

4th July 2014

Legal Affairs and Community Safety Committee
Parliament House
George Street
BRISBANE QLD 4000

Dear Sir or Madam

Submission regarding the Safe Night Out Legislation Amendment Bill 2014

We appreciate the opportunity in allowing us to make a submission regarding the Safe Night Out Legislation Amendment Bill 2014 which has the primary objective to reduce alcohol and drug related violence in Queensland's nightlife.

The Amendment Bill is clearly a very detailed and comprehensive plan to improve the nightlife in Queensland. We commend the Queensland Government for their foresight and for tackling the issue as a whole. Due to this level of detail, our submission specifically relates to **Clause 74 Part 6AA** regarding ID scanning where we believe our 'hands-on' experience and industry knowledge may be of value to the Committee.

Based on our experience implementing ID scanners in venues across Australia, we are certain that the introduction of ID Scanners will have a strong positive effect on reducing violence in Queensland. Although we realise that the legislation is not intended to detail the minutiae of how the system will fully work, we feel that there are a few areas where greater clarity may be of benefit to both licensed venues and potential ID scanning operators in understanding the desired outcomes of the ID scanning system.

Firstly, at its most basic the implementation of any ID scanning system must achieve 3 broad outcomes:

- Protect the privacy of the vast majority of patrons who never cause problems
- Maintain a record for a set period of time of each scanned patron, which acts to identify offenders or deter potential offenders
- Prevent people with banning orders from entering venues using ID Scanners

It goes without saying that the vast majority of patrons and society at large that attend licensed venues are perfectly responsible and well behaved and that it is only a small minority of people are violent or ever likely to be violent.

It should also go without saying that a key part of preventing alcohol fuelled violence is by the prompt and correct identification of offenders who have caused violence. In what are often dark and crowded places, it can often be the case that an offender can leave without being readily identified.

Even when an incident is captured on CCTV it can often be difficult to get a high definition close up image of the person. ID Scanners have the ability to be a critical part of the system to identify offenders.

It is critical that the legislation and the proposed overall design of the system is as effective as possible, however just as critical as the design is the final implementation and functionality of the approved ID scanners and approved ID Scanning System(s).

Ensuring the implementation of the approved ID Scanning system(s) occurs smoothly and effectively, will improve acceptance of the system for all stakeholders, particularly for patrons and venue operators.

As such we will address our submission in two sections. The first section, will be regarding specific elements of the proposed legislation and the second section will contain what we believe are critical factors to ensuring any approved ID Scanning system(s) will operate for maximum benefit.

If you have any queries, I would be happy to provide further information.

Kind regards,

Tony Ingram

Tony Ingram
State Manager - QLD
Scantek Solutions Pty Ltd



An ID Scanning industry response to the:
Safe Night Out Bill Amendment 2014

1. Safe Night Out Bill Amendment 2014 Response

173EE Definitions of pt 6AA

Photo ID, for a person, means a document that is acceptable evidence of the person's age under section 6.

Section 6 Liquor Act 1992 makes references to **State** could it be clarified whether State here only refers solely to Australian States or whether this would also include other intranational or international states across the world.

173EH Scanning obligations of licensees for regulated premises

In Section 173EH(1):

The licensee for regulated premises must ensure that, during the regulated hours for the premises, no person is allowed to enter the premises as a patron unless—

and Section 173EH(4)

regulated hours, for regulated premises, means—

(a) if a condition of the licence for the premises states a period that is the premises' regulated hours for this section—that period; or

(b) otherwise—the period during which the licensed premises are open for business between 8p.m. on a day and 5a.m. on the following day.

In the above sections the implementation of **regulated hours** is discussed. Having noted other submissions and having spoken to licensees that would be in safe night precincts I believe there is some confusion around the intended implementation of regulated hours.

The confusion revolves around whether this section refers to whether venues who have a licence that allows them to trade past midnight but who do not actually trade past midnight would be required to use ID Scanners on those night where they do not actually trade past midnight.

For example a venue has a licence that allows them to open until 3am every day. They only trade past midnight on Friday and Saturday. In this case does the venue need to have ID scanners in operation from 8pm every night or just on the Friday and Saturday?

Section 173EH(1c)

the scan of the photo ID indicates the person is not subject to a banning order for the premises.

This may seem like a relative straight forward requirement and in theory it is simple to compare a scanned name and birthdate relative to ban order name and birthdate eg is John Paul Glass 10/10/1981 is the same as John Paul Glass 10/10/1981.

However, in reality there are other factors that can come into effect, which can mean information is incorrectly read off an ID. If this occurs, the system would not match to a banned person to the information that was scanned.

Reasons information can be incorrectly read off an ID, can include:

- Deliberate attempts to change ID by banned people – eg G made in C. Based on our experience this has and will continue to occur.
- Legitimate wear and tear on ID such as scratches or scuffing
- Dirt or smudging preventing accurate reading of the ID.
- Variations in name presentation – some ID types show full middle names, other types shows only initials of middle names

Following the name example given above, if the identification of John Paul Glass 10/10/1981 is fraudulently or accidentally changed such that the the 'G' in **G**lass resembles an "C" eg John Pau**C**lass 10/10/1981 – then by direct computer comparison they are completely different and the patron will be allowed in the venue.

