicating government services and reduce unnecessary costs to applicants.

Providing the use of DTMRs processes delivers the anticipated results, it has been proposed that the arrangements be extended to other licensing classes administered by WHSQ and the Department of Justice and Attorney-General, including electrical licensing.

This project was approved by Cabinet on 13 October 2014, with an implementation date of October 2015, to allow for information technology (IT) development and related operational arrangements to be implemented.

Exempt Sch.3(2)(1)(b) Reveal Cabinet consideration

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Exempt Sch.3(2)(1)(b) Reveal Cabinet consideration

Impact on QPS Resources to Undertake Checks

Aside from technology, when the second tranche of legislation proceeds it is highly likely there will be a significant impact on current QPS resources and service delivery.

DJAG and QBCC do not currently have a standardised information collection template (or the legislative ability to compel the provision of this information from the applicant) similar to that used by QPS and more recently by agencies such as the Office of Liquor and Gaming Regulation to fully interface with the QPS SCRAM system.

Given the likely numbers of annual renewals and new applicants involved in occupations covered by the second tranche of licencing provisions (approximately 590,000), there will be a significant impact upon QPS resources, particularly the State Intelligence Group. This will be due to the expected large volume of 'false positive' identifications of persons who maybe suspected of being a criminal motorcycle gang participant.

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These 'false positives' will arise due to the level of identifying particulars able to be collected by DJAG and/or QBCC. For example, if a full name is not recorded in the QPS preferred format or without a date of birth or other identifying feature – for example John SMITH – then QPS would then have to look at all John SMITH's recorded on QPrime and other databases to firstly confirm a person's identity and then have to follow up with an assessment as to whether that person has any links to criminal motorcycle gangs.

This will also have a major impact on the timeliness and turn-around on the validation of individuals, the vast majority of whom will be legitimate licensees (based on first tranche legislation experience to date).

This could potentially have a negative effect on organisational credibility and reliability due to the inordinate time delays that may occur. It may also require DJAG and QBCC to make further inquiries to substantiate the validity of applicants, causing further delays in processing and the issuing of permits and licenses.

Frontline police services could also be potentially impacted as QPS officers around the State may have to be tasked to undertake identification inquiries with individual applicants due to the large volume of 'false positive' hits.

It is highly likely that QPS will not have sufficient human resources to undertake the checking of licensees and as such there may be a need to recruit a number of fulltime personnel to undertake these tasks.

The Royal Commission into Trade Union Governance

The Royal Commission into Trade Union Governance was established on 13 March 2014 to inquire into the activities of officials of, and entities related to, seven unions, including the Construction, Forestry, Mining and Energy Union (CFMEU) and the Australian Workers Union (AWU). Key areas for investigation include:

- any bribes, secret commissions or other unlawful payments or benefits arising from contracts, arrangements or understandings between any union and any other party;
- any conduct that amounts to a breach of a law, regulation or professional standard by a union officer done to benefit themselves or to disadvantage another person;
- the establishment by trade unions of separate entities purportedly for an industrial purpose or for the welfare of their members;
- the corporate governance of such entities established by unions, including their financial management;
- the fund-raising activities of these separate entities established by trade unions; and
- whether these entities conform to their objectives and the extent to which union members receive a benefit from or have control of these entities;

The Commission was initially to report back on 31 December 2014.

On 2 October 2014, Commissioner Heydon wrote to the Commonwealth Attorney-General to inform him of the Commission's progress. He noted that sufficient evidence had been collected on the issue of entities and funds established by unions to enable appropriate findings and recommendations to be made. However, in relation to investigations into corrupt and illegal conduct by unions, he said that "*there are dimensions of criminal conduct revealed by the evidence thus far suggesting that a more thorough examination... is desirable*".

He noted that "*the inquiry thus far has revealed evidence of criminal conduct which includes widespread instances of physical and verbal violence, cartel conduct, secondary*

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boycotts, contempt of court and other institutional orders, and the encouragement of others to commit these contempts. Some officials appear to regard their unions as having immunity not only from the norms and sanctions of the Australian legal system, but also from any social or community standard shared by other Australians".

Commissioner Heydon further suggested that it may be desirable to expand the terms of reference, to prevent criminal or unlawful acts being done to facilitate or conceal the illegal conduct of unions being investigated by the Commission, including interfering with witnesses.

