



Speech by

Fiona Simpson

MEMBER FOR MAROOCHYDORE

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TRANSPORT (NEW QUEENSLAND DRIVER LICENSING) AMENDMENT BILL; ADULT PROOF OF AGE CARD BILL

Miss SIMPSON (Maroochydore—LNP) (5.28 pm): This debate considers the Transport (New Queensland Driver Licensing) Amendment Bill 2008 and the Adult Proof of Age Card Bill 2008 cognately. Protecting the privacy of Queenslanders is an issue which concerns the state opposition, ensuring that big bureaucracy does not cross the line and become big brother. The state government has long promised the smart licence to replace the existing licensing system, at least since 2004. However, it has failed to make a compelling case as to why Queenslanders should pay with their privacy for a system of yet unknown total cost, and certainly yet unknown cost to them personally when they are to front in future to renew their licences.

Of most concern, though, is the fact that this system has the potential to morph into an identity card, to morph into what was previously a very controversial issue—a forerunner to the Australia Card which people had previously rejected. The state opposition does not see that there are adequate safeguards to ensure that this card's usage is not extended in the future.

The use of digitised photos and digitised signatures will be accompanied by the inclusion of a smart chip. There are 2.8 million Queenslanders who hold a drivers licence, and in 2007-08 more than one million drivers licences were renewed or new licences were granted. The government says that the new technology will offer protection against fraud and tampering, but there are still major concerns being raised about other impacts of the legislation. There are concerns about whether it will reduce fraud, and that has been touted as the major reason for this legislation being put forward.

There are also issues to do with the cost, but let me start with the concern about this card being extended to other uses. I have looked at some of the comments made by the previous transport minister, the Hon. Paul Lucas, and I will quote from some of the articles. An article on 25 September 2007 in the *Australian Financial Review* reported that Paul Lucas had assured concerned citizens that the card would be confined to its main purpose of licensing drivers. That was one quote. Yet when I looked at other quotes from the same minister, I found that the minister talked about negotiating with the previous federal government about whether this card could be integrated with some of its systems and have its use extended.

I will quote from where the minister talked about this particular provision and the federal government. I quote from *Hansard* of August 2006, where the Hon. Paul Lucas said—

The proposal will be developed under PPP guidelines in accordance with Queensland government policies. The industry has been closely consulted in the development of the tender process including market sounding and public consultation.

I want to be very clear about this as a custodian of taxpayers' funds: the federal government has announced through Minister Hockey its wish to proceed to a smart card for national health issues.

Paul Lucas goes on to say that he supports that idea. He then states—

This will not be the same card as that, but we are working with the federal government in relation to common platform technologies and common standards. That is very important because it will require significant identification to have the issuing of this NQDL when it is out, and it will be needed for the federal card as well.

I think the general public view with a great deal of suspicion governments of whatever tier bringing in measures not only to secure their data but also to make it more available to other agencies, and not necessarily with their having a choice in the matter. We know that in this state there is no specific privacy legislation, but we sit underneath the federal framework. But there have been genuine concerns that the provisions put forward by the government do not provide the necessary security against this card being extended further into the future. The fact that there is a microchip that has been included that can be extended to carry other information I think very much raises a suspicion that that is what is intended.

As far as consultation is concerned, the general concept of government wanting a PPP and wanting to work up this new licence has been out there for so many years that it has forgotten when the legislation has come forward to consult with those who are potentially affected and those who represent concerned stakeholder groups. We contacted the Queensland Council for Civil Liberties to find what its stance was in more recent times regarding this legislation. It was certainly surprised that this legislation was coming before the House at this point. I will quote from a letter that we have a copy of and which has also been addressed to the minister. It states—

The Council objects strenuously to the total lack of consultation during the development of this proposal. Despite the fact that the government has been working on this proposal for four or five years we were not provided with a copy of the draft legislation until the day it was introduced. I got the impression from your officers that the debate on the Bill would not occur for some time. I now find that the legislation is to be dealt with two weeks after it was introduced.

I table that letter, because these are valid concerns.

Tabled paper: Letter, dated 27 November 2008, from Michael Cope, President, Queensland Council for Civil Liberties to the Minister for Transport, Trade, Employment and Industrial Relations, in relation to Smartcard drivers licence legislation.