The way to ensure that this cannot occur is by having the system use a 'fuzzy logic' algorithm to form a similarity match to determine the likelihood the person has a ban. If that threshold is met, the system will show an image of the matching banned person to the staff member operating the system allowing them to determine if they are the same person.

In Section 173EH(3c):

If, during the regulated hours for the premises, the licensee can not comply with subsection (1) because of a system failure, the licensee must—

(c) give written notice of the system failure to the commissioner and the police commissioner within 48 hours after first allowing entry to a patron during the system failure;

It is our opinion that the **approved ID scanning system** would also be able to provide the commissioner and the police commissioner a list on demand or scheduled time-frame (eg weekly) detailing if at any point the **approved ID scanners** were not connected to the **approved ID scanning system** during the regulated hours.

In addition the **approved ID scanning system** provider should also be required to advise the commissioner and police commissioner if there was a failure of any part of the system itself.

173EJ Obligations about operation

(1) An approved operator for an approved ID scanning system (the system) must ensure the system does not record any personal information about a person other than the following—

- *the person's name, address and date of birth;*
- *a photo of the person;*

In **Section 173EJ(1a)**: it refers to **address**. Many forms of identification do not include an address at all such as passports and Proof of Age cards or do not contain an address in the same location as **person's name** and **date of birth** such as QLD Drivers Licences (where addresses are located on the reverse of the ID).

Due to this we believe that this section should refer to the collection of the address where it is readily available

In **Section 173EJ(1b)**: it refers to a **photo of the person**. Does this refer to capturing a current photographic image of the patron at the time of the scan? At Scantek we believe that this is critical for the most effective functioning of an ID scanning system.

The importance of this feature includes:

- Allowing for "the essential" comparison between the person on the ID and the person presenting the ID preventing identity or underage fraud.
- Allowing for a visual check where multiple presentations of the same ID or same person's ID have been given on a single evening (e.g. Patron Re-Entry & ID Misuse).
- When a venue is notified of a Ban, the venue is able to confirm the image matches. This helps in the event that a person has the same name and birthday as a Banned person.
- Allow for absolute proof of identity in any investigation. A person cannot claim someone falsely used their ID if the accompanying photographic image is clearly an image of them.

In addition In **Section 173EJ(1)**, specifically precludes recording anything that is not mentioned in **Section 173EJ(1a) (1b)**. We believe there is some other information that could be of benefit to the operation of the system.

For example, is a full copy of the scanned ID image to be recorded? We believe this could be critical as a name and birthday would not define what state that person was from, which may be necessary to identify an offender.

Also is the gender of the patron to be recorded, this is important to assist in quickly and accurately identifying an offender by reducing the number of records which would need to be search(logically roughly by half).

Another valuable to piece of information to record is an ID's Expiry date. Often underage people attempt to use older friends or relatives expired IDs to enter venues. In some cases

these documents can be expired by upwards of a year, which is an instant warning something suspicious could be occurring.

173EM Privacy

(2) An approved operator must not allow an ID scanner to be linked, or continue to be linked, to the approved ID scanning system if the approved operator knows the ID scanner is used other than in regulated premises.

Section 173EM(2), allows for only venues inside the safe night precinct or other regulated premises to have access to the ID scanning system. We believe that many venues who fit neither of these descriptions may still wish to voluntarily participate in the system for the safety of their patrons.

We believe that if a non-regulated or non safe precinct venue is using an **approved ID scanning system** provider and who also complies with all other requirements should be allowed or even encouraged to have access to the approved ID scanning system. The more venues that participate, the greater the reduction in alcohol and drug fuelled violence that should occur.

2. Additional Important Factors to Consider regarding ID Scanners

Scantek has identified a number of factors that we believe are important and should be carefully considered when implementing an ID scanning system.

Initially some operators of licensed premises may see the addition of an ID Scanner as an unwanted burden. However, at Scantek we believe that with the right system provider and the right price, ID Scanners will be embraced by licensed premises as a positive as they discourage alcohol and drug fueled violence and will ensure that Queensland's nightlife is safe and exciting.

To achieve this outcome, the system needs to meet 3 key goals:

- Be able to process patrons quickly as well as being simple and reliable to use.
- Easily prevent banned patrons from entering licensed premises
- Meet all requirements of the Safe Night Out Amendment Bill 2014

Below, we have listed key factors for consideration regarding important functionality to consider regarding ID Scanners.

Speed

Patron ID Scanners need to be as fast as possible. Slow Patron ID Scanners cause issues such as:

- Leaving more people waiting in lines on the street, increasing the likelihood of frustration and agitation as well as possible aggressive interaction between patrons.
- Long lines increase the likelihood of other risks, for example patrons or the general public walking on roads to get around lines or trying to queue jump.
- Potential for greater tension between licensed premises, food vendors, and other businesses if long lines interfere with their business operations.
- Potential loss of revenue for licensed premises—where patrons are waiting out front rather than in the venue.

ID scanners should be able to scan, process, check bans and output a result in just a few seconds (2-4 seconds for example). With this speed, licensed venues will avoid the problems encountered with slower systems.