In response to Commissioner Heydon's letter, on 7 October 2014 the Commonwealth Attorney-General acknowledged that the Commission would not be able to satisfactorily address the outstanding issues within the time required to meet the original reporting date and announced that reporting date of the Commission would be extended to 31 December 2015. He also agreed to add a term of reference as suggested by Commissioner Heydon to allow a deeper probe into criminal conduct by officials.

The Commonwealth Attorney-General noted that *"the problem of criminality and the associations between certain unions, and certain union officials, and crime is a much more widespread problem than appeared to be the case when at the beginning of this year the government decided to establish the Royal Commission. These are matters that have been drawn to the attention of the Government by the Royal Commissioner"*.

Limited evidence to date at the Commission of links to criminal gangs

Between 9 April 2014 and 28 October 2014, 57 public hearings involving more than 200 witnesses were conducted in Sydney, Melbourne, Perth and Brisbane.

The evidence heard by the Commission to date implicates a small number of senior members of the CFMEU in New South Wales and Victoria in corruption and dealings with people associated with criminal gangs.

In New South Wales, this has been contained to the labour hire businesses of George Alex and the payments made to the CFMEU, allegedly in exchange for the union arranging contracts for those businesses in large construction projects.

In Victoria, the police stated that they are aware of organised crime involving trade union officials, including blackmail, extortion and drug offences, but said it is difficult to tell whether these activities are private or have been conducted on behalf of the CFMEU. As witnesses have tended to withdraw statements due to intimidation, the police have not laid charges or made arrests.

The Commission has examined the Queensland and Northern and Territory Construction and General Branch of the CFMEU and the Queensland Branch of the TWU in detail and has not found similar evidence of links to criminal gangs. The predominant issues that arose in Queensland include:

- disregarding orders of the Fair Work Commission regarding unlawful industrial action;
- causing inappropriate payments to be made from the Building Industry Redundancy Trust Fund (BIRT) to striking workers; and
- banning employers from working on Queensland sites for refusing to sign EBAs.

In response to the concerns raised by the Commissioner about criminal activity in the construction industry, the Federal and Victorian Governments have established a Joint Police Taskforce into Industrial Criminality and Corruption. While the focus will be on identifying the illegal actions of union officials, police will also investigate corrupt employers, employees, debt collectors and mediators. It is possible that the investigation will extend beyond Victoria into New South Wales and Queensland.

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While evidence of links between members of criminal organisations and the construction industry has been revealed in New South Wales and Victoria, no such issues have been identified in Queensland.

On 15 December 2015, Commissioner Heydon delivered his interim report to the Governor-General.

Anecdotal experience in Queensland, unrelated to the Commission evidence, has shown that CMG participants have been used to either standover or intimidate people on building and construction sites, including being used to help enforce union imposed bans on certain labour by being part of a picket line. The success of Operation Resolute and section 60A of the Criminal Code (the association laws) has helped address the use of CMGs in this way on building and construction sites, thus in part reducing some of need for the second tranche of occupational licencing.

Impacts on the Strategy

The *Elimination of Criminal Motorcycle Gangs from Queensland Strategic Plan 2013 – 2016* is being progressed through six lines of operation and the working group has examined the impact of implementation of the second tranche of occupational licencing provisions against each of these lines of operation.

Legislative/legal Line of Operation

From the perspective of the Legislative/legal line of operation, at a minimum, minor amendments will be required to correct some drafting oversights to the *Electrical Safety Act* to ensure that new confidentiality provisions apply to reviews of decisions affecting criminal organisations as well as individual participants.

A number of more substantive amendments would be desirable to enhance the efficiency and effectiveness of the second tranche of licencing to:

- enable the QBCC to seek the Police Commissioner's advice regarding CMG participation at times other than just on application and renewal; and
- enable the QBCC and WHSW to collect sufficient identifying particulars from applicants and "influential persons" in the form preferred by QPS to allow more efficient checking police.

If the policy intent of Government (for those licences included in the second tranche) was to address concerns in the building and construction industry, then the provision in relation to high risk licences is broader than this policy intent. However, this could be addressed in the drafting of the amendments to the Workplace Health and Safety Regulation by only including those classes of licences generally associated with the building and construction sector.

Conversely, there are several licenced occupations involved in the building industry not covered by the second tranche, and if a consistent approach is to be applied, consideration may need to be given to extending the licencing provisions to include occupations such as plumbers.

