

~~**Ms TRAD:** I withdraw. I go back to the points that the Deputy Premier raised in his contribution in which he claimed—and he has claimed earnestly—that it was the Crown Law advice that he was adhering to which was the catalyst for politicians in this House receiving a 42 per cent pay rise. So he wants Queenslanders to believe that this alone triggered what actually happened. After everything that I have detailed, after all of the media attention, after all of the briefing notes, after all of the options compiled by the Clerk of the Parliament and furnished to the Premier, after all of the commitments given by the Premier to people in writing that he wants to see wages and allowances increase in line with core public sector wage increases despite all of that this one piece of advice was enough to overturn all of that. I am not buying that and Queenslanders did not buy it. They think it is absurd.~~

~~**Ms BATES:** I rise to a point of order. Madam Deputy Speaker, I ask you to rule on standing order No. 115. The member for South Brisbane is hypothesising yet again.~~

~~**Ms TRAD:** They really don't like it, do they?~~

~~**Mr Johnson** interjected.~~

~~**Madam DEPUTY SPEAKER:** Order! Member for Gregory, there is no need to have conversations across the chamber while I am seeking advice. Member for Mudgeeraba, standing order 115 refers to questions and we are currently in a debate. So I rule that point of order out of order. The member for South Brisbane has the call.~~

~~**Ms TRAD:** I find this proposition absurd because the alternative, quite frankly, is just too scary. My question—~~

~~**A government member:** Scary?~~

~~**Ms TRAD:** Yes. I think it is scary to think that the Deputy Premier was acting as a lone ranger on this. It is absolutely frightening to many Queenslanders to think that he was acting as a lone ranger on this. My question—and we will raise it during the consideration in detail—is when exactly was this legal advice commissioned? The Premier knew from 12 April 2012 that this was an issue. He got advice from the Clerk of the Parliament. He got options from the Clerk of the Parliament, but the Crown Law advice appeared over 12 months later. What was the delay in commissioning the advice?~~

~~Throughout this whole debacle of the government granting itself this obscene pay hike and then feigning indignation and disbelief at what had been in front of them in black and white all along, two things have become very, very clear.~~


~~Debate, on motion of Ms Trad, adjourned.→~~

~~Proceedings suspended from 1.00 pm to 2.30 pm~~

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<IDENTIFICATION LAWS AMENDMENT BILL

Introduction

 **Mr WELLINGTON** (Nicklin—Ind) (2.30 < pm): I present a bill for an act to amend the Corrective Services Act 2006, the Oaths Act 1867, the Police Powers and Responsibilities Act 2000, the >State Buildings Protective Security Act 1983 and the Youth Justice Act 1992 for particular purposes. I table the bill and explanatory notes, and I nominate the Legal Affairs and Community Safety Committee to consider the bill.

Tabled paper: Identification Laws Amendment Bill 2013.

This bill aims to provide that in circumstances where a police officer, a corrective services or similar officer, a lawyer, a justice of the peace or a commissioner for declarations needs to identify a person, they can lawfully demand that the person remove any face coverings so that the person's face can be seen.

Although I have had the bill drafted in a response to events in New South Wales where a burqa-wearing woman, Carnita Matthews, had a charge of making a false statement dismissed because there was no proof that it had been her inside the burqa, I emphasise that this bill is not directed against the wearing of burqas generally—like the controversial law in France. It is not even specifically directed at burqa-wearing women, though the need for it was demonstrated by one such person who played tricks with the law. It could equally apply to a person wearing a Darth Vader mask or anything that covers their face.

I believe that people should have to reveal their face to persons in the legal system who need to know who they are. The case of Ms Matthews illustrates the absurdity that can arise when people can hide their faces—that is, their identity—from police and court officers. Someone who was alleged to be Ms Matthews was stopped by the police for not displaying her P plates while driving. She later alleged—on television and in a statutory declaration to police—that the officer who stopped her had attempted to tear the burqa off of her face. When the police video recording showed that this was not true, she was charged and convicted with making a false statement. She then appealed to the District Court and successfully argued that there was no proof that she was the person in the burqa who made the statement. This is a ridiculous sequence of events.