There is concern about people's privacy being breached. The nature of the legislation itself has also been a matter for the Scrutiny of Legislation Committee, whose comments I will come to in a moment. I will also quote from an article of June 2005 by Ian Dearden of the Queensland Council for Civil Liberties. He surmised some of the council's concerns when he stated—

1. There is, in our view, no economic, technological nor practical rationale for the introduction of a 'Smart Card' licence. The existing driver's licence in Queensland is relatively cheap to produce and maintain, continues to perform adequately for the purpose for which it is produced, and will continue to perform that purpose adequately without the necessity to load vast amounts of vulnerable personal information on to the card.
2. Figures have been quoted for the development of a Queensland Transport Department 'Smart Card' up to some \$60M. We do not consider that there has been any substantive case made out that the alleged benefits of a 'Smart Card' will outweigh the cost. We make that comment, of course, without any consideration of the financial and non-financial cost of the potential breaches of privacy.
3. The Queensland Council for Civil Liberties is deeply concerned about the accumulation of digitized photographs which will be held by Queensland Transport under this proposal. Function creep is a constant concern, particularly at the intersection of the accumulation of information by government departments and the perceived interests of law enforcement agencies. The experience of the Queensland Council for Civil Liberties over many years with law enforcement agencies is that they will seek to take advantage of any opportunity to broaden their powers, particularly when it concerns something as attractive as a database full of photographs of all Queensland drivers.
4. The Queensland Council for Civil Liberties does not accept that the proposed 'Smart Card' licence will assist in reducing identity fraud. In many ways it may make it easier. In any event, proof of identity is not and should not be a primary purpose of a driver licence.
5. The Queensland Council for Civil Liberties does not believe that it is an appropriate use of government resources to turn the 'Smart Card' into a public/private partnership. The Queensland Council for Civil Liberties considers that this is a significant blurring of the role of a driver licence. There are grave concerns about the potential for misuse by relevant commercial organisations and/or their employees. The absence of state based privacy legislation is a major issue in looking at this commercial aspect of the 'Smart Card' proposal.

When we turn to the Scrutiny of Legislation Committee concerns that have been put forward, we also see major concerns in regard to the smart card. I extend the application of my comments to it being true of the adult proof of age card as well. The Scrutiny of Legislation Committee has raised some breaches of fundamental legislative principles. I think they are also worth noting in this debate because I think they are quite strong matters that need to be considered by this parliament. They are certainly ones that we have taken into consideration.

In regard to the Adult Proof of Age Card Bill, the Scrutiny of Legislation Committee noted that 'the bill would affect the privacy and confidentiality of personal information provided by individuals'. That is not mincing words. The committee also stated—

The committee notes that the specified purposes for which the information collected may be used extend well beyond 'proof of age' purposes.

The committee further stated—

The committee refers to Parliament the question whether the provisions of the bill have sufficient regard to rights and liberties of individuals.

With regard to the other piece of legislation that we are debating cognately—the Transport (New Queensland Driver Licensing) Amendment Bill—the committee comments that the bill would affect the privacy of individuals holding proposed smartcard products such as drivers licences. Once again, they are

quite strong words from the Scrutiny of Legislation Committee with regard to its review of the Adult Proof of Age Card Bill and the new smartcard driver licensing enabling legislation that is now before the House. We have heeded these concerns. That is why we will not be supporting this legislation. We do not believe that the appropriate protections have been adhered to. We have other concerns.

As I have said before, this government has been talking about a smartcard for some time. While it has been talking about it, its estimates of the costs have blown out all over the place. If the introduction of a smartcard is anything like the debacle surrounding the implementation of the go card, God help Queenslanders. The government introduced a go card that is not a go card but a slow card. Now they are talking about a smartcard which could potentially be a dumb card. The poor members of the public when they have to front up and pay for it!

How much will they pay for this smartcard? That is still a secret according to this government. To be more accurate, maybe it does not really know how much it will cost. The government's track record is that it starts out with one estimate and somehow it grows and multiplies. It turns into something that is completely different from what it originally promised people.

The total estimated cost of this project has increased another \$37 million since last year. It is still in stage 1, the implementation stage. The project cost has increased from \$20 million in 2006-07 to \$47 million in 2007-08 and now to an estimated cost of \$84 million. That is a 320 per cent increase.

The government hopes to recoup this from the motoring public and all those people who will be licensed under this regime. We have to ask the question: how much is this going to cost people? People are very aware of their budgets being squeezed. Perhaps this government is not quite as aware as we have seen the costs of this project continue to escalate.

I challenge the minister to advise the House and put on the record what he believes the new licensing regime will cost individual motorists. They have a right to know as this enabling legislation is the platform for rolling out a new drivers licence. People will not have much of an option.

There is not a lot of clarity with regard to what is happening with the public-private partnership that the government was hoping to pull together to deliver this project. I seek the minister's advice about the delivery mechanism for this particular licence card. This was supposed to be out years ago. There is talk that it will now be out in 2010. Whenever it finally hits the deck, Queenslanders have a right to know what it will cost them and what it will mean. There needs to be greater safeguards than those contained in this legislation. There needs to be a greater awareness that people's privacy is something that they hold dear. They do not trust governments when governments say, 'Trust us, we are going to look after you.' That is why the provision for this smartcard to contain a lot more information than is normally contained on a drivers licence or on the licences that are specifically outlined in this legislation is a great reason for suspicion. This is a Trojan Horse that will carry something different in the future. Their concerns are ones that need to be put on the public record. That is why we cannot support the legislation as it stands.