Enforcement and Prevention Line of Operation

The CMG occupational licencing provisions were initially introduced to assist police disrupt, disempower, disable and dismantle CMGs and the occupations chosen were based to a large extent on police intelligence about those occupations and industries where there has traditionally been a strong involvement by criminal motorcycle gang participants and associated criminality.

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Operation Resolute has been very successful with the gangs having been severely disrupted. The first tranche of the occupational licencing provisions, particularly the new licencing requirements for the tattoo industry, has contributed significantly to this success. Those occupations covered by the first tranche all have strong links to CMGs and their criminal activities.

Exempt Sch.3(10)(1)(f) Prejudice the effectiveness of a lawful method

The commencement of the second tranche of occupational licencing may have minimal impact on the success of Operation Resolute and the resource effort and cost to QPS of undertaking the checks will likely be substantial.

Economic Line of Operation

The introduction of the occupational licensing requirements has contributed to achieving the two strategic outcomes for this line of operation of:

- promoting Queensland as a safe and secure place to live, do business, invest in and visit, and
- stopping criminal motorcycle gang activity by identifying and disrupting markets used by criminal motorcycle gangs and their associates to further their illegal activities.

Although not as critical, the second tranche of occupational licensing will further contribute to achieving these strategic outcomes. However, the extent to which they contribute would be very difficult to quantify. The implementation of the second tranche have economic costs for industry and are in conflict with broader red tape reduction strategies.

Engagement Line of Operation

The Engagement line of operation is aimed at shaping the environment to foster community support, understanding and cooperation for the actions taken by law enforcement and Government agencies to eliminate CMGs from Queensland.

Initially, a sophisticated misinformation public relations campaign run predominantly by the United Motorcycle Council and other interests generated a significant amount of confusion and misunderstanding in the community, which led to lower than anticipated levels of public acceptance for the new CMG related laws.

Unions such as the Electrical Trades Union were also critical and, through public comments, were attempting to create a view that large numbers of workers may lose their jobs simply if they were related to or knew someone who was a CMG participant.

Targeted public relations strategies including background briefing of journalists and better coordination of government messaging has seen a reduction in the level of negative media articles. This approach, together with a highly successful and professional police operation has seen public opinion turnaround to where the vast majority now support the new laws and measures.

It is the Working Groups view that proceeding with the second tranche of occupational licencing has the potential to reignite public fears and concerns, particularly as these provisions will impact directly on more than 590,000 occupational licence holders in

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Corrections and Security Lines of Operation

Neither the first or second tranche of occupational licencing impact on the Corrections or Security Lines of Operation.

Progress on implementing the first tranche of licencing

The first tranche of occupation licencing commenced on 1 July 2014 and built upon the existing licencing provisions contained in the *Liquor Act 1992*, *Racing Act 2002*, *Second-hand Dealers and Pawnbrokers Act 2003*, *Security Providers Act 1993*, *Tow Truck Act 1973* and the *Weapons Act 1990*.

To date there have been minimal implementation difficulties associated with introducing the additional check of the police intelligence data base to exclude criminal organisation participants from receiving either licences or permits issued under the above authorities. Criminal history checks with the QPS were already part of the licencing process and information was generally already collected by the regulators in a format enabled the QPS SCRAM system to be utilised efficiently and effectively.

There has only been one appeal before the Queensland Civil and Administrative Tribunal (QCAT) in respect to a licence issued under the *Liquor Act 1992* relating to the above occupational licencing provisions. The appeal is still pending.

The *Tattoo Parlours Act 2013* also commenced on 1 July 2014 and is also part of the first tranche of occupational licencing. This Act introduced a new occupational licencing and regulatory framework to eliminate and prevent infiltration of the Queensland tattoo industry by criminal organisations, including criminal motor cycle gangs and their associates. This was previously an unregulated industry (apart from some health requirements) with strong connections with criminal motorcycle gangs.

As of as of 21 January 2015, 1043 applications had been received by the Office of Fair Trading (OFT) under the *Tattoo Parlours Act 2013*, 279 of these have been for parlour operators and 743 were for tattooists licences. Of the applications received, 635 (or 61%) have been determined, with 116 operators' licences issued and two refused, 518 tattooists' licences issued and one refused, and 57 applications have been withdrawn.

The QPS (as of 21 January 2015) were undertaking a security determination in respect to 250 applications and 78 applications were with the applicants seeking further information.