Ease of Use & Output Transparency

The ID Scanner should be easy to use and able to be understood via visual cues that require very little training. When systems are difficult to use and unclear, issues such as the following can occur:

- Frustration by door staff, resulting in poor decision making.
- Failure to keep out underage patrons.
- Failure to keep out banned patrons.
- Slow processing of patrons.
- Difficulty learning to use the system.

Accuracy

Optical Character Recognition (OCR) accuracy is critical. Poor OCR quality can result in:

- Dates of Birth being misread, allowing underage patrons to enter with their own IDs (e.g. 1995 misread as 1985).

- Misread names could allow banned patrons to enter or cause unbanned patrons to be refused entry (e.g. John **G**lass vs. John **C**lass).
- Banned patron's details saved incorrectly (such as a misread name) thus preventing bans being enforced.
- Greater difficulty for Management or Police to search and find patrons in the system.

By ensuring a high level of OCR accuracy the ID scanning systems will be more effective and avoid many common implementation and usability pitfalls.

Flexibility to Adapt

It is important that the ID Scanner chosen can be easily modified and upgraded, so that any operational, technological or legislative changes can be readily met.

This should give the flexibility to:

- Upgrade any component of the system to meet changing requirements, now and in the future.
- Upgrade software, to a version that includes extra features that may make the system faster or easier to use.
- Efficiently discover and resolve any system issues that could effect operation.

Stability of Platform

Unreliable systems cause disruptions in service and procedures that can lead to loss of revenue, unhappy patrons, frustrated staff, and unintended admission of underage or banned patrons.

The system and scanners should have multiple levels of redundancy to minimize any likelihood of down time. To this end no part of the system should be reliant on the other part for their primary function and no part should be a critical weak point that could jeopardise the operation of the system as a whole.

Remote Access

Without remote access to the ID Scanner system provider will have to be called onsite for any number of reasons—not just for issues but also for basic maintenance and upgrades. The system should have remote access capabilities at least for maintenance, upgrades and software diagnostics. This will save licensed premises time, money, and frustration. To ensure data safety at all time this must be done via a secure method.

Product Durability & Design

Because of the environment Patron ID Scanners are used in, they need to be purpose-built for use in licensed premises.

Ideally the units are self-contained, portable, solidly constructed, and resistant to liquid. These features ensure maximum protection from an abusive or intoxicated patron and minimises the likelihood of damage.

Complete System Support

Patron ID Scanners are a relatively new and growing industry. Like all growth industries, some companies are involved with a long term view where as others simply see it as short-term opportunity.

Providers need to provide security and on going support for their systems, particularly due to the sensitive nature of the data.

Connectivity

Ideally, the ID Scanners will be connected to the Internet via a secure channel at all times of operation. Nonetheless, ID Scanners must be able to operate in the event that connectivity is lost. Connection losses can occur for a number of reasons, including a venue-based issue such as a failed network port or an Internet provider-based issue.

An approved ID Scanner should maintain the following essential capabilities even in the event of connection loss:

- Continued scanning and checks on all patrons.
- Ensure banned patrons are still prevented from entering.
- Warnings that the venue has lost connection.

Manual Data Entry

A Patron ID Scanner should allow for manual adjustment of information after an ID has been scanned when necessary. This is particularly important in cases where the system has detected a “Tampered and/or Damaged” ID. Usually, a “Tampered and/or Damaged” ID message results when someone has altered an ID for illegal entry. However, in the event that the issue turns out to be accidental damage caused by wear and tear, licensed premises should be able to manually correct the information scanned. This is a critically important feature because it permits venues to adhere to Australian Privacy Principle 10, “An entity must ensure records are accurate.” Also, it is not uncommon for governments to introduce new forms of ID—if venues cannot make manual adjustments they will not be able to record relevant information until their Patron ID scanner is updated.

Scantek enables manual changes to be made at the operator kiosk and at the management backend. It also keeps a record of all changes made and who made them.

Scantek remains alert to the introduction of any new form of ID, and will quickly amend the system to recognise the information on these new IDs. In the meantime, licensed premises will be able to use the Manual Data Entry function to record the relevant information of a patron holding a new form of ID.

Patron Re-Entry & ID Misuse Safeguards

Whilst this feature is not specifically excluded by legislation, it will not be truly effective without the ability to take a current image of the patron (excluded above).

Patron ID Scanners can determine if a person's ID has previously been presented at the venue that night and show any previous images of that person to ensure they are the same.

These images should be clear and easily comparable to prevent patrons from trying to overcome Patron ID Scanners and gain entry where they are not allowed. This prevents situations such as friends swapping shirts after being removed from the venue to fool security, or people sharing the same ID if they are underage or otherwise excluded from the venue.

The Patron ID Scanner should also warn if two or more different IDs from the same person are presented on the same night. This can occur when patrons use their current ID (such as a drivers licence) to gain entry while sharing an older but still valid ID (such as a

passport) with underage or banned friends and relatives. This separate warning should make it clear that ID misuse is potentially occurring and should alert the system operator, showing all relevant entry photos from the night.