Madam Deputy Speaker, I have had the Speaker peruse my second reading speech, and I seek leave to have the balance of my speech incorporated into Hansard.

Leave granted.

I even wonder how the District Court judge knew that she was the person who had been convicted in the Magistrate's court or the person who lodged the appeal in his Court? There could, for all we know, have been a different person under the black burqa each time! Where people are interacting with the legal system it is important that they should be made to show their face, even if briefly, so that people in the legal system can be sure who they are dealing with. New South Wales has now enacted a law similar to this Bill. We should do it before we have a similar case here in Queensland.

Although the Bill amends five Acts, it applies in three main situations. One is whenever a police officer's power to demand to see photo identification or a person's name or address is triggered. In those cases, the officer can also demand to see the person's face. Another is when a person makes a declaration or affidavit—then the person taking the declaration or affidavit will be obliged to see the first person's face. The third situation is when a person is entering a secure building—a court complex, a corrective services facility or a youth detention centre. I will discuss each of these in more detail below.

But first, the common feature in all Parts of the Bill. "Face" is defined throughout to mean the face from the top of the forehead to the bottom of the chin and between, but not including, the ears. Most Muslim women, Sikh men wearing turbans and Catholic nuns already display this much of themselves to the world, so the law will only impose an extra obligation on people masking more of their face than those three groups. Another common feature is that in Parts 2, 4, 5 and 6 an exemption from the requirement to show the face is provided for those who have a special justification, such as being bandaged after an operation.

To take the group relating to secure buildings first, Parts 2, 5 and 6 of the Bill add similar sets of provisions to the Corrective Services Act 2006, the State Buildings Protective Security Act 1983 and the Youth Justice Act 1992. In each case an officer may demand that someone in or about to enter the building remove a face covering to show their face for identification purposes. There are requirements that the person must be allowed to do this in as private a way as possible, and that if the person requests it, his or her face will be shown only to a person of the same sex. In case a child under 12 turns up at one of these facilities with a masked face, the three Parts provide that while the face is viewed the child must be accompanied by an adult and may request to be viewed by a female officer. In fact, this is unlikely to apply to Muslim girls because they have their heads uncovered until puberty anyway; it may be more likely to apply to children wearing Zorro or Darth Vader masks. Consequential amendments are made to existing provisions in the three Acts providing for penalties or compulsory removal from premises, to ensure that they apply to breaches of the new provisions. The provisions are not entirely consistent between the three Acts, but the drafters and I did not think it was our business to generally amend these Acts to make them more consistent.

The provisions amending the Oaths Act are simpler: they provide that a person taking a declaration or affidavit must see the face of the person signing the document. There is a penalty for non-compliance, but a failure to comply does not of itself invalidate the declaration or affidavit. It may in practice be open for another party to challenge an affidavit when tendered in evidence on the ground that there is no proof it was made by the supposed deponent—as Ms Matthews appears to have first made a declaration and to have challenged its authenticity!

The amendments to the Police Powers and Responsibilities Act 2000 are different again. The power to see a person's face will apply only when existing powers to demand to see photo identification or to be given a person's name and address have been triggered—see existing sections 40-43A, 55 and 58 in particular. Then, if the person's face is covered, the officer may also demand to see the face; there is not much point, after all, in seeing a driver licence if the photo on the licence cannot be checked against the face of the driver. No specific penalty is provided for non-compliance because failure to comply with a direction or requirement of a police officer is already an offence under s 791. No provisions are included for viewing of the face by a person of the same sex, because it may be impractical where, for example, a lone motor-cycle officer pulls a driver over for an alleged infringement. It is still provided that the viewing of the face must be conducted in a way that gives

the person reasonable privacy and as quickly as possible. A new section 41B is added to provide that the CMC must monitor the use of the section and report after one year.