After six months, 31% of applications are yet to be finalised. One of the major reasons for this delay has been that the vast majority of applications had to be returned to the applicants and the time taken for applicants to provide the additional information and identifying particulars required to enable their applications to proceed to the QPS for a security determination.

The QPS criminal intelligence area responsible for undertaking the security determinations also faces delays in corresponding with applicants identified as possibly being associated with criminal organisations providing them with an opportunity to demonstrate that the police intelligence is either not correct or for the applicant to disassociate from the gang. The G20 also had a significant impact on the availability of QPS resources to finalise the security determination.

Applicants have not been disadvantaged by this delay as those who had lodged their application prior to 1 July 2014 have been permitted to continue to carry on their business whilst their application is being determined. In part this has contributed to the delays as it has been in the interests of a number of applicants to delay the process as long as possible.

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There are two appeals lodged with QCAT in relation to the three licences refused under the *Tattoo Parlours Act 2013*, both of which are still pending.

Conclusions

The Royal Commission into Trade Union Governance has heard evidence of links between members of criminal organisations and the building and construction industry in New South Wales (limited) and Victoria. However, no such evidence has been identified in Queensland. As the Royal Commission has been extended for a further year, it is still possible that evidence may come to light regarding criminal organisation participants and the building and construction sector in Queensland.

Similarly, the QPS intelligence holdings regarding CMG participants and their involvement in the criminal activities associated with their employment in the building and construction industry is very limited. Anecdotal evidence does exist that CMG participants may be used on construction sites to 'lead some muscle' but may not actually be employed on the site or in the building or construction industry.

Implementing the additional licensing requirements making up the second tranche of CMG occupational licensing requirements will impose a regulatory burden on licence applicants/holders and incur additional costs for the government and industry for little or no benefit while limited evidence exists regarding CMG involvement in the building and construction sector.

Implementing additional licensing requirements will potentially delay the implementation of the red tape reduction initiatives in DJAG such as the High Risk Work Licensing project, which is intended to provide benefits to businesses, workers and the government. Similarly, the QBCC is constantly reviewing its customer service provision including time taken to process licence applications and renewals as part of the red tape reduction strategy and the second tranche of occupational licensing will have a negative impact, increasing costs and time.

The vast majority of individuals checked during the first tranche of the CMG occupational licensing provisions (in occupations where there is known strong CMG involvement) against the QPS intelligence holdings resulted in negative hits.

Based on this past experience and the more tenuous connections between CMGs and the building and construction sector, there is likely to be minimal 'positive' hits for applicants in the second tranche.

This means that the resource effort and cost to the QPS of undertaking the checks will likely be quite substantial for a minimal output of positive 'hits' and subsequent contribution to achieving the objective of Operation Resolute.

An analysis of the potential impacts of the second tranche of occupational licensing provisions against the *Elimination of Criminal Motorcycle Gangs from Queensland Strategic Plan 2013 – 2016* tends to indicate that the risks tend to outweigh the limited benefit to be derived. The greatest risk is to community engagement and support for both the broader CMG legislative provisions which has enabled the operational success to date.

Recommendation 1

That the provisions making up the second tranche of CMG occupational licensing provisions not proceed in their current form on 1 July 2015.

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Recommendation 2

With more work being done by the Royal Commission into Trade Union Governance, the working group recommends that Government awaits the final outcomes and findings of the Royal Commission before implementing additional licensing requirements for occupations involved in the building and construction sector.

Recommendation 3

Should Government decide to proceed with the second tranche of CMG occupational licensing provisions on 1 July 2015, then the high risk work licences issued under the *Work Health and Safety Act 2011* should be limited to those categories of high risk work licences commonly associated with the building and construction and related industries.

Recommendation 4

Should Government decide to proceed with the second tranche of CMG occupational licensing provisions on 1 July 2015, then the necessary amendments will also have to be made to the *Electrical Safety Act 2002* and *Queensland Building and Construction Commission Act 1991* to correct minor drafting oversights, enable the collection of relevant details to efficiently facilitate police checks and provide more flexibility to request information from the Commission of Police in relation to suspected CMG participants.

Recommendation 5

Should Government decide to proceed with the second tranche of CMG occupational licensing provisions on 1 July 2015, then the QPS, DJAG and QBCC need to review resource requirements to ensure that adequate resources are in place to process the large volume of licences associated with the second tranche.

Released under RTID280

Pages 30 through 31 redacted for the following reasons:

Exempt Sch.3(4) Briefing for incoming Minister

Released under RTI - DPC