I believe these provisions strike a reasonable balance between the need for law enforcement officers and similar persons to know who they are dealing with, and the religious or personal sensitivities of persons who believe they should not boldly display their faces to the world.

I commend the Bill to the House.>

First Reading

Mr WELLINGTON (Nicklin—Ind) (2.33 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.


Bill read a first time.

Referral to the Legal Affairs and Community Safety Committee

Madam DEPUTY SPEAKER (Mrs Cunningham): Order! In accordance with standing order 131, the bill is now referred to the Legal Affairs and Safety Community Committee.

~~PRIVATE MEMBERS' STATEMENTS~~

~~<John Eales Rugby Scholarship~~


 **Mr STEVENS** (Mermaid Beach—LNP) (2.34 pm): It is an honour for me to inform the House of the launch of the inaugural John Eales Rugby Scholarship at Bond University last week. > This is a unique scholarship worth approximately \$55,000 per year for one of the most prestigious and world recognised tertiary facilities in Australia. Vice-Chancellor Professor Tim Brailsford announced this innovative award at a special function at Bond University which I attended as the local member for Mermaid Beach. It was also attended by the great man himself, Mr John Eales, along with many other rugby luminaries. It was covered nationally by Fox Sports Television Group. For those non-rugby informed members of this House, John Eales is one of this nation's most celebrated leaders in the world of rugby. His outstanding leadership qualities earned him the nickname 'Nobody', because nobody's perfect.

This is a wonderful opportunity for a rugby-playing student to enjoy the benefits of an outstanding university education whilst savouring the personal leadership mentoring skills of one of the greats of the game that they play in heaven: rugby union. John Eales has given his significant endorsement to the program and is utilising his sporting, business and public leadership skills to further the interests and careers of young up and coming rugby players from anywhere in the world.

This fantastic opportunity has been made possible by the philanthropic benevolence of long time rugby tragic and, I am told, fifth grade Gregory Terrace rugby legend and good personal friend of mine, Mr Terry Jackman. Terry has been instrumental in the launch of the Premier Rugby Competition team the Gold Coast Breakers, and he has been a long-term supporter of Australian rugby union. He is a successful Gold Coast businessman who is associated with Village Roadshow Cinemas and Sea World and a former chairman of Tourism Queensland. Terry has generously provided funding, along with Bond University, to make this amazing sporting scholarship become a reality. I cannot wait to see the first young winners of this scholarship flourish under the incomparable mentoring of the great John Eales.

I offer my sincere and appreciative congratulations to Vice-Chancellor Tim Brailsford, rugby tragic Mr Terry Jackman and the legend himself, Mr John Eales, for collaborating on this unique and groundbreaking educational and sporting trophy of excellence, and I wish all the future beneficiaries of this visionary project every success in their careers. >

~~<Dennis, Mr J; Byrne, Mr A; Cooly Rocks On; Surf Life Saving~~

 **Hon. JA STUCKEY** (Currumbin—LNP) (Minister for Tourism, Major Events, Small Business and the Commonwealth Games) (2.36 pm): I wish to place on the record my condolences to the > family of 17-year-old Jerry Dennis from Tugun, who suddenly lost his life last Thursday, 1 August, while at Surf Life Saving training. The loss of such a young life is immensely saddening and difficult to comprehend. On behalf of the Currumbin community may I pass on our heartfelt sympathies to Jerry's parents Greg and Christine and their family and friends.

More sad news is that Allan Byrne, a founder of the Byrning Spears surf brand based in Currumbin, passed away today after a tragic accident in Bali last Friday. Our condolences go out to his family and friends.

On a brighter note, it gives me great pleasure to rise and inform the House about two terrific activities that epitomise what makes the beautiful electorate of Currumbin really tick. The annual Cooly Rocks On festival saw locals, along with domestic, national and international visitors, rocking on through the streets of Coolangatta between 31 May and 10 June. Promoted as a nostalgic and